

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
January 19th, 2006 at 7:00 P.M.

MINUTES

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

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

Guests signed the book on page

Mayor 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 5th, 2006.
- b. Approve Pay Ordinance No. 537.
- c. Approve Letter of Agreement with DSC Consulting.

Motion by Maniez to amend the Consent Agenda to include item 1.d., for the annual bobcat lease agreement with CitiCapital for \$38,015.40; second by Templin.

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

Motion carried.

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

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.”

Charles Miller, 31450 W. 115th Street, is here representing the De Soto kids wrestling club.

They are having a meet to be held at the De Soto High School. There is approximately \$3,000 in costs to host the tournament. He is requesting the Council consider a donation to the tournament to help defray costs. Michael Webb, City Administrator, will provide a copy of the City's donation policy for Mr. Miller to complete.

3. Chamber / EDC Report:

- a. Presentation of Chamber/EDC report: Sara Ritter, Executive Director, said the Chamber is gearing up for the dinner on Saturday evening, and they expect 150 people.
- b. Consider request for 2006 Transient Guest Tax funds. Mrs. Ritter then outlined the proposal requesting funds to update and reproduce the De Soto Advantage brochure, the continuation of the marketing funding for image enhancement and promotions campaign including the marketing of the community, and the remaining \$6,000 in funds from last year to go with the \$6,000 this year for completion of the downtown revitalization program. The total requested is \$14,000 from the 2006 Transient Guest Tax funds.

Discussion by Council on the amount of money in the account presently. Discussion on transient guest tax funds also being used to help fund the 2007 sesquicentennial celebration. Mrs. Ritter stated that De Soto is low compared to surrounding communities in what the City charges for guest tax. Discussion by Councilman Maniez and Councilwoman Templin with the City Administrator on planning ahead on the use of these funds for the 2007 celebration.

Motion by Councilwoman Zindler to approve the Chamber's request for 2006 Transient Guest Tax funds; second by Templin.

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

Motion carried.

4. Old Business:

Motion by Councilman Maniez to table Items 4. a and b.; second by Cannon.

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

Motion carried.

- a. Consider an Ordinance Amending Chapter XII of the City Code to Include New Article 4 Regulating Use and Excavation of the Public Right-of-Way.
- b. Consider an Ordinance Establishing Fee for Right-of-Way Permits.

5. New Business:

The record reflects Councilwoman Templin recused herself from the Council Chamber due to a conflict of interest in the subject matter of 5. a and b.

- a. Consider recommendation to rezone from 'R-1' Residential Low-Density to 'C-2' General Business for .17 acres located south of Lexington Avenue between Lake and Ottawa Streets, a portion of Parcel No. AP54000000 0020, also known as Lot 21 of the Parker Heights Subdivision. Planning Coordinator Kim Gordanier provided a staff report to the Council dated January 12, 2006, and stated the Planning Commission has reviewed the request and voted unanimously to recommend approval of the rezoning of Lot 21 and denial of the rezoning of Lot 20. Discussion by Councilman Maniez regarding the reason for the rezoning of Lot 21 and not Lot 20. Discussion by Councilman Morse on the ownership of both lots.

Motion by Councilwoman Zindler to approve Ordinance No. 2112 to rezone from 'R-1' Residential Low-Density to 'C-2' General Business for .17 acres located south of Lexington Avenue between Lake and Ottawa Streets, a portion of Parcel No. AP54000000 0020, also known as Lot 21 of the Parker Heights Subdivision; second by Cannon.

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

Motion carried.

- b. Consider recommendation to deny rezoning from 'R-1' Residential Low-Density to 'C-2' General Business for .19 acres located south of Lexington Avenue between Lake and Ottawa Streets, a portion of Parcel No. AP54000000 0020, also known as Lot 20 of the Parker Heights Subdivision.

Motion by Councilwoman Zindler to approve Ordinance No. 2113 to deny rezoning from 'R-1' Residential Low-Density to 'C-2' General Business for .19 acres located south of Lexington Avenue between Lake and Ottawa Streets, a portion of Parcel No. AP54000000 0020, also known as Lot 20 of the Parker Heights Subdivision; second by Cannon.

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

Motion carried.

Mayor Anderson allowed a citizen comment. Mr. Al Jenks, 2059 N. 500 Road, Baldwin City, Kansas, stated he is the owner of Lots 18 and 19 in Parker Heights Subdivision. He said he isn't opposed to the rezoning, except that if the City does close Hillcrest Street near the drainage easement, it will create a problem for his property. Mr. Jenks stated his attorney has been in contact with the City Attorney regarding the access to Mr. Jenks' property being non-existent if the City makes the changes on the site plan.

Discussion by City Engineer Brungardt regarding the platting of this property in 1955. The Jenks' lots have access onto Hillcrest Street from the west. Mr. Jenks stated for the record that if the site plan for FCB property is approved, he will be denied access to his property, and he will be opposed to the rezoning. Discussion by Mayor Anderson and Engineer Brungardt on possible vacation of right-of-way. Discussion on the location of

the drainage easement and the effect of the drainage. FCB owns Lots 20 and 21 and the existing drainage easement is on the corner of Lots 20 and 21. Council discussion.

The record reflects Councilwoman Templin was recalled to Council Chamber at 7:40 p.m.

- c. Consider an agreement with Bucher, Willis & Ratliff for design of traffic signals at Lexington & Commerce and Lexington & 91st Street. City Engineer Brungardt outlined his memo to staff dated January 13, 2006, regarding the proposed design agreement. KDOT has stated in a telephone conversation that they would not oppose a traffic signal at Lexington Avenue and Commerce Drive, but KDOT will not participate in any cost to construct the signal. The traffic signals have been included in the CIP since 2002. Discussion by Mayor Anderson regarding the use of the sales tax reissued for years 2006, 2007 and 2008. Council discussion regarding the possible of use of CARS funding in 2007. Discussion by Councilman Morse and Engineer Brungardt on a time line for design and construction possibly being done in 2006.

Motion by Councilman Morse to authorize the Mayor to sign the agreement for professional services with Bucher Willis and Ratliff for the design of the traffic signals on Lexington Avenue at Commerce and 91st Street and to authorize the City Administrator to use \$42,745 from the capital projects fund to pay for the services; second by Templin.

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

Motion carried.

- d. Consider consulting services agreement with Phelps Engineering for the feasibility study of 83rd Street from Kill Creek Road to Waverly. City Engineer Brungardt reviewed his staff memo to Council dated January 12, 2006, regarding the scope of the project being revised. Engineer Brungardt discussed the funding sources available, and stated the improvement would be eligible for CARS funding in 2007; however, there is no guarantee the City would get the CARS funding.

A discussion ensued by Councilwoman Cannon and Engineer Brungardt on the need for this improvement being a result of the Arbor Ridge subdivision construction. Discussion by Councilman Maniez that the City needs to study this as the traffic is getting heavy in this area.

Motion by Councilwoman Templin to authorize the Mayor to sign the agreement for professional services with Phelps Engineering, Inc. for the feasibility study for 83rd Street and to authorize the City Administrator to use \$20,000 from the capital projects fund to pay for the services; second by Zindler.

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

Motion carried.

- e. Consider additional curb replacements in the De Meadows subdivision. City Engineer Brungardt stated in walking this property, several other sections of curb are in need of replacement. He asked Miller Paving to prepare a change order to do these replacements. The proposal price is \$24.50 per foot for a total of \$7,742.00. Discussion by Councilman Maniez and Engineer Brungardt on why the curbs in this area are deteriorating. Engineer Brungardt stated the concrete may not have been good or it may have frozen after it was poured. Discussion by Councilman Maniez and staff on ensuring the concrete that is poured presently is properly inspected by City staff.

Motion by Councilman Maniez to authorize an additional \$7,742.00 funding from the gas tax revenue account and accept Change Order Number 1 from Miller Paving; second by Cannon.

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

Motion carried.

- f. Consider an Ordinance annexing the future wastewater treatment plant site. City Attorney Reavey stated the City has acquired approximately 20 acres of land for the site of the new City sewer treatment plant. The subject property is currently within the County's boundaries. Discussion by Councilwoman Templin on who is now responsible for fire protection for this property. Chief Kevin Ritter stated it is now protected by the Rural Fire District. Discussion by Attorney Reavey.

Motion by Councilwoman Templin to approve Ordinance No. 2114 annexing specific land to the City of De Soto, Kansas, pursuant to K.S.A. 12-520(a); second by Cannon.

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

Motion carried.

- g. Discussion regarding potential uses for the special ¼¢ countywide retailers' sales tax reissued for calendar years 2006, 2007, and 2008. Administrator Michael Webb stated last year this tax was extended for the next three years. The County receives 64% and cities receive 36%. The City should receive approximately \$8,500 monthly in 2006, or about \$102,000 annually. These funds were not included in the 2006 annual budget as the tax was scheduled to expire in 2005, but was extended for an additional three years (2006-2008) by county voters.

Councilman Maniez stated he feels these funds could be used for the traffic signals. Mayor Anderson said he thinks the businesses need to help support the costs of the traffic signals. Discussion by Councilwoman Templin on using some funds to complete the parking lot west of the Community Center. Administrator Webb has heard comments regarding using some funds for the boat ramp project and park. Administrator Webb said these funds are good to use in a "matching" of other funding for projects. Councilman Maniez and Councilman Morse stated money needs to be put in for upkeep of the City Hall and the Community Center, especially replacing the roof. Councilwoman Zindler asked if staff is looking into a metal roof. Staff will prepare a list for Council's review.

6. Advisory Reports:

- a. City Administrator, Michael Webb, stated there are generally five wells being utilized; however, currently the City is using two water wells until two wells can be repaired and brought back on line, at a cost of \$14,000 for each well. Bids are being sought for the repairs and treatments.

Administrator Webb stated he and Engineer Brungardt have been discussing the old plant at Sunflower. Engineer Brungardt has been in contact with the state and has asked the state to transfer the permit to the Sunflower Redevelopment Group.

The DHS Cat Boosters' after-prom request was received as requested at the previous Council meeting. It came in too late to make this meeting's packet.

Motion by Templin to make a donation of \$1,000 to the DHS' after-prom committee; second by Cannon.

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

Motion carried.

A letter of thanks was received for the good work of Doug Smith and City employees on assisting a homeowner with a sewer line problem.

- b. City Attorney, Patrick Reavey, stated bids have been received on the demolition of the house on Wyandotte Street. Walt Johnston Construction was low bidder and he will raze the house in the next week or two.

Attorney Reavey has reviewed the transfer agreements on the Sunflower Redevelopment property, and realized the City is leasing the property. Engineer Brungardt stated that the County has taken the stance that this property is now under the "County's" jurisdiction, and the proper transfer documents have been sent to effect the transfer of the lease.

- c. City Engineer, Mike Brungardt, stated he provided a memo to the Council regarding the sewer main that is located near the VFW property. Staff is proposing to locate the water line under 84th Terrace and this will constitute a change order. The city street crews can do some of the work to keep the additional costs down. Council discussion on the City employees doing the work needed.

Motion by Councilman Maniez to authorize Engineer Brungardt to spend an additional \$8,200 for the additional work needed along 84th Terrace adjacent to the VFW; second by Zindler.

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

Motion carried.

Councilwoman Templin asked about the water study results. Engineer Brungardt said he hoped to have the presentation ready for the second meeting in February.

Councilwoman Templin and Councilman Maniez discussed the condition of the east "we" improvements with Engineer Brungardt.

d. City Clerk, Lana McPherson, reminded Council of the Chamber's dinner on Saturday.

7. Council & Mayor Comments:

Councilwoman Zindler asked how the City will be impacted by the loss of the machinery taxes on new business equipment. Discussion by Administrator Webb. Councilman Maniez discussed the GM plant changes taking place in Kansas City. Administrator Webb will try to determine the potential loss and report back to Council.

Councilman Maniez asked about the grading that is being done on Waverly. Engineer Brungardt stated Southwestern Bell is relocating a line along Waverly. When they are finished, the City's contractor will come back in and complete the work. Councilman Maniez asked about the drainage and repairs at 89th Street. Discussion on drainage completion and the final chip seal. Councilman Maniez stated the road in Rik-Mar is now several inches higher than the driveways. Engineer Brungardt stated there is a punch list of driveway approaches that will be taken care of.

Mayor Anderson said he had a meeting with Mr. Mark Crumbaker regarding the Lexington Township Building. The Township would like to sell the building to the City. Mayor Anderson and Mr. Crumbaker also discussed the future of the rural water.

Johnson County Commission Chair Surbaugh asked the Mayor to attend a meeting with several county officials, including Ms. Kisa Randall of Sunflower Redevelopment Group.

Mayor Anderson said he also met with the mayors of Olathe, Gardner, and Chairman Surbaugh and they plan to do these meetings quarterly.

Councilman Morse asked about the sidewalk going to Lexington Trails Middle School. Engineer Brungardt said he has a meeting with the contractor on Friday to get the work schedule.

Councilwoman Cannon thanked Darrel Zimmerman of Kill Creek Farm for the \$1,000 donation to the boat ramp project. Mayor Anderson stated he is meeting with Mike Calwell of the Friends of the Kaw, and they are working together in obtaining more funding for the project. Mayor Anderson would like to host a "thank you" dinner in the near future for those who have volunteered on the boat ramp project.

Mayor Anderson stated Dianna Zwahlen has taken charge of the transportation bus for the City. Councilwoman Cannon and Planning Coordinator Gordanier are on the committee.

Mayor Anderson called a five-minute recess at 8:45 p.m.
Mayor Anderson reconvened the Council at 8:50 p.m.

8. Executive Session:

Motion by Councilman Maniez to go into Executive Session at 8:50 p.m. and return at 9:05 p.m. for confidential proprietary company information, and requests City Administrator Webb attend the session; second by Templin.

All Council approved by "ayes".

Motion by Councilman Maniez to reconvene to regular session at 9:07 p.m., and only the one item was discussed and no votes were taken; second by Templin.

All Council approved by "ayes".

Motion by Councilwoman Templin to adjourn at 9:10 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk