

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
April 5<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 90.

Mayor Anderson led the Pledge of Allegiance.

A Proclamation was read by Mayor Anderson proclaiming April as Fair Housing Month in De Soto.

*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 remove Item 1 c. to discuss it further; second by Morse.

All Council approved by ayes.

1. Consent Agenda:
  - a. Approve Minutes of the Council Meeting of March 21<sup>st</sup>, 2007.
  - b. Approve Pay Ordinance No. 566.
  - c. Approve Resolution Finalizing 5-Year Capital Improvement Program

Motion by Councilwoman Templin to approve the Consent Agenda Items 1.a. and 1.b.; second by Cannon.

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

Motion carried.

Councilwoman Templin requested City Administrator Guilfoyle discuss how staff determined the water and sewer improvements and funding. City Administrator Guilfoyle stated the suggestion to replace the Waverly Tower was based on the growth that is expected and the existing tower is not going to be able to store the necessary capacity for use. The height of the tower is causing some water breaks due to the high pressure. Discussion by Councilwoman Templin and Administrator Guilfoyle as well as Engineer Brungardt on the maintenance of the Waverly Tower and the costs associated with refurbishment verses the cost of a new tower. Further discussion by Councilwoman Zindler and Engineer Brungardt on the demolition costs of the Waverly Tower and the cost of a newly constructed tower. Councilman Morse asked Engineer Brungardt about the life expectancy of the Waverly Tower. Engineer Brungardt said it could be refurbished and last several years longer. Further discussion by Engineer Brungardt and Council members.

Administrator Guilfoyle said one of the towers at Sunflower could be refurbished if

the Waverly Tower were replaced; it is a trade-off between the towers. Discussion by Councilman Maniez and Engineer Brungardt regarding keeping pressure on the east end of town while the Waverly Tower is being replaced.

Councilwoman Templin said her concern about replacing the Waverly Tower is not going to allow sewers being placed to K-10. She said the extension of the sewers that was removed from the CIP needs to be discussed and determined when that is going to happen.

Administrator Guilfoyle said the sludge dryer was a recommendation from Doug Smith. The advantage is that the sludge dryer creates a finished product that can be disposed of and is a way to recover the cost within a ten-year period. Discussion by Engineer Brungardt and Administrator Guilfoyle with Councilwoman Templin on the cost of sludge disposal in a landfill as opposed to using a sludge dryer.

Councilman Morse asked how the sewer lines to K-10 are going to be paid for. Mayor Anderson asked Councilman Maniez for his comments. Councilman Maniez said if there is a need for it at this time, then put the sewers back in the CIP. Administrator Guilfoyle said if the sewer extension is put in, the developers will come. That is one concept. Discussion by Engineer Brungardt and Councilwoman Templin regarding existing septic systems and a future benefit district for sewers, as well as a policy for existing property owners to connect to a new sewer line. Continued discussion regarding the costs associated with extending sewer to K-10 at 95<sup>th</sup> and Lexington Avenue.

Mayor Anderson requested Administrator Guilfoyle discuss alternative financing on the expansion of the sewer, as well as future planning. Administrator Guilfoyle stated there are two options: 1) if you build it, they will come, and hopefully, will pay for it; and, 2) adjust sewer rates or an adjustment to property taxes. Mayor Anderson said that option 2 would be taxing people that are not on sewers. Continued discussion by Staff, Mayor Anderson and Councilman Maniez on how the sewer lines would be paid for. Administrator Guilfoyle discussed the financial sources of revenue that had been discussed prior to finalizing the CIP and the financial forecasting to fund the CIP projects.

Councilman Maniez said he has not had a problem with borrowing money from the utility fund if there is a plan done for repaying back the money to the utility fund. Further discussion by Mayor Anderson and Council on the direction of the CIP projects. Attorney Reavey discussed the bonding criteria used by the bond investors on the projects and the flexibility of the projects. Administrator Guilfoyle discussed the two ways of structuring of a bond ordinance and the financing for the projects. Discussion continued by Council and Administrator Guilfoyle regarding the sewer project and the CIP process for funding. Temporary notes were discussed for the funding of specific projects on a year-to-year basis.

Discussion by Councilman Morse and Administrator Guilfoyle on the need for a resolution for the CIP projects. Administrator Guilfoyle stated the resolution creates a paper trail for the CIP projects. Councilwoman Templin asked how the Council will determine what a plan is for extending the sewer lines. Discussion ensued. Mayor Anderson said he would like staff to come up with a plan that would accomplish stimulating growth.

Motion by Councilwoman Templin to approve Resolution No. 779 Finalizing a 5-Year Capital Improvement Program; second by Cannon.

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.”

Larry Inman said he would like to provide an update on what has transpired with the road and the new curb since he was here last time. He would like to make a request that a rock retaining wall be installed as soon as weather permits so he can take care of his property. Discussion by Engineer Brungardt with Mr. Inman regarding the wall being installed.

Mike Olson, 33210 W. 91<sup>st</sup> Street, said he and his wife have executed a contract to put in a pool and found out his property has to be rezoned before a pool can be installed. He would like a conditional temporary use permit so he can proceed with the contract on his pool. Discussion by Attorney Reavey on a conditional use permit being at the sole risk of Mr. Olson. Attorney Reavey discussed the annexation in 1998 and the zoning designation that was in place by Johnson County at that time. The City requires a rezoning if anything different is requested to be done on a subject property. Discussion by Staff and Mayor Anderson. Engineer Brungardt said he doesn't see any reason for a rezoning to be denied. The issue for Mr. Olson is that the rezoning would not come before the Council until June as the rezoning request must go before the Planning Commission for a public hearing and then proceed to the Council. Attorney Reavey reiterated the fact that Mr. Olson would be proceeding at his own risk under a conditional temporary use permit. The Building Official will have to approve the conditional temporary use permit.

Motion by Councilwoman Zindler to authorize Building Official Steve Chick to approve a conditional use building permit conditioned upon the rezoning of the property from 'RUR' to 'R-O'; second by Cannon.

Councilman Morse asked why the 'RUR' zoning continues. Discussion by Mayor Anderson on the reason the County zoning has been retained until the property owner requests a change to the property. Discussion by Attorney Reavey on rezoning upon annexation and how rezoning is governed by Supreme Court ruling. Discussion by Engineer Brungardt.

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

Motion carried.

Darrel Zimmerman, 34055 W. 86<sup>th</sup> Terrace, discussed the City's 150<sup>th</sup> anniversary this year. He said many people are needed for making this year's historical event a success. He then provided Councilwoman Templin and Councilwoman Zindler with a photograph depicting the two of them in pioneer clothing. Mr. Zimmerman said these women volunteered to do the photographs for the plaques that will be constructed by Johnson County Parks & Rec along Kill Creek for the "wash rock".

3. Chamber / EDC Report: Sara Ritter, Executive Director, was not present.

4. Old Business:

- a. Consider Resolution Supporting Proposed Development Using Housing Tax Credits for De Soto Senior Housing – Phase II. Engineer Brungardt requested a motion to table this item as he has not heard back from the Commercial Group at this time.

Motion by Councilman Maniez to table this item to the April 19<sup>th</sup> meeting; second by Cannon.

All Council approved by “ayes”.

5. New Business:

6. Executive Session:

Motion by Councilman Maniez to go into Executive Session at 8:05 p.m. for ten minutes for attorney-client privilege and confidential company information, to exclude Councilman Morse and to include Pat Guilfoyle and Patrick Reavey; second by Templin

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

Motion carried.

Motion by Councilman Maniez to return from Executive Session at 8:17 p.m. and only the item stated was discussed and no vote were taken; second by Zindler.

All Council approved by “ayes”.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said the Rental Inspection Program Task Force has been moving along and he anticipates a final meeting will be held before the next Council meeting. Councilwoman Templin stated she would like to see Councilwoman Zindler continue on the Task Force if a decision has not been made prior to the end of Councilwoman Zindler’s term. Council agreed.

Administrator Guilfoyle said he would like to congratulate the Council members in their election results. He further stated he wished Councilwoman Zindler well in her future endeavors and thanked her for her dedication as a Council member

Councilwoman Zindler stated she has enjoyed working with the Mayor, Council and Staff during the past several years. She said she has learned a lot and she will miss everyone very much.

Administrator Guilfoyle said the RFQ for the Riverside Park has elicited seven proposals. He would like to whittle down the seven to two or three for consideration. He requested Council’s thoughts on the process. Discussion. Councilwoman Cannon will review the proposals.

- b. City Attorney, Patrick Reavey, had no comment.
- c. City Engineer, Mike Brungardt, reminded Council of the April 19<sup>th</sup> ribbon-cutting meeting at 3:30 p.m. for the new wastewater treatment plant.

d. City Planner, Kim Buttrum, was not present.

e. City Clerk, Lana McPherson, had no report.

8. Council & Mayor Comments:

Mayor Anderson asked the students present if they had any questions of the Council.

Mayor Anderson said he needed to fill a position on the Board of Zoning Appeals. He asked Council to approve the appointment of Richard Brazukas to the Board.

Motion by Councilman Maniez to approve the Mayor's recommendation of Richard Brazukas to the Board of Zoning Appeals; second by Zindler.

All Council approved by "ayes".

Mayor Anderson said there are some Planning Commission and Park Board appointments that will be coming up in May. He requested Council provide him with some names of folks who might be interested in serving on one of these committees.

Councilwoman Cannon asked if Chief Ritter was going to apply for a grant. Administrator Guilfoyle said he is meeting with Chief Ritter next week. Mayor Anderson said he has talked with Kent Dvorak. Mayor Anderson is requesting a mock board to discuss a potential budget for the new fire department. The issues to be discussed are Sunflower and the City of Olathe. Discussion by Councilman Maniez with Mayor Anderson on how the board is going to be determined.

Councilman Morse asked when a date will be to have the fire department set up. Mayor Anderson said his plan is for a year. Discussion by Council and Mayor Anderson on the plan that will proceed to the County Commissioners, and a time frame.

Councilman Maniez asked about the turn lane and turn signal on the new traffic light. Engineer Brungardt said traffic counts did not warrant a protected left arrow. Discussion that installation of a future left-turn arrow would cost about \$3,000.00. Council comments regarding the new traffic light.

Councilman Maniez asked about repairing the bumps on the ends of the Kill Creek bridge. Engineer Brungardt said Ron Creason is aware of this and it is on the schedule for summer repairs. There is also a pavement crack on Kill Creek about 75 feet south of 83<sup>rd</sup> Street.

Councilwoman Zindler had no further comments.

Councilwoman Templin had no further comments.

Motion by Councilwoman Templin to adjourn at 8:47p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

---

Lana R. McPherson, MMC  
City Clerk