

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
February 3<sup>rd</sup>, 2005 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 | Absent  |
|            | Templin | Present |         |         |

Citizens signed the book on page 33.

Mayor Anderson led 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 of the Council Meeting of January 20<sup>th</sup>, 2005.
  - b. Approve Pay Ordinance No. 514.
  - c. Resolution scheduling public hearing to declare unsafe and dangerous structure located at 8350 Osage St.
  - d. Approve Ordinance Granting Annexation at 30495 West 95<sup>th</sup> Street

Discussion by Councilman Maniez on a payment for accident damage. Mr. Johnson explained that this was taken care of without filing an insurance claim.

Motion by Councilwoman Templin to approve the Consent Agenda; second by Cannon. Councilman Maniez asked for numbers for Resolution No. 712 and Ordinance No. 2073.

|            |         |     |         |        |
|------------|---------|-----|---------|--------|
| Roll Call: | Cannon  | Yes | Urbanek | Yes    |
|            | Maniez  | Yes | Zindler | Absent |
|            | Templin | 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, provided some updates and stated

Mayor Anderson will be giving a "State of the City" address on February 10<sup>th</sup> to the Chamber. The EDC will be meeting on February 17<sup>th</sup>, 2005. Mrs. Ritter stated there were about 130 attendees at the annual Chamber dinner. Discussion by Mayor Anderson and Mrs. Ritter regarding Chamber Day at the Speedway for 2005.

4. Old Business:

- a. Consider Ordinance amending the City Code to allow archery hunting of deer within the City. Mr. Reavey, City Attorney, discussed the revisions requested by the Council. Discussion by Councilman Urbanek on the date revision.

Motion by Councilwoman Cannon to approve Ordinance No. 2074 for deer hunting and target practice; second by Templin.

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

Motion carried.

5. New Business:

- a. Consider Proposal for engineering services from Shafer, Kline, & Warren to design wastewater treatment facility. Mike Brungardt, City Engineer, stated staff has negotiated the contract with Shafer, Kline & Warren and staff has provided Council with a memo regarding the design contract. The scope of services was outlined by Mr. Brungardt. Mr. Steven Baker is present at the meeting this evening. Mr. Brungardt reviewed the contents of the proposed contract and the fees for the Council. The contract compensation is an hourly, not to exceed, process rather than a lump sum payment. This is advantageous to the City. He recommends approval of the contract.

Councilman Maniez asked about the project schedule and if a site has been narrowed down. Mr. Reavey has provided Council an attorney-client privileged memo regarding a proposed site, which will be discussed in a later executive session. Discussion with Mr. Brungardt and Mr. Steve Baker regarding the conceptual design and the project phase completion dates.

Motion by Councilwoman Templin to authorize the Mayor to enter into the agreement with Shafer, Kline and Warren for the engineering, administration and construction observation services for the new wastewater treatment facility as proposed; second by Cannon. Discussion by Councilman Maniez.

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

Motion carried.

- b. Consider Resolution Setting the Fee Schedules for 2005. Mr. Johnson outlined the proposed fees for this year. He stated the development and planning fees have been revised noting that applicants will be required to pay fees incurred by the City for professional review of site specific planning studies. He further discussed the park fees, refuse rates, and the sewer rates. Councilman Maniez asked about the park fee increase, and feels it is a large increase.

Kim Gordanier, Planning Coordinator, provided Council with a memo and rate exhibits from

surrounding cities' park fees. Ms. Gordanier also provided information on the proposed fees and stated the impact fees are not exactly the same across the cities. Some cities have their park fees enclosed in other fee charges.

Councilman Maniez stated he has a problem with going from "low-end" to all of a sudden "high-end" on these park fees. He feels the City should be a little more conscious of going to the far end of the scale and would like to stay closer to cities around us, instead of going too far in the higher direction. Discussion by Mayor Anderson that some of these surrounding cities are almost land-locked at this time. Ms. Gordanier explained these increases actually do not include acquisition costs of future park land.

Councilwoman Templin stated she thinks these fees will be comparable to the excise tax fees, and other cities are going to be raising their fees in the future, too. Mayor Anderson asked how long it has been since the City has increased the park fees. Discussion by Mr. Johnson that the City has now established a target system so that these fees can be reviewed and be consistent in future annual reviews.

Councilwoman Cannon stated with all the other increases being brought in, she is in agreement with Councilman Maniez to stay at \$250. Discussion by Ms. Gordanier that the Park Board's recommendation is that the park fee revenue amounts presented are structured to generate revenue required to obtain 25% to 33% of the revenue needed to meet community parkland development requirements established by the National Recreation & Parks Association.

Barry Theirer, Park Board member, stated people on the west side of the City have requested more park improvements. He said the City is going to have to start buying some ground to keep the citizens happy. Mr. Theirer said the City is growing and needs money to purchase more park ground and/or have ground donated for parks in the City. He stated he initially thought the same way as Councilman Maniez about the proposed increase, but he feels we must take some action now and not stay behind other cities' fees.

Discussion by Councilman Maniez about the developers giving parkland. It was discussed in prior meetings that the City did not want to have to deal with the individual development parks, but rather have the funds to purchase large acreage for City parks. Mr. Theirer stated there are some things that can still be done at Miller Park, but the City has to have another area as large or larger than Miller Park because the population is increasing. Mr. Theirer said Miller Park is one of the "showcase" parks for smaller cities in this area. Discussion by Mayor Anderson about the development of the City parkland at Commerce and Lexington Avenue.

Councilwoman Templin asked about the fees not including parkland acquisition. Discussion by Ms. Gordanier that these fees will most likely be used to develop "passive" recreation and to improve existing parkland. She further stated the Park Board is looking at developing a Master Parks Plan by the end of this year.

Councilman Maniez stated that we need to do something now, he just wants the fees to be a little less than proposed. Councilman Maniez stated he feels the Council and the Park Board need to have a workshop to discuss this. Discussion by Mr. Johnson that he has provided Council with information in their packets regarding parks and a proposed meeting. Discussion by Mayor Anderson that these fees are reviewed each year in the annual fee resolution. Councilman Maniez stated he feels it is a little unfair to the developers to go from one end to the other with all the other increases that have just been made. He said he doesn't want us to price ourselves out of the market; he just wants to be competitive in our area.

Councilwoman Templin said she doesn't have a problem reducing the fees to \$300. Councilman Urbanek said he feels \$350 is a little high all at once, and he could live with \$300. Councilwoman Cannon agreed. Councilwoman Templin asked about the other fees being lowered as well. Mayor Anderson stated he feels this would be appropriate. Discussion by Councilman Maniez and Councilwoman Templin on the commercial and industrial rates as explained by Ms. Gordanier. Discussion by Mayor Anderson on the fees.

Motion by Councilman Maniez to approve the fee resolution as presented, with exception of park boards with the fees be \$300 for single and family; and 6 cents for commercial and industrial; second by Cannon.

Mr. Brungardt pointed out a line that will be deleted. Mr. Johnson will revise the Resolution and provide Council with a new copy.

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

Motion carried.

6. Advisory Reports:

- a. City Administrator, Greg Johnson, provided Council with a copy of the Park Board Survey and the summary of results. He stated the Park Board would like to set a date and time for a joint workshop. This workshop will be at 5:00 p.m. before the next Council meeting on February 17<sup>th</sup>, 2005.

Mr. Johnson provided Council with a copy of the 2005 budget and summary.

- b. City Attorney, Patrick Reavey, stated he has an executive session item for attorney-client privilege for 15 minutes.
- c. City Engineer, Mike Brungardt, has sent out Requests for Qualifications on the project of the drainage channel behind the DeMeadows subdivision. He stated the Johnson County Parks and Recreation has reviewed the Kill Creek walking path and they have decided to construct the Kill Creek recreation path along this drainage channel improvement instead of extending it directly north along the creek. Discussion by Councilman Maniez about the drainage problem off the back of the De Meadows subdivision area. Mr. Brungardt stated this is being addressed with the upcoming project. Mr. Brungardt stated some of the homes in this area have lost ground due to erosion. Discussion by Councilman Urbanek and Mr. Brungardt that this channel area was never engineered to defer erosion. Mr. Brungardt stated that on the old County maps of this area, the creek ran right through this area, and the developer adjusted the area by raising the lots. Council discussion.

Councilman Maniez asked about addressing this type of situation at the building permit process in the future. Mr. Brungardt stated the Building Official will have to inspect these permits. Councilman Maniez stated Larry can't be doing engineering work on building permits. Mayor Anderson said before a building permit is issued, there should be a grading permit. Councilman Maniez stated this should not fall back on the Building Official as he isn't an engineer. Councilman Urbanek said he doesn't want the City to be responsible for someone trying to redesign a drainage area because they pulled a residential building permit. Discussion by Mayor Anderson and Council regarding requiring a grading permit to avoid people building in natural drainage areas and erosion areas. Councilmen Urbanek and Maniez said this is something the Planning Commission should consider this as a text

amendment. Further discussion with Mr. Brungardt and Council members.

d. City Clerk, Lana McPherson, reminded Council about the Mayors' Prayer Breakfast on February 11<sup>th</sup> at 7:30 a.m.

7. Council & Mayor Comments:

Mayor Anderson said he has met with Chuck Hunter, as Council is aware.

No comments from Councilwoman Templin.

Councilman Maniez said he noticed the Street Department has been doing some patching. He asked Mr. Brungardt if Waverly and Corliss are going to be repaired, or do we need to re-prioritize the ones that are in bad shape. Discussion with Mr. Brungardt and Mr. Johnson on the bids on the chip sealed streets. Councilman Maniez stated some of the streets needed to be done more than every five years. Discussion with Mr. Brungardt that he and Mr. Johnson are going to be reviewing the priority list, but he feels the City should work on half of the streets each year and do the other half the next year, and do it on an annual basis.

Councilman Urbanek and Councilwoman Cannon had no comments.

8. Executive Session:

Motion by Councilman Maniez to go into Executive Session for attorney-client privilege and land acquisition matters at 8:15 p.m., and to return at 8:40 p.m.; second by Templin.

All Council approved by "ayes".

Motion by Councilman Maniez to return to regular session at 8:47 p.m., and only the two items mentioned were discussed and no votes were taken; second by Templin.

All Council approved by "ayes".

Motion by Councilwoman Templin to direct staff to prepare a letter to the Rural Fire District formally requesting detachment of the Arbor Ridge land and offering a 60 day time-frame to negotiate the same; second by Cannon.

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

Motion carried.

Councilman Maniez discussed Relay for Life with the Council. He asked if the Council is interested in paying for the tee shirts again this year. Council agreed.

Motion by Councilman Maniez that the City do the same level of sponsorship as in 2004 for the Relay for Life; second by Templin.

All Council approved by "ayes".

Motion by Councilman Maniez to adjourn at 8:50 p.m.; second by Cannon.

All Council approved by “ayes”.

Respectfully submitted:

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Lana R. McPherson, CMC  
City Clerk