

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
April 19<sup>th</sup>, 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 91.

Mayor Anderson led the Pledge of Allegiance.

A Proclamation was read by Mayor Anderson proclaiming April 19, 2007, as "Arbor Day" in the City of De Soto.

Mayor Anderson read a Proclamation proclaiming May 3<sup>rd</sup>, 2007, as National Day of Prayer in the City of De Soto. The City will host the annual event in the Community Center Gym at 12:00 noon on Thursday, May 3<sup>rd</sup>, 2007.

*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 April 5<sup>th</sup>, 2007.
  - b. Approve Pay Ordinance No. 567.
  - c. Approve Contract with Wald & Co. Inc. for 2007 City July 4<sup>th</sup> Fireworks Display.
  - d. Approve Resolution No. 780 adopting amendments to Personnel Manual.

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.

Mayor Anderson presented Councilwoman Linda Zindler with a plaque for her outstanding service to the community the past eight years as a Council woman. He said she has provided the City with the highest level of leadership. Sara Ritter, Executive Director, had commented earlier to the Mayor and said, "Councilwoman Zindler, when contemplating an issue, wants to hear the citizens' side of the story. She invites public comment and always is fair and dedicated to the good of the community." Councilwoman Zindler thanked the citizens for the opportunity to serve the community.

Mayor Anderson requested City Clerk Lana McPherson administer the Oaths of Office to the 2007 elected Council members: Betty Cannon, Mike Drennon, and Mitra Templin. The new members will serve a four-year term on the City Council.

Mayor Anderson discussed the need to elect a President of the Council. Councilman Morse said it should go to the Council member with the most seniority. Councilman Maniez said he would

accept the position, as he has held it before. He thanked the Council.

Motion by Councilman Morse to nominate Councilman Tim Maniez as the President of the Council; second by Templin.

All Council approved by "ayes".

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."

Dan Gulley, 8571 Timber Trails Drive, said he is a proud citizen of De Soto. He commented that Councilwoman Zindler took her job seriously and he hopes the Council continues in that regard. He also commented about the new wastewater treatment plant that was opened today. Mr. Gulley said the new plant is going to be partially paid for by new building permits. He said the City doesn't have any new permits at this time. He suggested the City consider reducing the building permit fees for one year so that people will come to De Soto and build. Currently, the fees and taxes are too high in our City and people don't want to move to De Soto. The City needs to be competitive with other areas.

Councilman Morse asked if the cities around us are growing, or is it just De Soto that isn't growing. Mr. Gulley said other cities are slow, but De Soto is stagnant right now.

3. Chamber / EDC Report: Sara Ritter, Executive Director, was out of town. Councilman Drennon said the joint Chamber meeting is next Thursday at Kill Creek Farm.

4. Old Business:

- a. Consider Resolution Supporting Proposed Development Using Housing Tax Credits for De Soto Senior Housing – Phase II. TABLED
- b. Reconsider amendment(s) to Section 11 of Article 5 of the City of De Soto Zoning Regulations pertaining to personal care services (beauty salons) as home occupations. Planner Buttrum addressed the corrections requested by the Council and stated the Planning Commission and staff have recommended the revised text amendment.

Motion by Councilwoman Templin to approve Ordinance No. 2156; second by Cannon.

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

Motion carried.

5. New Business:

- a. Consider Request from Kaw Valley Sportsmen Association for Kids Fishing Derby. Elmer Jenks said this is the 30<sup>th</sup> year of the kids fishing derby. He is requesting the Council contribute some funding to help purchase tee shirts for the kids participating in the derby. Mr. Jenks said there are usually around 100 participants. Discussion.

Motion by Councilwoman Cannon to donate \$400 to the Kaw Valley Sportsmen Association for the Kids Fishing Derby; second by Drennon.

Councilman Maniez asked if this would be enough for the shirts. Mr. Robinson said "yes". Mr. Robinson and Mr. Jenks said they appreciated the people in the community and the businesses for their sponsors.

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

Motion carried.

- b. Consider a zoning map revision from the 'C-1' Central Business district to the 'R-H' Residential Historic district for property located at 8260 Wea Street. Planner Buttrum reviewed the staff report directed to the Council dated April 12, 2007. This is a very small, 1700+ square foot lot. The surrounding residential properties are zoned 'R-H' Residential Historic. In reviewing the 13 Golden criteria, the findings were 10 "positive" and three "neutral". The Planning Commission and Staff recommend approval of the requested zoning change to the 'R-H' district.

Motion by Councilman Morse to adopt Ordinance No. 2157 to rezone from the 'C-1' Central Business district to the 'R-H' Residential Historic district for property located at 8260 Wea Street; second by Cannon.

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

Motion carried.

- c. Consider employee request for transfer of vacation time. Administrator Guilfoyle outlined the City's Personnel Policy concerning the transference of vacation time of one employee(s) to another in times of hardship. Councilman Maniez said he feels it is a very generous and honorable act of those employees to give up their vacation time for their fellow employee. You don't see this in many organizations and it is commendable of our employees. He is proud of the folks that work for our City.

Motion by Councilwoman Templin to grant the employee's request for vacation time; second by Drennon.

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

Motion carried.

- d. Consider text amendments to Article 11 of the Zoning Regulations and Article 14 of the Procedures Manual regarding applicability of site plan review. Planner Buttrum reviewed the discussions between staff and the Planning Commission regarding site plans and, more specifically, a building expansion that does not exceed 50% of the current size. Planner Buttrum discussed the proposed amendment for site plan review and the criteria to be considered for each application. She further discussed the language amendments for the Site Plan Review Committee. The Planning Commission has recommended approval of the text amendments.

Discussion by Councilman Morse and Planner Buttrum regarding the language for building expansions. Mayor Anderson said the Site Plan Review Committee was formed in 1998, during the annexation, so that more people in the community could be involved in what was being planned within the City. Further discussion by Planner Buttrum. Councilman Drennon said he feels the Site Plan Review Committee does help the applicant. Councilman Morse asked if it is necessary to have a Site Plan Review Committee. Discussion by Mayor, Council members and staff in how the Site Plan Review Committee does help in the planning process.

Motion by Councilwoman Templin to adopt Ordinance No. 2158 amending Article 11 of the Zoning Regulations regarding applicability of site plan review; second by Maniez.

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

Motion carried.

Motion by Councilman Maniez to adopt Ordinance No. 2159 amending Article 14 of the Procedures Manual regarding applicability of site plan review; second by Templin.

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

Motion carried.

6. Executive Session: N/A

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said he is pleased to report the Rental Inspection Task Force has been working since February in producing a detailed rental inspection program for the Council to consider. He provided Council with a copy of the documentation. The program is designed to require that a landlord must apply annually for a license to have rental units in the City of De Soto. The program also requires that each housing rental unit shall be inspected every three years. If the City receives violations, the Code Enforcement Officer can conduct more frequent inspections. The focus is trying to maintain affordable rental units in the community and not substandard and deficient housing standards. The task force recommends the landlords in the community be apprised of the program and staff will be meeting with the landlords for their comments. This will be on the Council's May 3<sup>rd</sup> agenda. Administrator Guilfoyle said he was very impressed with the seriousness of the Task Force in working on this program and in their working together.

Councilman Maniez asked what the legalities are in moving out a renter in a substandard rental property. Discussion by Attorney Reavey that the landlord will be the one pressured to maintain the rental property. Discussion by Councilwoman Templin concerning public safety issues. Discussion by Councilman Drennon on what triggers a rental property being identified. Administrator Guilfoyle said the utility records are generally a good source of determining what is rental property.

- b. City Attorney, Patrick Reavey, provided in the packet a memo concerning the fire district consolidation. A list of items will need to be completed and an updated

memo will be provided to the Council. Discussion of the proposed agreement.

Attorney Reavey provided Council with a map reflecting property that the owner has requested annexation into the City. Attorney Reavey provided the property owner with the proper procedures for annexation into the City. Discussion.

Attorney Reavey said Rudy Bese, the attorney for Intervet, contacted him today. He said Intervet is very interested in doing Industrial Revenue Bonds in an additional amount of \$30 million. A Cost Benefit Analysis will need to be done by the City's Financial Advisor. Discussion by Councilman Maniez on the terms of the original Inducement Agreement. Council discussion.

- c. City Engineer, Mike Brungardt, thanked everyone for attending the wastewater ribbon cutting ceremony. He thanked Kim Buttrum for her planning of the event.
- d. City Planner, Kim Buttrum, said at the next meeting there will be a resolution for a grant to support a safe routes to school. She explained the terms of the grant. She said the annual CDBG grant hearing will be held at the second meeting in May.
- e. City Clerk, Lana McPherson, gave Council an update on the 2007 event planning.

8. Council & Mayor Comments:

Councilwoman Cannon had no comments.

Councilman Morse said he noticed surrounding cities are having trouble with the "speedy pre-paycheck cashing" businesses. He asked if this type of business could be looked at prior to one asking to come into the City. Councilman Maniez said he agrees that this is a business that takes advantage of people in hard times.

Councilman Maniez asked about the water break at the corner of 87<sup>th</sup> & Waverly. Discussion by Engineer Brungardt that the situation has been taken care of.

Councilwoman Templin asked if the local bidders could be looked at for projects. This was a discussion brought out during the school board election comments regarding local bidders. Discussion by Council that this might not be in the best interest of the City as it restricts the competitive bid process.

Councilman Drennon asked Engineer Brungardt if he had received any calls from residents in Cedar Ridge West regarding any sewer smells. Engineer Brungardt said he hadn't received any lately. Doug Smith has answered some calls in previous years. He discussed the lift station location.

Councilman Drennon said he thought Dan Gulley's comments were true when you compare De Soto's dollar with other communities. We need to determine a better way to get more building permits and developers into the City.

Administrator Guilfoyle said the Thompson's Preliminary and Final Plats are on the Planning Commission's April Agenda. Guilfoyle further advised that the Thompson's have filed an application form to create the anticipated benefit district; the benefit district will serve as the developer's financing tool to construct the anticipated Primrose Dr. extension.

Councilman Maniez asked Planner Buttrum about the letters that will be sent out. She will be sending them out next week. She discussed the contractors in violation being

called in to meet with City staff.

Motion by Councilwoman Templin to adjourn at 8:40 p.m.; second by Cannon.

All Council approved by “ayes”.

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk