

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
October 2nd, at 7:00 P.M.

MINUTES

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

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

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 127.

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 September 18th, 2008.
 - b. Approve Minutes of the Special Council Meeting of September 24th, 2008.
 - c. Approve Pay Ordinance No. 602.
 - d. Approve Temporary Use Permit for Charity Bike Run at JT's Grill.
 - e. Approve Temporary Cereal Malt Beverage to allow consumption in parking lot at 33255 Lexington in connection with Charity Bike Run.

Motion by Councilman Morse to approve the Consent Agenda; second by Drennon.

Roll Call:	Cannon	Yes	Maniez	Absent
	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."

No one appeared.

3. Chamber / EDC Report: Executive Director, Sara Ritter, gave updates on activities. The Chamber took first place at the Chamber Day at the Speedway. The Chamber received \$1,300 from the Speedway event. The Candidates Forum will be coming on October 9th at Kill Creek Farm. The Blues & BBQ festival will be held October 10th & 11th. This year is the largest number of teams competing. The City-wide garage sales are this weekend. She said the Johnson County Chambers are also hosting a candidates forum throughout the County.
4. Old Business: n/a
5. New Business:

- a. Consider Resolution Authorizing the Mayor to Execute Memorandum of

Understanding Between the City of De Soto, Johnson County Fire District #3, and Johnson County for Consolidation of Fire Services. Administrator Guilfoyle said this has been a very long process of negotiations. This is the final step in the organizational process to put the first step into motion of the transition of the new consolidated fire district. The Memorandum of Understanding has been reviewed by all three entities and should be approved by all three entities. The City will appoint two representatives to serve on the board along with three members appointed by the Johnson County Board of Commissioners. Mayor Anderson asked Council members for any comments. There were no comments made by the Council. Mayor Anderson stated this process has taken a lot of work during the past ten (10) years.

Motion by Councilman Drennon to Authorize the Mayor to Execute Memorandum of Understanding Between the City of De Soto, Johnson County Fire District #3, and Johnson County for Consolidation of Fire Services; second by Cannon.

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

Motion carried.

- b. Consider Appointment of Two Members for Consolidated Fire District's Advisory Committee. Administrator Guilfoyle stated Linda Zindler and Max Atwell have agreed to serve as De Soto's representatives.

Motion by Councilman Morse to approve the appointment of Max Atwell to the Consolidated Fire District's Advisory Committee; second by Drennon.

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

Motion carried.

Motion by Councilman Morse to approve the appointment of Linda Zindler to the Consolidated Fire District's Advisory Committee; second by Templin.

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

Motion carried.

- c. Consider Citizen Request to Prohibit Confinement of dogs in front yards by invisible fencing. City Attorney Reavey said he was contacted by Tamara Selk, whose son was attacked by two dogs at a residence on Explorer's Trail. Attorney Reavey has also talked with Deputy Little regarding this incident. Deputy Little and Attorney Reavey have looked at the regulations in other communities regarding invisible fencing. Attorney Reavey would like Council's opinion regarding whether or not they are interested in prohibiting electric fencing in the front yards. Discussion by Councilman Morse that he would like to see a draft ordinance. Comments between Attorney Reavey and Councilman Drennon regarding electric fencing and these particular dogs involved.

Attorney Reavey stated the two dogs in question are still in the City until the matter

comes before the Municipal Court. The owners are keeping the dogs in the house, and letting them outside when necessary only in the back yard of their residence.

Councilwoman Templin said electric fences should not be in front yards and dogs should be kept in the back yard. Discussion between Mayor Anderson, Attorney Reavey and Council members. Dogs must be under control of the owners according to the City's leash law. Attorney Reavey stated when there are safety and health issues, there is no "grandfathering" of electric fences already installed. After discussion, Council stated they would like to see an ordinance brought back for review.

Council discussed the issue of allowing the dogs in this incident to remain at the residence until the Court hearing. Mayor Anderson and the Council discussed the report that reflects these dogs have a history in the neighborhood of being vicious. Council members stated this is a health and safety matter and the dogs need to be removed from the residence until the case is decided by the Municipal Court.

Tamara Selk stated she appreciated the expeditiousness of the Council in this matter. She thanked the Council for their decision as these dogs are a concern to the neighbors.

6. Executive Session: N/A

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, no report
- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, was not present.
- d. City Planner, Linda Bohnsack, provided staff memos for Council's review. She said Mr. Chick did an excellent job of handling the tornado damage. There will be about 12 bidders on the CDBG project. The Signage Committee hopes to have proposals to go out next week. She provided comments regarding the CARNP presentation.
- e. City Clerk, Lana McPherson, said she received several calls as well as personal comments regarding the prompt response from the De Soto Fire Department after the tornado. Many of the residents involved said the response of the De Soto Fire Department was outstanding, and their personal commitment to helping their fellow citizens was top notch and above and beyond the normal job commitment.

Lana thanked Planner Bohnsack and Sara Ritter for covering the meetings during her absence.

8. Council & Mayor Comments:

Councilwoman Cannon said the odors from Engineered Air were really strong when she was at the beauty shop a few days ago. Administrator Guilfoyle will follow up on this. She also stated there are some dead trees that need to be replaced at Engineered Air.

Councilwoman Cannon asked about the streetscape project with Marty Shukart. Administrator Guilfoyle stated Engineer Brungardt has been working with Mr. Shukart on this. He will check on the progress and report back to Council.

Council members Morse, Templin and Drennon had no comments.

No further comments by Mayor Anderson.

Motion by Councilman Drennon to adjourn at 7:40 p.m.; second by Cannon.

All Council approved by “ayes”.

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk