

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
July 21<sup>st</sup>, 2005 7:00 P.M.

**MINUTES**

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

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

Citizens signed the book on page 44.

The Mayor led the audience in 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 7<sup>th</sup>, 2005.
  - b. Approve Pay Ordinance No. 525.
  - c. Approve Ordinance No. 2096 to include new Sections 3-109 and 3-110 of Article 1 and Revisions to Section 3-213 Article 2 regulating sales of alcoholic liquor and cereal malt beverage.
  - d. Approve Resolution No. 720 Declaring Violation of Section 8-208 of Article 2 of Chapter 8 at 8205 Center Drive.
  - e. Approve Resolution No. 721 Declaring Violation of Section 8-303 of Article 3 of Chapter 8 at 8205 Center Drive.
  - f. Approve Ordinance No. 2097 to Amend Section 14-101 of the City Code to incorporate 2005 edition of the Standard Traffic Ordinance
  - g. Approve Ordinance No. 2098 to Amend Section 11-101 of the City Code to incorporate 2005 edition of the Uniform Public Offense Code

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

Roll Call:	Cannon	Yes	Morse	Yes
	Maniez	Yes	Zindler	Yes
	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: Sara Ritter, Executive Director, had no report.

4. Old Business: NONE

5. New Business:

- a. Consider special use permit for a home day care center located at 33785 Hillcrest Street in the Parker Heights subdivision, generally located just south of Lexington Avenue and east of Commerce Drive.

Planning Coordinator Kim Gordanier stated the applicant provided a letter stating the business hours and daycare intent. The applicant stated she will have a maximum of six (6) children, with two of them being her own children. Ms. Gordanier provided comments outlined in her memo to the Council dated July 15, 2005. City Engineer Mike Brungardt outlined the traffic findings and safety of that portion of the road network and parking considerations. The Planning Commission has heard the applicant’s request and provided comments to the matters in consideration of the granting of a special use permit. The Planning Commission found the proposed business is supportive of the Comprehensive Plan and the Zoning Regulations. If granted, the special use permit will not transfer with the owner to another residence, nor will it remain with the property under new ownership. It is specific to this applicant at this location. Staff and the Planning Commission recommend approval of granting a special use permit.

Discussion by Councilman Maniez regarding the concern of the neighbors and also the safety features of the home and property. Mr. Brungardt stated the City’s regulations do not regulate this; however, the State of Kansas licensing division of daycare homes does oversee this when they issue a license to the daycare provider.

Motion by Councilwoman Zindler to adopt Ordinance No. 2099 granting a special use permit for a home day care center located at 33785 Hillcrest Street; second by Templin.

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

Motion carried.

- b. Consider rezoning from 'C-2' General Business to 'M-1' Light Industrial for property generally located on the west side of Lexington Road south of 95th Street. (Parcel number AF32800000-0001). Planning Coordinator stated the business is Blacktop Paving. The applicant, Joe Rawie, purchased the subject property with the intent to relocate his Eudora business to De Soto. This contractor use is allowed by special use permit in the "M-1" district. The Planning Commission held a public hearing and subsequently recommended approval of the proposed rezoning. Ms. Gordanier outlined the comments in her staff report to the Council dated July 15, 2005. City Engineer Brungardt discussed the comments relating to utilities and their availability, and that finding is positive. In the Planning Commission's review of the Golden Factors, the findings were more positive in favor of granting this application. Staff also recommends approval of the requesting zoning change.

Motion by Councilwoman Cannon to approve Ordinance No. 2100 based on the Planning Commission's recommendation to grant a rezoning from "C-2" General Business to "M-1" Light Industrial for property generally located on the west side of Lexington Avenue south of 95<sup>th</sup> Street; second by Templin.

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

Motion carried.

- c. Consider special use permit for a contractor office/storage business generally located on the west side of Lexington Road south of 95th Street. (Parcel number AF32800000-0001). Planning Coordinator Gordanier stated this is the special use permit requested by the above business, Blacktop Paving, in conjunction with the rezoning request. The Site Plan Review Committee met and the Planning Commission held a public hearing on this request. Ms. Gordanier provided Council with a staff report to the Council dated July 15, 2005, outlining the findings and recommendations made by the Planning Commission. Mr. Brungardt discussed the sidewalk concerns and the future development of sidewalks in this location.

Discussion by Councilwoman Templin and Mr. Brungardt regarding dry sewers. Mr. Brungardt stated the K-10 Overlay Regulations are still in effect until September, 2005, and the Johnson County Planning Department did submit their comments on this property. Councilwoman Zindler asked about the indirect lighting being directed away from the residential areas.

Planning Coordinator Gordanier discussed the landscaping plan and buffering. The landscape plan is found to be in conformance with the Zoning regulations. The criteria discussed for the granting of a special use permit was discussed and found to be positive in favor of granting the request. Staff and the Planning Commission recommend approval of the special use permit application with the conditions stated in the staff report and in the proposed ordinance. Councilwoman Templin asked about the limiting of the number of full-time employees. Mr. Brungardt stated this number is

related to the septic system and the intensity of use. Mr. Brungardt stated the term of this special use permit is twenty (20) years. He also discussed Item 3 of the proposed special use permit ordinance regarding a compliance review in year five (5) of the special use permit period. He also discussed the storage of bulk materials, and stated there will not be outside stockpiles of materials. The applicant is requesting Monday through Saturday for hours of business. Council discussed the need to sometimes work on Saturdays.

Discussion by Councilman Maniez on the wooden fence requirement and the hip roof. Discussion by Planning Coordinator Gordanier that the roof meets the City's regulations. Discussion by Mr. Brungardt and Councilman Maniez on the building of sidewalks as a requirement as stated in the regulations. Councilman Maniez stated he didn't think it was fair to the next person if a sidewalk is required, who is going to make the "pick and choose" decision on who has to extend the sidewalks to nowhere. Discussion by the Mayor on future expansion. Councilman Maniez stated he would like to see a policy on this in future to avoid any appearance of showing favoritism. Discussion by Council that there are presently no sidewalks in this area. Discussion to ask the Planning Commission to provide a policy on sidewalk construction. Discussion by Councilman Morse that if the applicant can't work on Saturdays, then he may not want to build his business in De Soto; the Council needs to be fair with the applicant in stating the hours.

Motion by Councilman Maniez to send the request back to the Planning Commission for their review of the business hours of Monday through Saturday; second by Morse.

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

Motion carried.

- d. Consider professional services agreement with Bucher, Willis, & Ratliff for a Park and Recreation Master Plan. Mr. Johnson stated the Council approved a fee for this plan services in an amount not to exceed \$21,951. the Agreement is set to expire no later than January 31, 2006. Councilman Maniez asked if this plan includes park facilities in the area. Mr. Johnson stated this includes county-owned parks and school parks within the City.

Motion by Councilwoman Templin to approve the Agreement with Bucher, Willis & Ratliff in an amount not to exceed \$21,951 to perform the Park and Recreation Master Plan; second by Zindler.

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

Motion carried.

Mayor Anderson called a five-minute recess at 8:05 p.m. Mayor Anderson reconvened the Council at 8:10 p.m.

- e. Discussion regarding use of fireworks within the City of De Soto. City Attorney Patrick Reavey and City Administrator Greg Johnson discussed any liability on the part of the City. The City would not be held liable. Mr. Johnson provided copies of ordinances from some surrounding cities outside of Johnson County. Discussion by Council members. Councilman Maniez stated he feels more input from the public is needed. Councilwoman Zindler asked if the City can restrict the sale of fireworks to City residents only. The number of sale permits can also be limited. Discussion by Councilman Morse that three days is long enough to shoot fireworks. Councilwoman Templin talked with several people and she said she has no problem with the sale of fireworks. Councilwoman Zindler stated it should be restricted to private property only, and not in public parks, City streets or sidewalks. The Council would like to have public information and will hold a public hearing sometime in the fall. Councilman Morse stated his idea was to have a non-profit group have a sponsor. Council discussion.
- f. Consider quotes for a color copier. City Administrator Johnson provided quotes for a second copier in the offices. The copier now averages about 12,000 copies per month. Staff is trying to incorporate more color maps in staff reports and color printer cartridges are expensive. A color copier would enhance the Parks and Recreation brochures as well. Mr. Johnson provided comparisons on two models. Discussion by Councilman Maniez on having a coded monitoring on color copies. Mr. Johnson stated this copier would be monitored by departments.

Motion by Councilwoman Templin to take staff's recommendation and purchase the Canon copier; second by Zindler.

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

Motion carried.

6. Advisory Reports:

- a. City Administrator, Greg Johnson, no further report.
- b. City Attorney, Patrick Reavey, said with regard to the Clearview City litigation matter, they did a tour of Clearview City last week. He also stated the Shawnee Indian Tribe lawsuit is still active.
- c. City Engineer, Mike Brungardt, stated at the last meeting he presented some conceptual layouts on drainage in De Meadows. He has now sent letters out to property owners regarding drainage easements.

d. City Clerk, Lana McPherson, stated the map of other city pins is now hanging in her office.

7. Council & Mayor Comments:

Councilwoman Templin asked about the recycling dumpster. Mr. Johnson stated he is working with Weldon Sanitation on this.

Councilman Maniez asked about the sign at Beer 30. He said apparently no one came tonight to speak to that violation. Mr. Reavey stated the attorney called and left a message that he was out of town. Council directed Mr. Reavey to follow through with the sign removal process.

Councilman Maniez stated he received several calls from residents on Kill Creek regarding the blasting being done by Arbor Ridge development. He said he has visited the site with City staff. Mr. Brungardt stated they are blasting for the sanitary sewers, and will be blasting for another two weeks.

Councilman Maniez asked about the island being taken out by McDonald's and the actual new location of the island. The temporary striping is not exactly where the island will be located.

Councilman Morse asked if there is an ordinance regarding cats roaming at large. He said it is not fair that cats can roam loose and dogs have to be contained.

Councilwoman Cannon stated the Brownfields workshop was very interesting. We are looking at possible funding sources to begin moving forward with the boat ramp project.

Councilman Morse asked about the brush on the hillside at 83<sup>rd</sup> and Corliss Road. Councilman Maniez and Mr. Brungardt responded that it has now been taken care of. Councilman Maniez said there is also a sight problem at the intersection of Jaycee and Osage where the trees hang over into the intersection.

No further comments.

Motion by Councilman Maniez to adjourn at 8:50 p.m.; second by Templin.

All Council approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, CMC  
City Clerk