

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
March 1st, 2007, 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 87.

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 February 15th, 2007.
 - b. Approve Pay Ordinance No. 564.
 - c. Approve Ordinance Amending City Code Pertaining to Accounting Department.

Discussion by Councilwoman Zindler on the City Treasurer signing checks prior to the Mayor and Clerk signing. Discussion by Council on the purpose of check signing. Council would like staff to check into this matter further and bring the proposed Resolution back to the next meeting.

Motion by Councilwoman Zindler to delete Consent Agenda item 1.c.; second by Cannon.

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

Motion carried.

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

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."

Mayor Anderson and Councilwoman Templin recused themselves from the Council Chamber when Mr. Inman approached the podium. Mayor Anderson stated there could

be a conflict of interest due to the nature of Mr. Inman's concern about the new development in Oak Country Estates VIII.

Mr. Larry Inman, 32435 W. 91st Street, stated the issue is the street next to his property. Sometime ago he discussed the street situation with Engineer Brungardt regarding the dirt bank on the new street. He said the new street, at its current elevation, needs to be lowered or it is going to be a hardship to maintain the dirt bank and weed eat the bank. Mr. Inman said the ditch is very hard to maintain. The main issue is what is going to be done on the slope?

Engineer Brungardt said the general intent is not to have a roadway that is higher than the present roadway. He said he has made some initial contact with the developer to look at the profile of the road and make the situation better. Engineer Brungardt stated he wasn't sure the road access would accommodate Mr. Inman's RV. Engineer Brungardt stated the City owes Mr. Inman a maintainable slope that can be cared for with a lawnmower. Mr. Inman said he wanted to ensure the road was fixed before the curbs go in.

Councilman Maniez requested Engineer Brungardt contact the developer and ensure the road concern is addressed. Engineer Brungardt stated he has spoken with the developer and contractor and they are aware of the situation. Discussion between Engineer Brungardt and Mr. Inman.

Mayor Anderson and Councilwoman Templin were recalled to the Council Chamber at 7:20 p.m.

Mr. Baron Powell, 3013 New Lawrence Road, Leavenworth, Kansas, stated he is here on behalf of the Leavenworth Bicycle Club. He is in charge of the 2007 Buffalo Bill Century bicycle ride through the City. He said he is here to answer any questions. Councilman Maniez said there was some initial confusion on the route. Councilwoman Templin asked if the riders will be making a water stop in De Soto. Mr. Powell said they will stop at Sunflower Park.

Councilwoman Cannon asked how many riders on the route. Mr. Powell said he figures about 200 will start. Councilman Morse asked if any riders will be on 83rd Street. Mr. Powell said no riders of the group will be coming from the east on 83rd Street as they do not want to violate any City ordinances. Councilwoman Templin said she appreciated the group coming to the Council beforehand. Councilwoman Zindler asked about the non-profit organization's statement to "advocate the safe use of bicycles for both recreational and commuter purposes." Discussion with Mr. Powell. Councilwoman Zindler asked that the public be made aware of the group coming through town.

Discussion by Mayor Anderson and Council members with students from the High School regarding the students presence at the meeting to write a class paper.

3. Chamber / EDC Report: Sara Ritter, said the signage committee will meet next Tuesday at the Chamber office to review some signage examples. Marty Shukart has sent some samples for the committee to look at. Mrs. Ritter said Marty Shukart has provided a contract for the City Attorney and Council to review. Staff will review the contract and bring it before the Council at the next meeting.
4. Old Business:
5. New Business:

- a. Consider Request by Beer Thirty for ACS Poker Run on April 14, 2007. Discussion by Council. Councilwoman Cannon said she has no problem with it. Council asked staff to bring back a resolution for a temporary use permit at the next meeting.
- b. Discussion about Final Approval Stage of 5-Year CIP Program. City Administrator Guilfoyle reviewed the five-step process that is nearing completion. Administrator Guilfoyle presented a power point presentation to the Council pertaining to the consensus of the projects that received the majority of the votes. He further discussed the funding and the approaches that can be taken in working toward a final list of projects.

Councilman Maniez said the one concern he has is with the department equipment and the "fire" and "no-fire" districts due to the different mill levies. He stated he does not think the fire district equipment can be included in the CIP because of the two different mill levies and two separate departments; this issue has been challenged before. He further discussed that the future could be much different due to consolidation. With the fire equipment out of the CIP, the other items become much more viable. Councilman Maniez said he didn't know how his group could look at water projects when there wasn't a definitive decision on what the City is going to do with water in future.

Councilwoman Templin asked what the status of the fire discussions is. Attorney Reavey said he has been talking with Mr. Bob Ford regarding the draft agreement that was submitted to the fire district. Discussion has been over the quadrants of the area due to the liability. He is hoping to have a draft back to the Council by the next meeting. Discussion by Councilman Maniez that the City already has a mutual aid agreement. Attorney Reavey said the first step is in getting the operational sides working together. Comments by Mayor Anderson that some of this is to lessen the duplication of services. Discussion by Councilwoman Zindler on if the two fire chiefs have agreed on this process. Mayor Anderson said it is the boards that are doing the talking.

Councilwoman Templin asked how the Council is to proceed with a five-year CIP when the fire situation is unknown, as is the future water service. Discussion by Administrator Guilfoyle on the funding mechanisms of the departments. Discussion on which of the funds are funded by property taxes, highway taxes, CDBG, and other revenues. Administrator Guilfoyle and Mayor Anderson talked about the mill levies for the fire. Discussion by Attorney Reavey on the legality of the fire district taxpayers paying for equipment outside of their boundaries, i.e. city versus township or county. Discussion on double taxing on fire equipment as there are two separate fire districts within De Soto. Discussion on other funding mechanisms for City fire equipment, as well as the other projects for the CIP. Councilman Maniez continued to state there are two separate mill levies and there are legal issues and concerns with purchasing equipment with money from the City's general fund.

Councilman Morse suggested another workshop to discuss the CIP project list. He said there are some items that should be discussed at length and carefully considered. He said there needs to be some discussion on sewers. Councilwoman Cannon said she agreed there needs to be a workshop. Councilman Maniez said he would like a Council-only workshop as Council members were elected by the taxpayers to oversee the City funds. Council agreed to a workshop on Thursday, March 8th, at 6:00 p.m. Council comments.

6. Executive Session: None.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, provided Council with a copy of the report from the County Appraiser on the preliminary valuations that will be used for the 2008 budget. These are the market value comparisons for De Soto. Administrator Guilfoyle provided a very preliminary assessed valuation for 2007. He discussed the calculations in his preliminary valuations as compared to the five-year financial forecast assumptions. Council discussion.

Administrator Guilfoyle provided an update on the water breaks that are occurring. Councilman Maniez discussed the waterline installations with Engineer Brungardt. Engineer Brungardt said this has been an unusually hard winter for the City on water breaks. Councilman Maniez asked if more valves should be utilized so that less area would be affected. Further discussion by Engineer Brungardt concerning improvements that are being made on the valves. Administrator Guilfoyle said the water meters are in and the water loss has been between the wells to the plant. This is good news as it is water that hasn't been treated.

- b. City Attorney, Patrick Reavey, said Steve Chick, Building Official, has talked to him as well as Engineer Brungardt regarding an application for an accessory structure. There is a regulation that regardless where a home is placed on a lot, the garage structure rule is too rigid for large-lot plans. Engineer Brungardt and Attorney Reavey would like Council's opinion on doing a text amendment. Mayor Anderson said he didn't have a problem with it, but would like to know the square footage. Discussion by Councilman Maniez that this has been brought up before and when it was sent back to the Planning Commission, they made the sizes smaller and the restrictions stronger. Further discussion regarding setbacks and screening on accessory structures, and the size of the site as well as the size of the accessory structure. Council asked staff to initiate this to the Planning Commission for further consideration.
- c. City Engineer, Mike Brungardt, provided Council with a photo from Bill Maasen, of Johnson County Parks. The photo reflects damage to the walking path caused from shifting ground during the heavy rains last evening. Engineer Brungardt will meet with Mr. Maasen next week to discuss repairs.
- d. City Planner, Kim Buttrum, was absent.
- e. City Clerk, Lana McPherson, invited Council to attend the Sesquicentennial committee's next history presentation on Wednesday, March 28th, at 6:30 p.m. She also reminded Council of the 2007 State of the County Address on March 27th in Overland Park.

8. Council & Mayor Comments:

Mayor Anderson asked Administrator Guilfoyle to discuss the Sesquicentennial funding. This is a City budget line item in the amount of \$25,000. The amount of \$10,000 comes from transient guest taxes, \$10,000 is from the City's general fund, and \$5,000 is from private donations. If the Committee raises more than \$5,000 in donations, they must come back to the Council to request a change in the line item amount in the budget. Discussion by Administrator Guilfoyle and Council members.

Motion by Councilman Maniez to authorize the Sesquicentennial Committee to spend whatever amount the Committee raises up to the amount of money that exceeds the \$25,000, as long as it is balanced by private donations; second by Cannon.

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

Motion carried.

Councilwoman Templin had no comments.

Councilwoman Zindler thanked Engineer Brungardt and Building Official Steve Chick in helping resolve an issue at Valley Springs.

No comments from Councilman Maniez.

Councilman Morse requested staff keep an eye on Lexington Avenue as there are some cracks starting. Discussion by Engineer Brungardt that he is watching it, and has made some calls. Councilman Maniez said Waverly is falling apart. Engineer Brungardt said the contractor has been notified and he is going to be back to correct the problems. There is a two-year bond performance period for Waverly repairs.

Councilwoman Cannon had no comments.

Motion by Councilwoman Cannon to adjourn at 8:46 p.m.; second by Templin.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk