

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
September 4<sup>th</sup>, 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 125.

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 August 21<sup>st</sup>, 2008.
  - b. Approve Pay Ordinance No. 600.

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

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."

Darrel Zimmerman, said he needs the Council's assistance regarding historical markers along the stream way trail next to Kill Creek. He stated he had met with Bill Maasen of Johnson County Parks back in 2005, and Mr. Maasen indicated they (Johnson County Parks) would come up with the plaques and kiosks. This has been over a year ago and no responses have been forthcoming. Mr. Zimmerman read a letter that the De Soto Park Board sent to Mr. Maasen. Mayor Anderson said he has also talked with Bill Maasen regarding them putting in the plaques and kiosks in De Soto. Mayor Anderson requested Administrator Guilfoyle talk with Mr. Maasen regarding the time frame for the installation.

3. Chamber / EDC Report: Executive Director, Sara Ritter, requested Council issue the Temporary Cereal Malt Beverage for the Blues & BBQ event to be held in October at the Riverfest Park. She requested the Council waive the fees for the permit.

Motion by Councilwoman Templin to approve the request for the temporary Cereal Malt Beverage license for the Blues & BBQ event to be held in October at the Riverfest Park, and to waive the permit fee; second by Cannon.

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Yes	Morse	Absent

Templin Yes

Motion carried.

Ms. Ritter discussed the Blues and BBQ festival event and the activities and bands that will be taking place during this event. Discussion by Mayor Anderson and Council members. Engineer Brungardt stated the construction is all on schedule. She invited everyone to the ribbon cutting for the Cedar Creek Pharmacy next Tuesday and the ribbon cutting for Mid-American Physicians on Thursday. The quarterly EDC membership meeting is on September 24<sup>th</sup>.

4. Old Business:

- a. Consider Ordinance Amending the Procedures Manual to establish a review procedure for the "UDO" Uptown De Soto Overlay District. The Planning Commission has reviewed the proposed amendment and recommends approval.

Motion by Councilman Maniez to approve Ordinance No. 2211 adopting the proposed Article 16 for the Procedures Manual concerning application submittal and review procedures for properties in the "UDO" Uptown De Soto Overlay District; second by Cannon.

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

Motion carried.

5. New Business:

- a. Consider Settlement Agreement with Sunflower Development over Water Right 38. Attorney Reavey discussed the comments in his memo dated August 29, 2008, provided to the Council. The City will get ownership over 2 MGD of Water Right 38 and this portion of the water right has been approved by the Division of Water Resources. Engineer Brungardt commented on the well exclusions that will need to be worked through.

Motion by Councilman Maniez to authorize the Mayor to sign a settlement agreement with Sunflower Redevelopment, including revisions to paragraph G, pertaining to Water Right 38; second by Drennon.

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

Motion carried.

6. Executive Session: None

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, stated for those attending the LKM conference, the City will need to select two voting delegates and two alternates. Council requested Councilwoman Cannon and City Clerk Lana McPherson to be the delegates.
- b. City Attorney, Patrick Reavey, no report.

- c. City Engineer, Mike Brungardt, stated the letters have been mailed out to the property owners on the east side of Primrose regarding the construction of the storm water detention facility and the tree clearing for this facility. There is an ongoing issue of the high weeds due to the previous contractor going bankrupt. The new contractor will be cleaning the lots and removing the weeds.

Mayor Anderson asked Engineer Brungardt about the patching that was done on Waverly. Engineer Brungardt will follow up on the complaint.

- d. City Planner, Linda Bohnsack, – Non Agenda Item – Rezoning Discussion. Planner Bohnsack said the sign committee has now put together a way finder proposal and will be getting an RFP ready on that.

She then discussed the rezoning issue of the 'RUR' parcels that were annexed into the City in November, 1998. She provided some possible solutions for the Council's consideration for the 149 parcels in the previous county zoning classification. Councilman Maniez said it was his understanding that the City cannot require these properties to be rezoned. Discussion by Attorney Reavey that if a property is zoned 'RUR' and there is a code violation, technically the City would have to follow the prior County regulations that the subject property was under when it was annexed by the City. There is a need to have these properties under current City zoning regulations. Councilwoman Cannon had concerns regarding those people who have livestock. Attorney Reavey stated the existing uses would be "legal non-conforming uses" for these certain properties. The non-conforming use transfers from one property owner to another.

Discussion continued between Council members and Planning staff. An 'RUR' district means a non-conforming use would not go away. Discussion continued on the differences between 'RUR' and the "R-O" zoning districts. Engineer Brungardt stated Planning Staff would have some open informational meetings for those properties in the "RUR" zoning designation. The City will have to send out notices. Planning Staff will work on a City "RUR" designation.

- e. City Clerk, Lana McPherson, reminded Council members to return the registration forms for the LKM conference.

## 8. Council & Mayor Comments:

Mayor Anderson said the Kansas City Federal Reserve is putting on a foreclosure workshop if anyone is interested in attending. He also discussed the leadership summit that is coming up in Johnson County on October 3<sup>rd</sup>.

Councilman Drennon had no comments.

Councilwoman Templin said she talked with Andrew Culbertson of the VFW. The VFW is hosting their first annual Patriot's Day Celebration on Friday, September 12<sup>th</sup>, at 6:00 p.m. at the De Soto Post. The community is invited to attend this patriotic event.

Councilman Maniez provided Council members with a copy of a letter written by Mrs. Ruth Meserve. He said he has talked with Mrs. Meserve and he made a promise to her that the Council would at least discuss her concerns. He said if the citizens are having problems with Med Act staff and their treatment of the citizens, then what does the Council need to do to address the behavior of some Med Act people. Councilman Maniez said he has heard negative comments from other citizens in the past.

Chief Kevin Ritter stated there have been some complaints in the past and he has discussed those with Chief Ted MacFarland of Johnson County Med Act. Discussion by Council regarding whether Med Act needs to be called on all medical calls if local emergency responders can handle the lesser concerns. Chief Ritter stated there are some cities that do provide a Type 2 ambulance service. The County Med Act responds to every medical call that comes in to 911. Chief Ritter said there is a new quality control chief working for Med Act and he will work with Chief MacFarland and the new person regarding the citizen complaints.

Councilman Maniez requested Chief Ritter discuss these concerns with Chief MacFarland so there is a record of the complaints. Mayor Anderson also said he will contact Chief MacFarland. Councilman Maniez stated a person who has diabetes knows best about himself and medical staff needs to ask questions before just ignoring the patient's comments. Not every diabetic responds in the same way. In any case, people deserve respect and courtesy. Councilman Maniez asked Chief Ritter to follow up with Chief MacFarland and make him aware of the concerns of the City and the attitude presented by some Med Act staff to the citizens.

Discussion by Council regarding the former gas station property. Council asked why the vehicles parked at the station haven't been ticketed. It's not a used car lot. Comments by Attorney Reavey that the City can address this once the property is conveyed to the City.

Councilwoman Cannon asked about temporary barriers placed on the 95<sup>th</sup> Street bridge. Engineer Brungardt said the street department has put up some barricades and flashers on the bridge. It will cost about \$7,000 to put guard rails on the bridge.

Councilwoman Cannon asked about the salt bids. Administrator Guilfoyle said the deadline is tomorrow and there have been two bids so far.

Motion by Councilwoman Templin to adjourn at 8:00 p.m.; second by Drennon.

All Council approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk