

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
July 10<sup>th</sup>, 2008, at 7:00 P.M.

**MINUTES**

(NOTE TO THE RECORD: Due to the 4<sup>th</sup> of July holiday, the City Council moved the July 3rd meeting date.)

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		

Mayor Anderson is out of town. Council President Maniez led the Pledge of Allegiance. Citizens signed the book on page 121.

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 19<sup>th</sup>, 2008.
  - b. Approve Pay Ordinance No. 595.

Motion by Councilwoman Templin to amend the agenda to include the contract agreement between the City and the City of Lenexa as item 1.c.; second by Drennon.

All Council approved by "ayes".

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

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

Motion carried.

Motion by Councilwoman Templin to amend the Agenda to move the Executive Session forward to follow Item 4 a.; 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 said he wanted to make an apology to the Council due to the events that have happened at the barn with the loud music. He assured the Council this will not

happen again.

3. Chamber / EDC Report: Executive Director, Sara Ritter, said on June 18<sup>th</sup>, the EDC hosted a Developers' reception and she thanked Pat Guilfoyle, Mike Brungardt, and Linda Bohnsack for their assistance. A survey was handed out and she has received some responses back. She said Mayor Anderson and she accompanied Rick Rambacher of Engineered Air to Topeka to receive an award presented to Engineered Air. The Events Coordinator has been hired to work with Sara for the BBQ event. There are about 15 people working on the BBQ event. Next week Mrs. Ritter will be in school and the Chamber office will be on limited hours.

4. Old Business:

a. Consider Agreement with Selective Site Consultants, Inc. for Monopole. Attorney Reavey said several Council members were concerned at the last meeting about the 20-year term. Mr. Larry Louk of Selective Site Development is present this evening. Attorney Reavey discussed the changes made to the agreement. Discussion by Councilman Maniez regarding the City's option to take down the pole if the City decides to go out of the monopole business. Attorney Reavey said most companies want a 25-year lease. Councilman Maniez said, that should something in future necessitate the monopole be removed, why should the City have to be locked into a 25-year lease. Continued discussion between Councilwoman Templin and Mr. Louk. Selective Site Consultants will be the ones who will negotiate the leases between the carriers who will use the monopole.

Councilman Maniez said the City should not be tied up without being able to do anything because of a 25-year lease and no way to get out. Mr. Louk responded that when leases are negotiated, the carriers are willing to take the risk that the City will not be taking down the pole. He stated the carriers look at every site and the funding that will be required for equipment at each site to come up with a return on their investment to be there for 25 years. Mr. Louk said he doesn't know if the carriers will want to move off the water tower onto the monopole with the same kind of lease as the water tower. Wireless communications are here to stay. Mr. Louk discussed several items the companies look at before they select a site. Discussion ensued between Mr. Louk, Councilman Maniez, Councilman Morse and Attorney Reavey on the 25-year lease term.

Motion by Councilman Morse to authorize the Mayor to sign the agreement with Selective Site Consultants, Inc. for a lease on a Monopole; second by Cannon.

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

Motion carried.

NOTE: (The Executive Session, Item 6, was moved forward at this time.)

b. Consider Resolution Authorizing Agreement of Withdrawal and Formation of Kansas Group Funded Pool. **TABLED**

c. Consider Resolution Authorizing Procurement of MARCIT-Kansas Program or Service. **TABLED**

5. New Business:

- a. Consider Fee Resolution Adjusting Rates for Water Service. Administrator Guilfoyle said Council had discussed adjusting fees back in December, 2007. There was a 3% increase in January, 2008, and he is now suggesting the next adjustment of 3% become effective as of August 1, 2008. Administrator Guilfoyle provided projections and impacts on the water fund balance. Discussion by Councilman Drennon regarding the workshop forthcoming. Council stated there really isn't a choice but to do an increase.

Motion by Councilwoman Templin to direct staff to write Resolution 825 adjusting rates for water service for a 3% increase effective August 1<sup>st</sup>; second by Cannon

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

Motion carried.

- b. Consider a recommendation to revise the "UDO" Uptown De Soto Overlay District contained in Article 4 of the De Soto Zoning regulations. Planner Bohnsack discussed the reasons the Planning Commission recommended revisions to the current Zoning regulations for the "Uptown De Soto Overlay District". Planner Bohnsack discussed the revisions as set forth in her memo dated July 10, 2008, directed to the Council.

Motion by Councilman Drennon to approve Ordinance No. 2205, for the recommended amendments to the zoning regulations for the "UDO" Uptown De Soto Overlay District; second by Cannon.

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

Motion carried.

- c. Consider a recommendation to amend Article 7, Section 5 of the Zoning Regulations as they apply to temporary banner signs. Planner Bohnsack discussed the concerns of the citizens regarding the enforcement of banner signs and the moratorium the Council ordered. She discussed the comments and recommendations by the Planning Commission that are recommended for approval. Discussion between Councilwoman Templin and Planner Bohnsack on who and how the banners will be monitored. Engineer Brungardt stated Building Official Steve Chick will check on these and will have a record of the banner signs once the required banner sign permit has been issued.

Motion by Councilman Morse to approve Ordinance No. 2206 approving the proposed amendment to the banner sign regulations; second by Cannon.

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

Motion carried.

- d. Consider a recommendation to amend Article 5, Section 3 of the Zoning Regulations concerning the placement of small accessory structures. Planner Bohnsack discussed the small accessory buildings that do not require permits, but must follow setback regulations. She discussed her comments as set forth in her memo to the Council dated July 10, 2008. The Planning Commission discussed this at length and has recommended revisions to the setback regulations based on the zoning district of the proposed accessory structure. Discussion by Councilman Maniez on the setbacks in the zoning district. Engineer Brungardt stated there will not be a permit required for the small accessory structure.

Motion by Councilwoman Templin to approve Ordinance No. 2207 amending the Zoning Regulations concerning the placement of small accessory structures; second by Drennon.

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

Motion carried.

- 6. Executive Session: (This item was moved forward to after Item 4.a.)

Motion by Councilwoman Templin to go into Executive Session at 7:25 p.m. for the purposes of land acquisition and attorney-client privilege, and inviting the City Administrator in, for a period of 15 minutes; second by Cannon.

All Council approved by “ayes”.

Motion carried.

Motion by Councilwoman Templin to return to regular session at 7:40 p.m., and only the two items stated were discussed and no votes were taken; second by Cannon.

All Council approved by “ayes”.

Motion carried.

- 7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, asked Council to set a date for the water workshop. Council agreed to meet on Thursday, July 17<sup>th</sup>, at 5:00 p.m.
- b. City Attorney, Patrick Reavey, was not present.
- c. City Engineer, Mike Brungardt, provided a report to the Council on the 97<sup>th</sup> Terrace right-of-way. Staff contacted the property owners and the response has been “cool” and two property owners said they would outwardly oppose a voluntary annexation. All the property owners had the questions of how much the taxes would increase and what would the City provide for services. Engineer Brungardt said the tax increase would be approximately \$500, more or less, on the properties. Those opposed don’t feel they would receive benefits for the amount of taxes to be paid to the City. Engineer Brungardt said the residents were not aware Mr. Oswalt was coming to the City to request the City take the road. The City would have to prepare a plan for services for the annexed area and a resolution would need to be approved. Council will need to authorize the Mayor to accept the dedication of the right-of-way when Attorney Reavey has

prepared the documents for the Council's review. Discussion by Councilman Maniez and Engineer Brungardt regarding contacting the residents involved to attend the next meeting so they are aware of all the discussions from this point.

- d. City Planner, Linda Bohnsack, stated she has "tidied up" the sign regulations and will bring that back in future for Council's approval. There is a Board of Zoning Appeals meeting on July 22<sup>nd</sup>. She discussed the items on the calendar for the Planning Commission. There will be another tour of the SFAAP, there will be one in September with the RAB board.
- e. City Clerk, Lana McPherson, said the City had its' first-ever Health Fair on Thursday and it was a big success.

8. Council & Mayor Comments:

Councilwoman Cannon asked how many employees are still driving vehicles home. Administrator Guilfoyle said there are three; those that are on call. Discussion as to why it is necessary for them to drive a City vehicle home. Administrator Guilfoyle said there is an advantage. Council stated they would like to see the costs and possibly look at some ways to save money on gas and conserve.

Councilman Morse said there is a new banner ordinance and he wondered when the banners at the gateways were coming down. Administrator Guilfoyle said he has contacted Westar about bringing their bucket truck to take down the banners.

Councilman Drennon asked if there are some concerns with the stoplight. Engineer Brungardt said there have been some "trip-off's" and he is keeping a log on those. The installation rep has been out in the past couple of weeks and it appears the emergency sensors were not set up correctly when the light was installed.

Councilwoman Templin and Councilman Maniez had no further comments.

Motion by Councilman Morse to adjourn at 8:28 p.m.; second by Templin.

All Council approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk