

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
January 18<sup>th</sup>, 2007, at 7:00 P.M.

**MINUTES**

Mayor Anderson called the meeting to order with Roll Call.

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

Citizens signed the book on page 83.

Mayor David Anderson led the Pledge of Allegiance.

*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 January 4<sup>th</sup>, 2007.
  - b. Approve Pay Ordinance No. 561.
  - c. Approve Ordinance No. 2150 Amending Legal Description in Ordinance No. 2130 Pertaining to Vacation of Public Right of Way.
  - d. Approve Resolution No. 773 Establishing NIMS with the City of De Soto.

Discussion by Councilwoman Templin for the payment to Shafer, Kline & Warren. Engineer Brungardt responded on the amount and the projects reviewed.

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

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	yes
	Morse	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: Sara Ritter, Executive Director, said there about 150 people that will be attending the annual dinner on Saturday evening. The EDC Board will be meeting later this month and preparing a request for Transient Guest Funds. She is also working on the new brochure for the community. It should be completed in April.
4. Old Business: None.

5. New Business:

- a. Consider Ordinance rezoning property from 'C-2' General Business district to the 'M-2' Heavy Industrial district for property located at 32050 W. 83<sup>rd</sup> St., 15.01 acres located at the northwest corner of 83<sup>rd</sup> Street and Kill Creek Road. City Planner Buttrum said the rezoning is for Engineered Air. Mr. Rick Rambacher of Engineered Air is present. She reviewed the Staff Report to Council dated January 8, 2007, and discussed the Golden criteria for the requested rezoning. The only "negative" finding was "the extent to which the zoning amendment may detrimentally affect nearby property". There are single-family residences located next to the industrial plant. This area is also identified as a gateway to the City and is situated along a heavily traveled arterial thoroughfare.

Engineer Brungardt discussed the infrastructure of the area, including the sanitary sewers, public water supply, storm sewer runoff, and other utilities. The staff finding overall was positive in favor of granting the request. The finding relating to the road network is "neutral" as development will most likely require improvements to 83<sup>rd</sup> Street. Engineer Brungardt further discussed the environmental impact. Staff and the Planning Commission recommend approving the requested zoning change from 'C-2' to 'M-2'.

Discussion by Councilman Maniez that three of the Planning Commissioners were absent from the meeting. Mayor Anderson said it was because of the Christmas holiday. Councilwoman Cannon asked how close the building would be to the residential area. Discussion by Planner Buttrum that the City's landscaping and buffering ordinances must be followed; however, it could be quite close.

Discussion by Councilwoman Templin on whether or not the applicant can expand without a plan if the expansion is less than 50%. Discussion by Engineer Brungardt that if the expansion is not connected to the original building, a site plan would be required. Discussion that the Planning Commission and staff are addressing those concerns in language amendments. Mayor Anderson said it is the intention of the applicant to build a separate building. Councilwoman Templin and Planner Buttrum discussed the possibility of losing commercial space in the City. Councilman Morse stated the property and business is always well-kept and clean. Councilwoman Zindler said the matter tonight is whether or not to grant a rezoning. Discussion by Mayor Anderson that the applicant is aware of the steps to proceed. Further discussion by Councilman Morse and Planner Buttrum on previous zoning class.

Motion by Councilman Morse to approve Ordinance No. 2151 rezoning property from 'C-2' General Business district to the 'M-2' Heavy Industrial district for property located at 32050 W. 83<sup>rd</sup> Street; second by Cannon.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	Yes
	Morse	Yes	Mayor	Yes

Motion carried.

- b. Consider Ordinance amending Chapter 8 of the City of De Soto Comprehensive Plan pertaining the Kansas Department of Transportation's K-10 Highway Corridor Study. Engineer Brungardt stated the KDOT Study was completed in 2005. The main purpose of the study was to project traffic volumes on K-10 and to plan for future transportation and right-of-way needs. Engineer Brungardt discussed the objectives of the study. In general, the study found that along the

corridor enough right-of-way exists to plan for a six-lane thoroughfare. Discussion has been held with the Planning Commission and staff regarding the recreation trail within the K-10 right-of-way. The Planning Commission stated the 100 feet width is excessive, and do not wish the City to be bound by that language.

Councilwoman Templin and Engineer Brungardt discussed the Planning Commission's decision on the 100 feet width.

Motion by Councilwoman Templin to approve Ordinance No. 2152 amending Chapter 8 of the City of De Soto Comprehensive Plan pertaining to the Kansas Department of Transportation's K-10 Highway Corridor Study; second by Morse.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	Yes
	Morse	Yes	Mayor	Yes

Motion carried.

- c. Consider Change Order #1 to the sewer plant SCADA proposal from RE Pedrotti. Engineer Brungardt stated this is the first change order and it relates to the design plans that included elements that were not in the original scope of work. He explained the change order items and requested Council approve the change order in the amount of \$3,856.00. Engineer Brungardt provided a cost sheet for the Council's perusal and discussed Item #68 concerning the Burlington-Northern Railroad spur. Further comments by Attorney Reavey concerning his discussion with the BNSF representative. Discussion by Councilman Morse and Engineer Brungardt on the installation of the line and the removal of the switches.

Motion by Councilwoman Zindler to approve Change Order #1 to R. E. Pedrotti in the amount of \$3,856.00; second by Cannon.

Discussion by Councilman Maniez with Engineer Brungardt on the purchase of the computer equipment from a contractor rather than from a computer company. The contractor will be responsible for the hardware and software warranties in the future. Further discussion.

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

Motion carried.

Motion by Councilman Maniez to amend the Agenda to move Item No. 6 to after Item No. 8; second by Cannon.

All Council approved by "ayes".

6. Executive Session: Moved to Item 9.
7. Advisory Reports:
  - a. City Administrator, Pat Guilfoyle, said the Primrose Drive extension warranty deed contract was provided by the developer. The water treatment plant is an item of ongoing maintenance in cleaning out the sludge bed. To do a total clean

out of the sludge bed and to prepare a dryer bed for the sludge for an 8-10 year period, would be about \$160,000. The recommendation is to spend around \$16,000 to clean out the bed this year and then review it again next year. Discussion by Councilman Morse and Engineer Brungardt on what happens to the dried sludge. The sludge is inert material and is not environmentally harmful. Discussion by Councilwoman Zindler and Administrator Guilfoyle on the budgeting. Council stated they preferred the year-to-year maintenance.

Councilwoman Zindler asked about the meters to gauge the water loss. Administrator Guilfoyle provided an update on that project.

- b. City Attorney, Patrick Reavey, provided Council with an email from Steve Chick, Building Official, regarding his discussions with Dave Penney concerning the house on 83<sup>rd</sup> Street and Gardner Road. Mr. Penney has been unable to locate a contractor that is willing to move the house onto the new foundation. Mr. Penney is requesting additional time to get the house relocated. Council said this has been going on for over a year and it needs to be taken care of soon.

Attorney Reavey said he has talked with Mark Bilquist regarding the Fire District's proposal. They will be contacting the Mayor with their proposal.

- c. City Engineer, Mike Brungardt, no report.
- d. City Planner, Kim Buttrum, had left the meeting earlier.
- e. City Clerk, Lana McPherson, had no report.

8. Council & Mayor Comments:

Councilwoman Templin said the Street Department did a fabulous job over the weekend. She said Lakeview Heights should be cleared more as the streets still needed some plowing on Tuesday.

Councilman Maniez said it has been brought to his attention that the crosswalk on Lexington Avenue is really dark. Since it is a crosswalk, it needs a light. Engineer Brungardt said he has talked with Westar and requested they install a light on the nearest pole to the crosswalk. Westar will do that as soon as weather permits.

Mayor Anderson said he has had some conversations with Bob Powers regarding the house he is remodeling on 83<sup>rd</sup> Street. Mayor Anderson said he wants the Council's feelings on this, and said Mr. Powers is ready to do what the regulations say. However, he feels this is not really what the City is going to be happy with. Mayor Anderson said maybe Marty Shukert should be involved in this. Discussion by Engineer Brungardt regarding the off-street parking for a business use. Mayor Anderson said the downtown redevelopment hasn't really been discussed and he would like Council to consider having Marty Shukert consult with the City on this.

Councilwoman Zindler said the downtown revitalization is going to require some different regulations. Councilman Maniez said there is going to have to be some flexibility and a case-by-case issue; Councilwoman Cannon agreed. There are going to be special needs due to the different lot sizes and setbacks. Discussion by Council. Councilman Morse said why couldn't it follow the historic regulations. Mayor Anderson said the Council probably needs to adopt the revitalization plan so that developers know how it's going to be. Mayor Anderson said the incentives for revitalization need to be outlined, too. Council discussion to move forward. Council

will discuss the revitalization plan at the February 1<sup>st</sup> meeting. Discussion with Sara Ritter and Mayor Anderson. Council requested the plan be provided to them on a CD. Sara will follow up with the plan.

Councilman Morse had no comments.

Councilwoman Cannon asked if the emergency snow route was successful. Administrator Guilfoyle said "to an extent".

9. Executive Session.

Motion by Councilman Maniez to go into Executive Session at 8:30 p.m. for 20 minutes to return at 8:50 p.m. to discuss confidential company information; second by Zindler.

All Council approved by "ayes".

Motion by Councilman Maniez to return from Executive Session, one extension was requested to 9:00 p.m., only the item stated was discussed, and no votes were taken; second by Templin.

All Council approved by "ayes".

Motion by Councilwoman Templin to adjourn at 9:00 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, CMC, City Clerk