

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
December 21<sup>st</sup>, 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		

Citizens signed the book on page 81.

Mayor Anderson led the Pledge of Allegiance.

**PUBLIC HEARING:** Amendment to the 2006 Budget for the City of De Soto. Mayor Anderson requested City Administrator Pat Guilfoyle outline the amendment. The City has 16 funds and each fund must be operating within its appropriation. There are three funds that need to be modified prior to the end of the year to be within that fund's appropriation. The three funds are the CDBG fund, the Water fund, and the Sewer fund. Administrator Guilfoyle provided Council with the reasons for amending each fund. Discussion by Councilwoman Zindler with Administrator Guilfoyle regarding the Sewer fund.

Mayor Anderson opened the public hearing for comment. Administrator Guilfoyle stated none of these funds are financed by property taxes. No public comment. Mayor Anderson closed the Public Hearing.

*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 December 7<sup>th</sup>, 2006.
  - b. Approve Pay Ordinance No. 559.
  - c. Approve Fee Resolution No. 770 Adjusting Water and Sewer Service Charges.
  - d. Approve Resolution No. 771 Establishing the City's Boundaries.

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."

roadway. He would like to recommend taking out the broken down fence along the railroad track by McDonald's, near the Gulley's Carpet, and then the property can be cleaned up and mowed properly. Engineer Brungardt stated the fence does not belong to the City; it belongs to the Army Corp or Engineers or the railroad. Mr. Fletcher also stated care should be taken where trees are placed so they don't have to be moved in the future. Mr. Fletcher said many area cities are allowing local contractors to bid or match bids within 48 hours. Discussion by Councilman Morse with Mr. Fletcher regarding the area under the K-10 bridge. Mr. Fletcher said this is property of the state and there needs to be more rock and Roundup sprayed to keep the grass under control.

Darrel Zimmerman, stated he is interested in creating an art exhibit at the Kill Creek Barn in July, 2007, to generate some artwork representing De Soto that might be purchased by De Soto businesses who have areas where artwork could be displayed. He is requesting five committee members to serve on the organization committee for the exhibit. Interested people can contact Mr. Zimmerman.

3. Chamber / EDC Report: Sara Ritter, Executive Director, had no report this evening.
4. Old Business:
  - a. Consider Park Board Recommendation for Tree Plantings. Jay Garvin, Park Director, said there is a schedule for the watering of the trees approximately every ten (10) days during the summer. Mr. Fletcher stated there are bags to wrap around the trees that do help in keeping the trees watered during the summer. The bags cost about \$20 each and can be reused. Discussion by Councilwoman Templin and Mr. Garvin on the budgeted amount of \$9,500 for the trees. Discussion on adding the additional cost for the water bags. Council discussion. Discussion by Darrel Zimmerman regarding the tree wires.

Motion by Councilwoman Templin to authorize the Mayor to enter into a contract with S&F Mowing for the purpose of purchasing trees and tree bags not to exceed \$10,500; second by Cannon.

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

Motion carried.

- b. Discussion Regarding Proposed Utility Building for Aquatic Center. Jay Garvin, Parks Director, provided a memo and photos for the Council's review. Councilman Morse said he doesn't understand why we spent thousands of dollars on an engineered project and now we need storage area. Discussion by Mr. Garvin and Council on the storage needs. The funds would come from the pool bond as there is about \$65,000 remaining in the construction fund. The additional building will match the aquatic buildings. Council discussion that storage was discussed with Larkin when the aquatic center was designed. Larkin assured the committee there would be storage. Councilwoman Templin said she would like to have Larkin come in and review the buildings for storage.

Motion by Councilwoman Templin to table this matter until Larkin can review; second by Morse.

All Council approved by "ayes".

5. New Business:
  - a. Adopt 2006 Budget Amendments.

Motion by Councilwoman Cannon to adopt the 2006 Budget Amendments; second by Templin.

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

Motion carried.

- b. Consider Process for Developing Concept Plan for Park at Boat Ramp Area. City Administrator Guilfoyle stated he has reviewed the concept plan drawn up by Doug Pickert. He also discussed the potential for the BBQ festival to be held at the boat ramp park area. The ensuing conversations have brought up the need to proceed with a process to form a committee to conceptually discuss what should be included in the boat ramp park area. This would not be a “design” committee, but a committee to determine the community’s feeling of what they would like to see in this area. A design concept would then be drafted. Administrator Guilfoyle said he would like to have two members from each board to be members of the community. Council approved Administrator Guilfoyle to continue with this process. Councilwoman Templin and Councilwoman Cannon said they will represent the Council. Discussion by Mr. Pickert that someone who travels in an RV should be on the committee to represent that interest. Councilman Morse said this area is behind the levy and it will need to be “flood-proofed”.
- c. Consider Approval of Miller Park as Site for Chamber of Commerce’s October BBQ Cook-off Event. The Kill Creek Farm 4<sup>th</sup> Annual BBQ Cook-off Event will be sponsored by the Chamber this year. Councilwoman Templin asked who is going to be providing the electricity, the port-a-johns, and the setup and cleanup of this event. Sara Ritter, Executive Director, said the Chamber has not budgeted funds for this event as they are just now taking over this project. Mr. Zimmerman stated last year there were 34 entries and he turned that many more away from the event. At this time, the Chamber is just asking the City for permission to use Miller Park one weekend in October, 2007. Councilman Morse asked if this BBQ event is a profit or non-profit event. Mr. Zimmerman said it should be a profit event. The fees paid by the entries should cover the expenses. Council approved Miller Park for the event.
- d. Consider Final Plat of Harding Lake. Engineer Brungardt stated this final plat consists of about six acres just west of Lakeview Heights. He explained the comments in his memo to Council dated December 12, 2006. The Planning Commission has discussed this and approved it at their November meeting. Councilwoman Templin asked if the issues regarding the lake and the dam have been resolved. Engineer Brungardt stated Mr. Harding is working with the state and an engineer to repair the dam. Discussion that the lake property would be very hard to develop as well as a very expensive area to develop. Discussion on who will own the lake. Engineer Brungardt stated Mr. Harding owns the lake at this time. Discussion between Engineer Brungardt and Councilmen Morse and Maniez regarding sewer and septic systems.

Attorney Reavey stated that the Council is limited to accepting the easements and public rights-of-way and easements.

Motion by Councilwoman Zindler to approve the final plat of Harding Lake and accept the easements and rights-of-way dedicated on the plat; second by Cannon.

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

Motion carried.

- e. Approve Ordinance Amending Ordinance No.2029 *Authorizing a Loan of \$150,000 from the Electrical Utility Investment Fund to the Water Capital Improvement Fund.* Administrator Guilfoyle said the City borrowed \$150,000 from the electric investment fund and put the funds in the Water Fund. There was nothing shown in the 2006 budget to repay the loan. There are two options: either amend the 2007 budget, or adopt a new ordinance to extend the loan until January, 2010. The Council does have the right to forgive the loan. Discussion by Councilwoman Zindler on the prior Council's recommendation on the repayment of the water fund loan back to the electrical utility investment fund.

A discussion ensued with Attorney Reavey and Councilwoman Templin regarding the 2003 ordinance regarding the repayment of the loan by the end of 2005, or work into the 2006 budget a repayment plan. Discussion by Councilwoman Zindler that the trigger date should be in June before the annual budget is done. Discussion by Administrator Guilfoyle and Councilwoman Templin on the repayment date of the loan. Councilwoman Zindler commented on the payment plan. Councilman Morse said he thinks the loan should be paid. Discussion by Attorney Reavey and Councilman Maniez on the dates.

Motion by Councilman Maniez to approve Ordinance No. 2147 Amending Ordinance No.2029 Authorizing a Loan of \$150,000 from the Electrical Utility Investment Fund to the Water Capital Improvement Fund, with the modification to the wording on page two, in the first paragraph, striking December 31<sup>st</sup> and changing it to June 1<sup>st</sup>, 2009; second by Morse.

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

Motion carried.

Mayor Anderson called a five-minute recess at 8:20 p.m.  
 Mayor Anderson reconvened the Council at 8:26 p.m.

- f. Consider a zoning change from 'R-0' Residential Suburban district to the 'R-1' Residential – Low Density district for 32799 W 91<sup>st</sup> Terrace. Planner Buttrum stated the Council discussed this matter in July, 2006. She further reviewed her comments in the memo to Council dated December 15<sup>th</sup>, 2006. The Planning Commission has recommended denial of the rezoning. Attorney Reavey stated the law states the Planning Commission and the Council must consider the Golden criteria; however, the law does not say your motive in rezoning has to be based on certain criteria. Further discussion by Planner Buttrum on the criteria that was discussed. Councilman Maniez stated that at some point in the future, an owner of the property may want a larger outbuilding and will come in and ask for a rezoning to "R-O". Attorney Reavey said there isn't sufficient setback for a rezoning. Discussion on how the setbacks are reviewed prior to issuing a permit.

Councilwoman Zindler stated for the record, "This is a specific circumstance where the Governing Body could not confirm or deny what really happened due

to the unfortunate demise of the building official involved, which allegedly resulted in this residence being built within the required setback.”

Council discussion with Engineer Brungardt.

Motion by Councilwoman Zindler to adopt Ordinance No. 2148 rezoning property from ‘R-0’ Residential Suburban district to the ‘R-1’ Residential – Low Density district at 32799 W 91<sup>st</sup> Terrace; second by Templin.

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

Motion carried.

- g. Consider funding options for Lexington traffic signal project. Engineer Brungardt stated the 20-day protest period for the benefit district has expired and no protest was filed. The typical process of a benefit district is to issue temporary notes to fund the process through the construction period. The City has already funded a large portion of its’ part through the Capital Improvements Fund. Discussion by Engineer Brungardt on the funding options available for the signal project. Attorney Reavey discussed the repayment process of the benefit district as well as the interest payment. Discussion by Councilman Morse and Engineer Brungardt on when the project will start. Council agreed to borrow money from the Electrical Utility Investment Fund.

6. Executive Session:

Motion by Councilman Maniez to go into Executive Session for attorney-client privilege with Pat and Mike for twenty minutes at 8:50 p.m. and to return at 9:10p.m.; second by Templin.

All Council approved by “ayes”.

At 9:10 p.m., Councilwoman Templin requested an additional 10-minute extension.

Motion by Councilman Maniez to return to regular session at 9:20 p.m., with one ten-minute extension, and only the item stated was discussed and no votes were taken; second by Morse.

All Council approved by “ayes”.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, gave the Council the final “wish list” of the 5-year Capital Improvement Plan. He asked Council to review the list and comment back to him in January.

Administrator Guilfoyle stated the annual renewal of the lease for the new bobcat is due for \$7,416.00. Discussion by Councilman Maniez on the cost.

- b. City Attorney, Patrick Reavey, stated he was not present at the last fire district meeting. The agreement has been changed a bit and they are tweaking the agreement to present to their board before they present it back to the City.
- c. City Engineer, Mike Brungardt, had no report.

- d. City Planner, Kim Buttrum, said the 500 acres west of town has a potential developer. He is working with Jim Lambie and they have been working with the staff on a proposed plan. The developer wants to schedule a charrette in the near future. Planner Buttrum said she was approached by two professors from UMKC regarding a class concerning this 500-acre proposed development. She explained the context of the class in that it would be beneficial to the City in future planning.
- e. City Clerk, Lana McPherson, had no report.

8. Council & Mayor Comments:

No further comments from Council members or the Mayor.

Motion by Councilman Morse to adjourn at 9:30 p.m.; second by Templin.

All Council approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, CMC  
City Clerk