

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
February 2nd, 2006, at 7:00 P.M.

MINUTES

The meeting was called to order by Mayor David Anderson.

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

Citizens signed the book on page 57.

Mayor Anderson led the Pledge of Allegiance.

Mayor Anderson asked City Administrator Michael Webb to introduce Steve Chick, the new Building Official. Administrator Webb also introduced Tracy Foulk, the new wastewater plant operator, who will be working with Doug Smith.

Motion by Councilman Maniez to amend the Agenda to insert an Executive Session prior to the Public Hearing for an attorney-client privilege discussion item; and, to add Item 5. B. for the Memorandum of Understanding from Kansas Department of Wildlife and Parks; second by Morse.

All Council approved by "ayes"

Motion by Councilman Maniez to go into Executive Session at 7:05 p.m. for 10 minutes for attorney-client privilege and return at 7:15 p.m. Councilwoman Templin will not participate in the Public Hearing discussion due to a potential conflict of interest; second by Morse.

All Council approved by "ayes".

Councilwoman Zindler stated at 7:15 p.m. that Council will extend Executive Session to 7:20 p.m.

Motion by Councilman Maniez to return to regular session at 7:20 p.m. and only the item stated was discussed and no votes were taken; second by Cannon.

All Council approved by "ayes".

PUBLIC HEARING: Petition filed by FCB Bank to vacate public right-of-way at Lexington Avenue and Hillcrest Road, adjacent to 33485 Lexington Avenue.

City Attorney Patrick Reavey stated the applicant wishes to withdraw the Petition that has been filed. No action will be taken this evening.

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 19th, 2006.

- b. Approve Pay Ordinance No. 538.
- c. Approve Request from De Soto Cemetery Board for use of Senior Center room.

Administrator Webb stated that the rear of the building parking lot will be closed on the date of the Cemetery Board meeting so alternate parking will be in the front of the building. Councilman Maniez will notify the Cemetery Board of the parking arrangement.

Motion by Councilwoman Templin 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.”

No one appeared.

3. Chamber / EDC Report: Sara Ritter, Executive Director, was not present.

4. Old Business:

- 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. Attorney Reavey stated he has met with most of the department heads regarding the regulations proposed. He discussed the exclusions for non-excavation in the right-of-way. The revised regulations do address the concerns the City has had in the past. The regulations will become effective May 1st, 2006, upon approval of the Council, to allow contractors time to amend their procedures accordingly.

Discussion by Councilwoman Cannon on the street repair being completed by the City, upon the contractor’s completion of a street cut. Discussion by Engineer Brungardt on street cuts. These new regulations pertain to right-of-way excavations and they will be the same for all excavations done in the rights-of-way. Discussion by Councilman Maniez on property not being put back like it was. He asks whose responsibility it is to ensure the property is back to original condition. Engineer Brungardt stated it is the City’s responsibility to make sure the inspections are done and the contractor fulfills their obligation. The City requires pre-construction documents to be filed prior to excavation.

Discussion continued between Engineer Brungardt, Attorney Reavey and Councilman Maniez. All utilities will have to register with the City and adhere to the new regulations. Discussion by Councilman Morse and Attorney Reavey on the franchise agreements currently in existence, and their compliance with the City’s new regulations. Attorney Reavey stated there is case law that cities are controllers of the right-of-way and can make changes. He said the city will prevail on the regulations. Discussion by Administrator Webb on the franchise agreement issue now being discussed nationwide so that cities will have the authority to manage their right-of-ways.

Motion by Councilwoman Templin to approve Ordinance No. 2115, implementing the right-of way requirements; second by Morse.

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

Motion carried.

- b. Consider an Ordinance Establishing Fee for Right-of-Way Permits. Attorney Reavey stated he has set the application fee at \$90.00, and this amount is consistent with surrounding cities. There are some exemptions to the application fee, as stated in the Ordinance. Discussion by Attorney Reavey on the exemptions and the reasoning for them. Council discussion on the contractor fee being increased.

Motion by Councilman Maniez to approve Ordinance No. 2116 establishing a fee for Right-of-Way Permits, and with Section 1 (b) changed to "does not exceed \$1,000"; second by Templin.

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

Motion carried.

The record reflects Councilwoman Templin recused herself from the meeting at 7:39 p.m. and left the Council Chamber.

5. New Business:

- a. Approve Final Plat of De Soto Self Storage. City Engineer Brungardt reviewed his memo to the Council dated February 2nd, 2006, and gave the Council the background of this final plat request for approval. The plat does dedicate additional right-of-way and easements as requested by the Planning Commission. The Planning Commission recommends approval.

Motion by Councilwoman Cannon to approve the Final Plat for DeSoto Self Storage; second by Morse.

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

Motion carried.

Councilwoman Templin was recalled to the Council Chamber at 7:42 p.m.

- b. Discuss the Memorandum of Understanding from Kansas Department of Wildlife and Parks. Mayor Anderson stated the City has received a MOU from KDWP for a grant of \$10,000 to use on the boat ramp project. The city will add to it \$2,500 as stated in the Memorandum of Understanding. Attorney Reavey has a few minor changes to the contract. Discussion by Council to designate Attorney Reavey and the Mayor to work with the Department of Wildlife and Parks on the revisions to the contract language.

Motion by Councilwoman Templin to authorize the Mayor to negotiate the revisions to the Memorandum of Understanding; second by Cannon.

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

Motion carried.

6. Advisory Reports:

- a. City Administrator, Michael Webb, stated the Parks Master Plan Study is now in a draft form. The aquatics manager position has generated many resumes. He and Jay Garvin have narrowed it down to 3 candidates. The conceptive design process for the marketing and promotion of the new aquatic facility is progressing well.

Mr. Bill Maasen, Johnson County Parks and Recreation, has requested that on June 3rd, National Trails Day, the City co-host the opening of the trail here in De Soto. Mr. Maasen would like the City to do a ribbon-cutting ceremony. Council discussion. Jay Garvin will be the City's contact on this trail ceremony. Council agreed the City should co-host. The event, and set the time at 9:00 a.m. on Saturday, June 3rd.

- b. City Attorney, Patrick Reavey, stated the house at 84th & Wyandotte has been taken down. The bill will be assessed against the property taxes if the owner does not pay it.

The City is taking over the De Soto Youth Baseball Association program. DYBA has discussed this with the City staff and Jay Garvin, and an agreement has been reached.

Motion by Councilwoman Templin to authorize the Mayor to execute the Agreement with the De Soto Youth Baseball Association; second by Zindler.

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

- c. City Engineer, Mike Brungardt, stated the Mayor and Planning Coordinator Kim Gordanier have prepared a West Area Plan Schedule. Planning Coordinator Gordanier has requested a time change for the meetings to begin from 6:00 p.m. to 7:00 p.m. on the February 22nd and March 1st meetings. Letters have been sent to 145 residents and landowners. Mayor Anderson will address the West Area Plan ideas with these people.

Engineer Brungardt stated the sewer plant contractor will most likely be moving equipment onto the site in the next two weeks. At the next Council meeting, he will bring back proposals for equipment and operating controls. Councilwoman Templin requested there be a ground breaking ceremony held for the new wastewater treatment facility. Council discussion. Engineer Brungardt will set the date and notify the Council.

- d. City Clerk, Lana McPherson, stated rooms have been booked this year in Topeka for the League of Kansas Municipalities conference in October, 2006. Also, the Mayors' and the Governor's Prayer Breakfasts are coming up in the next several weeks. Council will notify Lana if they plan to attend the breakfasts.

7. Council & Mayor Comments

Councilman Cannon stated it is very hard to distinguish the turning lane at night at the east "wye". Discussion by Engineer Brungardt that the striping will be completed in the Spring. A discussion by Council that a directional sign needs to be placed directing traffic to 83rd Street. Also, it is dark and should be lighted for easier navigation onto 83rd Street. Discussion that the large evergreen trees by the "De Soto" sign need to be removed for sight visibility. Engineer Brungardt will talk with Westar about installing a light at the east "wye".

Discussion by Administrator Webb and the Council on getting some sign concepts for replacing the "De Soto" signs at the east and west "wyes".

Councilman Morse had no comments this evening.

Councilman Maniez stated he would like Council to be more pro-active in assisting the public in cleaning up and enhancing their property before the 2007 birthday celebration of the City. He said he would like the City to take a positive attitude in addressing the code violations. City Administrator Webb discussed the current complaint procedure. Citizens do not have to leave their name for a complaint to be acted upon. Administrator Webb stated dumpsters could be set out for areas that would benefit from more clean up efforts. Council discussion.

Mayor Anderson stated Council members have discussed code enforcement in the past. He said the City has ordinances in place and we should either enforce them or remove them, Councilman Morse said he feels the City needs to put out some dumpsters for the citizens. Councilwoman Templin said she believes the codes should be looked at in a stricter fashion.

Mayor Anderson stated the Codes Officer should send out courtesy letters to code offenders now, and then by Fall of 2006, the codes will be strictly enforced. Council discussion on providing dumpsters for citizens to use for clean up. Discussion by Councilwoman Templin that if citizens don't take advantage of the first letter and the opportunity given to them to clean up their property, then a strict enforcement needs to take place.

Discussion by Councilman Maniez that it takes a long time to clean up property and haul off the accumulation. Discussion by Administrator Webb on enforcement issues. Discussion by Attorney Reavey regarding the Council issuing the notices of violations on items other than weeds. Council discussion on clean up and the removal of junk cars from the City. Discussion that the Council had a junk car clean up a few years ago. Administrator Webb stated the City should also look at street signs, right-of-ways, and streetlights that are out.

Darrel Zimmerman stated he would like the City to acknowledge the property owners that do a good job of maintaining their property. He feels this will hopefully instill a desire in others to clean up their property in time for the celebration in 2007. He likes the community pride idea.

Councilman Morse stated the junk cars in town are a problem. The Council requested Administrator Webb check into this further on addressing the violators. Councilman Maniez stated he likes Mr. Zimmerman's idea of acknowledging the citizens. Council directed that Administrator Webb discuss some ideas with the Enhancement Committee.

Councilwoman Zindler stated she had someone ask her if a stop sign could be placed at Lexington and Commerce until a traffic signal can be installed. Engineer Brungardt will discuss this with Bucher, Willis & Ratliff and get back to Council.

Mayor Anderson asked if Council had responded to Patrick Guilfoyle's email. Council would like to set up a breakfast meeting on Monday morning with Patrick and his wife, Sally. Administrator Webb will check into this and advise.

No further comments.

Motion by Councilwoman Templin to adjourn at 8:25 p.m.; second by Morse.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk