

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
July 19th, 2007, at 7:00 P.M.

MINUTES

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

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

Citizens signed the book on page 97.

Mayor Anderson led the Pledge of Allegiance.

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 July 5th, 2007.
 - b. Approve Pay Ordinance No. 573.

Motion by Councilwoman Templin to approve the Consent Agenda; second by Cannon

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Yes	Morse	Absent
	Templin	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."

No one appeared.

3. Chamber / EDC Report: Executive Director Sara Ritter is on vacation.
4. Old Business:

Motion by Councilwoman Templin to switch Item 4 a. and b.; second by Templin

All Council approved by "ayes".

- a. Consider Agreement Not To Protest Benefit District for Cedar Hill Estates. Attorney Reavey stated this is the standard agreement the City has used. The applicant has signed the Agreement not to protest future sanitary sewer improvements, and funding of any costs associated with future road maintenance, safety and capacity upgrades to 89th Street and Waverly Road adjacent to Cedar Hill Estates. Discussion by Councilwoman Templin with Engineer Brungardt regarding dry sewer connections. Engineer Brungardt stated this is not a provision of this particular subdivision. Council discussion.

Motion by Councilman Drennon to authorize the Mayor to enter into the Agreement Not to Protest Benefit District for Cedar Hills Estates; second by Templin.

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Yes	Morse	Absent
	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. City Engineer Brungardt stated the Planning Commission approved the final plat in May, with conditions, as set forth in the Staff Report dated July 13, 2007. Engineer Brungardt reviewed the comments in the Staff Report and the recommendation that the Council approve the Final Plat with contingencies as stated.

Motion by Councilwoman Templin to approve the Final Plat for Cedar Hill Estates, with the conditions outlined on page 2, Section III, A & B; second by Cannon.

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

Motion carried.

5. New Business:

- a. Consider Ordinance Amending Section 4 of Article 10 of the Zoning Regulations allowing an accessory building to be placed within an established front yard with a Special Use Permit. Engineer Brungardt stated this is an amendment that has been discussed with the Council back in March. He reviewed the comments in the Staff Report and commented on the variance requests that have been to the Board of Zoning Appeals. Engineer Brungardt further discussed the Planning Commission’s desire to allow certain accessory buildings in front yard setbacks conditioned with a Special Use Permit and all of the criteria being considered, with final approval by the City Council.

Discussion by Councilman Maniez on the “uniqueness” criteria to bypass the zoning ordinance regarding accessory structures. Continued discussion between Mayor Anderson and Councilman Maniez regarding the “uniqueness” criteria in paragraph 4 of the proposed Ordinance. Engineer Brungardt stated there is subjectivity in any special use permit request. Discussion by Attorney Reavey and Councilman Maniez regarding evidence that is presented to prove “uniqueness”. Continued comments between Councilwoman Templin and Engineer Brungardt regarding the process and how the Board of Zoning Appeals could become the last avenue.

Motion by Councilman Drennon to approve Ordinance No. 2165 Amending Section 4 of Article 10 of the Zoning Regulations allowing an accessory building to be placed within an established front yard with a Special Use Permit; second by Cannon.

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

Motion carried.

- b. Consider Ordinance authorizing use of \$30,000 from the Electric Utility Fund for Purchase and Installation of Warning Siren to Expand Emergency Warning System for Coverage Throughout Entire City. Discussion by Attorney Reavey on the use of the utility funds and the spending requirements. Comments by Councilman Maniez.

Motion by Councilman Maniez to approve Ordinance No. 2166 Authorizing Use of \$30,000 from the Electric Utility Fund for Purchase and Installation of Warning Siren to Expand Emergency Warning System for Coverage Throughout Entire City; second by Templin.

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

Motion carried.

- c. Consider Ordinance Amending City Code Pertaining to Display, Discharge and Retail Sale of Fireworks. Attorney Reavey stated staff had given direction to amend the ordinance to prohibit fireworks in cemeteries and to limit the number of fireworks stands to six. Councilwoman Templin discussed her concern about how the permits would be granted. Discussion by Councilman Maniez. Attorney Reavey will amend the language and bring this ordinance back to the next meeting.
- d. Update from Indigo Design on River Front Park Schematic Design. Mr. Doug Pickert discussed the timeline and said this is an opportunity for the Council to see how the plan is evolving and requested Council comments. He provided some updated plan options for the Council’s review through a power point presentation. The Council thanked Mr. Pickert for the good presentation.
- e. Consider bids for Lexington Avenue Repairs. Engineer Brungardt discussed the patching repairs for Lexington Avenue. He outlined the areas as addressed in the staff report dated July 13, 2007. Five bids were received for the project. The low bidder was Asphalt Improvement Company in Lawrence, in the amount of \$25,100. Engineer Brungardt discussed the funding sources for this project. Comments by Councilwoman Templin on a previous project.

Motion by Councilman Drennon to authorize the City Administrator to accept the proposal and authorize the expenditure of \$25,100 from the capital improvements fund; second by Templin.

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

Motion carried.

Mayor Anderson called a five-minute recess at 8:28 p.m.
 Mayor Anderson reconvened the Council at 8:33 p.m.

6. Executive Session:

Motion by Councilman Maniez to go into Executive Session at 8:35 p.m. for 45 minutes to discuss confidential company information on Huhtamaki and Engineered Air, and for an attorney-client privilege matter; to return at 9:20 p.m., and include Patrick Reavey and Pat Guilfoyle in the session; second by Cannon.

All Council approved by “ayes”.

Motion by Councilman Maniez to return to regular session at 9:20 p.m. and only the items stated were discussed and no votes were taken; second by Cannon.

All Council approved by "ayes".

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said he is inviting the Council to a work session to discuss the budget. Council will hold a work session on Wednesday, July 25th, at 4:00 p.m. Councilman Maniez said he will be out of town on vacation.
- b. City Attorney, Patrick Reavey, said he is still working on the water rights issue. There is an "acting" chief engineer and the Board has stated they will be sending the City a formal letter in the near future stating their position.
- c. City Engineer, Mike Brungardt, said the Planning Commission next Tuesday will hear a rezoning application public hearing for the property at K-10 and Kill Creek. Discussion by Council and Engineer Brungardt. There is no plan associated with the requested rezoning. The Final Plat for Engineered Air's expansion is on the Agenda. The utility easement will need to be vacated before the expansion can be issued a building permit. He is also working on the comprehensive road program for the Council. Engineer Brungardt said he is working with Linda and bringing her up to speed and is very happy she is here.
- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, said the Utilities Department is receiving numerous complaints about the U.S. mail system and the late arrival of the utility bills to customers. The bills are taken to the Post Office on or before the 28th day of each month and all mailed out at once. The request is to not post the late payment penalty on accounts until the 15th of the month, rather than the 10th of the month, to allow the citizens a few extra days to receive the bill and return the payment. Council agreed.

8. Council & Mayor Comments:

Councilman Drennon asked about the sign pole at Wally's. Discussion by Attorney Reavey, Councilwoman Templin and Engineer Brungardt on the past history of this particular sign.

No further comments by Council members or Mayor Anderson.

Motion by Councilwoman Templin to adjourn at 9:40 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk