

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
January 7th, at 7:00 P.M.

MINUTES

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

Roll Call:	Cannon	Present	Morse	Present
	Drennon	Present	Templin	Present
	Maniez	Present		

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 133.

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

1. Consent Agenda:
 - a. Approve Minutes of the Council Meeting of December 18th, 2008.
 - b. Approve Pay Ordinance No. 608.

Motion by Councilman Morse to approve the Consent Agenda; second by Drennon.

Roll Call:	Cannon	Yes	Morse	Yes
	Drennon	Yes	Templin	Yes
	Maniez	Yes		

Motion carried.

2. Call to Public:

"Members of the public are welcome to use this time to comment about any matter relating to City business that is not listed on this Agenda. The comments that are discussed under Call to Public may or may not be acted upon by the Council during this meeting. **There is a four-minute time limit.** Please stand and wait to be recognized by the Mayor."

Darrel Zimmerman, 34055 W. 86th Terrace, said he is here confessing that he failed to get a temporary banner sign permit for the "Christmas in the Barn" event. His concern is that we are losing our small town atmosphere with big city ordinance requirements. He gave several viewpoints regarding the signs and the ordinance. He said there were 1,200 people who attended the "Christmas in the Barn" event.

Bob Garrett, 8360 Wyandotte, said his recommendation would be to buy a big van, paint a sign on it, park it in front of your place, and advertise with it like "We Buy Ugly Houses" does.

3. Chamber / EDC Report: Executive Director, Sara Ritter, was not present this evening. Administrator Guilfoyle said Council members needed to advise if they will be attending the Chamber dinner on January 24th, 2009.
4. Old Business: N/A
5. New Business:
 - a. Consider Fee Resolution Adjusting Rates for Water Service. Administrator Guilfoyle

said Council requested he review the water rates and evaluate a stable ending balance. He said a 5% rate adjustment effective in February would provide the least painful option, with the potential of a lesser increase as low as 3.5% for 2010. Beyond 2010, an annual 5% rate adjustment appears to be realistic. The frailness and age of the Sunflower plant has resulted in some unanticipated costly repairs, which further delves into the water fund balance. Discussion between Mayor Anderson and Administrator Guilfoyle regarding projections on repairs. Councilman Morse asked about a refurbishment plan for Sunflower. Discussion ensued regarding the equipment replacement fund if the City continues to produce water. Councilman Drennon asked Administrator Guilfoyle about the projected increases. Continued discussions between Mayor Anderson and Engineer Brungardt regarding the “big ticket” items for the water plant. Engineer Brungardt said one big concern is the electrical power at Sunflower. The other concern is the “water break alley” line from the Sunflower plant into the City. Discussion among Council and staff.

Motion by Councilman Maniez to approve Resolution No. 831 Adjusting Rates for Water Service; second by Cannon.

Roll Call:	Cannon	Yes	Morse	Yes
	Drennon	Yes	Templin	Yes
	Maniez	Yes		

Motion carried.

- b. Consider granting exception to excise tax collection deadline for the Cherokee Woods Final Plat. Engineer Brungardt said there is a need to file the plat for the Cherokee Woods subdivision. The street was a benefit district project. He provided Council with a staff report dated December 31st, 2008. The plat hasn't been filed as the payment for the excise tax hasn't been paid to the City. He stated that due to the downturn of the economy, the Thompson's aren't in a position to pay the excise tax. Engineer Brungardt discussed an approach to allow the filing of the final plat prior to the payment of the excise tax for this development. Councilman Morse asked if staff has heard from other developers on this approach since they have had to pay the excise tax upfront and now it's proposed to be changed again.

Discussion. Attorney Reavey discussed with Councilwoman Cannon what would happen if the property isn't ever built on. He stated the City would not be out any money on the benefit district. A discussion continued between Engineer Brungardt and Council. The applicant should be required to notify the City when a lot is sold.

Bill Thompson, 9400 Rowan Road, De Soto, thanked everyone. He asked if the Council would be willing to go 50% up-front on the excise tax at the time of the first building permit. Mayor Anderson asked if this is setting up a precedent that is going to cause problems for the City in future. Discussion ensued between Attorney Reavey and Mayor Anderson regarding the terms of the ordinance on collecting the excise tax and the platting process. Continued discussion among Council. Mayor Anderson said it is very true the times have changed and the economy isn't what it was a couple of years ago. The discussion continued among Council and staff.

Attorney Reavey provided amended language to be included on paragraph (h), page two, to read"....permits for the plat; **and, the applicant agrees to the recording of a notification to any future purchasers of the property that is the subject of the plat involved, said recording to be approved by the City Attorney.**"

Motion by Councilman Maniez to adopt Ordinance No. 2217 with the revised language to paragraph (h) as read by Attorney Reavey ; second by Drennon.

Roll Call:	Cannon	Yes	Morse	Yes
	Drennon	Yes	Templin	Yes
	Maniez	Yes	Mayor	Yes

Motion carried.

- c. Consider Charter Ordinance Changing Quorum of City Council from four to three Council members. Attorney Reavey explained the changes brought about by the amendments to the Kansas Open Meetings Act, and provided the reasons for this change to the City's Charter Ordinances. Councilman Maniez said this sounds like a good idea; but, he doesn't want to see the Council doing business with only three Council members as doing business with four makes the Council more accountable to the people. Council agreed not to change the current Charter ordinance.
- d. Consider Charter Ordinance repealing several Charter Ordinances that have been superseded or were only applicable to cities of the Third Class. Attorney Reavey stated he has been working on the new code book and these are "clean up" due to not being a city of the third class now. Discussion between Attorney Reavey and Councilman Maniez regarding the ordinances. Comments among Council members.

Motion by Councilman Maniez to table this item to the next meeting; second by Cannon.

All Council approved by "ayes".

Motion carried.

6. Executive Session: N/A

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said next week the Park Board will be meeting on January 13th at 4:00 p.m. Councilman Maniez stated he would attend, and Councilwoman Templin said she will try to attend. Administrator Guilfoyle will be meeting with the Fire District committee next week. Mayor Anderson said he and Administrator Guilfoyle have met with the Board and two of the members have said they will be going off the board as soon as the new Board is announced. Mayor Anderson said these two members will not be making appointments. Councilman Maniez said it all sounds good, but so far, the County has had their way right from the start of this.

Administrator Guilfoyle said he has talked with the City of Olathe and will be meeting with them next week on the water discussion. Mayor Anderson suggested that the Council might want to consider involving Tony from Larkin Group at some point in the discussions if the Council is interested in pursuing further consideration of a wholesale arrangement. Brungardt commented that Larkin is probably the only area engineering firm with the type of experience that the mayor suggested.

- b. City Attorney, Patrick Reavey, provided Council with a letter he sent to Mr. Jenkins indicating the Council's position on 97th Terrace. He has not received a response.
- c. City Engineer, Mike Brungardt, provided a memo from Planner Bohnsack. Planning Commission has approved a plan that will be coming to the Council on January 21st.

The Signs Committee will meet on January 14th, 2009. The demolition on the old gas station property will have bid submittal on Monday, January 12th. Toward the end of the month are bids for waterline improvements on 87th Street and on Intervet.

- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, reminded Council of the annual Chamber Dinner on Saturday, January 24th, 2009, at 6:00 p.m.

8. Council & Mayor Comments:

Mayor Anderson said our new Commissioner will be sworn in on Monday, January 12th, at 10:00 a.m.

Mayor Anderson stated Administrator Guilfoyle drafted a letter for him regarding the water situation in our City. This letter is going to Senator Roberts and Congressman Moore. Mayor Anderson and Councilman Maniez discussed the contents. Discussion.

No comments from Council members Drennon and Templin.

Councilman Maniez discussed with Engineer Brungardt the wind generator regulations regarding the distance between buildings should a turbine prop come loose and fall apart. Comments from other Council members.

No comments from Councilman Morse.

Councilwoman Cannon asked about the paint smells coming from Engineered Air. Mayor Anderson said he received a call from Ric Rambacher regarding some issues with KDHE. Mr. Rambacher said they are really in a quandary with the State on this.

Discussion between Councilman Maniez and Engineer Brungardt regarding the high voltage line that was dug up at Eng Air.

Motion by Councilman Maniez to adjourn at 8:25 p.m.; second by Cannon.

All Council approved by "ayes".

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk