

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
June 21st, 2007, at 7:00 P.M.

MINUTES

The meeting was called to order with Roll Call by Mayor David Anderson.

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|------------|---------|---------|--------|---------|
| Roll Call: | Cannon | Present | Maniez | Absent |
| | Drennon | Present | Morse | Present |
| | Templin | Present | | |

Citizens signed the book on page 95. Mayor Anderson led the Pledge of Allegiance.

A Proclamation Declaring June 22nd De Soto Wildcat Boys' Tennis Day in De Soto was read by Mayor Anderson. Each team member and coach was given a copy of the Proclamation.

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 June 7th, 2007.
 - b. Approve Pay Ordinance No. 571.

Motion by Councilman Morse to approve the Consent Agenda; second by Cannon.

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|------------|---------|-----|--------|--------|
| Roll Call: | Cannon | Yes | Maniez | Absent |
| | Drennon | Yes | Morse | Yes |
| | Templin | Yes | | |

Motion carried.

Motion by Councilwoman Templin amended the Agenda to include Items 5 a.(i). through (v); second by Drennon.

All Council approved by "ayes".

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."

Alesa Miller, on behalf of the De Soto Days Festival Committee, said the Committee needs approval for posting signs. Mrs. Miller asked about the posting of the permanent signs advertising De Soto Days. The Committee asked Council approval to post the sign on Kill Creek Road. Council approved the posting of the sign on Mr. Coker's property. Mrs. Miller said the Committee has a large banner sign they are requesting to hang on the Gulley's Carpet building next to K-10. Discussion by Mayor Anderson that the sign regulations may not allow this. Planner Buttrum said she would talk with Mrs. Miller regarding the regulations.

Shannon Agan, 8387 Timber Ridge, said he is a resident of the Timber Lakes subdivision. He is here on behalf of several neighbors who have concerns that this subdivision is a single-family subdivision, and not multiple families living in homes with multiple vehicles. He is requesting the Council look into amending the zoning regulations to address multiple families living in a single-family dwelling.

Attorney Reavey said the problem is how the word "family" is described in the zoning regulations. Under this definition, there is no maximum of family members who can live in one house. Attorney Reavey said this definition gets into legalities under federal law. Mayor Anderson stated there should be some regulations under the International Building Code requirements for health and safety issues.

Mr. Agan asked if people are living in the house that are not related by blood, who is going to enforce the regulations. Discussion ensued between Mayor Anderson and Mr. Agan regarding the concerns of increased traffic and parking on the streets. Councilman Drennon said this is a single-family subdivision and the concern is multiple families living in a single-family home. Discussion by Council and Mr. Agan. On-street parking and off-street parking regulations were discussed. Staff said the City currently does not have a mechanism to enforce on-street parking. Discussion by Mayor Anderson and staff on how many people can live in a single-family residence. Attorney Reavey said the Fair Housing Act will not allow discrimination against a family. Councilman Morse said there is a person in his neighborhood that parks three cars at the middle school parking lot at night because they already have six vehicles parked in their driveway.

Tom Farris, Edwardsville, Kansas, said he will be doing a float trip next Thursday from the new De Soto boat ramp. He said this is a beautiful place and his groups use this boat ramp on a regular basis. He thanked the Council for

3. Chamber / EDC Report: Sara Ritter, Executive Director, was not present.
4. Old Business: None.
5. New Business:
 - a. Consider Resolutions and Ordinances relating to funding initial CIP projects. Administrator Guilfoyle provided a power-point presentation depicting the anticipated financing calendar and the cost calculations for the initial projects. These documents will assist in refinancing the City's existing debt; it will also allow the City to proceed with several projects as well as implement a funding mechanism for the proposed benefit districts. Councilman Morse asked why the streets had to be specifically designated. Jeff White, Capital Management, stated this is a function of the statutory ability the City has for designating the main traffic ways for the financing of the projects.
 - i. Ordinance Designating K-10 as a Main Trafficway and Certain Other Streets as Main Trafficway Connectors.

Motion by Councilman Morse to approve Ordinance No. 2162 Designating K-10 as a Main Trafficway and Certain Other Streets as Main Trafficway Connectors; second by Cannon.

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|------------|---------|-----|--------|--------|
| Roll Call: | Cannon | Yes | Maniez | Absent |
| | Drennon | Yes | Morse | Yes |
| | Templin | Yes | | |

Motion carried.

- ii. Resolution Authorizing Main Trafficway Improvements to Replace Guardrails and Stabilize the Creek Bank in the 93rd Block of Cedar Creek Road.

Motion by Councilman Morse to approve Resolution No. 784 Authorizing Main Trafficway Improvements to Replace Guardrails and Stabilize the Creek Bank in the 93rd Block of Cedar Creek Road; second by Cannon.

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|------------|---------|-----|--------|--------|
| Roll Call: | Cannon | Yes | Maniez | Absent |
| | Drennon | Yes | Morse | Yes |
| | Templin | Yes | | |

Motion carried.

- iii. Resolution Authorizing Certain Water System Improvements

Motion by Councilman Morse to approve Resolution No. 785 Authorizing Certain Water System Improvements; second by Cannon.

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|------------|---------|-----|--------|--------|
| Roll Call: | Cannon | Yes | Maniez | Absent |
| | Drennon | Yes | Morse | Yes |
| | Templin | Yes | | |

Motion carried.

- iv. Resolution Authorizing Certain Sewer System Improvements

Motion by Councilman Morse to approve Resolution No. 786 authorizing Certain Sewer System Improvements; second by Cannon.

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|------------|---------|-----|--------|--------|
| Roll Call: | Cannon | Yes | Maniez | Absent |
| | Drennon | Yes | Morse | Yes |
| | Templin | Yes | | |

Motion carried.

- v. Resolution Authorizing Improvements to City Hall and the Community Center

Motion by Councilman Morse to approve Resolution No. 787 Authorizing Improvements to City Hall and the Community Center; second by Cannon.

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|------------|---------|-----|--------|--------|
| Roll Call: | Cannon | Yes | Maniez | Absent |
| | Drennon | Yes | Morse | Yes |
| | Templin | Yes | | |

Motion carried.

- b. (1). Consider Agreement Not To Protest Benefit District for Cedar Hill Estates. Engineer Brungardt stated, at the request of the applicant, this item needs to be tabled until the next Council meeting.

Motion by Councilman Morse to table Item 5 b. and 5. b.1.; second by Templin.

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|------------|---------|-----|--------|--------|
| Roll Call: | Cannon | Yes | Maniez | Absent |
| | Drennon | Yes | Morse | Yes |

Templin Yes

Motion carried.

- b. Consider Final Plat for Cedar Hill Estates, 5.0 acres located on the southwest corner of 89th Street and Waverly Road.

At the request of the applicant, Engineer Brungardt requested the item be tabled to the July 5th, 2007, Council meeting.

- c. Consider zoning map revision from 'RUR' Johnson County Rural district to the 'R-0' Residential Suburban district for property located at 33210 W. 95th Street. Planner Buttrum said this will be her last presentation before the Council as she will be leaving soon. Planner Buttrum reviewed the staff report dated June 14th, 2007, and stated this rezoning was recommended for approval by the Planning Commission and staff.

Motion by Councilwoman Templin to approve Ordinance No. 2163 rezoning property from the "RUR" district to the 'R-0' Residential Suburban district for property located at 33210 W. 95th Street; second by Drennon.

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|------------|---------|-----|--------|--------|
| Roll Call: | Cannon | Yes | Maniez | Absent |
| | Drennon | Yes | Morse | Yes |
| | Templin | Yes | Mayor | Yes |

Motion carried.

- d. Overview and Feedback on Preliminary Schematic Design for River Front Park Master Plan. Mr. Doug Pickert of Indigo Design presented a power point presentation regarding preliminary design concepts for the River Front Park. He introduced John Chamberlain and Raj Trevepa. They are here to answer questions. Mr. Pickert has met with several community people to gain input and insight as to the use of the area. He presented three concept plans. Discussion by Mayor Anderson and Engineer Brungardt regarding the wells currently on the property. Mayor Anderson asked Mr. Pickert about lighting sources within the park.

Councilwoman Templin asked about tent camping area in the concept plans. She said no restroom is shown near the boat ramp area. Discussion on plan b. Further discussion on the number of RV parking stalls designated in the three plans.

Mayor Anderson called a five-minute recess at 8:45 p.m.

Mayor Anderson reconvened the Council at 8:50 p.m.

- e. Discussion Regarding Adoption of a Formal Tax Increment Financing Policy. City Administrator Guilfoyle said this is a follow up to a conversation he and Councilwoman Templin had a few weeks ago. He said this type of policy would provide a uniform structure for anyone coming to the City and requesting TIF funding. Discussion by Council and Attorney Reavey on the \$5,000,000 bond costs. Council discussed the minimum funding amount with Jeff White, Financial Advisor for the City. Attorney Reavey asked if the Council has a threshold for a minimum project amount before the TIF funding would be available. Council discussed the level of TIF subsidy with Mr. White.

Councilwoman Templin said she had some questions regarding the definitions. She commented on the enforcement and the defining of the enterprise districts. She further

discussed the fees associated with the redevelopment district as outlined on page 2. Attorney Reavey will follow up with Gilmore and Bell on this question. Staff will bring back a revised agreement at the next Council meeting.

- f. Consider Draft Agreement for Existing Carports Within the City. Attorney Reavey stated this is to address the existing carports, and not future structures. He requested Council provide comments. Councilwoman Templin asked about paragraph 2. (a). Discussion with Attorney Reavey. She further discussed paragraph 2. (b) with Attorney Reavey. Councilman Morse had no comments.

Motion by Councilman Morse to authorize staff to use the agreement as an alternative for owners to keep existing carports; second by Templin.

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|------------|---------|-----|--------|--------|
| Roll Call: | Cannon | Yes | Maniez | Absent |
| | Drennon | Yes | Morse | Yes |
| | Templin | Yes | | |

Motion carried.

- g. Consider bids for chip and seal and crack seal for street maintenance program. Attorney Reavey discussed the bids Ron Creason has received for the repairs. The low bid was from Harbour Construction, Inc. at \$1.45 per square yard. Discussion between Councilman Drennon and Engineer Brungardt on the chip and seal process and the alternative of mill and overlay repairs. Council discussion.

Motion by Councilwoman Templin to accept the bid from Harbour Construction at \$1.45 per square yard to chip and seal priority numbers 1 through 6; second by Drennon.

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|------------|---------|-----|--------|--------|
| Roll Call: | Cannon | Yes | Maniez | Absent |
| | Drennon | Yes | Morse | Yes |
| | Templin | Yes | | |

Motion carried.

6. Executive Session:

Motion by Councilwoman Templin to go into Executive Session at 9:15 p.m. for ten minutes to discuss confidential company business, to include Pat Guilfoyle; second by Cannon.

All Council approved by "ayes".

Councilwoman Templin came out at 9:25 p.m. and requested an extension of five minutes to 9:30 p.m.

Motion by Councilwoman Templin to return to regular session at 9:32 p.m. and only the item stated was discussed and no votes were taken, and there was one five-minute extension; second by Drennon.

All Council approved by "ayes".

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, stated the next City Council meeting is July 5th. All Council stated they will be in town.

- b. City Attorney, Patrick Reavey, said he emailed the Council the draft of the payday loan regulations and they will be in the packet for the next meeting. The City did receive by mail a Notice of Claim from an attorney representing Kevin Sanders. The City's insurance company denied the claim previously. The Notice of Claim requires the City respond within 120 days. The claim will be handled through the insurance.
- c. City Engineer, Mike Brungardt, stated bids are being received tomorrow on the Cherokee Woods project. On June 28th, bids will be received for the CDBG project. Next Tuesday is the Planning Commission meeting and the big item is the Engineered Air extension. He commented on the other projects that are on the Agenda.
- d. City Planner, Kim Buttrum, was not present.
- e. City Clerk, Lana McPherson, gave Council a plaque from Relay for Life Chair Rita Jones. On behalf of the Relay Committee, Rita expressed her thanks to the City for their continued support of the Relay every year.

8. Council & Mayor Comments:

Mayor Anderson said he would like Council approval of Darrel Zimmerman's appointment to the Park Board.

Motion by Councilman Drennon to approve the Mayor's appointment of Darrel Zimmerman to the Park Board; second by Cannon.

All Council approved by "ayes".

Motion carried.

Mayor Anderson said he needs comments from the Council regarding the appointments. He requested the Council members contact him.

Councilman Drennon said he has received calls about kids riding bikes through the spectator stands at the Miller Park ball fields.

No comments from Councilwoman Templin.

Councilman Morse discussed having a quarterly newsletter to address some code enforcement issues and inform people what the codes are in the City. Discussion by Council.

Councilwoman Cannon asked about the fire detachment process. Administrator Guilfoyle said as soon as the budget crunch is done in July, then there will be another meeting with all parties. Discussion by Councilwoman Cannon and Administrator Guilfoyle on the budget numbers. Attorney Reavey stated this is one aspect of the discussions and a step that will be determined.

Councilwoman Cannon asked about the letters Planner Buttrum was sending out to the home-based business violators. Discussion by Administrator Guilfoyle that the notices were not picked up by the property owners, and the process will go to the next level. Discussion by Councilwoman Templin and Attorney Reavey.

Councilwoman Cannon stated there are accidents still happening by the new stoplight. She said there is going to be a need for a left-turning lane.

No further business was discussed.

Motion Councilwoman Templin to adjourn at 9:55 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk