

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
November 16<sup>th</sup>, 2006, at 7:00 P.M.

**MINUTES**

Roll Call by Mayor David Anderson and Pledge of Allegiance.

|            |        |         |         |         |
|------------|--------|---------|---------|---------|
| Roll Call: | Cannon | Present | Templin | Present |
|            | Maniez | Absent  | Zindler | Present |
|            | Morse  | Present |         |         |

Citizens signed the book on page 79.

Mayor Anderson introduced Coach Chris McAfee and the De Soto High School Wildcat Cross Country Teams. Mayor Anderson read a Proclamation proclaiming Friday, November 17<sup>th</sup>, as "De Soto High School Wildcat Cross Country Day".

**PUBLIC HEARING:** On the Advisability of forming a Benefit District for the installation of traffic signal devices at the intersection of Lexington Avenue and Commerce Drive.

City Engineer Brungardt stated the notice of hearing has been advertised for two weeks in *The De Soto Explorer*, and notification letters were sent on November 9<sup>th</sup>, 2006, to all the potential members of the benefit district. The benefit district area totals 342 acres. The total project costs are estimated at just below \$180,000. He reviewed the overall project costs for the Council as stated in his staff report dated November 8, 2006. Nine responses have been received from the potential members, with seven favorable responses and two not favorable.

City Administrator Patrick Guilfoyle introduced Gina Riekhof of Gilmore & Bell. Mayor Anderson opened the public hearing for comments.

Mike Drennan, 8660 Timber Trails Drive, asked what the amount per acre is for the benefit district. Engineer Brungardt stated roughly \$240 per acre. Mr. Drennan stated, as a landowner in the area, he feels this is a much needed signal and his business will highly support the benefit district.

Mike Reola, Rehrig-Pacific, 8880 Commerce Drive, stated there is a need for the traffic signal. He feels his company doesn't generate as much traffic as other businesses and he doesn't think Rehrig should have to pay the majority of the cost when it doesn't generate nearly as much traffic as others in the proposed district.

Engineer Brungardt read into the record at the request of Jack Deyoe, Unified School District 232, Mr. Deyoe's comments as follows:

"I would appreciate your sharing our position with the City Council as we have an important special Board of Education meeting tonight at 6:30 at LTMS which I must attend. It involves new boundaries for most of the District's schools and is a very volatile issue.

It has been difficult to get the cities that the District serves to understand that USD 232 is a local government entity and not a commercial enterprise. The District does not expand

nor does it exist except to serve the cities and patrons. USD 232 has taken a position in opposition to being taxed by other government entities. We recently had this same set of discussions with the City of Shawnee. The school district does not assess the cities' or county's governments for the services it provides to those communities. However, it is unquestioned that the De Soto School District's facilities and services add value to the communities and is an important element adding the economic growth.

Using the parallel to your statement (*"However, I am sure you will agree that the school campus is a major traffic contributor in this area and it would be a difficult position for the City to advocate that the benefit district not include USD 232"*) we are sure that the City would agree that it and its patrons are major benefactors of the school district, and the growth of the community contributes to the need for schools to educate its children. It is the municipal government's duty to provide infrastructure and it is the school district's (also a local government entity) responsibility to educate the community's children."

There were no further comments and Mayor Anderson closed the public hearing.

Councilwoman Templin stated she is opposed to including the school district in the benefit district. Mayor Anderson asked about the traffic to the schools that affects the area. Discussion by Engineer Brungardt and Councilwoman Templin on how to calculate an effective method for reasonable assessments. Discussion by Attorney Reavey on what is considered a "reasonable and appropriate" assessment for the properties included in a benefit district.

Gina Riekhof stated, under Kansas case law, the City must look at the parcels of property involved, not the current business use. Traffic counts would be a big hurdle to overcome if that is the assessment tool the City should choose to use. Discussion by Attorney Reavey regarding the current use of property.

Councilwoman Zindler asked about the distribution of the assessments if the school district is not included. Discussion by Attorney Reavey and Ms. Riekhof regarding the case law on school districts and benefit districts.

Discussion by Mayor Anderson that as the school district boundaries change, there will be people from several cities driving to the district schools within the City. Discussion on the acreage formula being used as the benefit assessment tool.

Councilman Morse said the problem has been identified as a safety issue at Commerce and Lexington and Councilwoman Cannon agreed. It may not seem fair to everyone, but this is what it needs to be.

Motion by Councilwoman Zindler to adopt Resolution No. 768, Determining the Advisability of the Making of Certain Internal Improvements for the city of De Soto; second by Cannon.

|            |        |        |         |     |
|------------|--------|--------|---------|-----|
| Roll Call: | Cannon | Yes    | Templin | No  |
|            | Maniez | Absent | Zindler | Yes |
|            | Morse  | Yes    |         |     |

Motion carried.

*Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.*

Motion by Councilwoman Zindler to amend the Consent Agenda to include Item 1 e. "Approve Resolution No. 769, Correcting Fees Due to a Clerical Error"; and to table Item 5. b. at the request of the applicant; second by Cannon.

All Council approved by "ayes".

Motion carried.

1. Consent Agenda:
  - a. Approve Minutes of the Council Meeting of November 2<sup>nd</sup>, 2006.
  - b. Approve Pay Ordinance No. 557.
  - c. Approve Ordinance No. 2142 Revising Speed Limit Regulations in Oak Country Estates.
  - d. Approve Change Order for 2006 CDBG Parking Lot Project
  - e. Approve Resolution No. 769 Correcting Fees Due to a Clerical Error.

Motion by Councilman Morse to approve the Consent Agenda as amended; second by Cannon.

|            |        |        |         |     |
|------------|--------|--------|---------|-----|
| Roll Call: | Cannon | Yes    | Templin | Yes |
|            | Maniez | Absent | 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."

Dustin Baker, 10665 Kill Creek Road, said he is representing FCB Bank regarding the Golden Lane project. The contractor said they will be ready to turn the street over to the City on December 4<sup>th</sup>, 2006, after the inspection is approved. He is requesting the Mayor and Council members join FCB Staff for a dedication of Golden Lane on December 7<sup>th</sup>, 2006. FCB is working with the Chamber for that dedication. Discussion by Councilman Morse and Engineer Brungardt on the opening of the road with Mr. Baker. Councilman Morse said the community members want to drive on a new street; and to him, it looks ready to drive on. Mr. Baker will talk with the contractor regarding the opening date.

3. Chamber / EDC Report:
  - a. Presentation by Marty Shukert on the Neighborhood Revitalization Update. Executive Director Sara Ritter said the EDC is having a development reception on December 6<sup>th</sup> at the Mr. Goodcents' office. She introduced Mr. Marty Shukert who has been working on the revitalization plan. Mr. Shukert said the date on the first preliminary sketch was November 18, 2005. He then provided a power point presentation for the Council and audience. Mr. Shukert answered questions from the audience. Kirk Johnson made supportive comments addressing the revitalization of the downtown area.

Mayor Anderson called a ten minute recess at 8:35 p.m.  
Mayor Anderson reconvened the Council at 8:48 p.m.

4. Old Business:

- a. Consider Special Use Permit for a day care facility in the 'O-I' Office-Institutional zoning district, addressed 8960 Commerce Drive. Attorney Reavey said there is an administrative clarification that needs to be made.

Motion by Councilwoman Zindler to send Item 4. a. back to the Planning Commission for clarification of the conditions of the special use permit; second by Cannon.

All Council approved by "ayes".

5. New Business:

- a. Consider Special Use Permit for a recreational fitness facility in the 'O-I' Office-Institutional zoning district, addressed 8960 Commerce Drive.

Motion by Councilwoman Zindler to send Item 5. a. back to the Planning Commission for clarification of the conditions of the special use permit; second by Cannon.

All Council approved by "ayes".

- b. Consider a Rezoning from 'R-H' Residential Historic district to the 'P-D' Planned Development district for property generally located at the southwest corner of Kickapoo and 83<sup>rd</sup> Street (Parcel AF221228-2037).

This item has been tabled at the request of the applicant.

- c. Consider amendment(s) to Section 4.03 of Article 4 of the City of De Soto Subdivision Regulations and Article 12 of the Procedures Manual regarding notification of pending plat applications to surrounding property owners. Planner Buttrum provided the Council with the recommendations for the amendments.

Motion by Councilwoman Templin to adopt Ordinance No. 2143 Amending Subsection 4.03 of the City's Subdivision Regulations Pertaining to Notification Procedures for Platting of Subdivisions; second by Morse.

|            |        |        |         |     |
|------------|--------|--------|---------|-----|
| Roll Call: | Cannon | Yes    | Templin | Yes |
|            | Maniez | Absent | Zindler | Yes |
|            | Morse  | Yes    |         |     |

Motion carried.

Motion by Councilwoman Templin to adopt Ordinance No. 2144 Amending Article 12 of the Planning Commission's Procedure Manual Pertaining to Platting of Subdivisions; second by Morse.

|            |        |        |         |     |
|------------|--------|--------|---------|-----|
| Roll Call: | Cannon | Yes    | Templin | Yes |
|            | Maniez | Absent | Zindler | Yes |
|            | Morse  | Yes    |         |     |

Motion carried.

- d. Consider Formal Debt Management Policy prepared by Columbia Capital. Administrator Guilfoyle introduced Jeff White. Mr. White discussed the reasons a debt management policy is recognized as a best practices tool. He explained

what a debt management policy and why it is important to the City. It is a guide and a living document. Mr. White asked the Mayor and Council to review the proposed policy and provide comments to Administrator Guilfoyle. Mr. White will bring back the final proposed policy at the next Council meeting. Discussion by Mayor Anderson with Mr. White. Council discussion with Mr. White.

- e. Resolution authorizing execution of police services contract with Johnson County Sheriff's Office. Administrator Guilfoyle discussed the proposed contract and the costs are the same as provided in the budget that was prepared in July. The 2007 contract is 5.81% higher due to rising vehicle maintenance costs and personnel costs. Captain Daryl Reece with the Sheriff's Office was present to address any questions.

Motion by Councilwoman Cannon to authorize the Mayor to enter into the Contract with the Johnson County Sheriff's Office; second by Templin.

|            |        |        |         |     |
|------------|--------|--------|---------|-----|
| Roll Call: | Cannon | Yes    | Templin | Yes |
|            | Maniez | Absent | Zindler | Yes |
|            | Morse  | Yes    |         |     |

Motion carried.

6. Executive Session: None

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, provided Council with a suggested emergency snow route map prepared by Ron Creason, Street Superintendent. These routes will need to have vehicles removed from the streets so snow removal can be done. Councilman Morse said he doesn't think the plan will work. Administrator Guilfoyle said the plan will assist the Street Department in being able to get a snow plow through the main streets of the City. Discussion. Councilwoman Cannon said the plan is worth a try, as did Councilwomen Templin and Zindler. Signs will be posted and residents will be sent letters.
- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, no report.
- d. City Planner, Kim Buttrum, said the surveys are in. There were 459 returned and she will provide the results to Council by email.
- e. City Clerk, Lana McPherson, asked Council for RSVP's for the Annual Council of Mayors Dinner.

8. Council & Mayor Comments:

No comments from Councilwoman Cannon.

Councilwoman Zindler and Councilman Morse said the political signs still posted around the City need to be removed. Council and Mayor discussion on the signs.

Councilwoman Templin had no comments.

Mayor Anderson said he and City staff met with Kent Dvorak on the fire district. He

provided a template for Council's perusal. Chief Kevin Ritter said there have been five meetings with the fire district, and they have been very positive. He reviewed some of the changes that have been proposed and they are working on some response changes so that excellent response services are afforded to the citizens.

Motion by Councilwoman Templin to adjourn at 9:40p.m.; second by Zindler.

All Council approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, CMC  
City Clerk