

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
January 21st, at 7:00 P.M.

MINUTES

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

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

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 134.

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 January 7th, 2009.
 - b. Approve Pay Ordinance No. 609.

Discussion by Councilwoman Templin regarding the amount for prisoner boarding. Administrator Guilfoyle said there are more items than the boarding on the check.

Motion by Councilwoman Templin to approve the Consent Agenda; second by Cannon.

Roll Call:	Cannon	Yes	Morse	Absent
	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."

No one appeared.

3. Chamber / EDC Report: Executive Director, Sara Ritter, was not present.
4. Old Business:

- a. Consider Charter Ordinance repealing several Charter Ordinances that have been superseded or were only applicable to cities of the Third Class. Attorney Reavey said this item was brought forward from the last meeting and he has provided copies of the ordinances that are being superseded or repealed. These are ordinances that apply to a city of the third class. Councilman Maniez asked about Charter Ordinance #10 and the quorum remaining at four. Attorney Reavey stated the quorum remains the same at four, and this is set out in Charter Ordinance No. 22.

Motion by Councilman Maniez to approve Charter Ordinance No. 23, repealing several ordinances that relate to cities of the third class; second by Drennon.

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

Motion carried.

- b. Consider amendments to excise tax regulations. Attorney Reavey stated he has prepared the amendments as discussed at the last Council meeting. Attorney Reavey discussed the Attorney General’s opinion on excise tax and the delaying of the payment of the excise tax. He stated the remaining 50% of the excise tax would be due upon the issuance of a building permit as set forth in paragraph 16-602 (h).

Councilwoman Templin asked about a time limit being placed on this due to the downturn of the economy at this time. Discussion ensued between Attorney Reavey and Council members regarding a sunset clause on the payment of the excise tax and the recording of a notification to any future purchaser of the subject property.

Motion by Councilman Maniez to approve Ordinance No. 2218 with the changes noted; second by Cannon.

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

Motion carried.

5. New Business:

- a. Consider a request to rezone property located north and east of 83rd & Gardner Road from “RUR” Rural to “P-D” Planned Development for development of Storage Garage Condos. Planner Bohnsack said a request was received from Carriage Houses of Johnson County regarding “condominium” style storage. She reviewed the staff report dated January 21st, 2009, along with the summarized comments of the Planning Commission. The Planning Commission has recommended approval of the rezoning request, subject to the stipulations noted at the end of the Staff Report dated December 23rd, 2008. The water lines will need to be improved and extended to this site. No building permits may be issued for this site until adequate fire flow protection is provided to this property. The applicant has met the other stipulations as addressed by the Planning Commission.

Engineer Brungardt stated this is a rezoning of the property and the proposed use that is appropriate for this location. This is a rezoning to a Planned Development, based upon the proposed use of this specific property and the physical development of the property, along with the defined use of the property. He stated the applicants are here to address questions from the Council. The use is a storage facility, and there will not be a retail component or any residential type of use other than storage. He also discussed the potential for a traffic study as this project is developed.

Councilman Maniez and Engineer Brungardt discussed the specific uses and the building code use group. A discussion ensued between Mayor Anderson and Engineer Brungardt on how building code enforcement will be handled.

The applicants discussed the garage condominium concept for the benefit of the Council. This will be a gated and keyed entry facility. There will not be any retail in

this development. Council commented on the concept and the building potential. There are two general building plans that will be developed to accommodate the sizes for RV's and automobiles. Councilman Drennon said the traffic study should be followed through with as the site develops.

Motion by Councilwoman Templin to approve Ordinance No. 2219, as recommended by the Planning Commission, rezoning property at 29230 W. 83rd Street from "RUR" Rural to "P-D" Planned Development; second by Cannon.

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

Motion carried.

- b. Discuss proposed Mill & Overlay projects for the 2009 Street Repaving Program and consider ordinance designating main trafficways and main trafficway connectors. Engineer Brungardt stated each year there needs to be projects named for the bond funding criteria. He discussed his comments as stated in the staff report dated January 21, 2009. The City's Bond Counsel has worked with staff regarding the projects for this year's funding. Engineer Brungardt discussed the ranking of all City streets based on the condition of their pavements and curbs. He provided Council with five different projects for consideration as outlined in the staff report. Staff is recommending Project #1 for repairs on 91st Street.

Discussion by Councilman Maniez and Engineer Brungardt that 91st Street should have lasted at least 20 years without having to have major repairs. Councilman Maniez said the older streets in town have been passed over, yet the newer streets are failing. He asked Engineer Brungardt if the street requirements need to be changed. Engineer Brungardt said the regulations have changed and the base stabilization requirements have changed. A discussion ensued between Councilwoman Templin and Engineer Brungardt on the street policy and maintenance schedule that was brought to Council in the past.

A discussion continued among the Mayor, Administrator Guilfoyle and Council members regarding the funding for the projects. Administrator Guilfoyle stated the Financial Advisor has worked with staff regarding debt financing for projects without increasing property taxes and considering the loss of funding from the state due to the Governor's budget cuts. Administrator Guilfoyle discussed the three CIP projects for this year's program.

Mayor Anderson said he agrees with Councilman Maniez that Project 2 and Project 4 need to be addressed.

Motion by Councilwoman Templin to approve Ordinance No. 2220 Designating Certain Streets and Roads as Main Trafficways and Main Trafficway Connectors within the Limits of the City of De Soto; second by Cannon.

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

Motion carried.

Motion by Councilwoman Templin to direct staff to prepare Resolution No. 832 as a resolution of

intent and authorize the Mayor to sign that Resolution designating Project #2; second by Cannon.

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

Motion carried.

- c. Consider bids for demolition of gas station property at 83rd & Kill Creek. Engineer Brungardt discussed the three bids that were received for this project. Staff recommends the Council accept the bid from Chris George Homes.

Motion by Councilman Drennon to accept the bid from Chris George Homes for the gas station demolition in the amount of \$13,800; second by Templin.

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

Motion carried.

- d. Discussion about pedestrian trail at the Riverfest Park. Administrator Guilfoyle said in the spirit of frugality, there is an idea to construct a nature trail on the east end of the Riverfest Park site along the river bank. There is a pathway already that could be cleared of undergrowth and expanded. The cost is basically “nothing” on out-of-pocket expense as our employees and equipment would be used. They would be constructing an eight-foot wide pathway. The mulch would be provided by Asplundh and Chris’s Tree Service. Councilwoman Cannon said this is a good idea and this is how the County park trails started out. All Council agreed this is the way to go. Administrator Guilfoyle discussed other trails in parks that are mulch trails.
- e. Consider Approval of Annual Lease Agreement for Street Dept. Bobcat. Administrator Guilfoyle said this is the annual renewal and replacement of the City’s bobcat.

Motion by Councilwoman Templin to authorize Administrator Guilfoyle to execute the Annual Lease Agreement for the Street Dept. Bobcat; second by Drennon

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

Motion carried.

- f. Consider Charter Ordinance removing annual appointment requirement for municipal judge. Attorney Reavey stated this is a clean up of the codification for the new code book and making this change would make all the appointed positions indefinite unless the Governing Body decides to make changes.

Motion by Councilman Drennon to approve Charter Ordinance No. 24; second by Templin.

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

Motion carried.

6. Executive Session: N/A

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, stated there was a meeting last week with the Advisory Committee of the Fire Consolidation. He met again today with the Fire Chiefs of the City and Jo Co Rural 3 and began working on a proposed budget to take back to the Advisory Committee. They hope to take a proposed budget back to the Advisory Council and establish regular meeting dates in the next few weeks.

Staff sat down with the City of Olathe last week regarding discussions on whether to stay in the water production business or purchase water from Olathe. He said there is a meeting scheduled on February 11th at 4:00 p.m.

- b. City Attorney, Patrick Reavey, no report.

- c. City Engineer, Mike Brungardt, no report.

- d. City Planner, Linda Bohnsack, said the property owners in the proposed 'RUR' area came together last evening for discussions on the zoning change. The group will meet again in February and the Planning Commission will be discussing this. She stated the Sign Committee will be meeting with Miller Sign Company on a signage proposal for the City. She said some committee members feel very strongly about changing the City's logo and this would be a good time to change it.

A discussion ensued between Mayor Anderson, Councilwoman Templin and Engineer Brungardt. There was discussion that the current logo is hard to reproduce. Discussion by Administrator Guilfoyle that most places will do a branding study and the City had this done about three years ago. This provides some broad guidelines to a designer to facilitate a new logo. He said the committee will meet on Friday with the sign company. He explained the process for selecting a new logo. Continued discussion regarding Miller Sign bringing in some examples on Friday. Councilwoman Templin asked about the committee meeting and the times that they meet. Discussion among staff and Council members.

- e. City Clerk, Lana McPherson, asked Council members if they want to attend the Kansas City Mayor's Prayer Breakfast.

8. Council & Mayor Comments:

Mayor Anderson said he received a call from Chairman Surbaugh. She will be unable to attend the chamber dinner and she sends her apologies.

Mayor Anderson stated he, Administrator Guilfoyle and Engineer Brungardt met with Mr. Chad Tenpenny of Senator Roberts' office. They discussed the City's water issues with him in regards to the federal funding that might be available.

Mayor Anderson said he called Mark Crumbaker and asked him about the Water District partnering up with the City in a public water district. The City would be a shareholder, as well as the water district and possibly others being shareholders.

Councilman Drennon said Commerce Drive is being beaten up near the railroad tracks. Engineer Brungardt said he has talked to Sunflower Redevelopment about the repairs.

Councilwoman Templin said there was a big article about wind turbines and solar panels being used at area schools. Planner Bohnsack said she has found quite a bit of information that she will be taking to the Planning Commission regarding solar units.

Councilman Maniez and Councilwoman Cannon had no further comments.

Motion by Councilwoman Templin to adjourn at 9:00p.m.; second by Drennon.

All Council approved by "ayes".

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk