

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
April 21st, 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	Present
	Templin	Present		

Citizens signed the book on page 38.

Mayor Anderson led the Pledge of Allegiance.

Proclamation by Mayor Anderson proclaiming Public Service Recognition Week of May 2nd through 8th, 2005.

Proclamation by Mayor Anderson proclaiming National Day of Prayer on May 5th, 2005.

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 7th, 2005.
- b. Approve Pay Ordinance No. 519.

Motion by Councilman Maniez to approve the Consent Agenda; second by Urbanek.

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

Motion carried.

Mayor Anderson presented a recognition plaque to Councilman Emil Urbanek in appreciation of his serving on the Council, and thanked him for his four years of service to the community. Mayor Anderson stated that Councilman Urbanek has helped institute many changes during the four years he has served on the Council.

Councilman Urbanek thanked the Council and staff. He said it has been fun and he feels much has been accomplished in the four years.

2. Swearing in of newly elected Council members Tim Maniez and Ted Morse, and Mayor David Anderson. City Clerk, Lana McPherson, administered the oath of office for newly elected Councilman Ted Morse, re-elected Councilman Tim Maniez, and re-elected Mayor David Anderson.

3. 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.”

Mrs. Paula Rhodes, on behalf of the Wildcat Booster Club, said she wanted to thank the Council for the contribution to the After-Prom party for the DHS students. The funds helped pay for great prizes and food for these 161 students. The parents truly appreciated the City's support.

4. Chamber / EDC Report: Sara Ritter, Executive Director, stated the EDC Board met in February to conduct a strategic planning retreat. They will meet again next week and will submit their plan in May. The Chamber will host its Music Extravaganza next Saturday, April 30th. The teams in the Chamber Challenge are doing great things for this event. There are about 40 items for the silent auction.
5. Old Business:
 - a. Consider amendment(s) to Section 3 of Article 5 of the Zoning Regulations pertaining to size and setback limitations of accessory uses. Mike Brungardt, City Engineer, outlined the recommendation that was provided by the Planning Commission. The Council gave direction to the Planning Commission to further investigate the larger parcels for larger accessory structures. This direction was presented to the Planning Commission on March 29th. The Planning Commission has provided a different perspective. Mr. Brungardt and Mr. Reavey, City Attorney, provided two ordinances for the Council's review regarding the accessory structure size.

Mr. Mike Kroeger of the Planning Commission commented on the Planning Commission's reasons. He provided insight into the decision made by the Planning Commission in keeping with the Comprehensive Plan, they felt the 1,200 square feet was too much for a one acre parcel. Most members felt the 900 square feet structure was proper. Discussion by Councilwoman Zindler on whether anyone commented on this matter during the public hearing that was held. She also asked how the Commission arrived at 4.8 acres. Mr. Kroeger stated this number is the result of the math in determining the 250 square feet per acre.

Discussion by Councilman Maniez that the Council discussed the two to five acres for a 1,200 square feet building. Discussion on why and where did the 900 square feet size came from. Discussion by Councilwoman Templin and Mr. Kroeger on the R-O zoning. Councilman Maniez stated if the Council is going to go backwards, then just leave the language like it is. You would have to go up to almost five acres to be able to erect a 1200 square foot structure. Discussion by Councilman Morse on going through the rezoning request because all the neighbors will be notified and know whether or not they will accept it in their neighborhood. Council discussion. Mr. Brungardt stated there were other items in this text amendment that cleared up some language concerns. Discussion by Council.

Motion by Councilwoman Templin to table Agenda 5.a and direct staff to create language reflecting that on lots zoned R-0, the maximum size is 1200 sq ft., or 400 sq. ft. per acre, whichever is greater; and the accessory structure in all other districts is 900 sq. ft. or 250 square feet per acre, whichever is greater; and no accessory structure can exceed 2,400 square feet in floor area. Discussion by Council and Mr. Brungardt. Second by Morse. Council discussion on the cap being 2,400 square feet in any zoning district. Discussion by Mr. Brungardt that this 2,400 square feet amount has been carried through from previous discussions.

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

Motion carried.

6. New Business:
 - a. Consider a rezoning from 'RUR' Rural to 'R-0' Residential - Suburban for property addressed 9970 Waverly Rd. and generally located at the Southwest corner of Waverly Rd. and 99th St. Mike Brungardt provided an introduction of the application and stated the owner's intent is to now split the parcels and he would like to rezone to R-O. This was a public hearing at the Planning Commission and they have recommended the rezoning to R-O.

Kim Gordanier, Planning Coordinator, said the property owner intends to split the parcel. Ms. Gordanier outlined the Golden Criteria that the Planning Commission reviewed prior to making their recommendation for the rezoning. This subject site is nearly 15 acres. The property owner has stated his intent is not to subdivide, but to apply for a lot split in order to construct one additional single-family residence.

Mr. Brungardt then outlined the utilities that would supply this property. The finding relating to availability of required utilities is positive, and therefore in favor of granting the application. Further discussion on the conditions by Ms. Gordanier. The staff recommendations are positive for the rezoning. Council discussion on the staff findings.

Motion by Councilwoman Zindler to adopt Ordinance No. 2087, accepting the Planning Commission's recommendation for rezoning from 'RUR' Rural to 'R-0' Residential - Suburban for property addressed 9970 Waverly Road; second by Templin.

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

Motion carried.

- b. Consider a City initiated rezoning from 'PRU-3' Planned Residential Urban Townhouse to 'C-2' Business - General for property addressed 36270 W. 103rd St. and generally located at the Northwest corner of Sunflower Rd. and 103rd St. Discussion by Mr. Brungardt on the memo he provided to Council regarding the Planning Commission's recommendation on this property rezoning. Discussion by Councilwoman Zindler on the sewer situation regarding this property, and any other environmental concerns. Mr. Brungardt stated the holding tank will need to be pumped out, but it has been inspected and is functional at this time.

Motion by Councilwoman Templin to approve Ordinance No. 2088; second by Cannon.

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

Motion carried.

- c. Consider amendments to Section 6.05 of the City of De Soto Subdivision Regulations pertaining to establishing rural street standards. Mr. Brungardt provided information to Council as outlined in his memo dated April 13th. The Planning Commission included an "As-Built Record Drawings" provisions that will be part of the amendments. The Planning Commission has recommended approval of the text amendment. Discussion by Councilwoman Templin and Mr. Brungardt regarding the house on 87th Street with a drainage pattern problem. Discussion by Councilman Maniez on the Waverly Road houses. Mr. Brungardt stated these standards apply to interior access roads.

Discussion by Mr. Barry Thierer that his driveway gets flooded every time it rains because of the new subdivisions that have been built and the drainage ditch can't take all the water. Discussion by Mr. Brungardt that drainage will have to be laid out in the design phase of new subdivisions.

Discussion by Mr. Brungardt and Councilman Maniez on the whistle extension that was put in on the property at 87th Street. How is this drainage issue going to be resolved so that it does not impact the adjoining property? Councilman Maniez stated he wants to address this type of problem in the building permit process. Discussion with Mr. Brungardt.

Councilwoman Templin stated that staff and the committee did a great job on these revisions. Councilman Maniez stated he wanted to ensure in future that the ditches and culverts are installed properly. Mr. Brungardt stated that the drainage issues will come under the new "As-Built Record Drawings" and will have an after check. Discussion by Council.

Motion by Councilwoman Templin to accept Ordinance No. 2089 for amendments to Sec. 6.05 of the Subdivision Regulations pertaining to rural street standards; second by Cannon.

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

Motion carried.

- d. Consider amendment(s) to Chapter 7 and Map 12 of the Comprehensive Plan pertaining to various revisions to the Future Land Use map. Kim Gordanier, Planning Coordinator, provided Council with an overview of the memo dated April 15, 2005, to the Council. Certain elements of the Plan were necessarily left in a state of transition until additional information could be gathered through the Sewer Master Plan study, which is now complete. The land use categories are also being shifted in the new proposed plan. The Planning Commission unanimously approved the revisions.

Motion by Councilwoman Zindler to adopt Ordinance No. 2090 which amends Chapter 7 and Map 12 of the Comprehensive Plan, including correction of the clerical error on the Future Land Use Map; second by Templin.

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

Motion carried.

- e. Discuss benefit district options to fund 83rd Street improvements. Greg Johnson, City Administrator, stated staff is expecting the development group for Arbor Ridge will submit a petition for a benefit district to fund improvements for 83rd Street. He discussed that the City is planning improvements on 83rd Street. He said there is a possibility of the City doing a joint public/private improvement and therefore make the best use of the benefit district to expand the improvements. Discussion by Councilman Maniez and Mr. Johnson regarding a benefit district and the excise tax fund. There may be some CARS funding in 2007 as 83rd Street is a designated CARS street.

Discussion by Councilman Morse on who would be paying for the City's part. Discussion that this funding would come from the City at large. Discussion by Councilwoman Templin and Mr. Brungardt on the consideration of expanding the scope of the benefit district in conjunction with the developer's portion of the subdivision improvements. Council discussion that these improvements are in addition to the excise tax that will be paid by the developer.

Councilman Morse said it is a good idea to look at this option, but he would like to see it explored. Councilwoman Templin agreed. Staff will look at this and bring it back to Council.

Mayor Anderson called a five-minute recess at 8:37 p.m. Mayor Anderson reconvened the meeting at 8:42.

7. Advisory Reports:

- a. City Administrator, Greg Johnson, stated the Value Engineering has been completed on the pool project. He will bring the results back the first meeting in May for Council's review.
- b. City Attorney, Patrick Reavey, stated the Arbor Ridge appeal filed in Johnson County is still on file. He has talked with their attorney and they plan to file a Request to Dismiss tomorrow.
- c. City Engineer, Mike Brungardt, stated as the sewer plant design and property acquisition proceeds, he has gone out for geotechnical bids. Requests have been submitted and only one proposal has come back from Terra Con in the amount of \$10,900. There is also a proposal connected with that from Terra Con on the pedestrian tunnel under the railroad bridge, in the amount of \$2,200.

It would be advantageous to proceed on both of these due to the mobilization and cost savings. Discussion by Councilwoman Templin on the pedestrian tunnel study. Discussion by Councilman Maniez on the safety concerns over the location of the pedestrian tunnel. Mr. Brungardt outlined the three possibilities for a crossing of Lexington Avenue. Councilman Maniez said he does not want to create a problem area in the City, especially when it concerns public safety; the law enforcement officers also have concerns with location of the tunnel. Discussion by Mr. Brungardt on why the location was chosen by HNTB, and the factors they used for the proposed location. Councilman Morse said 150 feet is a long way away, and staff should consider an up and over crossing.

Mr. Darrel Zimmerman stated his real concern is how are you going to get the students across Lexington Avenue where there is a lot of traffic. Discussion by Mr. Brungardt about the location of the crosswalk on Lexington.

Motion by Councilwoman Templin to authorize the Mayor to enter into the Agreement with Terra Con for geo-technical work in an amount not to exceed \$13,300; second by Zindler. Discussion by Councilman Maniez and Mr. Brungardt.

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

Motion carried.

Kim Gordanier stated the CDBG hearing will be in May. She asked Council to be thinking about projects for the CDBG funding. Discussion by Councilman Morse and Ms. Gordanier on plans for the pool when the new pool is opened. Councilwoman Templin stated she would like to see the new park added to the CDBG list of projects. Discussion. Councilwoman Zindler said she would like to see the southeast corner of Kill Creek and 83rd Street cleaned up and enhanced as it is a gateway.

- d. City Clerk, Lana McPherson, reminded Council of the LKM workshop for government officials that is coming up in May. She also asked Council to RSVP on the recognition breakfast.

8 Council & Mayor Comments:

Councilwoman Cannon asked about the first day of clean up week. It is going well.

Councilman Morse asked about a green building off K-10. Mr. Brungardt said it is not in the City limits. He also asked about the house on Wyandotte Street that has piles of junk in the front yard. Mr. Johnson stated he will ask the Codes Department to check into it.

Councilman Maniez asked Mr. Johnson about the vehicle purchases. Mr. Johnson said they are on order and they should be delivered in June or July. Councilman Maniez also asked about the islands being taken off of Commerce Drive. Discussion by Mr. Brungardt and Mr. Johnson and they will bring this back to the next meeting. Councilman Maniez stated all the vegetation in the islands could be transplanted to some other location. Councilman Maniez asked about the overlay. Discussion with Mr. Brungardt and Councilman Maniez on the design concepts of the east "wye" reconfiguration. Mr. Brungardt will bring back more information at the May 5th meeting. Councilman Maniez asked about the dirt work that is continually being torn up on Lexington Avenue by people driving on the shoulder. Discussion.

No comments from Councilwoman Zindler.

Councilwoman Templin asked Mr. Johnson about the recycling bins. Mr. Johnson said the hazardous waste clean up will be in conjunction with the fall cleanup. Councilwoman Templin stated the door on the old gas station at 83rd & Kill Creek has been open for the past two weeks. This is a major code violation and she wants the property owner contacted to make repairs.

Mayor Anderson stated on May 5th the Council is invited to attend the Board of County Commissioners meeting at 9:00 a.m. He and Mr. Darrel Zimmerman will be speaking on the 150th Anniversary of the City. Mayor Anderson stated that he will remind the BOCC that the Sunflower property is an integral and vital part of the City's history and future.

The Council of Mayors will be meeting here on May 4th for their monthly dinner meeting.

9. Executive Session for land-acquisition and a personnel matter.

Motion by Councilwoman Templin to go into Executive Session at 9:20 p.m. to discuss land acquisition and a personnel matter, and to return at 9:40 p.m.; second by Cannon.

All Council approved by "ayes".

Councilwoman Zindler stated at 9:40 p.m. that Council will need an additional 10 minutes.

Councilwoman Zindler stated at 9:50 p.m. that Council needs an additional 5 minutes.

Motion by Councilwoman Templin to return to regular session at 10:00 p.m., with two extensions of time; and only the two items mentioned were discussed and no votes were taken; second by Cannon

All Council approved by "ayes".

Motion by Councilwoman Templin to adjourn at 10:02 p.m.; second by Maniez.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk