

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
October 5th, 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	Absent	Zindler	Present
	Morse	Present		

Citizens signed the book on page 76.

The Mayor led the Pledge of Allegiance.

(Note: Councilman Maniez entered the meeting at 7:04 p.m.)

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 21st, 2006.
 - b. Approve Pay Ordinance No. 554.
 - c. Approve Resolution No. 764 Amending Personnel Policies and Procedures Manual
 - d. Approve request for an Octoberfest at Beer Thirty.

Councilwoman Zindler asked about the check to Intervet. Attorney Reavey said Intervet did not cash the original check because their in-house attorney had lost the check. A new check was reissued.

Motion by Councilwoman Zindler to approve the 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."

Joseph Prescott, 9017 Scott Drive, said he is here to discuss the last Council meeting regarding the final plat for Oak Country Estates. The outline he heard at that meeting seemed that the City Council only had the authority to "rubber stamp" the final plat. He doesn't feel the Planning Commission should have that much authority. Mr. Prescott said he didn't feel any laws were broken, but he felt some things may have been dealt with underhandedly. He said the City Council appeared to have very limited authority but he would appreciate them doing anything they could regarding the plat.

No one else appeared.

3. Chamber / EDC Report: Sara Ritter, Executive Director, said the Blues & BBQ Festival went fantastic with \$5,000 approximately raised. She thanked the City for their help and the entire community for their support. Chamber Day at the Speedway raised \$970 and the Chamber took 2nd place for the largest percentage of members present. On October 19, 2006, the EDC and the Johnson County Partnership will conduct their annual tour. Commerce Park and the Lambie-Geer property will be highlighted this year. The Chamber will be hosting some events in the future for Johnson County realtors some time in November and December. Elections for EDC will be held in November.
4. Old Business:

(NOTE: Mayor Anderson and Councilwoman Templin recused themselves from the Chambers.)

- a. Consider Final Plat for Oak Country Estates VIII. Council President Tim Maniez asked Engineer Brungardt to review the changes. The plat now reflects the access directly onto 91st Street at Scott Drive. The final plat reflects the dedication of a right-of-way strip 60-feet in width extending from 91st Street south to the subdivision. Engineer Brungardt said the Final Plat document does not show any physical improvements on the plan. Staff does understand the Council's intent to have a four-way stop at 91st Street and Scott Drive.

Attorney Reavey stated the procedure the Council is abiding by is under state statute. The Council has three options: (1) motion to defer action on the matter for another 30 days; (2) adopt a motion accepting the dedications as shown on the Final Plat; or (3) refusing the dedications. Attorney Reavey stated his concerns regarding a refusal. Discussion by Councilwoman Zindler as to who would sign as the Mayor. Attorney Reavey stated Council President Maniez would be signing as the Mayor since Mayor Anderson is the developer. Councilman Maniez asked how the safety concerns will be addressed and who is responsible for costs. Attorney Reavey stated the safety concerns can be addressed under the City's public health and safety authority. Councilman Maniez asked what recourse the City has to address any concerns if the developer refuses to make improvements. Attorney Reavey stated we have to be careful that there is a solid basis for the concern because the Governing Body is not permitted, under the guise of its public health and safety authority, to undo the approval of the plat by the Planning Commission. A solid basis would be things such as a traffic study showing safety concerns due to the development.

Councilman Maniez stated that since the Council was not able to get involved in the process until now, he personally does not feel the City at large should have to pay for the necessary improvements caused by new development. Discussion by Councilman Morse that this type of maintenance is just everyday City maintenance. Attorney Reavey said the Planning Commission has determined the plat meets the requirements as set forth in the City's Subdivision regulations. Discussion by Attorney Reavey and Councilman Maniez. Attorney Reavey said the Governing Body's role tonight is to either accept or deny the public dedications on the plat

Motion by Councilman Morse to accept the public dedications as shown on the Final Plat; second by Zindler.

Roll Call:	Cannon	Yes
	Zindler	Yes

Maniez	No, based on the process being tainted due to safety issues on 91 st Street and other factors that were not addressed.
Morse	Yes
Templin	Recused

Motion carried.

(NOTE: Mayor Anderson and Councilwoman Templin were recalled to the Council Chamber.)

- b. Consider Ordinance adopting text amendments to Article 7 of the Zoning Regulations pertaining to sign regulations. Discussion by Planner Buttrum regarding the background of the changes. The Planning Commission unanimously recommended approval of the text amendment for the revised sign ordinance. Discussion by Councilman Morse.

Motion by Councilman Morse to approve Ordinance No. 2138; second by Zindler.

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

Motion carried.

5. New Business:

Attorney Reavey stated Airtex has decided to split the property and a new legal description has to be done before these documents are ready. Until then, these items are tabled.

- a. Consider an Ordinance Exempting Certain Property From Ad Valorem Taxation for Economic Development Purposes (Airtex Manufacturing) TABLED
- b. Consider Payment In Lieu of Tax Agreement for Airtex Manufacturing. TABLED
- c. Consider Performance Agreement Between the City of De Soto and Fish Development LLC. TABLED

Motion by Councilman Maniez to table items 5. a, b and c until future time that documents are ready; second by Cannon.

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

Motion carried.

- c. Consider text amendment to Article 5 of the Zoning Regulations pertaining to temporary use permits. Planner Buttrum discussed the details as outlined in her staff report provided to Council. Staff has reviewed the amendments and a public hearing was held. Planning Commissioners unanimously recommended approval and staff also recommends approval of the ordinance.

Councilman Morse discussed the “seasonal sidewalk displays” regulations with Planner Buttrum. Discussion by Councilman Maniez on whether or not a permit would be required, as shown in the permit table. Discussion by Council and Planner Buttrum on

interpretation regarding sidewalks in public rights-of-way and sidewalks on private property. Mayor Anderson discussed the Temporary Uses paragraph. Discussion continued by Staff and Council regarding how and who interprets the temporary uses.

Motion by Councilwoman Templin to adopt Ordinance No. 2139 adopting a text amendment to Article 5 of the Zoning Regulations pertaining to temporary use permits; second by Zindler.

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

Motion carried.

- e. Presentation of visual preference survey results. Planner Buttrum provided a power point presentation for the Council's review. She discussed the preferences of the Planning Commissioners and the Council members.
- f. Consider Ordinance Amending the Number of Park Board Members from Seven to Five. Administrator Guilfoyle said the Park Board has requested to modify the number of board members primarily due to attracting and retaining members. Discussion on the focus and direction of the Park Board and how the Board relates to the City. The current Park Board feels they are more in favor of the planning focus for parks. Discussion by Councilmen Morse and Maniez and the original number of members on the board. Discussion by Attorney Reavey regarding the language in the ordinance. Discussion by Mayor Anderson and Administrator Guilfoyle regarding the purpose of the Park Board focusing on the planning elements.

Motion by Councilwoman Zindler to adopt Ordinance No. 2140 Amending the Number of Park Board Members from Seven to Five; second by Cannon.

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

Motion carried.

- g. Consider bids for installation of picnic shelter and playground equipment. Engineer Brungardt reviewed his memo to Council dated September 27, 2006. The project scope and bid proposals have been done and the low bid was submitted by KLC of Overland Park in the amount of \$27,896.25. Staff recommends the Council accept the low bid. The work is anticipated being completed by the end of 2006. Discussion by Councilman Maniez on the composition of the wood fiber mulch. Administrator Guilfoyle and Engineer Brungardt responded to Council's questions.

Motion by Councilwoman Templin to accept the bid from KLC Incorporated of Overland Park in the amount of \$27,896.25, and authorize the Mayor to enter into the agreement for contracting services; second by Maniez.

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

Motion carried.

- h. Consider Ordinance adopting text amendment to Subdivision Regulations for cul-de-

sacs and roundabouts. Discussion by Engineer Brungardt regarding the revised language pertaining to the cul-de-sacs and the length of connected cul-de-sacs. Discussion by Councilman Maniez regarding the cul-de-sac length and the connection of two cul-de-sacs together. Engineer Brungardt stated the maximum length of two cul-de-sacs cannot be more than 1,000 feet.

Engineer Brungardt also discussed the language and the details for the design standards and recommended guidelines for the installation of roundabouts. Staff has reviewed the Federal Highway Administration regulations and the Kansas Department of Transportation regulations. The text amendment requires that any proposed roundabout be accompanied by a traffic study performed by a licensed Professional Engineer (PE) and Certified Professional Transportation Operations Engineer (CPTOE). Discussion with Councilwoman Templin. Staff recommends approval.

Councilman Maniez asked about the guidelines for the roundabouts. Discussion by Engineer Brungardt that these are basic design guideline recommendations and traffic study patterns. Councilman Maniez said he thinks a roundabout at 83rd and Kill Creek is a really bad idea. Councilwoman Templin disagreed and said it was a perfect place for a roundabout.

Motion by Councilwoman Templin to adopt Ordinance No. 2141 for a text amendment to Subdivision Regulations for cul-de-sacs and roundabouts; second by Morse.

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

Motion carried.

6. Executive Session: None.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, stated he is beginning the process for a new 5-year Capital Improvement Program. He outlined the proposed procedure that will begin in 2008. Administrator Guilfoyle said funding sources would be reviewed and new ideas would also be looked at. A brainstorming session will encompass staff, the Planning Commission, the Park Board, and the Governing Body. Administrator Guilfoyle is also drafting a Debt Management Policy for Council's review. He further explained the consensus process and the "blueprint" for capital improvements. Discussion by Councilman Maniez and Administrator Guilfoyle regarding staff reviewing previous CIP lists. Administrator Guilfoyle said those will be considered.
- b. City Attorney, Patrick Reavey, stated Deputy Leiker has brought to his attention a security service that has been marketing around De Soto. This group has been portraying themselves as law enforcement officers, when in fact, they are not. Deputy Leiker explained what had happened in another community and is requesting the Council consider an ordinance stating that any security done within the City would have to be performed by licensed and bonded individuals. Council discussion.
- c. City Engineer, Mike Brungardt, said there are some placard signs on K-10 stating the westbound Lexington off ramp will be closed on October 11, 2006, from 9 a.m. to 3:30 p.m. This will only be for one day.

The traffic light bids will be taken next Thursday and will be ready at the next Council

meeting. Hopefully, the light will be in by the end of the year. Engineer Brungardt said he has been receiving letters back regarding the benefit district concept, and five business owners are in favor of the benefit district.

- d. City Planner, Kim Buttrum, said the rental property surveys are being sent out, and some 90 plus replies have been received. The big kickoff party for FlexRide is next Wednesday at the Senior Center. Council members are invited to attend.
- e. City Clerk, Lana McPherson, said the Safety Committee attended a two-day risk management training sponsored by St. Paul Travelers, the City's property and liability carrier. She said it was a well-presented seminar with good handout materials.

Discussion by Councilman Maniez regarding department heads doing a sign-off safety memo on a regular basis. Lana stated the departments are doing this, as well as having toolbox training sessions regularly in conjunction with monthly safety meetings for all employees.

8. Council & Mayor Comments:

Councilwomen Templin and Zindler had no comments.

Councilman Maniez asked about the sight-distance study at the City's intersections. Engineer Brungardt stated Walter has been working with him and Ron Creason on how the City will proceed with the findings. Councilman Maniez requested a progress report. Engineer Brungardt said he will provide Council with some recommendations.

Councilman Morse said the parking lots that are designed with trees in them turn into being a problem once the trees get older and larger. He doesn't particularly care for trees in parking lots.

Councilwoman Cannon asked about the discussions with the Fire Department discussions. Mayor Anderson said he doesn't have an answer. Chief Ritter said last week there wasn't any progress. Mayor Anderson said he will start the discussions again. Council discussion. Councilman Morse said everyone needs to come to a meeting every week until a decision is done.

Mayor Anderson said that sometime back Councilman Maniez had asked to be relieved of the Council presidency due to conflicts with his regular job. Discussion that Councilwoman Zindler has the seniority on the Council presently.

Councilman Morse said he nominates Councilwoman Zindler as Council President. All Council members agreed by saying "ayes".

Mayor Anderson discussed the Water Department's wish list. There was a meeting with the Sunflower Redevelopment Group. Councilwoman Zindler had the idea that if the City of Olathe is a provider, would it be wise to add Water One as a provider also. He asked Council for their opinion. Councilman Morse said all options need to be looked at. Mayor Anderson asked if Council would be interested in asking if they would take over the maintenance and distribution as well. Discussion by Council that all options should be considered.

Councilman Maniez asked about the discussions with JoAnn Thompson. Administrator Guilfoyle said they anticipate getting back to the City possibly next week.

Mayor Anderson asked Engineer Brungardt if the Street Department can mill the joints on 83rd Street. Engineer Brungardt said he and Ron Creason looked at one yesterday near Gardner Road.

Motion by Councilwoman Templin to adjourn at 9:07 p.m.; second by Cannon.

All Council approved by “ayes”.

Respectfully submitted:

Lana R. McPherson, CMC, City Clerk