

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
June 19th, 2008, at 7:00 P.M.

MINUTES

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

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

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 120.

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 June 5th and June 12th, 2008.
 - b. Approve Pay Ordinance No. 594.

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

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Yes	Morse	Absent
	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."

No one appeared.

3. Chamber / EDC Report: Executive Director, Sara Ritter, was not present. Administrator Guilfoyle said the EDC Developer Reception last evening was a great success with about 100 people in attendance. The attendees were provided with a survey and the developers will provide their responses. Mrs. Ritter will give Council an update on the responses received. On July 9th, the De Soto Chamber has been invited to co-host, with Gardner and Spring Hill Chambers, the County Sales Tax presentation by Chairman Annabeth Surbaugh.
4. Old Business:
 - a. Consider Agreement with Selective Site Consultants, Inc. for Monopole. The revisions were submitted to the applicant; however, their response has not been received in time for this meeting.

Motion by Councilwoman Templin to table Item 4.a. to the next meeting; second by Cannon.

All Council approved by “ayes”.

Motion carried.

5. New Business:

- a. Consider request from Chuck Oswalt to accept the right-of-way and maintenance for 97th Terrace. Engineer Brungardt said he has talked with Mr. Oswalt regarding this private road. When the property was platted, this was a private road and was designated as such under the County’s plan. When the City annexed property in 1998, it was incorrectly assumed this was a public right-of-way, and the City provided maintenance. Several years ago, it was determined by City Staff this road was a private road and the City discontinued maintenance to the road. The roadway in question is a gravel road. Councilwoman Cannon said the City maintained the road in the beginning. Councilman Maniez said he doesn’t remember the issue at the time of annexation. Councilwoman Templin said she has a concern with the City taking over a private gravel road.

Steve Prudden, former Mayor, said Mr. Oswalt’ property and Mr. Anderson’s property were island annexations prior to the City’s 1998 large annexation. Mayor Anderson said he talked with area property owners and there is some interest in these adjoining properties to come into the City. Councilman Maniez said it is a dead-end road and there should be a cul-de-sac or turnaround as far as liability for City or emergency equipment. Discussion between Councilman Maniez and Engineer Brungardt that this is a concern. Discussion ensued between Council members, Engineer Brungardt and Mayor Anderson regarding the maintenance and right-of-way

Motion by Councilwoman Cannon to direct staff to prepare a quit-claim deed for the 97th Terrace road; second by Drennon.

Councilwoman Templin said she would like the property owners to be approached about annexing into the City. Until these properties are annexed into the City, she doesn’t feel the City should be spending funds to take care of this gravel road. Discussion between Council members. Councilwoman Templin said this is a dead-end road and does not provide two-way access. She said the City will be providing maintenance to a road that provides access to properties that are not within the City.

Attorney Reavey clarified the intent of the motion with Councilwoman Cannon. Councilman Maniez said he doesn’t remember all the discussion from the 1998 annexation, but he does recall there was a discussion to “square off” the boundaries. He said if the remaining properties were agreeable to annex into the City, then he would not have a concern with taking in the roadway. He would like to be able to say that the City is maintaining this road for the benefit of the citizens of the City. Councilwoman Templin said there is no written documentation about this road being included in the annexation.

Mr. Prudden stated the County should have documentation as they were the ones pushing hard to square up the boundary. Councilwoman Templin said there are other private drives within the City that the City hasn’t accepted and they are paved drives. Discussion by Councilman Drennon that there is a responsibility as the City did maintain the road for a while. Engineer Brungardt said the County has never performed any maintenance on this private drive. Mayor Anderson said his opinion is there was intent; and the City has provided maintenance; he feels taking the road is a good will gesture. Comments by Attorney Reavey regarding annexation. Councilman Maniez said he would feel better about it if the adjoining property owners who will benefit from the road maintenance would annex into the City. If the

people want the services of the City, then they should become a part of the City.

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

Motion carried.

Mayor Anderson said he call all the property owners and ask if they will consider annexation into the City. Councilwoman Templin requested Engineer Brungardt to contact the property owners and report back at the July 10th council meeting.

- b. Consider an application for revision of the Official Zoning Map for a property located at 9345 Lexington Avenue. Engineer Brungardt said this property has retained its county zoning since the annexation. The applicant would like to construct a garage on his property and this will require a change in zoning. The public hearing was held last month before the Planning Commission, and the Planning Commission recommended Council approve the rezoning.

Motion by Councilman Maniez to approve Ordinance No. 2201 rezoning this property from "RUR" to R-0; second by Templin.

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

Motion carried.

- c. Consider an amendment to the Subdivision Regulations to incorporate requirements for condominium developments. Engineer Brungardt said the City had been approached by Shannon Nelson of Fish Development, regarding condominium developments. The City's platting procedures are designed to accommodate this type of development. The City Staff researched this with surrounding cities and the statutory regulations in the state of Kansas. Basically, the surrounding cities follow the state statutes, and City Staff have basically incorporated the state statutes into the current subdivision regulations. Engineer Brungardt outlined the changes in Planner Bohnsack's staff report dated June 19, 2008; and, further outlined the platting and building permit procedures for the condominium development. The public hearing was held and the Planning Commission is recommending approval of the condominium subdivision regulations.

Councilman Maniez asked who was going to be responsible for the maintenance of the commons area. Engineer Brungardt said that when interior spaces are sold, the owners become the association and become responsible for the commons area. Discussion between Councilwoman Cannon and Engineer Brungardt regarding fire walls between separations of units and interior spaces. Engineer Brungardt said this is defined under the 2006 Building Codes.

Motion by Councilman Drennon to approve Ordinance No. 2202, an into Condo Units; second by Cannon.

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

Motion carried.

- d. Consider proposed revisions to the Future Land Use Map of the Comprehensive Plan for the 95th Street Corridor area. Engineer Brungardt said this is the culmination of the planning for the 95th Street Corridor. The Planning Commission has made unanimous recommendation to approve this map and incorporate it into the Comprehensive Plan. Engineer Brungardt provided the maps for the Council's review in the staff report dated June 13, 2008.

Motion by Councilman Drennon to approve Ordinance No. 2203 amending the Future Land Use Map of the City of De Soto Comprehensive Plan; second by Cannon.

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

Motion carried.

- e. Consider Ordinance Amending City Code on Permits for Sale of Fireworks. Based on comments and direction from Council at the previous meeting, he has prepared the ordinance regarding applicants applying for a permit for the following year. He provided Council with a red-line copy of the changes to the existing ordinance. Discussion by Councilwoman Templin on the requirement for the insurance policy. Attorney Reavey said he did not address the fee because it is in the City's fee resolution that is reviewed annually. Comments by Councilman Maniez that this new ordinance will help the hometown folks to apply for an

Motion by Councilman Maniez to approve Ordinance No. 2204, an Ordinance Amending Section 7-303 of Article 3 of Chapter VII of the De Soto City Code Pertaining to Permits for Retail Sale of Fireworks; second by Templin.

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

Motion carried.

- f. Consider Authorization to Purchase Pump for Sewer Lift Station (cost of \$5,295). Administrator Guilfoyle said Doug Smith, Wastewater Superintendent, had a pump go down and after further inspection, the cost of repairs exceed the cost for a new pump.

Motion by Councilwoman Cannon to authorize the City Administrator to enter into a purchase agreement with JCI to buy a new pump for the cost of \$5,295; second by Drennon

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

Motion carried.

City Administrator Pat Guilfoyle outlined the changes being brought about by the MARCIT program. He said the State of Kansas has changes its rules regarding the self-insurance pool being opened up to all municipalities and counties in Kansas. He stated the necessary legal work hasn't yet been finalized. At this time, he is

requesting the Council table items 5. g and 5. h. concerning the new MARCIT – Kansas health fund.

- g. Consider Resolution Authorizing Agreement of Withdrawal and Formation of Kansas Group Funded Pool.
- h. Consider Resolution Authorizing Procurement of MARCIT-Kansas Program or Service.

Motion by Councilman Drennon to table items 5 g. and 5 h. until further notice; second by Cannon.

All Council approved by “ayes”.

Motion carried.

6. Executive Session:

Motion by Councilman Maniez to go in to Ex Session at 8:00 p.m. for discussion of land acquisition for 20 minutes, for an attorney-client privilege for 30 minutes; to return at 8:50 p.m., and to invite Pat Guilfoyle and Mike Brungardt into the session; second by Cannon.

All Council approved by “ayes”.

Motion carried.

Motion by Councilman Maniez to return to regular session at 8:59 p.m., a few minutes late, and only the items stated were discussed and no votes were taken; second by Templin.

All Council approved by “ayes”.

Motion carried.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said he would like to ask the Council to entertain a workshop to discuss water and what the Council’s desires would be for future water production by the City of De Soto. He stated we are at a point to discuss the bottom line. He said there are people involved who are interested in moving forward. Administrator Guilfoyle will send out an email to get a consensus on a date.
- b. City Attorney, Patrick Reavey, said he prepared a draft inter-local agreement for the interim fire board to start moving forward on the consolidation.
- c. City Engineer, Mike Brungardt, reminded Council there is a planning commission meeting next Tuesday, April 24th. There is a rezoning request for 20 acres of land on 83rd Street, east of Ravenswood Lane. The proposed plat is for 15 residential lots. The public hearing is also on the agenda for the banner signs.
- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, reminded Council the July 3rd meeting date has moved to July 10th.

8. Council & Mayor Comments:

Mayor Anderson said Administrator Guilfoyle's performance review has been done by the Council members, and every category is above-average. Mayor Anderson said he would like to recommend a salary increase. Administrator Guilfoyle has requested a 5% increase in his salary and his car allowance.

Motion by Councilman Drennon to grant Administrator Guilfoyle a 5% increase in total compensation retro-active to March 6th; second by Cannon.

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

Motion carried.

Administrator Guilfoyle thanked the Council for this action. He said when they moved back to Kansas two years ago, it was with anticipation of "coming home", and he said he really feels like he has. He said he is enjoying working in De Soto.

Councilman Maniez asked when Corliss Road was going to be repaired. Engineer Brungardt will email the Council with the schedule for repairs.

No other Council comments.

Motion by Councilman Maniez to adjourn at 9:14 June 23, 2008 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk