

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
February 5<sup>th</sup>, at 7:00 P.M.

## MINUTES

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

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

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 135.

Mayor Anderson welcomed all those present who are running for elected office.

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 January 21st, 2009.
  - b. Approve Pay Ordinance No. 610.
  - c. Approve Resolution No. 832 Authorizing Certain Trafficway Improvements
  - d. Approve Resolution No. 833 Authorizing Certain Main Trafficway Improvements
  - e. Approve Resolution No. 834 Adopting Identity Theft Prevention Program
  - f. Approve Maintenance Agreement between City and Thane Palmberg

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

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

Randy Johnson said it is disappointing to see so few in attendance at a Council meeting. He said he would hope people will begin to get involved and hold folks accountable.

Bob Garrett said he has asked Engineer Brungardt to come down and check out Wyandotte Street. There is heavy truck traffic that is wearing out the street and water is coming up through the pavement. Engineer Brungardt said the mill and overlay of 84<sup>th</sup> Street will address some of these concerns. Discussion ensued between Mr. Garrett and Engineer Brungardt regarding the road repairs. This portion will be at the top of the list for next year. Discussion by Councilwoman Templin and Engineer Brungardt regarding other funding that might be available to do these repairs. Councilwoman Templin said she would like to have more discussion on this in the near future. Engineer Brungardt said repairs will likely be in the \$30,000 to \$50,000 range. Heavy truck traffic on Wyandotte has taken a heavy toll.

Mr. Garrett said the sign has been taken down for the load limit.

- 3. Chamber / EDC Report: Executive Director, Sara Ritter, was not present. City Clerk Lana McPherson provided the report.

The EDC Board conducted its annual strategic planning retreat last week. At the meeting, the Board decided to host a Primary Candidate’s Forum for City Council and School Board candidates. The event will take place on Wednesday, February 18<sup>th</sup>, from 7 – 9 p.m. at LTMS. While this is just two weeks away, the board felt it necessary to move up the forum so that Advance Voters have an opportunity to attend before placing their vote. Letters to all candidates were mailed Wednesday. This event is co-sponsored by the League of Women Voters of Johnson County, who will be our moderator and time-keeper.

Mayor David Anderson will be the guest speaker at the February Chamber luncheon on Thursday, February 12<sup>th</sup>. The meeting is from 11:30 a.m. – 12:45 p.m. at the De Soto VFW. As this is the Annual State of the City Address, the event will be open to the public. RSVP’s are required by Monday if you plan to attend the luncheon. The Chamber lunch fees apply.

The March luncheon will feature a Candidates Forum for Mayor, City Council and School Board candidates. We are still firming up plans for the event and luncheon. More info will be available soon.

- 4. Old Business: N/A

- 5. New Business:

- a. Consider a Donation Request from Kaw Valley Sportsmen Association.

Motion by Councilwoman Cannon to approve the Kaw Valley request for the \$950 they requested; second by Maniez.

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

Motion carried.

- b. Consider bids for the 87<sup>th</sup> Street Water Line Project. Engineer Brungardt said the 16 bids were opened last Thursday and the bids were significantly less than the amount originally estimated last year. He explained the reasons for the project bids being about one-half of the original anticipated costs last Spring, and detailed those reasons in his Staff Report to the Council. The low bidder was Miller Paving. Discussion between Councilman Maniez and Engineer Brungardt on work done by Miller Paving. They also do big contracts with the gas company. Councilwoman Cannon said there are a lot of price differences in these bids. Discussion regarding a “rock excavation clause”. This bid includes any rock excavation. Councilwoman Cannon and Engineer Brungardt discussed the reason for putting the line on the Intervet property. Mayor Anderson stated he appreciates the work the staff has done in-house to save costs.

Motion by Councilwoman Templin to authorize the Mayor to sign the construction contract for the 87<sup>th</sup> Street Water Main Improvements with Miller Paving & Construction in the amount of \$102,585.75; and, to authorize funding from the Capital Projects Fund with additional contingency

expenditures not to exceed \$10,000.00; second by Drennon.

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

Motion carried.

- c. Consider selection of engineering firm for the survey and design of the 83<sup>rd</sup> Street repaving project. Engineer Brungardt said a request for qualification statements were sent out in December for this project. The selection committee consisting of Mitra Templin, Pat Guilfoyle, Ron Creason and Engineer Brungardt reviewed the nine civil engineering firms who applied, and interviewed the top three firms selected by the committee. Discussion by Councilwoman Templin on why this firm was chosen.

Motion by Councilman Morse to select Shafer Kline & Warren for the survey and design work for the 83<sup>rd</sup> Street resurfacing project and to authorize staff to begin negotiations with them for a professional services contract; second by Cannon.

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

Motion carried.

- d. Consider Stimulus applications for long-term water supply options. Mayor Anderson said Mark Crumbaker called him last week and stated the RWD is interested in a public water district. Administrator Guilfoyle provided a memo to the Council regarding an application process for two options. Engineer Brungardt stated the City has also submitted through the Mid-America Regional Council (MARC) for an economic stimulus. The City is dealing with two water options and both packages will be submitted.

Ron McDaniel asked why the City can't get the Sunflower water plant "shovel ready" in 90 days. Mayor Anderson and Councilman Morse discussed water concerns with Mr. McDaniel. Mr. McDaniel asked if the Larkin Group had been back to further discuss the water plant. He stated the City folks cannot do without water. We raise taxes to build a park, or to beautify downtown, and build a new sewer plant; but, why haven't we been taking care of our water plant. It's time to take care of this.

Randy Johnson said he's been here 30 years and it is time to do something about the water situation.

Mayor Anderson stated he received a call from Congressman Moore's office regarding a comment made during a previous Council meeting that Congressman Moore had not responded. The emails were inadvertently going into the spam filter in Mayor Anderson's office.

Councilman Maniez said he has been on the Council for 20 years, and times have been different, better and worse. When the Sunflower plant was given to the City, he thought that was the direction the City was going to go in improving the Sunflower plant. He is in favor of keeping the water because water is becoming worth its' weight in gold. He said times are different now, but he is still totally in favor of improving the plant and keeping the water. Councilman Maniez said he feels the two water proposals are different plans to direct the water in other directions. He prefers the one application.

Councilman Drennon said he thinks the two applications are all right.

Councilwoman Templin said she has also wondered why this hasn't been decided. She said she recalls that Pat (Administrator Guilfoyle) was going to put some information together and work on some answers to questions with the City of Olathe. Engineer Brungardt said staff is now getting some answers from a draft provided by the City of Olathe. He stated Olathe has been doing a comprehensive overhaul of their rate structures, and those numbers have not been available until this week, and just today, he received the model from Olathe. Engineer Brungardt said the hope is to have this discussion next meeting.

Councilwoman Templin said it is interesting the audience is saying this Council has made up its mind; however, she said she has never stated her opinion because she has felt she has not had enough good information. She further said she is not opposed to submitting both applications at this time. Discussion between Council and Staff on the stimulus application process. Mayor Anderson stated he was told the more people that get together and join up to do a project, the better the chances are to get the stimulus. Councilwoman Cannon asked if Rural 6 is making two applications.

Attorney Reavey stated that Rural 6 has a federal loan through the Department of Agriculture. There is a federal law that if a rural water district has a federal loan then the City cannot serve customers in the rural water district. Attorney Reavey stated this law has been challenged over and over again and is very slanted toward the rural water districts. Discussion ensued between Councilwoman Templin and Engineer Brungardt regarding a rural water district agreeing to waive or cede their territory to a city. Mayor Anderson said Mark Crumbaker is very interested in a public water district.

Councilman Morse said we should apply for everything that can be applied for. He feels the City is going to make a decision on the water very shortly.

Mr. Garrett said the people know how Mayor Anderson feels about selling out the water; but no one has ever heard from Pat Guilfoyle on where he sits on his decision. Mayor Anderson said Mr. Guilfoyle's job is to look out for the best financial interests of the City and to be very conservative on the numbers. Pat's propensity is to always go "lower" on the numbers and to spend less money; he's more on the conservative side.

Mayor Anderson said he encourages everyone who is running for office to come in and find out from him, or any Council member, on what things are about and what is going on in the City.

Mr. Garrett said he is running because of the Mayor's push to sell out the water. He said he feels the public is working against a stacked deck. The Mayor appoints the Planning Commission members, and now three of those commissioners are running for Council, that's a real question about motives.

Discussion between Councilman Morse and Mr. Garrett on why the City isn't growing.

Councilwoman Cannon said "yes" to the two applications being submitted.

Councilwoman Templin said everyone wants to make the best decision for this town, and the questions keep coming up, and there are answers needed to those questions to make an informed decision. Discussion. She said she wants this Council to make a decision. Councilman Maniez said it has been a struggle to get this moved forward because something is always being brought up to postpone it.

Engineer Brungardt said it has always been staff's plan to have the water information ready for the second meeting in February. Councilman Maniez asked if staff is ready to provide all the funding numbers. Councilwoman Cannon asked if any other applications or grant requests have been made by the City to get funding for the water plant. Discussion ensued between Councilwoman Cannon and Engineer Brungardt. A discussion continued among Councilman Maniez, Mayor Anderson and the audience until Councilman Morse requested to move forward.

6. Executive Session: N/A

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, was not present.
- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, no report.
- d. City Planner, Linda Bohnsack, was not present. She is working on a sign committee meeting for next Tuesday. Staff is proceeding at the Planning Commission level in reviewing solar energy and wind turbine regulations. A workshop will be held next week to discuss the property rezoning. Council comments on future meetings.
- e. City Clerk, Lana McPherson, no report.

8. Council & Mayor Comments:

Mayor Anderson thanked Lana for assisting him with the Johnson County/ Wyandotte County Council of Mayors dinner that was held here on February 4<sup>th</sup>. Mayor Anderson stated the mayors discussed the state's budget cuts for the 2010 budget.

Mayor Anderson welcomed Commissioner Calvin Hayden to the meeting. Commissioner Hayden said there was some better news from the state today on the budget. Commissioner Hayden said he appointed Max Atwell and Mitra Templin to two boards today.

No comments from Council members Templin and Drennon.

Councilman Maniez asked Engineer Brungardt about the berm to be constructed at 83<sup>rd</sup> and Kill Creek. Councilman Maniez said he would like it to be an appealing entrance into the City. Councilman Maniez asked about all the utilities that are on that property and the cost that would be incurred to move those. He said the consensus around town is that the City is going to put in a roundabout in future. Engineer Brungardt stated that it would take considerable study and realignment to install a roundabout.

Councilman Morse asked about the Homeland Security and if new Council members would have to take the NIMS test. Attorney Reavey stated they would.

No comments from Councilwoman Cannon.

Motion by Councilman Drennon to adjourn at 8:22 p.m.; second by Cannon.

All Council approved by "ayes".

Motion carried.

Respectfully submitted:

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Lana R. McPherson, MMC, City Clerk