

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
August 17th, 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	Absent		

Citizens signed the book on page 73.

Mayor Anderson led the Pledge of Allegiance.

Mayor Anderson thanked Council President Tim Maniez for chairing the two Council meetings while he was out of town.

Public Hearing: Tax Abatement for Fish Development. *Tabled to September 7th.*

Public Hearing: Tax Abatement for Airtex d/b/a Engineered Air. *Tabled to September 7th.*

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 3rd, 2006.
 - b. Approve Pay Ordinance No. 551.
 - c. Approve Amendment to Mr. Goodcents' PILOT Agreement
 - d. Authorize Mayor to Enter into New Employment Agreement with City Engineer
 - e. Authorize Mayor to Enter into New Employment Agreement with City Attorney
 - f. Approve Resolution No. 756 Scheduling Public Hearing for Tax Abatement Requested by Fish Development
 - g. Approve Resolution No. 757 Scheduling Public Hearing for Tax Abatement Requested by Airtex d/b/a Engineered Air

Councilwoman Templin requested that Consent Agenda Items 1 a. and b. be removed from the Consent Agenda as she was not present at the last meeting.

Motion by Councilman Maniez to approve the Consent Agenda, Items 1.c. through g.; second by Templin.

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

Motion carried.

Motion by Councilman Maniez to approve Consent Agenda Items 1. a. and b.; second by Cannon.

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

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.”

Randy Knoll, a resident of Timber Lake Subdivision, stated he has lived in Timber Lake for over a year and he is here to voice his concern about Primrose Street not being completed as it is a matter of safety. Mr. Knoll said there is debris that has accumulated, there are high weeds, and questionable behavior that takes place at the end of the road. Council thanked Mr. Knoll for his time in bringing his concerns before them.

Darrel Zimmerman stated the Chamber of Commerce is having a Blues & BBQ event on September 23, 2006, at the Kill Creek Farm. He stated he has made application for a temporary Cereal Malt Beverage permit to serve 3/2 beer for that evening. There will also be a silent auction that evening to help raise funds for the Chamber of Commerce.

Joan Kooken, Oak Country Estates resident for 18 years, said she has a concern about the proposed subdivision going in. Her main concern is the traffic and the narrow roads.

(At this point, Mayor Anderson recused himself as he is the developer of this project. Councilwoman Templin also recused herself from the Council Chamber).

Mrs. Kooken said they moved to Oak Country Estates to have a quiet, peaceful residence. She is disappointed that there will be over 80 cars going by her house every day. She said that brings up a safety concern because the road cannot handle the traffic load now. It is very dangerous on the hill and people drive over it too fast now.

Engineer Brungardt stated a preliminary plat was conditionally approved by the Planning Commission in June. The 91st Street traffic concern was addressed at that time. Engineer Brungardt stated the Planning Commission felt the City at large should make the improvements, not the developer. This is a 24-lot development. Overall, there are about 64 lots that take access to 91st Street, making a 25%-30% increase in traffic on 91st Street. Discussion by Mrs. Kooken that speed limit signs haven't helped thus far. Mrs. Kooken said there is going to be a head-on collision because the traffic safety is already is huge concern.

Don Kooken, Oak Country Estates, said for 20+ years property owners knew the other entrance was there and it was to be used. Why isn't it going to be used now? Engineer Brungardt said the engineers felt it would be better for the entrance to be moved, rather than impact the two properties on either side of the existing entrance. Mr. Kooken said both of those property owners knew a road was coming through when they purchased and built their homes there. Mr. Kooken asked if the developer would reconsider moving the entrance back to the original location. Discussion by Engineer Brungardt that the Planning Commission meets next Tuesday at 7:00 p.m. and he encouraged Mr. Kooken

to come and voice his concerns to the Planning Commission.

(Mayor Anderson and Councilwoman Templin were recalled to the Council Chamber.)

Mike Drennan, 8660 Timber Trails Drive, said he has a concern about the Primrose Street going through. He said traffic is crazy and he is in favor of the new development. He said Primrose should have been extended before Timber Lakes was put in; however, he requests the Council consider that for the next development being approved.

3. Chamber / EDC Report: Sara Ritter, Executive Director, said she received an email from Marty Shukart and he will begin a "main street downtown district" study. He would like to schedule meetings with the City Council and other groups at his visit here in October. The meetings are open to public and they are to glean information and comments from the community. These are ideas to be considered by the community.
4. Old Business: None.
5. New Business:
 - a. Discuss options for City involvement in the construction of Primrose Street. Engineer Brungardt reviewed the comments in his staff report to Council dated August 11, 2006. A letter was submitted by Nate Harding, the developer, and also a letter was submitted by Bryan and Anne Cahoone. Engineer Brungardt said it is clear the traffic impact on Timber Trails Drive is not the only concern. Emergency access is another important factor in completing Primrose Street. Engineer Brungardt outlined some improvement options and funding mechanisms for the Council's consideration. Discussion by Attorney Reavey and Council regarding the extension and the benefit district option.

Councilwoman Templin asked Mr. Harding how many homes are planned for the Brook West. Mr. Harding said 31 homes are planned. He said this is his last resort as he has been three years trying to work with JoAnn Thompson on his development. At one point, everyone was in agreement and Mrs. Thompson's attorney drew up the paperwork and sent it back to her, and then she dropped everything. He has tried everything to get the matter resolved.

Attorney Reavey discussed with Council the need to acquire the right-of-way to put in the road. Council discussed eminent domain. Councilwoman Templin asked about Option C and discussed the 75% land requirement with Attorney Reavey. Further discussion ensued regarding the benefit district regulations. Discussion by Engineer Brungardt on a benefit district being assessed over a ten-year period.

Mayor Anderson read a letter from Jack Deyoe of the USD 232 school district regarding the connection of Primrose. Mr. Deyoe said this improvement would benefit the school children and the bus travel within that area. Further discussion by Attorney Reavey and Council. Council discussed the benefit district scenario. Councilman Maniez said he is not in favor of eminent domain that is a benefit to a developer; he said he is totally opposed to eminent domain for the benefit of a private entity. Councilman Maniez stated he brought up many times in the past that Primrose should have been completed before another subdivision went in. Councilwoman Templin said she agrees with Councilman Maniez. Discussion by Councilwoman Cannon on the school bus travel. Further discussion by Councilwoman Zindler on the interior streets becoming a part of the benefit district. Council agreed the streets needed to meet all City requirements.

- b. Consider resolution relating to the waiver of water system development fees. Engineer Brungardt discussed the history of the request of the Timber Trails request. He further discussed the conditions of the waiver as stated in the proposed resolution. Engineer Brungardt has talked with three (3) other entities that have had similar requests for a waiver. Discussion by Attorney Reavey regarding each request being presented to the Governing Body for consideration. Councilwoman Zindler discussed the waiving of development fees in relation to the financials that she reviewed last week on the City's water utility. She said waiving development fees isn't going to pay the long-term debt. Councilwoman Zindler said she wants to help, but can the City afford to do this for others. Councilwoman Cannon said she would like to see the improvements made as this location is by the City's cemetery. Councilman Maniez said he would like to take advantage of the group that has volunteered to do some improvements for the betterment of the City. Councilwoman Templin agreed. Discussion with Engineer Brungardt on the figures used in the resolution.

Dustin Tilton, 8471 Fredrick Drive, said the group is offering in exchange the improving of the property on the opposite side of the Timber Trails addition, which is the City cemetery. They are willing to do labor and improvements on the south side of 87th Street that would improve the roadway to the cemetery. The homeowners association didn't budget for the \$1,800.00 development fees and they just don't have that funding.

Councilwoman Templin said she is o.k. with the waiving of the fees in this case, and in future, the Council will have the ability to deal with this on a case-by-case basis.

Motion by Councilman Maniez to waive the system development fees for Dustin Tilton's Timber Trails Homes Association project on 87th Street; second by Cannon.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes, due to the benefit of the beautification to the City.		
	Zindler	Yes		
	Morse	Absent		

Motion carried.

- c. Park Board summary of future direction. City Administrator Guilfoyle introduced Doug Pickert of the Park Board. He introduced the Park Board members that were present. Mr. Pickert said the Park Board would welcome a study session with Council in future. He said the Board's goals for the Park System Master Plan are to chart a course for the improvement of the City parks, and to look at costs and work with City Staff on a plan.

Mr. Pickert reviewed the Park Board's memo to the Council dated August 2, 2006. He reviewed the prioritization of the Master Plan Recommendations. Mr. Pickert discussed the possibility of redefining the roles and responsibilities of the Board, as well as, the Friends of De Soto Parks. The Board would be assigning a member to attend regular meetings of the City organizations and stay abreast of discussions and to help answer questions regarding the plans for De Soto parks and recreation facilities.

Discussion by Councilwoman Templin with Mr. Pickert regarding the Park Board talking with Marty Shukart regarding the Board's plans for the City's parks. Councilwoman Cannon said she could see where there is a need to split into the two separate groups. She said she feels the Parks Master Plan was nicely done. Councilman Maniez said he has heard comments that Miller Park would be a park area only and the ball fields would be moved someplace else. Councilman Maniez said older folks enjoy the park.

Mr. Pickert said it has been discussed by the Board, and probably should be explored.

Mayor Anderson expressed his thanks to Mr. Pickert and the Board for their dedication and work. Mayor Anderson said using a Parks Master Plan is important and it isn't easy to get this going. He applauds the Board for staying with it and getting the plan going. Mayor Anderson asked the Council if they would like to do a workshop with the Park Board. Council agreed. City Administrator Guilfoyle will bring back a five-year capital improvement plan to the Council that the Park Board is considering in a few months. Mayor Anderson thanked the Park Board members and Mr. Pickert.

6. Executive Session: None

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, provided Council with a request to use Miller Park for a Hispanic outreach picnic. This is a church in Olathe that is considering doing an outreach church here in De Soto. Discussion by Councilwoman Templin that this is a public park and people in the community should not be asked to leave. Discussion on damage that may arise from broken equipment, sod replacement, etc. Further discussion on some type of security or clean up deposit being requested. Councilman Maniez asked about the time commitment. Trash cleanup was discussed. Administrator Guilfoyle and Attorney Reavey will work out the details.

Doug Smith has received some quotes and would like to award a contract to Reddi Services of Shawnee for sewer line jetting. He would like to do about 1/4th of the City lines this year. Administrator Guilfoyle detailed the quote for the Council's consideration. Attorney Reavey said this jetting is also needed for insurance purposes. Discussion by Councilman Maniez on whether or not records are being kept on the sewer line cleanouts. Administrator Guilfoyle will obtain records from Mr. Smith and provide copies to the Council. Discussion by Councilwoman Cannon.

Motion by Councilwoman Zindler to authorize the expense of \$9,599.00 to Reddi Services for sewer line jetting; second by Cannon.

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

Motion carried.

The De Soto High School would like permission to conduct their Homecoming Parade on Friday afternoon, September 15th, 2006, at 1:30 p.m. The parade will begin at the High School and go to Lexington Trails Middle School and Starside Elementary School, then back to the High School. The traffic concerns will be addressed by the Sheriff's Department.

Administrator Guilfoyle met with his counterpart at Lenexa. The City of Lenexa has talked about having a dinner meeting with their City Council and our City Council as a part of their Key Alliance program. They are suggesting a dinner meeting on Wednesday, February 28th, 2007. Council agreed.

A letter was received from Cingular Wireless this week terminating their agreement. Cingular is joining with AT&T.

Huhtamaki has made a \$500.00 donation to the City's FlexRide program.

KC Audio Visual is coming tomorrow to look at the installation of a system in the Council Chamber.

City Staff is going to be using a new requisition and purchase order system beginning on Monday.

- b. City Attorney, Patrick Reavey, asked for Council approval of the temporary permit to sell cereal malt beverages submitted by Darrel Zimmerman for the Chamber's Blues & BBQ festival in September.

Motion by Councilwoman Templin to approve the temporary Cereal Malt Beverage license for Darrell Zimmerman for an event at Kill Creek Farm on September 23rd; second by Cannon.

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

Motion carried.

- c. City Engineer, Mike Brungardt, provided a progress report to Council on the sewer treatment plant construction. The completion dates are on target for next spring.

He sent an email out to the Council regarding the Kill Creek overlook and mentioned the nice article written about the overlook by Elvyn Jones, of the *De Soto Explorer*. The Johnson County Park District is fully funding this project. They hope to begin next week. Doug Pickert was the designer of this overlook. Councilwoman Templin asked if the City should have approval of the plaques. City Planner Buttrum said she has seen them and they are great. Mr. Darrel Zimmerman said he would be glad to share the panel materials with the Council. Engineer Brungardt said they will bring the materials to the Council.

Engineer Brungardt said he has received a letter from the owner of Burning Tree Golf Course requesting permission to install two signs directing citizens to the golf course. He is willing to pay for the installation of the signs. They will be similar to the signs posted by Oak Country Golf Course. Council had no objections.

- d. City Planner, Kim Buttrum, said there is a new grant opportunity through the Federal Government for the planning of safer routes for school children. The grant is staged in two phases.

She said the FlexRide has been up and running for two months. She provided handouts to the Council regarding the rider counts.

Planner Buttrum provided a copy of the survey that she will be sending out after September 1st. The survey is for public comment regarding a rental inspection program. Discussion by Administrator Guilfoyle on the results

- e. City Clerk, Lana McPherson, gave Council members a flier concerning a benefit supper for Rita Jones, the City's Relay for Life Chairperson, who is taking the banner to Washington, D.C.

Lana said Sara Ritter, Jay Garvin, Pat Guilfoyle and she had worked out the date for the fall cleanup which will be October 12th through 15th. The Chamber will have its annual Fall garage sale on Saturday, September 7th.

8. Council & Mayor Comments:

Councilman Maniez said he would like to request Engineer Brungardt to ask Walter Gardenhire to drive around the City and look at the line of sight at intersections.

Councilman Maniez said he has been president of the Council for several years. He said he has had to come in and sign documents when the Mayor is unavailable and he feels it is time to step down and request another Council member step up. Council will discuss this at the next meeting since Councilman Morse is out of town.

Councilwoman Zindler said there is a strip of grass that needs to be mowed at the bottom of the hill just east of the City Hall, on the south side of 84th Street.

Councilwoman Templin asked when the slides for the pool are being installed. Discussion by Engineer Brungardt that he is looking at bids for the installation of the footings. The slides are scheduled to be installed after the pool is closed for the season, which will be around the third week of September.

Councilwoman Cannon asked if Clarence Brunk is working on an update on the costs to have a backup system in place. Administrator Guilfoyle said Clarence and Dennis have begun work on this.

Mayor Anderson had no further comments.

Motion by Councilwoman Templin to adjourn at 9:05 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk