

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
April 20th, 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 65.

Mayor Anderson led the citizens in the Pledge of Allegiance.

A Proclamation for National Day of Prayer on May 4th, 2006, was read by Mayor Anderson.

Mayor Anderson requested Jay Garvin, Parks and Recreation Director, introduce Justin Huslig. Mr. Huslig is the new Aquatics Manager for the City. The Council welcomed Mr. Huslig to the City and wished him well in his new position.

Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.

Motion by Councilwoman Templin to amend the Consent Agenda to include Item 1.d. Approve Minutes of the Special Call of the Council of April 19th, 2006; second by Cannon.

All Council approved by "ayes".

1. Consent Agenda:
 - a. Approve Minutes of the Council Meeting of April 6th, 2006.
 - b. Approve Pay Ordinance No. 543.
 - c. Authorize Mayor to enter into 3 License Agreements with BNSF Railroad
 - d. Approve Minutes of the Special Call of the Council of April 19th, 2006.

Motion by Councilman Zindler 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."

No one appeared.

3. Chamber / EDC Report: Sara Ritter, Executive Director, said she graduated from Oklahoma University's Economic Development program. Prospect activity has been very high the past few weeks. She has been receiving many calls from the Kansas Commerce Department. In the April edition of *Ingrams Magazine*, De Soto was profiled. Congressman Dennis Moore attended the last Chamber meeting and brought Astronaut Steve Hawley. It was a very good program.
4. Old Business: None.
5. New Business:
 - a. Consider Ordinance authorizing a zoning map revision from the 'M-1' Light Industrial district to the 'O-I' Office Institutional district for property generally located south of 88th Street on Commerce Drive (Parcel Nos. AP12400001-0009:10). Planning Coordinator Kim Gordanier said the application is for Fish Development for the purpose of constructing a small office park development. There are two parcels that are being considered for rezoning. A site plan will be coming before the Planning Commission at the April 25th, 2006, meeting. Ms. Gordanier reviewed the staff report and the staff findings for the Council. The Planning Commissioner unanimously recommended approval of the rezoning request. Councilman Maniez asked if any residents made any comments. Ms. Gordanier said she heard from the property owner to the north who owns the vacant lot. He was concerned about landscaping between the two properties. Ms. Gordanier addressed his concerns.

Motion by Councilwoman Zindler to adopt the Planning Commission's recommendation to approve the rezoning for property generally located south of 88th Street on Commerce Drive, as Ordinance No. 2121; second by Cannon.

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

Motion carried.

- b. Consider Ordinance authorizing a zoning map revision from the 'R-1' Residential Low Density district to the 'R-0' Residential Suburban district for 8690 Waverly Road. Planning Coordinator Gordanier reviewed the staff memo and staff findings regarding the rezoning request. The Planning Commission was split 3/3 on the rezoning. Ms. Gordanier reviewed the Minutes of the Planning Commission for the Council, as well as the criteria staff based their recommendation on. Staff's recommendation is to approve the rezoning request.

Discussion by Councilwoman Templin with Gordanier regarding the past annexation and the zoning classifications. Further comments were made by Engineer Brungardt regarding the area's availability for access to the City's sewer in the future planning. Discussion by Councilman Maniez that this is part of the reason citizens keep coming to the Council for rezoning so they can construct an out building. Discussion by Councilman Maniez and Engineer Brungardt on the suitability for the zoning of a particular area. Accessory buildings are the major concern for property owners who have several acres. Discussion by Councilwoman Cannon. Discussion by Mayor Anderson and Engineer Brungardt on the Arbor Ridge subdivision.

Further discussion by Councilman Morse that there should be more discussion on the size of the accessory buildings so that these matters don't keep coming before the Council. Councilwoman Templin said the character of the neighborhood should be taken into consideration. Discussion by Councilman Maniez. Planning Coordinator Gordanier said the rural subdivision overlay criteria could be used for a guideline. Further discussion by Engineer Brungardt.

Motion by Councilwoman Templin to override the decision of the Planning Commission and to approve Ordinance No. 2122 rezoning property from "R-1" to "R-0" at 8690 Waverly Road; second by Cannon.

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

Motion carried.

- c. Discuss project selection for 2007 Community Development Block Grant funds. Planning Coordinator Gordanier said due to budget cuts last year, the City only received \$60,000 last year. Gordanier said the County has informed her they are expecting a 23% cut this year. The City may only receive \$50,000 to \$75,000 this year. The City needs to leverage as much funding as possible to match the grant funds. Gordanier provided a list of projects for the Council's review and discussion.

Councilman Morse asked where the new sewer line will be located in reference to the proposed Project A. Discussion with Engineer Brungardt on the line location being behind the curb all the way, with the exception of crossing the street twice.

Project B is for water well refurbishing. Project C is for sewer line improvements on 83rd Street. Project D has been on the CDBG shortlist for several years. It is the downtown sidewalk replacement. Engineer Brungardt said the leveraging of funds is for the 2007 fiscal year; so currently, nothing has been set aside for any of the projects at this time. The public hearing needs to be held in May. Planning Coordinator Gordanier requested Council prioritize the CDBG projects and the funding that the City can contribute. Further comments by Engineer Brungardt on the scope of the projects.

Councilman Morse said his priority would be the water wells. Councilwoman Cannon said her priority would also be the water wells. Councilman Maniez said he agrees on the water wells because water is going to be a very important issue; and his second priority would be the mill and overlay for the downtown area. Councilman Morse and Councilwoman Cannon agreed with Maniez. Councilwoman Zindler said her priorities would be the mill and overlay and the sidewalks as more taxpayers would benefit the most. Councilwoman Templin said the wells would be her first priority and then the mill and overlay for Old Town De Soto. Mayor Anderson said he would like to see the overlay of 83rd Street. Mayor Anderson said he would go for the water wells.

- d. Consider Resolution Establishing Fees for Pool Parties and Swim Club. City Administrator Guilfoyle stated the new pool has created more facilities for the community to take advantage of. Staff has established a fee level that would allow the City to recoup its expenses for rental of the new party room during open hours of the pool. This does not include use of the pool; just the party room. A major part of

the cost is in providing lifeguards for after-hours swim parties.

Fees were also included for patrons who would like to also include the use of the concession stand. Discussion by Councilman Maniez and Mr. Huslig regarding the number of lifeguards required to oversee the pool. Discussion by Councilwoman Templin that 12 lifeguards for an after-hours pool party seems like a lot. Discussion by Jay Garvin and Councilwoman Templin. Discussion by Councilwoman Templin that the new pool has far more to offer than the old pool, and will require more upkeep. Discussion that most town people would like to see the pool open at noon. Mayor Anderson said there should be a member rate and a non-member rate. Council discussion.

Motion by Councilwoman Templin to adopt Resolution No. 742, as written, minus the pool party fees; second by Morse.

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

Motion carried.

- e. Consider options for a multi-use trail project along K-10. City Engineer Brungardt stated there is an earmark from KDOT of approximately \$400,000 for this project. Johnson County Parks is contributing a match between \$80,000 - \$100,000 for the project. He has provided Council with a memo outlining the proposed trail project. Olathe, Lenexa and De Soto have been solicited to provide a project to pursue for the demonstration project of the multi-use trail. Engineer Brungardt has prepared to options that both include the section that would connect existing trail along the west bank of Kill Creek to the USD 232 campus along 91st Street. He discussed the two options as detailed in the staff report prepared for Council. Bill Maasen of Johnson County Parks is requesting a proposal by April 28th. Funding will need to be budgeted in 2007.

Mayor Anderson polled the Council. Councilwomen Templin and Zindler said they are interested in making a proposal; Councilman Maniez said he is. Mayor Anderson said he is not. Councilman Morse said he would like to see an altered plan incorporating what the City currently has, and defined that for staff and Council. Discussion by Councilwoman Zindler. Councilwoman Templin said she agrees with Councilman Morse's plan. Mayor Anderson said he thinks it is bazaar to have a trail along K-10 highway; why not put in a public rail system to go downtown. He said he will not ask the taxpayers for a tax increase to sponsor a walking trail. Mayor Anderson said he thinks it is ridiculous the state can't find money for schools, but they can find a half million dollars for a walking trail. Councilwoman Cannon said she likes Councilman Morse's idea of tying into the trail.

Mayor Anderson called a five-minute recess at 8:20 p.m.

Mayor Anderson reconvened the Council at 8:25 p.m.

6. Executive Session: None.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said there was \$60,000 in the Sewer Development Fund for this year; and, the Council had authorized \$60,500 to be transferred to the

sewer fund. He has talked with the City Auditors regarding the \$60,000 transfer. The CDBG fund that was anticipated in the 2006 budget included a \$44,000 transfer that was to have been made in 2005. The 2006 budget will have an audit adjustment made to allow the \$44,000 transfer to the CDBG fund.

Administrator Guilfoyle and the Mayor attended the Johnson County sales tax meeting this week. The meeting was two and one-half hours and included city managers and administrators around the County. The purpose was to have staff help provide a posture to effect the sales tax incentive. The end result of the meeting was a trial that Mike Press is going to present to the Commissioners. The amount decided upon was 3/10ths of a cent, which would be split 75% to the County and 25% to the cities. He discussed other conditions that were proposed. The County was supposed to have a special meeting today.

Administrator Guilfoyle said he will be leaving next week to close up his New Jersey home and will be moving his family back here next weekend.

- b. City Attorney, Patrick Reavey, provided Council a memo concerning a lawsuit that was received this week regarding the Jenks property.

Attorney Reavey provided Council with a memo outlining a tiny piece of City property that is situated next to the FCB Bank, which is .01 acres. The parcel (No. AF221228-4002) is located at the northeast corner of the Golden Lane alignment and Lexington Avenue. At the .01 acre size, the property is not useful for the location of public facilities. Mayor Anderson said he has no problem if the bank owns the adjoining property. Councilman Maniez asked why the City should give it to the bank for their investment property. Discussion by Engineer Brungardt that this small triangle piece is a residual piece of property that did not get included when the City traded property with a landowner for park land. Councilman Morse said he would like to see the closed contract on the subject property and recording of the deed before the City transfers this property. Staff will bring this matter back upon closing.

- c. City Engineer, Mike Brungardt, discussed the waiver request made by Elmer Jenks on the sewer development fee. This property has been paying into a sewer development fee for nine years, and there has been no benefit to the property owners for this benefit district as the developer hasn't completed the subdivision. Lana provided Council with a memo detailing the taxes that have been paid into the benefit district during the past nine years. Discussion by Engineer Brungardt on the details of the request. Discussion by Councilman Morse that once a force main is entered, there could be a problem. Further comments from Engineer Brungardt. Councilman Morse said he feels the City should waive the fees. All Council agreed.

Motion by Councilman Morse to waive the sewer system development fee of \$3,000 at 8640 Penner Avenue; second by Templin.

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

Patrick Reavey stated that Steve Hall has been given a final occupancy permit for the accessory structure. Council members asked about the cleanup of the property. Councilwomen Zindler and Templin asked if the City's Codes Enforcement Officer is addressing the cleanup.

d. City Clerk, Lana McPherson, reminded Council of the NIMS training requirement and the class that is scheduled next Friday, April 28th, at City Hall.

8. Council & Mayor Comments:

Councilwoman Cannon asked if LRM Construction has completed the work. Engineer Brungardt stated it should be done, and there will be a punch list of items to go over.

Councilwoman Cannon she appreciated last night's fire district meeting and liked seeing the departments working together.

No comments from Councilman Morse.

Councilman Maniez asked about the water running across Commerce Drive. Discussion by Engineer Brungardt that this is ground water runoff. He said the Water Department has been testing it, and it is ground water. Engineer Brungardt said the City is going to install a French drain and run the water to the creek.

Councilman Maniez asked Engineer Brungardt about the signal design. The 50% design has been submitted to KDOT, and he is hopeful to have a design and bid out for construction sometime this fall. Discussion by Councilman Maniez on the traffic jams.

Councilwoman Zindler discussed with City Administrator Guilfoyle the spreadsheet that was sent out regarding the water and sewer projections. Discussion on the spreadsheet details that Council would like to see.

Councilwoman Templin had no comments.

Mayor Anderson received an email from Mike Calwell for a sign that he is suggesting. Mayor Anderson said he truly appreciates all the volunteer work that Mr. Calwell has donated to the City; however, the City isn't ready for signage yet due to the construction on the park that will be forthcoming.

Comments from City Administrator Guilfoyle regarding the use of the boat ramp and the parking concerns due to the high amount of sand in the area. A roadway and parking area will need to be constructed before the park is ready for public use. Discussion.

Discussion by Councilwoman Cannon on the status of the Master Parks Plan. Mayor Anderson said he has met with the Park Board and they are working on the redraft.

Motion by Councilwoman Templin to adjourn at 9:15 p.m.; second by Zindler.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk