

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
August 3rd, 2006, at 7:00 P.M.

MINUTES

The meeting was called to order with Roll Call by Council President Tim Maniez. Mayor David Anderson is on vacation.

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

Citizens signed the book on page 72.

Councilman Maniez led the Pledge of Allegiance.

PUBLIC HEARING: Consider the 2007 Budget for the City of De Soto. Councilman Maniez opened the Public Hearing. City Administrator Pat Guilfoyle provided a very informative power point presentation overview of the 2007 proposed budget. There were no comments from the public. The public hearing was closed.

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 20th, 2006.
 - b. Approve Pay Ordinance No. 550.
 - c. Approve Ordinance 2134 Attesting to an Increase in Tax Revenues for Budget Year 2007.
 - d. Approve Ordinance 2135 Adopting 2006 Edition of Standard Traffic Ordinance
 - e. Approve Ordinance 2136 Adopting 2006 Edition of Public Offense Code
 - f. Approve Resolution 748 for Exemption from Prohibition of Discharging Bow and Arrow within the City
 - g. Approve Resolution 749 notifying owner and occupier of property at 33725 West 84th Street of violation of City Environmental Code
 - h. Approve Resolution 750 notifying owner and occupier of property at 33725 West 84th Street of violation of City Junked Vehicle Code
 - i. Approve Resolution 751 notifying owner and occupier of property at 8395 Penner of violation of City Environmental Code
 - j. Approve Resolution 752 notifying owner and occupier of property at 8395 Penner of violation of City Junked Vehicle Code
 - k. Authorize Mayor to Approve Extension of Water Tower Lease with City of Lenexa

Motion by Councilman Morse to approve the Consent Agenda, with ordinance and resolution numbers as stated above; second by Zindler.

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

Nate Harding, 8285 Primrose Street, De Soto, said a letter was provided to Council this evening on an old matter relating to the extension of Primrose. Engineer Brungardt stated he and City Administrator Guilfoyle have met with Mr. Harding and Mr. and Mrs. Cahoon regarding the extension of Primrose. Engineer Brungardt explained the history of the development of this area and the request that Primrose be extended. Mr. and Mrs. Cahoon and Mr. Harding are requesting the extension so that the area can be fully developed. Several options have been offered for the Council's consideration. Attorney Reavey stated City Staff spent several months, a year ago, with JoAnn Thompson, the developer, regarding an agreement to complete the extension of Primrose and Mrs. Thompson's development. However, Mrs. Thompson failed to execute the agreement. Mr. Harding expressed his concerns about the lake and dam improvements.

Discussion by Councilman Maniez that the extension of Primrose was discussed at great length a year ago. He stated residents in this area have contacted him regarding the heavy traffic. Councilman Maniez said the residents need to have their say before the City takes any action. Discussion by Engineer Brungardt and Council members.

3. Chamber / EDC Report: Sara Ritter, Executive Director, provided an update on the downtown revitalization program. Marty Shugart was here last Friday and worked with several downtown business owners and residents of the community. The plan is to bring everyone together and hold a public hearing later in August. On September 23rd, the Chamber will host the Blues and Bar-B-Que event at Kill Creek Farm. September 29th is this year's Chamber Day at the Speedway. The City-wide garage sale is set for October 7th. The City will sponsor a "Fall Sweep" October 11th-15th and provide dumpsters.

4. Old Business: None

5. New Business:

- a. Consider request from Timber Trails Homes Association, Inc. Council President Maniez introduced Dustin Tilton, 8471 Frederick Drive, who addressed the comments in a letter provided to Council dated July 19th, 2006. The Homeowners Association is requesting the Council waive the Water System Development Fee for a water meter installation at the entrance of the subdivision at 87th Street and Timber Trails Drive.

Discussion by Councilman Maniez regarding the City's property easement along 87th Street needing some improvements, as it is a gateway to the cemetery. Councilman Maniez stated he is willing to approach the Cemetery Board to ask if they are interested in helping fund some improvements on the Cemetery side of 87th Street. Discussion by Councilwoman Zindler and Mr. Tilton regarding the landscaping proposed. Mr. Tilton said his association members are willing to work with the City and with Cemetery staff to improve the gateways into the cemetery. Discussion by Council and staff. Councilwoman Zindler said that although this proposal sounds good, will this open the

door to other developers for the City to provide the same waiver of water system development fees for landscaping purposes. Discussion by Councilman Maniez regarding the City's regulations on system development fees being reviewed for the purpose of enhancements to City property adjoining specific areas. Councilman Morse said he agreed there could be a change in the criteria of the City's policy. Discussion continued with Engineer Brungardt regarding the reason for the water system development fees charged by the City. Engineer Brungardt agreed that a policy could be implemented with some specific requirements to allow a waiver of the fees. Engineer Brungardt will review this and bring proposals to the next Council meeting.

- b. Consider request from Kansas Oldtime Fiddlers, Pickers and Singers. Lana reviewed the comments stated in the letter dated July 14th, 2006, regarding waiving the fees for the 2007 state KOFPS convention to be held at the Community Center during the City's Sesquicentennial. Discussion by Councilman Maniez that he feels it appropriate to waive the fees since they are coming back at the City's request in 2007. Council agreed. Attorney Reavey stated he has revised the fee resolution so that the City Administrator has the discretion to waive rental fees for events. Council gave direction to Administrator Guilfoyle to waive the fees for the Kansas Oldtime Fiddlers event.
- c. Adopt the 2007 Budget for the City.

Motion by Councilman Morse to adopt the 2007 Budget as presented; second by Cannon.

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

Motion carried.

- d. Consider Approval of Engagement Letter from Lowenthal, Singleton, Webb & Wilson to Provide Audit Services for 2006 at a Cost Not To Exceed \$8,100. Administrator Guilfoyle stated this is a routine matter for City authorization for this firm to provide audit services. Based upon the firm's services provided in the past, he recommends adoption of the engagement letter.

Motion by Councilwoman Zindler to approve the engagement letter from Lowenthal, Singleton, Webb & Wilson to provide audit services for 2006 at a cost not to exceed \$8,100; second by Cannon.

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

Motion carried.

- e. Consider Resolution Calling a Public Hearing for Tax Abatement Application for Airtex Manufacturing, Inc., D/B/A Engineered Air. City Attorney Reavey stated this is a formal request to call a public hearing on the request.

Motion by Councilwoman Zindler to approve Resolution No. 753 Calling a Public Hearing for Tax Abatement Application for Airtex Manufacturing, Inc., D/B/A Engineered Air; second by Morse.

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

Motion carried.

- f. Consider Resolution Calling a Public Hearing for Industrial Revenue Bonds and Tax Abatement Applications for Fish Development, LLC. Comments by Attorney Reavey.

Motion by Councilwoman Zindler to approve Resolution No. 754 Calling a Public Hearing for Industrial Revenue Bonds and Tax Abatement Applications for Fish Development, LLC.; second by Morse.

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

Motion carried.

- g. Consider Fee Resolution Adjusting Sewer Service Charges. City Administrator Guilfoyle provided a power point presentation for Council regarding the four (4) alternative resolutions to be considered. Staff recommends the Council implement Alternative #1 because it allows each class of customer to share equally in the cost of the new sewer treatment plant. No class is gaining a burden or realizing a benefit at the expense of another.

Councilman Maniez said he agreed that Alternative #1 was the best choice of the four (4) options. Council discussion with Engineer Brungardt regarding the alternatives. Councilwoman Zindler agreed with Alternative #1 as it is the equalization of all customers; Councilwoman Cannon and Councilman Morse agreed. Attorney Reavey commented on the fee resolution footnote which authorizes the City Administrator to waive rental fees at this discretion.

Motion by Councilwoman Zindler to approve Resolution No. 755, adjusting Sewer Service Charges, authorizing the City Administrator to adjust or waive rental fees, and making a change to the court cost fees; second by Cannon.

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

Motion carried.

- h. Consider contract for 2006 CDBG project with LRM Industries. Engineer Brungardt stated the scope of this contract was discussed at the July 6th meeting. He provided Council with a staff report dated July 26, 2006, regarding the bid from LRM Industries for the amount of \$82,911.50, with a change order #1.

Motion by Councilman Morse to authorize the Mayor to enter into the construction contract agreement with LRM Industries of Lawrence, Kansas for the amount of \$82,911.50, and to approve Change Order #1 to reducing the contracted amount to \$62,236.50; second by Cannon.

Roll Call:	Cannon	Yes	Templin	Absent
	Maniez	Yes	Zindler	Yes

Morse Yes

Motion carried.

6. Executive Session: None

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, no further reports.
- b. City Attorney, Patrick Reavey, stated he has talked with Mrs. Mindy Sears and with the attorney for the neighbor involved. Attorney Reavey stated he has talked with Councilwoman Zindler regarding a waiver of the sewer fees on this particular benefit district. He suggested a waiver be limited to the amount the particular applicant has paid out-of-pocket on the specific benefit district. Attorney Reavey asked for Council comment regarding Councilwoman Zindler's recommendation on the equity of fees. Discussion by Councilman Morse. Councilman Maniez agreed with Councilwoman Zindler; Councilwoman Cannon agreed. Further discussion by Engineer Brungardt and Attorney Reavey with Council members regarding this particular benefit district and the history of this property. Attorney Reavey will provide Council with a proposal at the next meeting.
- c. City Engineer, Mike Brungardt, reminded Council of the workshop on the Water Facilities Plan on Tuesday, August 8th at 5:30 p.m.
- d. City Planner, Kim Buttrum, was not present.
- e. City Clerk, Lana McPherson, had no report.

8. Council & Mayor Comments:

Councilwoman Cannon had no comments.

Councilman Morse said he used the new boat ramp and it is very nice. Councilwoman Cannon asked about the new signs for the boat ramp. Administrator Guilfoyle said the signs have been ordered and should be in soon.

Councilwoman Zindler had no comments.

Councilman Maniez asked about the audio-visual equipment. Administrator Guilfoyle said he will begin working on that now that the budget is done. Councilman Maniez asked about the discussion with Olathe regarding the water wells. Administrator Guilfoyle said the discussion regarding the test wells was resolved and the City of Olathe will not be going onto the Lawhead's property to do any test wells. Engineer Brungardt said the City of Olathe is in need of an additional raw water source. They have been doing explorations to determine where the best aquifers are in relation to the Kansas River. The City of Olathe has been upfront with City Staff and has shared information with us. The Kansas River Assurance District will be monitoring all appropriations for water allocation. This can further be discussed at the Council's work session next Tuesday. Councilman Maniez discussed with Engineer Brungardt the visual ascetics and landscaping of the water wells located within the gateways to our City.

Motion by Councilman Morse to adjourn at 8:50 p.m.; second by Cannon.

All Council approved by “ayes”.

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk