

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
April 6th, 2006, at 7:00 P.M.

MINUTES

The meeting was called to order by Mayor Dave Anderson with Roll Call:

Roll Call:	Cannon	Present	Templin	Present
	Maniez	Absent	Zindler	Present
	Morse	Present		

Citizens signed the book on page 63.

Mayor Anderson led the audience in the Pledge of Allegiance.

Councilwoman Templin recused herself from the Public Hearing.

Public Hearing: *Petition filed by FCB Bank to vacate public right-of-way at Lexington Avenue and Hillcrest Road, adjacent to 33485 Lexington Avenue.* City Engineer Mike Brungardt stated this was before the Council in February, 2006. The applicant has submitted a new request for a smaller proposed vacation of right-of-way area. Engineer Brungardt provided Council with a colored drawing of the proposed area, and discussed the request being presented. The Planning Commission has given approval of the site plan contingent on the final platting of the property. At that time, a 10-foot utility easement along Lexington Avenue will need to be granted.

Mayor Anderson opened the public hearing for comment. No one appeared.

Consider Ordinance vacating public right-of-way at Lexington Avenue and Hillcrest Road, adjacent to 33485 Lexington Avenue.

Motion by Councilman Morse to approve Ordinance No. 2120: second by Cannon.

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

Motion carried.

Councilwoman Templin returned to the Council Chamber at 7:07 p.m.

Mayor Anderson read the following proclamations to the audience:

Proclamation Proclaiming April, 2006, as Fair Housing Month in De Soto.
Proclamation supporting Johnson County Library Foundation Enhancement on April 6th, 2006.
Proclamation Proclaiming April 19th, 2006, as Arbor Day in De Soto.
Proclamation for 2006 National Crime Victims' Rights Week of April 23rd-29th, 2006.

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 Councilman Morse to amend the Consent Agenda to add Item 1 c. Resolution for an Order of Code Violation and to add Item 5.e. Discuss Tax Abatement Request from Engineered Air; second by Zindler.

All Council approved by “ayes”.

1. Consent Agenda:

- a. Approve Minutes of the Council Meeting of March 16th, 2006.
- b. Approve Pay Ordinance No. 542.
- c. Approve Resolution No. 738 for an Order of Code Violation.

Motion by Councilwoman Templin to approve the Consent Agenda; second by Zindler.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Absent	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.”

John Broman, Edwardsville Councilmember, said the new boat ramp at Edwardsville is completed. He said they have set May 20th, at 3:30 p.m. for a ribbon-cutting. He is asking that the City of De Soto join in with a canoe, kayak and raft race from De Soto’s boat ramp to the Edwardsville boat ramp. Mr. Broman said they would like to make this an annual event between the two cities. He outlined the proposed plan and schedule of events for the May 20th celebration and race. Mr. Broman said the ramp and parking area at Edwardsville were finished today. Discussion by Mayor and Council with Mr. Broman. Council agreed to the May 20th date for the boat race and ribbon cutting. Mr. Broman will continue to work with Darrel Zimmerman and Lana on the details of the day.

3. Chamber / EDC Report: Executive Director Sara Ritter was out of town.

4. Old Business: None

5. New Business:

Councilwoman Templin recused herself from the next item at 7:25 p.m.

- a. Consider final plat for First Community Bank, 33485 Lexington Avenue, located at the southwest corner of Lexington Avenue and Ottawa Street. Engineer Brungardt said this is the final plat that does reflect the right-of-way vacation that was approved at the public hearing at the beginning of this meeting. Engineer Brungardt stated there is a positive recommendation from the Planning Commission and staff

recommends approval of the final plat.

Motion by Councilwoman Cannon to approve the final plat for First Community Bank; second by Zindler.

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

Motion carried.

Councilwoman Templin returned to the Council Chamber at 7:28 p.m.

- b. Discuss sign regulation text amendments and Board of Zoning Appeals authority text amendments currently being drafted by the Planning Commission (Planning Commission Chairman Kevin Honomichl to attend Council meeting). City Engineer Brungardt stated Planning Commission Chairman Kevin Honomichl is present this evening to hear the discussion and recommendations from the Council. Staff is currently in the process of revising the sign regulations, especially the pole sign regulations and language. Lengthy discussions have ensued by the Planning Commission regarding pole sign regulations. City Engineer Brungardt asked for some discussion. Chairman Honomichl thanked the Council for the opportunity to discuss these items.

Chairman Honomichl stated the proposed Board of Zoning Appeals amendments that were originally proposed so that the City's criteria more closely matched the authority granted by the state. Chairman Honomichl reviewed the criteria and the jurisdiction granted to the BZA. The dilemma is that the criteria is a tough set of requirements and he is asking whether to change the current language, and if so, what changes are to be made regarding the BZA's authority to grant variances relating to specific requests. Chairman Honomichl said there is no easy way to define a check and balance of the granting of a variance. He asks the Council for their direction.

Councilwoman Templin said she does not want to see any new pole signs in De Soto, especially not on interchanges. She said the new BZA language allows for a variance for pole signs and that is what brought this item up for discussion. Councilman Templin said she is concerned about the language. Discussion by City Attorney Reavey that the City could do away with a Board of Zoning Appeals and make the Planning Commission the Board of Zoning Appeals. Councilwoman Templin said she would like to see a list of items the BZA cannot grant.

Councilman Morse agreed on items the BZA cannot grant. Councilwoman Zindler said she has given this much thought and study. She has talked with City Attorney Reavey to understand the criteria the Board of Zoning Appeals has to follow. She said the BZA does serve a good purpose and she said she is comfortable with the items the BZA decides on. Discussion by Mayor Anderson regarding land use. Chairman Honomichl discussed the planting requirements for landscaping and using the natural vegetation on the property. Discussion with City Engineer Brungardt on the landscaping requirements. Councilwoman Zindler said she would rather see a list of items the BZA cannot grant. Councilwoman Templin stated possibly exceptions along K-10 could be included in the list. Discussion by Attorney Reavey

regarding the state statutes and having the list be what the BZA “cannot do” is better than having to amend the text to include a jurisdictional item.

Discussion by Councilman Morse that he likes the “cannot do” list. Councilwoman Cannon agreed with the others that she prefers the “cannot do” list. Discussion with Attorney Reavey and Engineer Brungardt on the accessory structure requirements and yard set back regulations. Discussion by Engineer Brungardt on a consideration by other communities to limit the BZA’s authority in granting variances.

Chairman Honomichl discussed the elevated signs and the pole signs and the size and support structure of elevated signs. He said the Planning Commission has talked about the lowering of all elevated signs, and also discussed monument signs. He said we also need to consider the K-10 Corridor sign regulations. The Planning Commission would like input.

Councilwoman Cannon said she doesn’t want to see any more pole signs. She said there might be a need for some elevated signs. Discussion by Mayor Anderson that since there are pole signs at the Lexington Avenue interchange, do they stay or come down. Councilwoman Templin said it was her recollection the Council said they didn’t want any more pole signs; but, there needs to be a way to address the maintenance of the current pole signs in town. She said there was also discussion on construction materials of the signs. Discussion by Attorney Reavey and Engineer Brungardt for language in the regulations that would allow a special use permit for certain signs.

City Administrator Guilfoyle said the K-10 Corridor has guidelines for signs that are permitted along the corridor. These are guidelines and the City does not have to follow these regulations within the City’s boundaries. Continued discussion by City Attorney Reavey on a special use permit. Councilman Morse discussed the elevated signs with Chairman Honomichl. The elevated sign regulations should be revised. No elevated signs and no pole signs on K-10. Councilman Morse said he would use the state signs to advertise on the highway and then place a monument sign at his business.

Councilwoman Zindler said the height issue should be addressed; she does not support new pole signs and she would like to see those “grandfathered” in be allowed to do maintenance on the signs. Discussion by City Attorney Reavey on legalities. Mayor Anderson discussed the intent of the sign language with Council.

Councilwoman Templin and City Attorney Reavey discussed the abandoned pole sign at K-10 and Lexington that, under City ordinance, should be taken down. Mayor Anderson discussed the color, background, lettering and materials of signs. Chairman Honomichl asked if the Council wants to allow the “grandfathering” in of the current pole signs, or follow the current sign regulations on abandoned signs. Mayor Anderson discussed the pole sign issue at K-10 and Lexington Avenue. Discussion by Chairman Honomichl and Attorney Reavey on existing pole signs and specific language to identify these particular signs. Discussion on maintenance of the pole signs in existence now.

Councilman Morse said he would volunteer to be on a sign committee, as did Councilwoman Templin. Chairman Honomichl said he will ask two members of the Planning Commission to be on the committee. They will work on drafting language with the committee and bring back their proposal to the Council.

Mayor Anderson called a five-minute recess at 8:25 p.m.
Mayor Anderson reconvened the Council at 8:32 p.m.

- c. Consider Resolution Selecting City Bond Counsel and Directing Staff to Negotiate Representation Agreement for Consideration by Governing Body. City Administrator Guilfoyle said there was a team that was put together in working on the soccer project. He said this team included a new bond counsel and a new financial advisor. Staff worked closely with these people and are recommending the change.

Motion by Councilwoman Templin to adopt Resolution No. 739 Selecting City Bond Counsel and Directing Staff to Negotiate Representation Agreement; second by Cannon.

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

Motion carried.

- d. Consider Resolution Selecting City Financial Advisor and Directing Staff to Negotiate Representation Agreement for Consideration by Governing Body. City Administrator Guilfoyle said the bond counsel highly recommended Columbia Capital Management and staff was extremely impressed with their work on the soccer project.

Motion by Councilwoman Templin to adopt Resolution No. 740 Selecting City Financial Advisor and Directing Staff to Negotiate Representation Agreement; second by Cannon.

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

Motion carried.

- e. Discuss Tax Abatement Request from Engineered Air. Discussion by City Administrator Guilfoyle that he and Sara Ritter have met with representatives of Engineered Air regarding their request for a tax abatement. He said the company was told the Council would not receive a favorable reception for a 100% abatement request like Engineered Air had received over ten years ago. Discussion by Councilman Morse on the value of the projected improvement. Mayor Anderson polled the Council. Council members said they would support the 50% abatement for up to 10 years. Discussion by City Attorney Reavey on staff's drafting of the new tax abatement policy. City Administrator Guilfoyle discussed the incentives for attracting new business as well as retaining current businesses in the community. Staff will work on drafting the abatement policy.

6. Executive Session:

Motion by Councilwoman Zindler to go into Executive Session at 8:20 p.m. for: 1) personnel matter for 10 minutes; 2) confidential company information and land acquisition for 15 minutes, to include City Administrator Guilfoyle, City Attorney Reavey, and City Engineer Brungardt; second by Templin.

All Council approved by "ayes".

Motion by Councilwoman Zindler to return from Executive Session at 9:05 p.m. and only the two items stated were discussed and no votes were taken; second by Templin

All Council approved by "ayes".

Motion by Councilwoman Zindler to adopt Resolution No. 741 granting City Employee Permission to Enroll in City Healthcare Insurance Program Prior to Completion of 90-day Waiting Period; second by Templin.

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

Motion carried.

7. Advisory Reports:

- a. City Administrator, Patrick Guilfoyle, said the insurance renewal for the City's property and casualty premium is going to be reduced this year. He and Attorney Reavey also discussed lowering the deductible on the employment practices liability.

He shared with Council a request from the College Church of the Nazarene in Olathe to use Wilderness Park for the making of a movie on June 9th and 10th. City Administrator Guilfoyle said he has discussed liability concerns with Attorney Reavey. Councilwoman Cannon said she thinks it is fine to allow them use of the park; Councilman Morse, Councilwomen Zindler and Templin agreed. Details will be confirmed, and the Kaw Valley Sportsmen's Association will be notified.

City Administrator Guilfoyle said the Johnson County United Community Services has requested \$1,320 for 2006. Council approved the request. Discussion on the funding allocation and budget amount for next year.

Sara Ritter provided Administrator Guilfoyle a copy of the Ingrams' magazine for the advertising of De Soto, along with other metropolitan Kansas City areas. He said Sara's recommendation is to approve the advertising since the City has received good feedback from this effort. Council approved.

- b. City Attorney, Patrick Reavey, stated the cable franchise bill has been passed by the Legislature and is going to the Governor for signature. He will bring more details back to the next meeting. This means the City will be negotiating on the franchise agreement for cable with Time-Warner.
- c. City Engineer, Mike Brungardt, updated the Council on projects. The first monthly progress meeting was held on the sewer plant. The tentative schedule is for the in-town construction of the line to begin by the end of April, weather permitting. Property owners will be notified as construction approaches.

The aquatic center has a completion date scheduled of May 1st. The upper parking lot will begin construction soon. The family and tot slides are due to be delivered and installed during the Memorial week. They will most likely not be in for the grand opening on Friday, May 26th, at 5:30 p.m. Councilwoman Templin provided some details on classes that will be forming and the possibility of a swim team next year.

Discussion by Councilwoman Zindler and Engineer Brungardt on the extension of the trail project this summer.

The 2005 CDBG project is starting next week. The De Meadows recreation path is nearing completion for the ribbon cutting in June, 2006. Councilwoman Templin asked about the K-10 trail. Engineer Brungardt said he will bring the project details to the next Council meeting.

- d. City Clerk, Lana McPherson, reminded Council of the April 11th State of the County Address. She said the Relay for Life City team is forming and donations are arriving.

8. Council & Mayor Comments

Councilwoman Cannon asked about the sewer project payments on the Plummer lift station. There are currently two checks out in the amount of \$917.84. Discussion with Engineer Brungardt that he will check with Doug Smith on the delivery date of the parts.

Councilwoman Cannon said the boat ramp concrete is now poured and the rock will be hauled in to finish it. Discussion by Mayor Anderson that he is working on list of the names of volunteers and donors who have worked on the project. He asked that names be given to Lana so letters can be sent out from the City thanking all the volunteers.

Councilman Morse asked Engineer Brungardt to have LRM look at Kaw Avenue where the asphalt has sunken and falls away from the concrete, near where the stop sign used to be. Councilman Morse also asked about the sidewalk that is going to tie in on Lexington Avenue. He and Engineer Brungardt discussed the path, the high slope and erosion control.

Councilwoman Zindler asked about the De Soto Smart Corridor sign being constructed. Engineer Brungardt said the CIP funds are depleted. Councilwoman Zindler asked if Clarence needed additional funding over the \$5,000 for his project. Discussion by City Administrator Guilfoyle that the work is in progress and Clarence will keep him apprised.

Councilwoman Templin stated the Johnson County Leadership Summit was interesting. She said a common theme in discussion groups was that legislators are taking powers away from cities. City Administrator Guilfoyle said the attendees were divided up into several groups and asked to focus on five themes. The County is planning on a follow-up session and will ask for delegates from the cities to meet again. Continued discussion by Councilwoman Templin on the discussions that were heard at the Summit.

Councilwoman Templin said she went to the Johnson County Library Foundation Event. This was the kick-off for the endowment fund. She said the history of the libraries was interesting and De Soto was on the poster. The Johnson County Library system is phenomenal. She said it should be a goal of De Soto in being a vital part of the Library system. She asked the Council if they would consider contributing \$1,000 to the endowment fund. Discussion by Councilman Morse that the library receives a portion of the property taxes. De Soto was one of the cities that did attend the event. Discussion.

Mayor Anderson said the fire detachment request for Arbor Ridge was approved today by the County. He also said he attended the Council of Mayors meeting last night and the half-cent sales tax issue was discussed. The half-cent tax is a separate tax. There is a bill that did not surface until late in the session that brought this up. Mayor Anderson

discussed the comments from the meeting last evening regarding the tax issue. The mayors will meet and negotiate with the county.

Motion by Councilwoman Templin to adjourn at 9:50 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk