

CITY OF SHAWNEE  
CITY COUNCIL MEETING  
**MINUTES**

October 24, 2016  
7:00 P.M.

**Michelle Distler – Mayor**

**Councilmembers Present**

Councilmember Pflumm  
Councilmember Neighbor  
Councilmember Jenkins  
Councilmember Kemmling  
Councilmember Vaught  
Councilmember Meyer  
Councilmember Sandifer  
Councilmember Kenig  
Guest Councilmember Storm

**Staff Present**

City Manager Gonzales  
Deputy City Manager Charlesworth  
Assistant City Manager Sunderman  
City Clerk Powell  
City Attorney Rainey  
Finance Director Rogers  
Public Works Director Whitacre  
Parks and Recreation Director Holman  
Development Services Dir. Wesselschmidt  
IT Director Bunting  
Fire Chief Mattox  
Deputy Police Chief Orbin  
Sr. Project Engineer Schnettgoecke  
Assistant City Attorney Torline  
Assistant City Attorney Dehon  
Business Liaison Holtwick  
Communications Manager Breithaupt  
Elli Bowen, Shawnee EDC  
Linda Leeper, Chamber of Commerce

(Shawnee City Council Meeting Called to Order at 7:00 p.m.)

**A. ROLL CALL**

**MAYOR DISTLER:** Good evening and welcome to tonight's meeting of the Shawnee City Council. I would ask that you please silence your electronic devices at this time.

I am Mayor Michelle Distler and I will be chairing this meeting. Tonight we have a special guest with us. Her name is Abigail Storm. And tonight she will serve as a guest Councilmember for Ward IV. She has read the packet and will join in the discussion and will cast an honorary vote on each item. I will do a roll vote at this -- I will do a roll call at this time. We're not voting on anything yet. Councilmember Neighbor.

**COUNCILMEMBER NEIGHBOR:** Present.

**MAYOR DISTLER:** Councilmember Pflumm.

**COUNCILMEMBER PFLUMM:** Aye.

**MAYOR DISTLER:** Councilmember Jenkins.

**COUNCILMEMBER JENKINS:** Present.

**MAYOR DISTLER:** Councilmember Kemmling.

**COUNCILMEMBER KEMMLING:** Present.

**MAYOR DISTLER:** Councilmember Vaught.

**COUNCILMEMBER VAUGHT:** Present.

**MAYOR DISTLER:** Councilmember Meyer.

**COUNCILMEMBER MEYER:** Present.

**MAYOR DISTLER:** Councilmember Sandifer.

**COUNCILMEMBER SANDIFER:** Present.

**MAYOR DISTLER:** Councilmember Storm.

**GUEST COUNCILMEMBER STORM:** Present.

**MAYOR DISTLER:** And Councilmember Kenig.

**COUNCILMEMBER KENIG:** Present.

**MAYOR DISTLER:** Thank you.

## **B. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**MAYOR DISTLER:** I would like to ask Councilmember Storm and our Girl Scout Troop that's in the audience to please come forward and lead us in the Pledge of Allegiance which will be followed by a moment of silence.

(Pledge of Allegiance and Moment of Silence)

**MAYOR DISTLER:** Thank you. Do you want to introduce yourselves to the audience before you sit down?

(Girl Scout Troop introduced themselves)

Thank you very much.

(Applause)

Before we begin our agenda, I'd like to explain our procedures for public input. During the meeting I will offer the opportunity for public input. If you would like to speak to the Council at any of those times, please come forward to the microphone. I will ask you to state your name and address for the record, then you may offer your comments. So that members of the audience can hear your comments, I would ask that you speak directly into the microphone. By policy, comments are limited to five minutes and no person may speak more than twice to any one agenda item. After you are finished, please sign the form on the podium to ensure we have an accurate record of your name and address.

I would also like to remind Councilmembers to wait to be recognized before speaking. When you are recognized, be sure to turn on your microphone. Please turn the microphone off when you are done speaking.

In addition, while I won't do a roll call vote on every vote, I will state Councilmembers' names who vote in minority so that our listening audience will have a clear and accurate record of the vote.

### **C. CONSENT AGENDA**

1. APPROVE MINUTES FROM THE CITY COUNCIL MEETING OF OCTOBER 10, 2016.
2. APPROVE MINUTES FROM THE COUNCIL COMMITTEE MEETING OF OCTOBER 4, 2016.
3. REVIEW MINUTES FROM THE PLANNING COMMISSION MEETING OF OCTOBER 3, 2016.
4. REVIEW MINUTES FROM THE PARKS AND RECREATION ADVISORY BOARD MEETING OF SEPTEMBER 1, 2016.
5. CONSIDER ACCEPTANCE OF DEDICATION OF LAND FOR PUBLIC PURPOSES CONTAINED IN FP-16-16-09, A FINAL PLAT OF SHAWNEE CROSSING RETAIL CENTER, EIGHTH PLAT, A SINGLE LOT PHASE OF A MULTI-PHASED PLANNED MIXED OFFICE-RETAIL DEVELOPMENT, GENERALLY LOCATED IN THE 6800 BLOCK OF ANDERSON STREET.
6. CONSIDER AN INTERGOVERNMENTAL SERVICE AGREEMENT WITH THE CITIES OF LENEXA AND MISSION FOR RECREATIONAL TRAVEL OPPORTUNITIES.

**MAYOR DISTLER:** The next item on the Agenda is the Consent Agenda. Does the Council have any items they would like to remove? Seeing none, I will accept a motion.

**COUNCILMEMBER SANDIFER:** Motion to approve.

**COUNCILMEMBER KENIG:** Second.

**MAYOR DISTLER:** A motion has been made and seconded on this item. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes.

*[Therefore, the motion was made by Councilmember Sandifer and seconded by Councilmember Kenig to approve the Consent Agenda. The motion carried 8-0.]*

### **D. MAYOR'S ITEMS**

**MAYOR DISTLER:** The next item on the agenda is Mayor's Items and I do not have anything tonight.

### **E. BUSINESS FROM THE FLOOR**

**MAYOR DISTLER:** The next item is Business from the Floor. Is there anyone who has comments on an issue that is not on tonight's agenda? Seeing none.

### **F. PUBLIC ITEMS**

1. **CONSIDER SPECIAL EVENT PERMIT APPLICATION FOR THE HINDU TEMPLE AND CULTURAL CENTER FOR THEIR DIWALI EVENT ON SUNDAY, NOVEMBER 6, 2016.**

**MAYOR DISTLER:** The next item is Public Items. Item No. 1 is to Consider Special Event Permit Application for the Hindu Temple and Cultural Center for Their Diwali Event on Sunday, November 6, 2016.

The Hindu Temple and Cultural Center of Kansas City, located at 6330 Lackman Road, has requested a Special Event Permit for their annual Diwali "Festival of Lights" and to use Swarner Park for a fireworks display on Sunday, November 6, 2016.

**(a) Consider approving the Special Event Permit for the Festival.**

There are two recommended actions. The first is to consider approving the Special Event Permit for the Festival. Does the Council have any questions?

**COUNCILMEMBER PFLUMM:** Move for approval.

**COUNCILMEMBER JENKINS:** Second.

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Oppose nay. Motion passes. The second recommended action is to consider approving the use of Swarner Park for a fireworks display.

*[Therefore, the motion was made by Councilmember Pflumm and seconded by Councilmember Jenkins to approve the Special Event Permit for the Diwali "Festival of Lights" on Sunday, November 6, 2016. The motion carried 8-0.]*

**(b) Consider allowing the use of Swarner Park for a fireworks display.**

**MAYOR DISTLER:** The second recommended action is to consider approving the use of Swarner Park for a fireworks display. I will accept a motion.

**COUNCILMEMBER PFLUMM:** So moved.

**COUNCILMEMBER VAUGHT:** Second.

**MAYOR DISTLER:** Oh, Mr. Neighbor.

**COUNCILMEMBER NEIGHBOR:** Yeah. I just would -- I'm for this. I think it's fine. It's a part of their celebration, but I would ask that we make every effort to publicize the fact that there are going to be fireworks at that time and place on that evening. There are a number of our veterans that the fireworks are disturbing for them and we need to let everyone that would be interested to know. Thank you.

**MAYOR DISTLER:** Thank you. Any other comments from the Council? A motion has been made and seconded.

**COUNCILMEMBER VAUGHT:** Second.

**MAYOR DISTLER:** I thought you did, did you not?

**COUNCILMEMBER VAUGHT:** I did. I think it was about the same time he was talking.

**MAYOR DISTLER:** All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes.

*[Therefore, the motion was made by Councilmember Pflumm and seconded by Councilmember Vaught to allow the use of Swarner Park for a fireworks display on November 6, 2016. The motion carried 8-0.]*

**2. CONSIDER A SHAWNEE ENTREPRENEURIAL AND ECONOMIC DEVELOPMENT (SEED) AGREEMENT WITH CONTINENTAL CAST STONE.**

**MAYOR DISTLER:** Item No. 2 is to Consider a Shawnee Entrepreneurial and Economic Development (SEED) Agreement with Continental Cast Stone. Policy Statement (PS-65), Economic Development Fund, established the Shawnee Entrepreneurial and Economic Development Program. Continental Cast Stone, a locally owned and operated manufacturer of architectural cast stone for the commercial construction industry, has formally requested consideration for the Loan Fee Repayment Program through the SEED Program.

The recommended action is to consider approving the Loan Fee Repayment Program Application and authorizing payment of a sum not to exceed \$25,000 of qualifying loan fees upon final receipt of verification of program qualifications by the Finance Director.

Elli Bowen from the Shawnee Economic Development Council is here, along with representatives of Continental Cast Stone, Bryan Hinkle and Shelby Story, and Cris Smith, from Central Bank of the Midwest.

Does the Council have any questions? Is there anyone from the audience that would like to speak to this item? I will accept a motion.

**COUNCILMEMBER SANDIFER:** Motion to approve.

**COUNCILMEMBER KENIG:** Second.

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS PFLUMM, NEIGHBOR, VAUGHT, MEYER, SANDIFER KENIG:** Aye.

**MAYOR DISTLER:** Opposed nay.

**COUNCILMEMBERS JENKINS, KEMMLING:** Nay.

**MAYOR DISTLER:** And those that voted nay are Mr. Jenkins and Mr. Kemmling.  
Motion passes.

*[Therefore, the motion was made by Councilmember Sandifer and seconded by Councilmember Kenig to approve the Loan Fee Repayment Program Application for Continental Cast Stone, and authorizing payment of a sum not to exceed \$25,000 of qualifying loan fees upon final receipt of verification of program qualifications by the Finance Director. The motion carried 6-2; with Councilmembers Jenkins and Kemmling voting nay.]*

**3. CONSIDER AN EXCISE TAX ABATEMENT AGREEMENT WITH SHAWNEE HOLDINGS, LLC.**

**MAYOR DISTLER:** Item No. 3 is to Consider an Excise Tax Abatement Agreement with Shawnee Holdings, LLC. Pursuant to Policy, Shawnee Holdings, LLC has formally requested to be considered for the conditional abatement of the excise tax for 1.9 acres of unplatted land generally located in the 6800 block of Anderson for the purpose of developing a one lot office/retail subdivision.

The recommended action is to consider approving and authorizing the Mayor to sign the agreement. Does anyone on the Council have any questions? Is there anyone in the audience that would like to speak to this item? I'll accept a motion.

**COUNCILMEMBER KENIG:** Move for approval.

**COUNCILMEMBER SANDIFER:** Second.

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes.

*[Therefore, the motion was made by Councilmember Kenig and seconded by Councilmember Sandifer to approve and authorize the Mayor to sign an Excise Tax Abatement Agreement with Shawnee Holdings, LLC. The motion carried 8-0.]*

**G. ITEMS FROM THE COUNCIL COMMITTEE MEETING OF OCTOBER 10, 2016, CHAIRED BY COUNCILMEMBER MEYER**

**1. CONSIDER AN ORDINANCE EXTENDING THE EXCISE TAX ABATEMENT PROGRAM.**

**MAYOR DISTLER:** The next item is G, Items from the Council Committee Meeting of October 10, 2016, Chaired by Councilmember Meyer.

**COUNCILMEMBER MEYER:** Okay. Four items tonight. The first is to consider an Ordinance extending the Excise Tax Abatement Program. The Committee voted 7-0 to forward an ordinance to extend the Excise Tax Abatement Program for one year until March 19, 2018, and during the upcoming year review potential alternative impact fees to fund road improvements created by new development.

**MAYOR DISTLER:** The recommended action is to consider passing an Ordinance extending the program. Does anyone on the Council have any questions? Mr. Kemmling and then Mr. Pflumm.

**COUNCILMEMBER KEMMLING:** I'm still in favor of Mr. Vaught's idea from the Committee meeting on getting rid of it completely.

**MAYOR DISTLER:** Mr. Pflumm.

**COUNCILMEMBER PFLUMM:** [Inaudible; talking off mic].

**MAYOR DISTLER:** Anyone else from the Council have any -- Mr. Vaught?

**COUNCILMEMBER VAUGHT:** Yeah. And we've talked about that and I think that's how we kind of got to this idea of looking at impact fees. You know, I don't like the tax and I'm fine getting rid of it. I think the idea was let's look at impact fees, what that looks like. And if we can come up with a solution that would not hinder us when we're looking at road expenses or something in a development or some other way to recover some costs, then in place of that I think we come up with a structure like that, then I think we can take a serious look at terminating it. I'm opposed to it, but I think it's kind of where, if I'm not mistaken, we kind of end of was just kind of look at some impact fees and what other cities are doing. So, I mean I kind of like what we're doing here. Let's renew it for a year and get some information on some alternatives and how that looks.

**MAYOR DISTLER:** Any other Councilmembers have any -- Mr. Neighbor?

**COUNCILMEMBER NEIGHBOR:** Yeah. Well, I would go with Jeff here. You know, and I sort of share the opinion of I would like to keep it for a year, but with the idea in the interim move to a committee to impact fees or some other thing, you know, going forward to see what serves us best.

**MAYOR DISTLER:** Any other questions or comments from the Council? Anyone from the audience that would like to speak to this item? I'll accept a motion.

**COUNCILMEMBER VAUGHT:** Move for approval.

**COUNCILMEMBER SANDIFER:** Second.

**COUNCILMEMBER NEIGHBOR:** It's fine. That was my motion.

**COUNCILMEMBER VAUGHT:** Oh. Jim, would you like --

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes.

*[Therefore, the motion was made by Councilmember Vaught and seconded by Councilmember Sandifer to pass Ordinance extending the Excise Tax Abatement Program for one year until March 19, 2018. The motion carried 8-0.]*

(Having passed, Ordinance No. 3168 was assigned.)

**2. CONSIDER REVISIONS TO SHAWNEE MUNICIPAL CODE RELATED TO TRAFFIC REGULATIONS AND THE UNIFORM PUBLIC OFFENSE CODE.**

**COUNCILMEMBER MEYER:** The second item is to Consider Revisions to Shawnee Municipal Code Related to Traffic Regulations and the Uniform Public Offense Code. The Committee voted 7-0 to forward revisions to the Municipal Code related to Traffic Regulations and the Uniform Public Offense Code.

**(a) Consider passing an Ordinance amending Title 9 of the Shawnee Municipal Code related to Public Offenses.**

**MAYOR DISTLER:** There are two recommended actions. The first is to consider passing an Ordinance amending Title 9 of the Shawnee Municipal Code related to Public Offenses. Does anyone on the Council have any questions or comments? Mr. Jenkins.

**COUNCILMEMBER JENKINS:** Just some comments. I would like to see how we're going to get the information out to the general public because I know it's been on the website and all that stuff. But I don't know if anybody is just going to routinely go to the website and look for this. And it's something that would probably be affecting pretty much everybody in Shawnee at some point, or has potential to effect everybody in Shawnee at some point. So, I would like to see if we have a way, I don't know if we can explore some avenues for getting people interesting in the idea, maybe looking at the website, seeing what's there on this specific issue, so some way to highlight it or bring it to people's attention. Because unless you're here in this meeting tonight you're probably not going to even know that it's happened. And it is kind of significant. So, I'd like to work with our Communications Director on that and see what we can do to --

**CITY MANAGER GONZALES:** Yeah. We can sure brainstorm, run some ideas to make sure --

**COUNCILMEMBER JENKINS:** -- get some ideas, something to get it out there. Thank you.

**MAYOR DISTLER:** Any other questions or comments from the Council? Anyone from the audience that would like to speak to this item? I'll accept a motion.

**COUNCILMEMBER JENKINS:** So moved.

**COUNCILMEMBER SANDIFER:** We have two actions here.

**COUNCILMEMBER MEYER:** Yeah. She went over the first. This is going to be on (a).

**MAYOR DISTLER:** We're voting on the first. We've got a motion, but I don't have a second.

**COUNCILMEMBER MEYER:** Second.

**COUNCILMEMBER JENKINS:** I move for approval of Action A.

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes.

*[Therefore, the motion was made by Councilmember Jenkins and seconded by Councilmember Meyer to pass an Ordinance amending Title 9 of the Shawnee Municipal Code related to Public Offenses. The motion carried 8-0.]*

(Having passed, Ordinance No. 3169 was assigned.)

**(b) Consider passing an Ordinance amending Chapter 10.04 of the Shawnee Municipal Code related to Traffic.**

**MAYOR DISTLER:** The second recommended action is to consider passing an Ordinance amending Chapter 10.04 of the Shawnee Municipal Code related to Traffic.

Does anyone on the Council have any questions? Anyone from the audience that would like to speak to this item? I'll accept a motion.

**COUNCILMEMBER KENIG:** Move for approval.

**COUNCILMEMBER SANDIFER:** Second.

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes.

*[Therefore, the motion was made by Councilmember Kenig and seconded by Councilmember Sandifer to pass an Ordinance amending Chapter 10.04 of the Shawnee Municipal Code related to Traffic. The motion carried 8-0.]*

(Having passed, Ordinance No. 3170 was assigned.)

3. **CONSIDER AN ORDINANCE REVISING CHAPTER 5.08 OF THE SHAWNEE MUNICIPAL CODE RELATED TO ALCOHOL AND REVISIONS TO POLICY STATEMENT, PS-56, CITY LICENSING FEE SCHEDULE.**

**COUNCILMEMBER MEYER:** The third item is to consider an Ordinance revising Chapter 5.08 of the Shawnee Municipal Code related to Alcohol and revisions to Policy Statement, PS-56, City Licensing Fee Schedule.

The Committee voted 7-0 to forward revisions to Chapter 5.08 of the Shawnee Municipal Code Related to Alcohol and PS-56 related licensing fees to the Governing Body for approval. Proposed revisions include extending hours for on-premises consumption for Cereal Malt Beverage licensees, Drinking Establishments, and Private Clubs as discussed by the Committee.

**(a) Consider passing an ordinance amending Chapter 5.08 of the Shawnee Municipal Code related to Alcohol Control.**

**MAYOR DISTLER:** There are two recommended actions. The first is to consider passing an Ordinance amending Chapter 5.08 of the Shawnee Municipal Code related to Alcohol Control.

Does anyone on the Council have any questions or comments? Anyone from the audience that would like to speak to this item? I'll accept a motion.

**COUNCILMEMBER NEIGHBOR:** So moved.

**COUNCILMEMBER KENIG:** Second.

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes.

*[Therefore, the motion was made by Councilmember Neighbor and seconded by Councilmember Kenig Consider to pass an ordinance amending Chapter 5.08 of the Shawnee Municipal Code related to Alcohol Control. The motion carried 8-0.]*

(Having passed, Ordinance No. 3171 was assigned.)

**(b) Consider approving revisions to Policy Statement PS-56, City Licensing Fee Schedule.**

**MAYOR DISTLER:** The second recommended action is to consider approving revisions to Policy Statement PS-56, City Licensing Fee Schedule.

Does anyone on the Council have any questions or comments? Anyone from the audience that would like to speak to this item? I'll accept a motion.

**COUNCILMEMBER JENKINS:** So moved.

**COUNCILMEMBER VAUGHT:** Second.

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes. (Motion passes 8-0)

*[Therefore, the motion was made by Councilmember Jenkins and seconded by Councilmember Vaught to approve revisions to Policy Statement PS-56, City Licensing Schedule. The motion carried 8-0.]*

**4. CONSIDER APPROVING THE STORMWATER MANAGEMENT PROGRAM IMPLEMENTATION PLAN.**

**COUNCILMEMBER MEYER:** Okay. The last item, Item 4, is to Consider Approving the Stormwater Management Program Implementation Plan.

The Committee voted 7-0 to forward the Stormwater Implementation Plan, including two new positions, to the Governing Body for approval.

**MAYOR DISTLER:** The recommended action is to consider approving the Plan. Does anyone on the Council have any questions? Anyone from the audience that would like to -- Mr. Pflumm.

**COUNCILMEMBER PFLUMM:** [Inaudible; talking off mic]

**MAYOR DISTLER:** Okay. Anyone from the audience that would like to speak to this item? I'll accept a motion.

**COUNCILMEMBER SANDIFER:** Motion to approve.

**COUNCILMEMBER VAUGHT:** Second.

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS NEIGHBOR, VAUGHT, MEYER, SANDIFER, KENIG:** Aye.

**MAYOR DISTLER:** Opposed nay.

**COUNCILMEMBERS PFLUMM, JENKINS, KEMMLING:** Nay.

**MAYOR DISTLER:** And in dissent is Mr. Pflumm and Mr. Jenkins. Motion passes. Oh, and Mr. Kemmling.

*[Therefore, the motion was made by Councilmember Sandifer and seconded by Councilmember Vaught to approve the Stormwater Management Program Implementation Plan. The motion carried 5-3; with Councilmembers Pflumm, Jenkins and Kemmling voting nay.]*

**H. STAFF ITEMS**

**1. CONSIDER BIDS AND AWARD CONTRACT FOR CONNECT SHAWNEE, P.N. 3412.**

**MAYOR DISTLER:** The next item on the agenda is Staff Items. Item No. 1 is to Consider Bids and Award Contract for Connect Shawnee, P.N. 3412. The Governing Body approved final plans, accepted easements, and authorized staff to advertise the project for bids on June 27, 2016. Seven bids were received on September 28, 2016, and the low bid was approximately \$80,000 over budget. Staff is recommending reallocation of \$80,000 within the Parks and Pipes fund for the project and awarding the bid to Pyramid Contractors, Inc., Olathe, KS in the amount of \$718,630.

**(a) Reallocate \$80,000 from Parks and Pipes to the project.**

There are two recommended actions. The first is to consider reallocating \$80,000 within the Parks & Pipes Fund to the Project.

Does anyone on the Council have any questions or comments? Mr. Jenkins.

**COUNCILMEMBER JENKINS:** Just a comment. This is the second bid in the last two meetings it's come in where it required additional funding. So, I just would like to emphasize that we need to do as good a job as possible on these bids so that we cannot be dealing with cost overruns every time we start looking at a major construction project.

**CITY MANAGER GONZALES:** And I might just say we are noticing that bids are coming in much higher. It's just a busy -- there's a lot of things going on. So, we do need to budget more than six -- nine months ago, twelve months ago when we did the budget things have changed. But we absolutely need to start budgeting higher for this.

**COUNCILMEMBER JENKINS:** Yes. Because where I was coming from, we always talk about how we budget on the conservative side. And it isn't working out right now. That's causing me some concern. So, I just want to take a look at that and see what we can do to tighten that down.

**MAYOR DISTLER:** Mr. Neighbor and then Mr. Pflumm.

**COUNCILMEMBER NEIGHBOR:** And the only thing I was going to add, is it not true that it took quite a bit of time and then KDOT has changed some of their specifications to take bigger bridges or some other --

**CITY MANAGER GONZALES:** That's true also. We're having a lot of change at KDOT so that has changed some of the rules along the way.

**MAYOR DISTLER:** Mr. Pflumm.

**COUNCILMEMBER PFLUMM:** [Inaudible; talking off mic]

**MAYOR DISTLER:** I haven't asked -- yes. Any other questions or comments from the Council? Anyone from the audience that would like to speak to this item? Now, I will accept a motion.

**COUNCILMEMBER PFLUMM:** So moved.

**COUNCILMEMBER NEIGHBOR:** Second.

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes.

*[Therefore, the motion was made by Councilmember Pflumm and seconded by Councilmember Neighbor to reallocate \$80,000 from Parks and Pipes to fund the project. The motion carried 8-0.]*

**(b) Consider approving and authorizing the Mayor to sign the contract with Pyramid Contractors, Inc. in the amount of \$718,630, subject to KDOT's approval, for the Connect Shawnee Project, P.N. 3412.**

**MAYOR DISTLER:** The second recommended action is to consider approving and authorizing the Mayor to sign the contract.

Does anyone on the Council have any questions or concerns? Anyone from the audience that would like to speak to this item?

**COUNCILMEMBER PFLUMM:** Move for approval.

**COUNCILMEMBER MEYER:** Second.

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes.

*[Therefore, the motion was made by Councilmember Pflumm and seconded by Councilmember Meyer to approve the Mayor to sign the contract with Pyramid Contractors, Inc. in the amount of \$718,630, subject to KDOT's approval for the Connect Shawnee Project, P.N. 3412. The motion carried 8-0.]*

**2. CONSIDER AN ENGINEERING SERVICES AGREEMENT WITH OLSSON ASSOCIATES, INC. FOR THE NIEMAN MIDDLE STORM DRAINAGE IMPROVEMENTS, P.N. 3424, SMP TC-21-073.**

**MAYOR DISTLER:** Item No. 2 is to consider an Engineering Services Agreement with Olsson Associates, Inc. for the Nieman Middle Storm Drainage Improvements, P.N. 3424, SMP TC-21-073. This project is on the Capital Improvement Program for construction in 2017. Six firms were solicited to perform the original Preliminary Engineering Study. Olsson Associates, Inc. was selected at that time and staff is recommending the City engage them to provide the engineering design services for an amount not to exceed \$1,426,894.

The recommended action is to consider approving and authorizing the Mayor to sign the contract. Does anyone on the Council have any questions or comments? Mr. Neighbor.

**COUNCILMEMBER NEIGHBOR:** This is quite a sum of money, but also it is quite a project we're undertaking. And I would also point out that we are contracting for some engineering project management coordination which we cannot, again, we're contracting for things because we can't handle in-house. That's fine. The thing I really like about it, it's \$424,000 under budget. So, I'll support it.

**MAYOR DISTLER:** Thank you. Any other questions or comments? Anyone from the audience that would like to speak to this item? I'll accept a motion.

**COUNCILMEMBER PFLUMM:** So moved.

**COUNCILMEMBER NEIGHBOR:** Second.

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes.

*[Therefore, the motion was made by Councilmember Pflumm and seconded by Councilmember Neighbor to authorize the Mayor to sign the agreement with Olsson Associates, Inc. in an amount not to exceed \$1,426,894 for engineering services for the Nieman Road Corridor Middle Storm Drainage Improvements, P.N. 3424, SMAC TC-021-073. The motion carried 8-0.]*

## I. MISCELLANEOUS ITEMS

### 1. RATIFY SEMI-MONTHLY CLAIM FOR OCTOBER 24, 2016, IN THE AMOUNT OF \$1,649,851.67.

**MAYOR DISTLER:** The next item is Miscellaneous Items. Item No. 1 is to Ratify Semi-Monthly Claim for October 24, 2016, in the Amount of \$1,649,851.67.

Does anyone on the Council have any questions or comments? Anyone from the audience that would like to speak to this item? I'll accept a motion.

**COUNCILMEMBER SANDIFER:** Motion to approve.

**COUNCILMEMBER MEYER:** Second.

**MAYOR DISTLER:** A motion has been made and seconded. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes.

*[Therefore, the motion was made by Councilmember Sandifer and seconded by Councilmember Meyer to approve the Semi-Monthly Claim for October 24, 2016, in the amount of \$1,649,851.67. The motion carried 8-0.]*

## 2. MISCELLANEOUS COUNCIL ITEMS.

**MAYOR DISTLER:** tem No. 2 is Miscellaneous Council Items.

Does anyone on the Council have an item they would like to discuss? Mr. Kenig.

**COUNCILMEMBER KENIG:** Yeah. I just wanted to make a comment. The Mayor and I just returned from visiting our Sister Cities in Belgium and Germany, Pittem and Erfurt. It was quite a trip. We were there for two weeks and I could talk for hours about it, but I won't. But just to say that it was really eye opening for me. The extent to which our relationship with those cities, how deep it is and how seriously they take it and being able to speak with them, the appreciation, the love that they have for our city and for the numerous exchanges that we've had from our fire department, police officers and others from the City and from the community. There is clearly a longstanding relationship and it was just very interesting being able to hear how they operate from a public works perspective to fire department perspective and being able to take part in simulations and various activities. So, it was a great exchange of ideas, great exchange of culture. Definitely brought back ideas and practices I think that we can leverage on and look forward to seeing all of the new friends that we met when they are here in the coming years. But just wanted to say that, and I don't want to speak for Michelle, but I think she would agree we had a very amazing eye opening trip and learned a lot and we're both in recovery mode today from jet lag. But it was -- definitely appreciate the relationship between our two cities and the value that's there. And I think it's difficult to understand that until you interact with many of the officials there and just see how deep that is and their sense. Because I mean these are relationships that go back 20-plus years and they're very cognizant of that history and it stays with them. So, just very supportive. And seeing the artifacts and the gifts that we've given them and how they display those and, you know, that appreciation. But very phenomenal trip and be talking more about it in the coming weeks.

**MAYOR DISTLER:** Thank you. Any other? Mr. Neighbor.

**COUNCILMEMBER NEIGHBOR:** Yeah. I just would like to -- one thing about these trips they take, and I was fortunate enough to go with Cindy two years ago, I truly appreciate Brandon and the Mayor going and doing this. They pay their own way. It's not inexpensive, but appreciate them taking their time and resources to nurture this relationship which has been going on for decades. It's a very positive thing and very much a learning experience and thank you to you both for making the effort.

**MAYOR DISTLER:** Any other? Mr. Vaught.

**COUNCILMEMBER VAUGHT:** I just want to say in light of the recent resignation of EDC Director Andrew Nave, I'd like to maybe talk about the possibility of moving forward of, you know, number one, having some involvement in some conversations with -- between the Mayor, Councilmembers even the Chamber or even us looking at kind of what's going on in the other areas. I mean, when you do some research there's other ways of handling the EDC that could be looked at. I don't know if this is the -- I don't know if that's the right move or not. I would just like to -- before we commit to

someone on this position may construe that we're all well-informed on what's going on and then maybe taking a look at is this giving us the best return we can get. You know, what are some other cities doing, what are some other options in this. You know, the goal of EDC is to increase the tax base. And I think if, you know, the money we put into it we make sure -- need to make sure that we're getting a maximum return for that investment, so. I'd just like to, you know, just -- I think moving forward with the chamber make sure that there's plenty of involvement from the Mayor and from even Council and input on what we're doing and how we're handling this.

**MAYOR DISTLER:** Any other comments from the Council? Seeing none.

## **J. ADJOURNMENT**

**COUNCILMEMBER PFLUMM:** Move to adjourn.

**COUNCILMEMBER SANDIFER:** Second.

**MAYOR DISTLER:** I will ask Guest Councilmember Storm to make the motion to adjourn the meeting.

**COUNCILMEMBER SANDIFER:** There you go.

**GUEST COUNCILMEMBER STORM:** Motion to adjourn.

**COUNCILMEMBER PFLUMM:** Second.

**MAYOR DISTLER:** A motion has been made and seconded to adjourn. All those in favor say aye.

**COUNCILMEMBERS:** Aye.

**MAYOR DISTLER:** Opposed nay. Motion passes. We are adjourned. Thank you.

*[Therefore, the motion was made by Guest Councilmember Storm and seconded by Councilmember Pflumm to adjourn. The motion carried 8-0.]*

(Shawnee City Council Meeting Adjourned at 7:25 p.m.)

CERTIFICATE

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

/das

November 8, 2016

Deborah A. Sweeney, Recording Secretary

APPROVED BY:



Stephen Powell, City Clerk



