

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
August 16th, 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	Present
	Templin	Present		

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 99.

PUBLIC HEARING: Consider the 2008 Budget for the City of De Soto. City Administrator Pat Guilfoyle provided a power point presentation. The net total budget expenditure of \$8.5 million for this year is slightly down from last year's amount of \$8.9 million. Administrator Guilfoyle gave an overall summary of the City's different fund accounts. The City is in a very healthy position financially. The 2008 mill levy is 27.177, which is an increase of 3.2% for the City with Fire Service; the non-City Fire (RFD #3) mill levy is 17.04 mills which is a 0.3% increase for 2008. The Standard & Poor's Credit Analysis for the City of De Soto is "Strong", which is the top rating. He further discussed the Water and Sewer Funds and stated there is an adjustment scheduled for these funds. The Water Rate Adjustment in January, 2008, will be 5%, and the Sewer Rate Adjustment in January, 2008, will be 6.2%.

Administrator Guilfoyle introduced Mr. Kent Brown, CFO, and Undersheriff Kevin Cavanaugh of the Johnson County Sheriff's Office. The Sheriff's contract for 2008 is a 1.8% increase. Administrator Guilfoyle said this is a very good contract price for the excellent services the City receives. Mayor Anderson said the Sheriff's Department does a wonderful job. Undersheriff Cavanaugh said they are happy to provide the services and they have enhanced some of the patrol areas. He further discussed the "directed patrol" that is a part of the contracted service.

Mayor Anderson asked if the Sheriff's Office has a new shooting range. Undersheriff Cavanaugh said they are working on that project. Councilman Morse asked Undersheriff Cavanaugh his thoughts on a stop light versus a roundabout.

Mayor Anderson opened the public hearing for comments. No one commented and Mayor Anderson closed the public hearing.

Mayor Anderson commended Administrator Guilfoyle on the 2008 budget. Administrator Guilfoyle said this was a budget that was worked out with the department heads and it was a teamwork effort.

PUBLIC HEARING: Consider vacation of utility easement on Engineered Air (Airtex) property. Engineer Brungardt stated there is an existing public utility easement on the property that was granted many years ago. Engineer Brungardt said this is an area of approximately 25 feet by 25 feet, and nothing was ever placed in this particular area. There has been no objection to the City vacating this property.

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

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 August 2nd, 2007.
 - b. Approve Pay Ordinance No. 575.
 - c. Approve Ordinance No. 2170 Adopting the Standard Traffic Ordinances.
 - d. Approve Ordinance No. 2171 Adopting the Uniform Public Offense Code.
 - e. Approve Ordinance No. 2172 ordering the vacation of a public easement on the Engineered Air property
 - f. Approve Resolution No. 795 for Code Violation on Property at 8445 Kickapoo Street
 - g. Approve Resolution No. 796 for Code Violation on Property at 8445 Kickapoo Street
 - h. Approve Resolution No. 797 for Code Violation on Property at 33165 W. 84th Street
 - i. Approve Resolution No. 798 for Code Violation on Property at 33165 W. 84th Street

Request by Councilman Maniez to remove Item 1.a. from the Consent Agenda. Council approved.

Motion by Councilwoman Templin to approve the Consent Agenda Items “b” through “i”: second by Cannon.

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

Motion by Councilwoman Templin to approve Consent Agenda Item 1 a.; second by Drennon.

Roll Call:	Cannon	Yes	Maniez	Abstained – absent from the meeting
	Drennon	Yes	Morse	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.”

3. Chamber / EDC Report: Sara Ritter, Executive Director, had no report this evening.

4. Old Business: N/A

5. New Business:

- a. Consider Adjustment to City Water Rate Effective September, 2007. Administrator Guilfoyle provided a power point presentation summary of the revenues for the Water Fund, and the future projections. He is requesting the Council consider a 3% rate adjustment in September, 2007. Discussion by Councilman Maniez regarding the fund revenues last year and this year. He said he doesn’t understand the sudden reaction to one month’s revenues. Further discussion by Administrator Guilfoyle on the projections and the trend toward the end-of-year balance. Mayor Anderson commented on the rate not being increased in 2001, 2002, 2003, 2005, and 2006. Rates were adjusted 7.6% in 2004 and 3% in January, 2007.

Councilman Drennon said this would be an 11% increase in a twelve-month period. Councilwoman Cannon discussed the rate. Councilwoman Templin said the

Council has known the rate increase was needed. Comments by Attorney Reavey regarding the Fee Resolution being amended to reflect the new water rate. Mayor Anderson said the large users are companies and they are looking for ways to conserve. Further discussion by Councilman Maniez with Administrator Guilfoyle on the declining fund balance.

Motion by Councilman Morse to authorize the Mayor to sign Fee Resolution No. 799 adjusting the water rate; second by Templin.

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	No	Morse	Yes
	Templin	Yes		

Motion carried.

- b. Update from Indigo Design on River Front Park Schematic Design. Mr. Doug Pickert provided a power point presentation of the Phasing and Costs for the implementation of the Master Plan. Mr. Pickert discussed the five planned phases and the probable costs associated with the phases. Discussion by Administrator Guilfoyle and Council regarding the funding allocated in 2007 and 2008. Councilman Morse asked if anyone has checked on the cost to clean up a park after it has flooded because this area has flooded twice in his lifetime. Further discussion by Council members and staff on funding and grant possibilities.
- c. Consider Ordinance Attesting to an Increase in Tax Revenues for Budget Year 2008. Administrator Guilfoyle outlined the reasons for the proposed Ordinance.

Motion by Councilman Morse to approve Ordinance No. 2173 Attesting to an Increase in Tax Revenues for Budget Year 2008; second by Cannon.

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

Motion carried.

- d. Adopt the 2008 Budget for the City of De Soto.

Motion by Councilman Morse to Adopt the 2008 Budget for the City of De Soto; second by Cannon.

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

Motion carried.

- e. Discussion Regarding New Refuse Service Contract. Administrator Guilfoyle said he would like comments from the Council regarding the contract. He said his sense is that there is considerable acceptance from the Council and the community in the job that Weldon is doing. Councilman Maniez said we need to look forward to recycling. Councilwoman Templin said she agrees that we need to look at curbside recycling. She said Weldon does a fantastic job, but we need to move forward. Councilman Drennon said he likes Weldon, and he said the curbside recycling is too costly. Administrator Guilfoyle said he will check with some communities who have curbside recycling. Councilman Morse said he feels we should negotiate a contract with Weldon for a little

tweaking on the current recycling bins. Councilwoman Cannon said she takes hers to the current facility. She feels that people on fixed incomes will have a problem affording the curbside recycling. Mayor Anderson said he feels it is too expensive for curbside recycling for many of the City's residents. Administrator Guilfoyle will get information.

- f. Consider zoning change request from RUR – “Rural” to C-2 – “Business-General District” for 61 acres of property at Northwest corner of Kill Creek Road & 95th St. City Planner Bohnsack stated this is two tracts of land. She reviewed the comments in the staff report dated August 9, 2007. Both properties were annexed into the City in 1998, and retained their current county zoning designation of RUR – Rural District. The rezoning will support the City's Comprehensive Plan. Planner Bohnsack reviewed the “Matters to be Considered” for the requested zoning change and stated Staff recommends approval of the requested zoning change from ‘RUR’ to ‘C-2’.

Engineer Brungardt reviewed comments in the Staff Report. He discussed the CARNP plan in relation to the proposed requested zoning. Engineer Brungardt stated significant improvements will need to be made to 95th Street at this location. The issue that has arisen is the County's Comprehensive Arterial Road Network Plan (CARNP) adopted in 1999. The County Commission has followed up with a “Kill Creek Road Corridor” adopted in July, 2002. Engineer Brungardt provided a power point presentation of CARNP maps and the proposed road alignment.

Council discussion on the impact to the subject property and the preliminary engineering study to be performed by Johnson County. Engineer Brungardt stated this potential plan has no effect presently on the subject property being rezoned.

Engineer Brungardt said there are no sanitary sewers currently at this site. Water would be provided by Rural Water District #6 and Mr. Crumbaker said that water is available to this site should it be developed in future.

Darrel Zimmerman asked about the existing pond on the property as it serves as a retention pond for the property drainage. Engineer Brungardt said the City's current regulations require a detention facility; however, the City does not have a mechanism to require the pond to be left.

Linda Zindler discussed the Mixed Use designation in the Future Land Use Map as this subject property is within this designation. Mrs. Zindler discussed the classifications of Urban Service and Mixed Use and the specifics of the Mixed Use designation. She said her concern is that if this property is zoned “C-2”, then there could be piece-meal commercial and not as compatible as the Mixed Use designation on the Future Land Use Map. Discussion by Planner Bohnsack and Mayor Anderson in the review of the K-10 Overlay, the View Shed Overlay, and the Gateway criteria. Discussion by Engineer Brungardt on the application of the higher development standards of the overlay districts and the gateway criteria.

Discussion by Councilman Maniez that the choice is to draw commercial no matter what, or to wait and zone the property when a development approaches so that the City has some control over what goes on the property. He further stated that if the property is zoned strictly ‘C-2’, there may be some type of business the City doesn't really want in the gateway area. Discussion with Engineer Brungardt. Discussion by Planner Bohnsack. Comments by Councilwoman Templin regarding the Future Land Use Plan being a “guide” to what the City would like to have, but it is not always what is developed. Attorney Reavey stated the Council's three voting options on the requested rezoning.

Councilman Morse discussed the rezoning impacts if the property is zoned 'C-2'.

Ralph Lewis, applicant, said his family owns the western part of this property. He stated the "Mixed Use" and 'C-2' is the chicken and egg scenario. He said it is expensive to advertise and market property, and this is the first step in that process. Mr. Lewis said he has never seen the County's CARNP plan that was discussed in the paper today. He requested the City take steps to discuss this with the County.

Councilman Maniez said his concern is that when this is zoned 'C-2' there will not be any way the City can deny any uses designated in the 'C-2' zoning. The City should maintain some control over what is built in this area. Planner Bohnsack said the City does have control over the building improvements, the parking area, the landscaping, the lighting, and development will be controlled by the Planning Commission, as well as the view shed overlay. Mayor Anderson said he has faith in our Planning Commission and is comfortable with that board ensuring proper development. Comments by Councilwoman Templin regarding development.

Motion by Councilwoman Templin to approve Ordinance No. 2174 as written; second by Drennon.

Roll Call:	Cannon	Yes	Maniez	No
	Drennon	Yes	Morse	Yes
	Templin	Yes	Mayor	Yes

Motion carried.

Motion by Councilwoman Templin to approve Ordinance No. 2175 as written; second by Drennon.

Roll Call:	Cannon	Yes	Maniez	No
	Drennon	Yes	Morse	Yes
	Templin	Yes	Mayor	Yes

Motion carried.

6. Executive Session: N/A

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said he had a very spirited recommendation received through email and telephone conversation that the boat ramp be open all night. Discussion by Councilwoman Templin that leaving it open all night is a recipe for trouble. Council discussion. Council agreed to leave the ordinance as is.

Administrator Guilfoyle said he has talked with Sara Ritter regarding the workshop requested by Councilwoman Templin. He said Sara and he are planning to attend the Main Street workshop in Hutchinson. Administrator Guilfoyle said he would like to schedule the Council workshop after the Main Street workshop. Mayor Anderson said he would encourage Council members to attend the workshop in Hutchinson, depending on the Agenda.

- b. City Attorney, Patrick Reavey, no report.

- c. City Engineer, Mike Brungardt, said 82nd Street was paved today. Lexington Avenue repairs are done. The mill and overlays will be done in September. Engineer Brungardt said he attended a grant workshop in Emporia today. The City

will be making an application for funding in 2009-10, but the competition is stiff. Discussion by Councilman Maniez and Engineer Brungardt. Administrator Guilfoyle said staff has talked with the City of Olathe and found out about this workshop.

- d. City Planner, Linda Bohnsack, said the downtown revitalization plan has been talked about in the Planning Commission. The Commission would like to incorporate the downtown revitalization plan into the City's Comprehensive Plan. She has talked with Marty Shukart on the language.
- e. City Clerk, Lana McPherson, requested the Council approve the blocking of 83rd Street from Peoria to Shawnee Street on Saturday, September 15th, from 8:30 a.m. to 1:00 p.m. for the Sesquicentennial Pony Express Riders event. Council approved.

8. Council & Mayor Comments:

Councilman Drennon asked about the signage along the highway. Sara Ritter and Administrator Guilfoyle commented that they are working on this. Councilman Drennon said he would like to schedule the workshop for October 25th at 5 p.m. Councilman Drennon asked about building permits. Administrator Guilfoyle said building permits have picked up. Councilman Drennon asked staff what will be on the Planning Commission Agenda this month. Staff said there is nothing new on the Agenda; it will be discussion items. There may be some new plans on the September agenda. Discussion.

Councilwoman Templin had no comments.

Councilman Maniez asked if anyone had called on the properties by the park. Administrator Guilfoyle said he will make the calls.

Councilman Morse asked about the water meter installed to meter the water loss. Discussion by Engineer Brungardt on the calibration of the three plant meters. Staff is looking for the water loss.

Councilwoman Cannon asked if the Fire Department detachment discussions are ongoing. Administrator Guilfoyle said he has contacted Johnson County #3 and requested financial information. He is also working with the City's financial advisor, who is working on some valuation figures. He hopes to have those numbers in the next two or three weeks. One of the issues is going to be the new boundaries for this district. He will have a mock budget by the end of the year, as outlined in the City Attorney's previous submitted timeline.

Mayor Anderson had no further comments.

Motion by Councilman Morse to adjourn at 9:45 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk