

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
March 20th, 2008, at 7:00 P.M.

MINUTES

The meeting was called to order with Roll Call by Council President Tim Maniez.

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

Council President Maniez led the Pledge of Allegiance. Citizens signed the book on page 113.

Council President Maniez read a Proclamation proclaiming "Fair Housing Month" during April.

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 March 6th, 2008.
 - b. Approve Pay Ordinance No. 588.
 - c. Authorize Mayor to Approve Annual Maintenance Agreement with Palmberg.

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

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Yes	Morse	Yes
	Templin	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 today is Agricultural Day. He reminded the audience that the De Soto Historical Society is having a presentation on March 26th at 7:00 p.m. by Craig Creason on Quantrill's raid. This promises to be a very interesting and informative meeting. He encouraged everyone to attend.

Larry West, 34915 W. 95th Street, stated he would like to know what the plan is to pay for the new park. With property taxes going down, is the City going to raise the mill levy to pay for the new park. Mr. West stated Kansas City, Missouri is in trouble and he doesn't think the City should be spending money it doesn't have. Administrator Guilfoyle said the park plan is included in the five-year Capital Improvements Plan and this will not result in any increase in the community's property taxes to pay for the CIP projects. The financials have been reviewed with the City's financial advisors and the City is pleased that the five-year plan is in good shape.

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

4. Old Business: N/A

5. New Business:

- a. Consider a recommendation from the planning Commission amending the Comprehensive Plan Maps 1 through 14. **Table.**

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

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

Motion carried.

- b. Consider a recommendation from the Planning Commission to amend the zoning map for the City of De Soto and adopt regulations for the Uptown De Soto Overlay District. Engineer Brungardt stated this used to be called the "Downtown Overlay District" and decided to name this the "Uptown De Soto Overlay District". This district will allow a relaxing of some of the regulations that make infill development more difficult in the downtown area. The Planning Commission did consider the comments from the Council, the public hearing was held, and the revisions have been presented in the proposed ordinance. The Appendix A map was discussed by Engineer Brungardt regarding the overlay district.

Discussion by Councilman Morse with Engineer Brungardt on the proposed line up and the enterprise zone. Continued discussion by Councilman Drennon and Engineer Brungardt on the intent of the Uptown Overlay and the infill of the property.

Discussion by Councilwoman Templin and Engineer Brungardt on the downtown plan that was proposed by Marty Shukart. Engineer Brungardt stated the overlay district doesn't put any more restrictions on the area included. Councilwoman Templin asked about sidewalks in the pedestrian scale and stated her concern is that a new segment of sidewalk goes in between two crumbling sides of sidewalk. Engineer Brungardt stated this is not a sidewalk requirement; this is only defining the elements of a pedestrian scale.

Councilman Drennon said he would be fine with including the area west of Ottawa Street.

Motion by Councilman Drennon to approve Ordinance No. 2195 as written, and change the wording to "Uptown" and add in the parcel west of Ottawa Street; second by Cannon.

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

Motion carried.

- c. Consider a recommendation from the Planning Commission to amend Article 7, Section 11, Part A of the Zoning Regulations concerning signs in the "R-H" Residential – Historic "Old Town" District. **Table.**

Motion by Councilman Morse to table this to the next Council meeting; second by Cannon.

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

Motion carried.

- d. Discussion on request by Bob Stevens to de-annex Burning Tree Golf Club. Mr. Stevens stated he did not come here to talk about de-annexing at this time. He would like to discuss the relationship between the City and the Golf Club. Mr. Stevens provided Council and staff with a handout addressing his financial concerns. He said he has to reduce his profit margin to remain competitive with many golf courses in the area that are owned by other cities or the county, who do not have to pay real estate taxes. Mr. Stevens said he believes there are discrepancies in the valuation of the property; he has a meeting next week with Leavenworth County. He stated the City has not promoted his business. Mr. Stevens said it took him three years to get the City to put up two small signs. He said the Army Corp of Engineers told him they could help the bank stabilization if the City requested it. Mr. Stevens said no one has talked to him about river park planning and the golf course isn't any shown on any City maps.

Councilman Morse said there has always been a problem with river land going away and it is always changing. Discussion by Mr. Stevens that he has talked with the Army Corp of Engineers. Comments by Councilwoman Templin on the original transactions of the City annexing the land originally. Discussion by Councilman Maniez that he was opposed to the annexation from the beginning. Discussion between Mr. Stevens and Councilman Maniez on the City promoting businesses. He said the Chamber has not promoted his business; he sent in his money and his ad, and the Chamber used a business card that was two years old with Bob Hill's name and phone number on it.

Council President Maniez said the City does contribute funding to the Chamber to help promote the City businesses. Mr. Stevens said he has not recognized any additional revenue as a result from the Chamber's advertising in three years, so he did not join this year. Mr. Stevens said he is looking for some kind of help.

Councilwoman Templin said businesses go through changes and it is very evident here. She said this is a private business and some of these comments could have been addressed by staff before bringing it to the Council. Comments by Mr. Stevens that he has tried talking to staff, but it always comes back that the Council has to make the decisions. Mr. Stevens said no one in the City cares because he is on the other side of the river.

Attorney Reavey stated that, if a formal request for de-annexation is made, the public hearing would need to be published and scheduled for April 17, 2008. Council President Maniez and Mr. Stevens discussed ways to try to address some of these concerns expressed by Mr. Stevens.

Councilman Morse said if the City is going to help out this business, then it opens the door for other businesses to come in and ask the City for help. Discussion by Engineer Brungardt on assistance from the Army Corp of Engineers; he said he doesn't know of a program for the City to help recruit assistance from the Corp.

Council President Maniez requested Administrator Guilfoyle to review Mr. Stevens' requests and determine if there are any means to answer some of his concerns. This matter will come back to the Council in future.

Councilman Drennon said the City does try to help businesses as much as possible.

- e. Consider Cinco de Mayo Temporary Use Permit request by Services United/Servicios Unidos. Mr. Drew Culbertson, on behalf of VFW Post and Services United, said he has talked with City staff regarding a beer garden on the back of the VFW Post for the Cinco de Mayo celebration. He said they are ready to comply with all regulations. He is requesting the Council waive the \$50 temporary use permit fee.

Margie Stark, of Services United, stated this is a non-profit organization. They are helping out this year to run the Cinco de Mayo event. The parade will start around 11:00 a.m., then the festival will start around 1:00 p.m. at the VFW with food, games, and festivities. She encouraged everyone to come and enjoy the festivities.

Councilwoman Templin said she is in favor of this festival and thinks the VFW is a great place to have this. Attorney Reavey stated the Council may need to consider waiving the noise ordinance for the band for the festival. Ms. Stark and Mr. Culbertson stated the band is only contracted to play until 7:00 p.m. so there shouldn't be a noise problem.

Motion by Councilwoman Templin to approve the festival and parade Temporary Use Permit and waive the \$50 permit fee, and waive the City's noise ordinance on May 3rd; second by Cannon.

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

Motion carried.

Motion by Councilwoman Templin to approve the Temporary Use Permit for the beer garden at the VFW for the Cinco de Mayo festival from 1:00 p.m. to 7:00 p.m. and to waive the \$50 fee for this permit;

Discussion by Councilman Drennon.

second by Drennon.

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

Motion carried.

- f. Consider \$1,000 funding request for Cinco de Mayo Fiesta by Services United/Servicios Unidos. The Committee is asking for a donation to help fund the festival events and prizes. Council discussion. Comments by Councilwoman Templin and the Services United representatives on any funds that are over the donation.

Motion by Councilwoman Templin to grant Services United's request for \$1,000; second by Drennon.

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

Motion carried.

- g. Consider sewer service charge agreement for Sunflower Redevelopment LLC. Administrator Guilfoyle said as part of its clean-up process, Sunflower will generate wastewater that needs to be disposed of. Doug Smith has met with the Sunflower Redevelopment committee regarding the lab reports and the amount of influent that will need to be addressed. Doug feels the overall composition of the influent is not much more than that of rainwater and will not burden the City's system.

The group is proposing to pay \$60,000 up front. Discussion by Attorney Reavey and Council regarding the limit of gallons that can be disposed of each year. Comments from Councilman Maniez on limiting the gallons in the contract language. Continued discussion by Councilman Drennon and Attorney Reavey on the two-year agreement. Councilman Drennon stated the \$5,000 per year doesn't appear to be enough to keep up the cost of the road. Councilwoman Cannon asked what kind of permits will the City have to obtain to do this. Engineer Brungardt said there will only be one permit to get.

Councilman Morse asked if there has been a designated route since Ottawa Street is not a viable route. Discussion.

Motion by Councilwoman Templin to direct staff to discuss revising the agreement with Sunflower Redevelopment by adding a designated route for trucks; also putting in a limitation of 1,000,000 gallons; and, if they exceed the 1,000,000 gallons in a two-year period, Sunflower Redevelopment would pay the \$.06 per gallon for the overage; second by Morse.

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

Motion carried.

- h. Consider resolution authorizing certain improvements to main trafficways and trafficway connections. Engineer Brungardt stated this item was discussed at the last meeting. Ottawa Street from 79th Street to 82nd Street was added to the list of potential projects. This reshuffles the projects and Council will need to decide which projects to include in the bond schedule. Engineer Brungardt provided Council with his memo dated March 14, 2008, which includes a schedule of the proposed projects. Discussion by Council on the sections of roadway that need repaired.

Councilman Morse said he is not in favor of doing 79th Street as other streets need it more. Councilwoman Cannon stated a lot of streets are showing the effects of the hard winter. Councilwoman Templin said she prefers option 8. Discussion by Councilman Morse on the condition of 86th Street and Penway Street. Discussion by Staff that for the bonds, it must be a main trafficway and not a side street.

Motion by Councilwoman Templin to approve Resolution No. 816 authorizing certain improvements to main trafficways and trafficway connections, and the improvement descriptions would include option #8, Ottawa Street from 79th Street to 82nd Street, plus 85th Street from 85th Terrace to Ottawa Street; second by Drennon.

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Yes	Morse	No
	Templin	Yes		

Motion carried.

- i. Consider bids for Phase 1-B of the Riverfest Park improvements. Engineer Brungardt said there six bids received, and the lowest bid was withdrawn due to a calculation error. The lowest valid bidder was R L Duncan of De Soto with a lump sum base bid total of \$535,500.00. Discussion by Engineer Brungardt on the shortfall of \$13,000, which funding could be taken from the Capital Projects Fund. He explained this project is a lump-sum bid; however, there could be something arise in the project that would require a change order and a contingency fund.

Discussion between Councilman Morse and Administrator Guilfoyle on taking money from the Capital Projects fund.

Motion by Councilman Drennon to authorize the Mayor to enter into the construction contract for the Phase I-B Riverfest Park Improvements with RL Duncan in the amount of \$535,500.00, and authorize the allocation of \$13,000 from the Capital Projects fund to said project; second by Cannon.

Roll Call:	Cannon	Yes	Maniez	No
	Drennon	Yes	Morse	No
	Templin	Yes		

Motion carried.

- j. Consider resolution authorizing certain improvements (entrance sign) to main trafficways and trafficway connections. Administrator Guilfoyle stated this is part of the five-year CIP and this will provide signage improvements for the City entrances. Discussion by Councilman Maniez and Administrator Guilfoyle regarding the design standards for the entrance signs. Discussion by Councilwoman Templin and Administrator Guilfoyle regarding the gateway signs that a committee discussed earlier. Council discussion on the time frame with the bonds. Discussion by Engineer Brungardt on the gateways and there hasn't been any defining specifics at this time. Councilman Drennon said he thinks the four designated places are where the signs need to be. Continued discussion between staff and Council.

Motion by Councilman Drennon to adopt Resolution No. 817 authorizing certain improvements, entrance signs, to the main trafficways and trafficway connections; second by Cannon.

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

Motion carried.

6. Executive Session: N/A

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, stated Senate Bill 574 on the fire consolidation has been scheduled for another meeting on Monday, and will go on the Agenda. Comments by Councilman Maniez that he has heard the County will have the first three appointments for a three-year period. Attorney Reavey stated the County thought since it is a county fire district, they should have the first appointments. Councilman Maniez said this will give the County full control for the first three years to ensure they get what they want; so why don't we just lay down and give it all to them. Councilman Morse said someone has to be first and someone has to be last.

- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, said the next 95th Street land use workshop is on March 27th. He asked Council to attend.
- d. City Planner, Linda Bohnsack, was absent.
- e. City Clerk, Lana McPherson, no report.

8. Council & Mayor Comments:

Councilman Drennon discussed the CIP and the drainage on 83rd Street. Engineer Brungardt said he is going out with Ron Creason on Friday to look at the drainage along 83rd Street. Engineer Brungardt said there should be a way to address the drainage.

Councilwoman Templin had no report.

Councilwoman Cannon had no report.

Councilman Morse said there sure is serious flooding down south.

Councilman Maniez asked about the new brush disposal site relocation. Administrator Guilfoyle said the new brush site will be located by the new wastewater plant as soon as the funding becomes available to construct the roadway into the area. It will probably be about a month away before the road is constructed. Discussion between Engineer Brungardt and Councilwoman Cannon on how to dispose of the brush.

Motion by Councilwoman Templin to adjourn at 9:12 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk