

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
June 1<sup>st</sup>, 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		

The Mayor led the audience in the Pledge of Allegiance.

Citizens signed the book on page 68.

Presentation by Reece and Nichols to the winners of the 2007 Sesquicentennial Logo and Slogan Winners: Jason Smith and Dean Weller.

Lana introduced Joe Webb and Steve Benskin of Reece and Nichols. Mr. Webb discussed the logo designed by Jason Smith and the slogan by Dean Weller. Mr. Weller thanked the Council and the Committee and said this has been his town, too, for the past 55 years. Mr. Weller said he is donating his prize money back to the 2007 Committee to use for the celebration. Mayor Anderson and the Council gave a round of applause to the winners and thanked Mr. Webb and Mr. Benskin for donating the cash prize awards for the contest.

*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 May 18<sup>th</sup>, 2006.
  - b. Approve Pay Ordinance No. 546.
  - c. Adopt Resolution No. 744 Approving IRB and Tax Abatement Policies and Application Materials
  - d. Approve Ordinance No. 2127 Revising Local Traffic Provisions to Create School Zone on Lexington Avenue

Motion by Councilwoman Zindler to approve the Consent Agenda; 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.”

Darrel Zimmerman, 34055 W. 86<sup>th</sup> Terrace, said he wanted to compliment the City employees in preparing for the ribbon-cutting of the boat ramp. The temporary signs have now been removed and Mr. Zimmerman said he has received some calls from people wanting to know how to get to the boat ramp. He is requesting the Council consider some permanent signage. Discussion by Council and Mr. Zimmerman. He said he appreciated everyone's effort.

3. Chamber / EDC Report: Sara Ritter, Executive Director, said on June 6<sup>th</sup> there will be a ribbon-cutting for FCB Bank at 8:30 a.m.; on June 8<sup>th</sup> the Chamber is hosting the annual Business Appreciation Lunch; on June 13<sup>th</sup> at 8:30 a.m. there will be a ribbon-cutting for Wheat Photography. On June 15<sup>th</sup>, Marty Shugart will be coming back to do Part 2 of the downtown revitalization program. On June 29<sup>th</sup> from 5:00 to 7:00 p.m. is the joint networking event at Kill Creek Farm and she encouraged the Council members to attend.
4. Old Business:
  - a. Discuss potential revisions to Excise Tax Ordinance. **Tabled**
  - b. Consider Ordinance Amending Article 3 of Chapter 7 of the City Code pertaining to Display, Discharge and Retail Sale of Fireworks. City Attorney Reavey provided Council members with a red-line copy of the changes proposed. The changes provide for clarity on the inspection language, as well as clarity concerning business owners in the City applying for a permit. Discussion by Councilwoman Templin and Attorney Reavey on not-for-profit corporations paying the permit fee.

Motion by Councilman Morse to approve Ordinance No. 2128; second by Cannon.

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

Motion carried.

- c. Consider Ordinance Adopting Recommendation of Planning Commission on text amendment to Article 12 of the Zoning Regulations pertaining to powers and jurisdiction of the Board of Zoning Appeals. City Planner Gordanier stated this has been before the Council previously and was returned to the Planning Commission for reconsideration. She discussed the "short list" of the items the Council had recommended the Planning Commission review. Planner Gordanier reviewed the staff memo concerning the recommendation made by the Planning Commission.

Councilman Maniez asked about the use of "structural" signs as opposed to non-structural signs. He discussed the proposed variance language with Planner Gordanier and Engineer Brungardt and the decision that could be made by the Board of Zoning Appeals. Discussion by Councilwoman Templin with Planner Gordanier regarding the sign regulations and the ability to request a variance. Further discussion by Councilman Maniez regarding "trademark" signs for certain businesses and the amount of light that can be generated from the sign. Mayor Anderson asked Board of Zoning Appeals Chairman Joe Webb and Board Member Darrel Zimmerman if they had any comments.

Mr. Webb said the three-member board is very strict in the variance procedure and

they do follow the criteria. He said this was not something the Board of Zoning Appeals initiated and they will continue to follow the criteria. Mayor Anderson said the Board has done an exceptional job of adhering to the state statute criteria. Chairman Webb said he would ask that Council and staff consider creating a five-member board in the future. Mr. Webb said a five-member board would alleviate a concern to have a quorum present if one member is absent or cannot participate due to a conflict of interest. Mayor and Council will discuss the request.

Motion by Councilwoman Templin to approve Ordinance No. 2129 amending Article 12 of the Zoning Regulations; second by Zindler.

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

Motion carried.

5. New Business:

- a. Presentation and Acceptance of City Audit for Fiscal Year 2005. Mr. Tom Singleton, City Auditor, said every year the City is required to have a financial audit. He stated the audit document is really focused on the financial statements and then the auditors' submit their opinion of the audit. Mr. Singleton reviewed the audit report and the comments made in the Notes of the written audit statement. Mr. Singleton also reviewed the comments made in the Management Letter directed to the Council. He recommended the City approve a fraud policy as well as internal control policies in four (4) areas, and consider capital asset accounting. Mr. Singleton thanked the Council and City staff for using the firm as their auditors.

Councilman Maniez said that paragraph 2 of the management letter keeps coming up every year. He asked Mr. Singleton about the internal control procedures and a discussion ensued between Mr. Singleton and Councilman Maniez regarding a policy that sets a standard. Mr. Singleton said the better way to do it is to have a written policy for good internal control for accounting. Councilman Maniez asked City Administrator Guilfoyle if this is a policy that can be implemented. He discussed some instances in the past that concerned him. Mr. Singleton said that a written policy and procedures could be written to be easily read and understood by anyone.

Councilwoman Zindler asked Mr. Singleton about unencumbered cash. Discussion by Mr. Singleton regarding the Government Finance Officers Association and the information that is available on that website. Mr. Singleton said the City has done a very good job of maintaining the cash balances in all funds.

- b. Consider Odor Control unit / Engineered Air Agreement. City Engineer Brungardt said that during the discussions with Engineered Air regarding the necessary easements for the new main lift station, they requested an odor control unit be installed near their facility. Engineer Brungardt reviewed the staff report dated May 24<sup>th</sup> and the discussions that ensued with Engineered Air regarding the purchase of the odor control unit. Engineer Brungardt discussed the pricing and budget for the change order proposal submitted by Walters Morgan to add this equipment. The terms of the easement agreement with Engineered Air were discussed by Engineer Brungardt, as well as the project's progress.

City Administrator Guilfoyle stated Engineered Air is going to be approaching the Council in future for a tax abatement. Mr. Guilfoyle stated the company is hoping to see the level of the abatement increased. Mr. Guilfoyle related the discussions that he and Sara Ritter had with Engineered Air concerning their abatement request. Further discussion by Engineer Brungardt and Administrator Guilfoyle regarding the proposed agreement for the easements and the odor control unit change order.

Discussion by Councilman Maniez on the odor control unit having only a 12-month warranty that may be expired prior to the unit actually being installed. Discussion by Councilwoman Templin on the projection of when the scrubber would be necessary. Engineer Brungardt stated that the design engineers did not feel odor would be a problem at this pump station. Councilman Maniez said this is an item that probably won't last the length of the abatement. Councilman Morse discussed the odor most likely comes from the wastewater plant and not the lift station. Discussion by Attorney Reavey and Engineer Brungardt on the agreement for the easements. Mayor Anderson called for comments from the Council and the Council agreed this is not an abatement negotiation item because Council is prepared to spend the money.

Motion by Councilwoman Zindler to table Item 5. b; second by Cannon.

Four Council members approved by "ayes".  
Councilman Maniez was "opposed".

- c. Consider Ottawa Street Sanitary Sewer Project. Engineer Brungardt stated there is a private sewer lateral that serves four residences. The line is in fairly poor condition and its maintenance is problematic. Staff approached the owners on the line and all owners have agreed to grant the easements necessary for the construction of this line. Engineer Brungardt reviewed the Staff memo dated May 23<sup>rd</sup>. He requested Council provide comments regarding the replacement and the funding of a new line. Council discussion that the City should fund the project for the main sewer line. The cost for any line replacement from the main to the residence will be borne by the property owner. Councilman Morse said the property owners need to be notified.

6. Executive Session: None

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said there was a lightning strike on Wednesday and it fried the Variable Frequency Drive at the Sunflower water plant. The drive is covered by insurance and it will cost about \$7,400. The City has a \$1,000 deductible. Administrator Guilfoyle presented a tee shirt to each Council member for the Johnson County Parks Trail dedication on Saturday, June 3<sup>rd</sup>, at 9:00 a.m.

On Wednesday, Building Official Steve Chick received an application for a fireworks permit from the De Soto High School Wildcat Football. Mr. Chick stated Gulley's Carpet has provided their property for the stand location. The Fire Chief and Mr. Chick have walked the property and this application has met all the requirements. The DHS Wildcat Football team is requesting the Council waive the permit fee as this is a not-for-profit organization. Council discussion.

Motion by Councilman Morse to approve the application for fireworks for the DHS Wildcat football team; second by Templin.

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

Motion carried.

Motion by Councilman Morse to waive the permit application fee; second by Cannon.

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

Motion carried.

- b. City Attorney, Patrick Reavey, discussed the insurance company progress for the fire truck that was wrecked. The insurance company will reimburse the City for the \$10,000 value of the truck.
- c. City Engineer, Mike Brungardt, no report.
- d. City Planner, Kim Gordanier, no report.
- e. City Clerk, Lana McPherson, said the City Relay for Life team has reached its goal of \$1,500.00. She thanked the Mayor and Council for their support of this event.

8. Council & Mayor Comments:

Councilwoman Cannon asked about the email from the lady on Waverly Road regarding the pool policy. Discussion by Administrator Guilfoyle regarding the City's policy. The staff has had discussion concerning the policy with the pool attendants. Councilwoman Cannon said she had a complaint from a visitor from Lee's Summit regarding a three-year-old not being allowed to wear blow-up "floaties" or "water wings". Discussion by Councilwoman Templin that life vests are safety approved and floaties are not. Discussion by Administrator Guilfoyle and Councilwoman Templin that good comments have been made regarding Justin's handling of difficult situations.

Councilman Morse said he and Marge will not be at the Relay for Life event tomorrow evening because Marge is getting her port out Friday morning. Mayor Anderson and the Council extended their get well wishes for Marge.

Councilman Maniez asked about the dirt pile on Rik-Mar Drive. He said it needs to be removed as it has been almost a year since the work was done. City Engineer Brungardt will notify the Water Department to remove it.

Councilwoman Zindler asked about the email update that was sent regarding the Cinco de Mayo celebration activities. Councilman Maniez said he will follow up with the Cinco de Mayo committee so that any concerns can be worked out before next year's event.

No further comments from Councilwoman Zindler and Councilwoman Templin.

Mayor Anderson asked the Council for their comments to his email last week concerning committees. Discussion by Council and Mayor.

Motion by Councilwoman Templin to adjourn at 8:45 p.m.; second by Cannon.

All Council approved by “ayes”.

Respectfully submitted:

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Lana R. McPherson, CMC  
City Clerk