

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
March 5th, 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	Absent		

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 137.

Motion by Councilwoman Templin to amend the Consent Agenda to add Item 1.e., Adopting Resolution No. 839 Amending Section 1 of Resolution No. 812 Authorizing Certain Improvements to Main Trafficways and Trafficway Connections Within the City of De Soto; second by Cannon.

All Council approved by "ayes".

Motion carried.

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 February 19th, 2009
 - b. Approve Pay Ordinance No. 612
 - c. Adopt Resolution No. 838 Raising Rental Rates for Gym and Batting Cage
 - d. Authorize Mayor to Sign First Addendum to 2007-2008 Mowing Contract
 - e. Adopt Resolution No. 839 Amending Resolution No. 812

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

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

3. Chamber / EDC Report: Executive Director, Sara Ritter, is out of town.
4. Old Business: N/A
5. New Business:

- a. Consider Engineering Services contract with Shafer Kline & Warren for the design of the 83rd Street resurfacing project. City Engineer Brungardt was absent due to flu.

City Administrator Guilfoyle discussed the comments in Engineer Brungardt's report to the Council dated March 5th, 2009. The proposed scope includes initial field surveys, preliminary design with public involvement activities, final design with plans and specs, bidding, and construction administration tasks. Discussion between Councilwoman Templin and Administrator Guilfoyle regarding funding on the project.

Motion by Councilman Drennon to authorize the Mayor to sign the agreement for professional services with Shafer Kline & Warren for the engineering services for the 83rd Street resurfacing project for an amount not to exceed \$69,250 plus reimbursable expenses; second by Cannon.

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

Motion carried.

- b. Discuss next steps for Sunflower Water Plant renovations and regional wholesale water district negotiations. Administrator Guilfoyle stated after the last Council meeting, he met with Engineer Brungardt, Water Superintendent Clarence Brunk and staff regarding a plan of action. He stated it is the recommendation to proceed with the annexation of the 11-acre site on which the water treatment plant is located.

Staff also recommends that the City select an engineering consulting firm; the consultant would conduct an initial review of the City's overall refurbishment plans and make any suggestions for changes for the City to consider, assist with preparation of plans and specifications for the final improvements and work with the City on a bidding package. The consulting firm would also assist with negotiations relating to the public wholesale district. Administrator Guilfoyle stated Staff could go through the selection process for a consultant and finance the consultant's initial cost estimate of no more than \$100,000 from the electric utility fund, understanding that this funding could then be recovered from the bond or grants when issued.

Administrator Guilfoyle discussed the issues relating to the water rights that have been left unresolved, awaiting a decision about the long-term supply. The City needs to press SRL for the completion of the settlement agreement. The renovation plans call for all the wells to be located on the south side of the river. This eliminates the need to reconstruct the river crossing. He further discussed the senior water rights associated with the old water wells. Discussion ensued between Council members Templin and Morse, Administrator Guilfoyle and Attorney Reavey regarding running the water well.

Grant applications have been sent to Senator Roberts and Congressman Moore. Letters of support have been provided as a part of the application package. The City also completed its grant application to the State of Kansas as part of Kansas' receipt of the Federal government's stimulus package funding.

RWD #6 indicates that it, along with RWD #4 and #7 are interested in sitting down with the City to discuss the concept of a public wholesale water district. Discussion by Councilwoman Templin and Councilman Morse with Administrator Guilfoyle. Councilman Morse said he thinks the City should consider hiring Tony O'Malley, of The Larkin Group, Inc, as he has a lot of expertise in these types of negotiations. Councilman Morse asked who would own the wells north of the river if the City shuts the wells down. Discussion by Attorney Reavey that SRL wants to retain water right #38 and the City of Olathe is interested in that water right. He discussed the truce

agreement that has been discussed between the City, SRL, and the City of Olathe regarding the wells on the north side of the river. Further discussion between Mayor Anderson, Council members and staff regarding the water rights and the location of the water rights and their location in the river.

Administrator Guilfoyle further discussed the comments in the staff report, and a copy of said report is attached hereto and incorporated herein as a part of these Minutes. Council advised that staff should move forward with the RFP and call Tony O'Malley at Larkin to see if he would be interested in attending the meeting with the various water districts and the City to explain its past experience with similar public wholesale water districts.

- c. Consider Opening and Closing Dates for Aquatic Center's 2009 Season. Jay Garvin, Parks and Recreation Director, was present for questions. Councilwoman Templin said to not have the pool open on Memorial Day weekend is a huge disservice to this community, and inexcusable when we have a beautiful pool paid for by the taxpayers. All Council members agreed. Mr. Garvin stated the problem is that the young people working at the pool are involved in school activities and it is very difficult to get them trained by Memorial Day weekend. He explained the training procedures that are done with pool staff prior to the opening of the pool to the public. A discussion ensued among Mayor Anderson, Council and Mr. Garvin regarding the training sessions. Council agreed the pool should be open on Memorial Day through Labor Day. Administrator Guilfoyle said a survey was done with surrounding towns on pool openings and closings. Mr. Garvin said he brought it up as an economical option due to the costs incurred for maintaining the pool.
- d. Discussion of regulations for Wind and Solar Energy Generating Systems. Planner Bohnsack said the Planning Commission has asked the Council to provide direction on the intent of the regulations.

Councilman Drennon said everything these days is "going green". Councilman Morse said he feels it is more of a safety and health issue. Councilwoman Templin said she is also concerned about the health and safety concerns, as well as the height of energy systems and the potential eyesore in the community. Councilman Drennon said no one wants to hear the constant noise of a wind turbine in their backyard.

Planner Bohnsack stated the issues of health and safety will be addressed by the current building codes. The City does have some regulations on wind turbines at this time. The City does not have regulations on solar energy. She said the Planning Commission will be looking at solar energy regulations next month.

Council discussed the questions posed in the Staff Report dated March 5th, 2009. Councilwoman Templin said she would like staff to contact a solar panel installer and find out how many are being installed in the area. Councilwoman Templin said she doesn't want someone in a high-density neighborhood to put up a five-foot solar panel on their roof to obstruct the neighbor's view or be an eyesore in the neighborhood.

- e. Accept Quitclaim Deed for property at 30150 West 82nd Place for demolition. Attorney Reavey stated former Judge Anderson has been talking with Engineer Brungardt regarding quitclaiming the property to the City. The City would then incur the costs of the demolition of the structure and cleaning the property. Attorney Reavey discussed the caveat that this property would not qualify for tax-exempt status. Attorney Reavey stated the taxes are current on the property. Councilwoman Templin asked what the property is valued at currently and what the costs are to demolish and cleanup the property. Council asked Attorney Reavey to

bring back the demolition costs and valuation of the property.

Motion by Councilwoman Templin to table Item 5.e; second by Drennon.

All Council approved by "ayes".

Motion carried

6. Executive Session:

Motion by Councilwoman Templin to go into Executive Session at 7:55 p.m. for 25 minutes for land acquisition and confidential company information, and for an attorney-client privilege matter, and invite Administrator Guilfoyle into the session; second by Cannon.

All Council approved by "ayes".

Motion carried.

Councilman Drennon returned to regular session at 8:20 p.m. and stated Council requested an additional 10 minutes, to return at 8:30 p.m.

Motion by Councilwoman Templin to return to regular session at 8:30 p.m., with one 10-minute extension, and only the items stated were discussed and no votes were taken; second by Cannon.

All Council approved by "ayes".

Motion carried.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, stated the temporary note and bond dollar amounts will change on two projects. Two of the projects will now be funded with CDBG money and will not have to be financed with the temporary notes. The Cherokee Woods Benefit District costs will be reduced by approximately \$200,000. The Intervet waterline project will not need to use all the money originally estimated and the City has saved roughly \$150,000 on this project. The proposed downtown street project and the entry signage will be moved to temporary financing.
- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, is absent.
- d. City Planner, Linda Bohnsack, sent a RFQ to six logo designers and the signage committee will be looking at those bids when they are received. The RUR rezoning will go before the Planning Commission at their next meeting. Staff has been in contact with about 50% of the property owners in the proposed RUR rezoning district. On March 27th, the K-State planning students will be stopping by the City to look at small town planning. The Olathe Comprehensive Plan update is being worked on and Olathe Staff would like to discuss their plan with De Soto Council and/or Planning Commission. Mayor Anderson and Council would like Olathe to come to a Council meeting for this discussion. Discussion between Planner Bohnsack and Councilman Drennon regarding some properties in the new rezoning district.
- e. City Clerk, Lana McPherson, asked if Council members were interested in attending the Governor's Prayer Breakfast in Topeka.

8. Council & Mayor Comments:

Mayor Anderson said he had a meeting with the County staff regarding the Kill Creek CARNP plan and discussing the alignment. The City of De Soto is the only city that has responded to the County regarding the Kill Creek alignment. Mayor Anderson said he would suggest that after the election, the mayors of Olathe, Gardner and De Soto meet to discuss the proposed alignment.

There were no further comments from Council members.

Motion by Councilman Drennon to adjourn at 8:40 p.m.; second by Cannon.

All Council approved by "ayes".

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk