

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
November 18th, 2004 7:00 P.M.

MINUTES

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

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

The Mayor led the citizens in 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 from the Council meeting of November 4th, 2004.
- b. Approve Pay Ordinance No. 509.
- c. Approve Resolution 704 for Deer Depredation permit for Charles Nichols, 8735 Corliss Road.
- d. Approve Retail Cereal Malt Beverage License for J&K Food Sales #2, Inc. (Simple Simon's Pizza)
- e. Approve Ordinance 2063 amending City's noise regulations
- f. Approve Quit claim deed regarding vacation of right-of-way at 33865 W.84th Street
- g. Approve Resolution 705 scheduling public hearing to declare an unsafe structure at 30415 W. 83rd Street

Councilwoman Templin asked that item 1 c. be removed for discussion. Councilman Urbanek requested item 1 e. be excluded for discussion.

Motion by Councilman Maniez to amend the Consent Agenda to exclude 1 c. and 1 e.; second by Templin. All Council approved by "ayes".

Motion by Councilman Maniez to approve the Consent Agenda with the two items 1 c. and 1 e. excluded ; second by Urbanek.

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

Motion carried.

Patrick Reavey, City Attorney, stated Mr. Nichols was present. Mr. Nichols stated he lives on 4½ acres of ground. Councilwoman Templin stated she had concerns that the deer, if not hit accurately with a bow and arrow, the deer could go onto another property owner to die. Mr. Nichols stated the deer are there grazing every day and you can get within 50 feet of them. Councilman Maniez stated he didn't see the need to grant the request just because the deer are eating flowers and bushes. Mr. Nichols stated he is here because the deer are eating his vegetable garden every year and he is tired of replacing flowers and bushes. He has spent a lot of money annually replacing young trees. Councilwoman Zindler asked if four acres is a large enough area to use archery-type depredation of the deer. Discussion with Mr. Reavey and Council regarding location and size of acreage, as well as safety issues to be considered. The City may need to set a policy on this.

Motion by Councilwoman Templin to table this item to the December 2nd meeting and request staff to look into other city policies regarding depredation; second by Cannon.

All Council approved by "ayes".

Mr. Reavey addressed item 1 e. regarding the noise permits. The language has been amended to state that the Governing Body shall issue the permits for granting approval above the stated noise levels. Discussion.

Motion by Councilwoman Cannon to approve Ordinance No. 2063; second by Zindler.

Roll Call:	Maniez	Yes	Urbanek	Yes
	Cannon	Yes	Templin	Yes
	Zindler	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."

Darrel Zimmerman, De Soto resident, read a letter to the Council, a copy of which is attached hereto and incorporated by reference. He stated he has had a De Soto address for 68 years. He said he received a call saying he needed a permit for the windmill he is erecting on his property. He doesn't feel this permit is necessary; however, he did purchase the building permit under protest. Mr. Zimmerman stated, for the record, he wanted it to be known to Mr. Couch and the Coffee Club that he is meeting with Mike Brungardt tomorrow to complete the special use permit process for Kill Creek Farm.

3. Chamber / EDC Report: Sara Ritter, Executive Director, stated the EDC elected a new slate of officers for 2005.

4. Old Business:

- a. Consider Charter Ordinance 18 allowing retail sales of liquor on Sundays and submitting the same to a vote of the electors. Mr. Reavey stated this ordinance gives an indication the City wants to exempt itself from the state statute that prohibits the sale of liquor by liquor stores on Sunday. Grocery stores and mini-marts, etc. cannot sell liquor on Sundays, only the liquor stores will be able to sell liquor on Sundays. This could be placed on the ballot in April. Council discussion.

Motion by Councilman Urbanek to approve Charter Ordinance 18 to exempt the City from the Sunday liquor sales and have this matter put on the ballot in April, 2005; second by Zindler.

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

Motion carried.

- b. Discuss options for wastewater treatment facility. Mike Brungardt introduced Steve Baker and Jay Norco of Shafer, Kline and Warren. The revised options have been presented to the Planning Commission as requested by Council. There are three options to review. Mr. Brungardt outlined the revisions as discussed by the Council and the Planning Commission. Mr. Baker provided Council with a draft report to be discussed at the next meeting. Mr. Baker and Mr. Norco then gave Council a forty-minute presentation of the three options to consider. Discussion on the cost of the options by Mr. Brungardt and Council. Council agreed that Option 2 is not one to be considered due to the expense involved.

Councilwoman Templin said she is more in favor of Option 3 and would like to explore that further. Councilwoman Zindler said she is concerned with costs foremost, and is looking for the best interest of the public to be served. Discussion by Mr. Brungardt on potential development in the west if sewers are available in that area. Councilman Maniez said he favors the east location because there is development that is coming in sooner on the east side, and this may help defer some of the cost to the customers, as well as phasing in the west side improvements as funds become available. Councilwoman Templin asked that if the east side is considered, will that force customers to hook onto the sewer. Discussion by Mr. Brungardt that the City is making the service available, which does not mean that the City is going to require citizens to hook up to the system. Discussion on a sewer impact fee. Councilman Urbanek stated he would like to see more numbers before he makes up his mind; as did Councilwoman Cannon. Mayor Anderson stated he favors the west at this point given the fact that growth is coming. He stated the City can control the growth by the impact fees on new development.

Mayor Anderson called a five-minute recess at 8:26 p.m. He reconvened the Council at 8:35 p.m.

5. New Business:

- a. Consider Update from VFW on status of project. Mr. Roger Sellers, stated he is here on behalf of the VFW, to provide a report as a condition of the annual Cereal Malt Beverage application. He said the façade would be constructed as soon as possible. The footings are going to be going in soon. Mr. Sellers stated the VFW has granted 26 scholarships to De Soto students for as long as they stay in college. The VFW is going to honor those first and will continue to work on the building construction as quickly as funding allows.
- b. Consider Ordinance 2064 for a zoning change from the "R-1" Residential - Low Density to the "R-0" Residential Suburban zoning district for a 2.9-acre parcel addressed 8965 Waverly Rd., and generally located east of Waverly Road between 89th and 90th Streets. Mr. Brungardt stated the Planning Commission held a public hearing on this matter and have recommended it for approval. Discussion by Councilman Maniez on a policy to avoid this type of "spot zoning" for larger parcels. Discussion by Mr. Brungardt on the accessory structure size on R-1 lots.

Motion by Councilwoman Templin to approve Ordinance No. 2064 to approve the zoning change from the "R-1" Residential - Low Density to the "R-0" Residential Suburban zoning district for a 2.9-acre parcel addressed 8965 Waverly Road; second by Cannon.

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

Motion carried.

Motion by Councilman Maniez to direct staff to consider a text change on accessory building size in the "R-1" zoning district for accessory structures based on the size of the lot; second by Templin.

All Council approved by "ayes".

6. Executive Session: None.

7. Advisory Reports:

- a. City Administrator, Greg Johnson, provided an update to Council regarding the house on Lynne Road that burned. Nothing has been done by the owner thus far. Today, an inspection company called Mr. Johnson and said they have deemed the property to be an "at risk" property. The inspection company will forward their inspection report to the mortgage company.

The 2004 City audit will begin in the next week.

- b. City Attorney, Patrick Reavey, stated the City's law enforcement has expressed some concern over the small, motorized scooters and mini-motorcycles. Discussion by Council and Mr. Reavey on preparing an ordinance. Discussion by Mr. Johnson. Council discussion on young children and the speed of these

cycles. Discussion as to what other cities are doing. Mr. Reavey stated the attorney for Arbor Ridge has asked the Judge to extend the deadline until January 20, 2005.

- c. City Engineer, Mike Brungardt, reviewed the Agenda for the Planning Commission meeting next week. The Arbor Ridge proposal is on the agenda; two final plats; the creation of two lots off of Corliss Road, as well as some rezoning matters. Mr. Brungardt asked if the Council would consider a public meeting on the sewer plant at the next Council meeting so the public can ask questions. Council agreed.
- d. City Clerk, Lana McPherson, said she attended the City Clerk Academy in Wichita last week. She also said she has now completed the training hours and has been certified as a Kansas Disaster Assessment Inspector. Larry Baxter also holds this certification.

8. Council & Mayor Comments:

Councilwoman Cannon asked about the drainage area on Lexington Avenue by the veterinary clinic. Mr. Brungardt stated the pipes have been cleaned out of the mud. Councilwoman Cannon asked about the letter received from a citizen regarding the opening on Sunday of the Silver Wheel. The Special Use Permit states that they are not to be open on Sunday or the Special Use Permit can be revoked. Mayor Anderson said he wants this to be made known in a letter that the Special Use Permit will be closely followed.

Councilman Urbanek stated he has driven by the property on 88th Street and the front yard has been cleaned up. He asked if there would be any interest in shortening the time frame on the building permit. He said there are two projects in his neighborhood that have been ongoing for more than a year. Mr. Johnson stated he would bring back some criteria to be used.

Councilman Maniez had no comments.

Mayor Anderson stated he has a meeting on Monday with Chuck Hunter of Kessinger-Hunter. Mayor Anderson stated he attended his first KCADC meeting last week.

Motion by Councilman Maniez to adjourn at 9:10 p.m.; second by Zindler.
All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk