

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
March 6th, 2008, at 7:00 P.M.

MINUTES

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

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

Citizens signed the book on page 112. Mayor Anderson led the Pledge of Allegiance.

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 21st, 2008.
 - b. Approve Pay Ordinance No. 587.
 - c. Approve Ordinance No. 2193 Amending City Code on Building Permit Fees.
 - d. Approve Resolution No. 809 Amending City Fee Resolution on Building Permit Fees

Motion by Councilman Morse to approve the Consent Agenda; second by Cannon

Roll Call:	Cannon	Yes	Maniez	Absent
	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."

Bob Stephens, 9355 Cedar Creek Road. Owns Burning Tree Golf Club. Is not using the dumpster at the golf club, but is being charged for it. It has cost him \$55.68/mo for last 3 months even though he has not had trash. Cannot get a seasonal rate from provider and he does not want the container removed because there is always the chance of an event or business at the Club. They recycle everything they can. If he cannot get a seasonal rate or credit for months when the dumpster is not used, he is asking permission to take his home trash to the dumpster and have his home removed from trash pick-up. (His home is served by Water-One and he is not on the City sewer line.)

Attorney Reavey noted that the Ordinance states that all solid waste within the city must be collected by the city or their contracted provider and everyone in the city is subject to a trash fee. As for a seasonal rate, the City does not have the authority to impose that requirement upon the contractor. There was further discussion between Council and mayor concerning repercussions of or precedents for allowing Mr. Stephens to 'opt out' of the trash program and put his residence trash into the golf course dumpster.

Justin Love—3425 west 90th & pacific, Director of Bands for De Soto High School. Band is going to San Antonio and will participate in events to be held at the University of Texas. Its good exposure and experience for the students. They will be appearing during the Irish Festival at Riverwalk and will also have the opportunity to tour several historic and tourist sites. Some students need help in funding for the trip. Several fund-raising events have been held, but there is still a funding gap. They have 108 students in the band and 90-95 are planning to go on the trip. About 1/3 of cost has been earned and most students can make up the difference, but others cannot. Their budget is about \$42,000 and they are seeking a donation of \$1,000 from the City toward that goal—since the band also provides representation for the City when they travel.

Mayor Anderson requested information on city policy concerning a donation. Administrator Guilfoyle responded that there is funding set aside in the budget for these things and that the City policy is to participate up to \$1,000 upon request.

Motion by Councilwoman Cannon to fund the De Soto High School Band request for \$1,000; second by Drennon.

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

Motion carried.

3. Chamber / EDC Report: Executive Director Sara Ritter was absent.

4. Old Business:

a. Presentation by Rita Jones regarding Relay for Life 2008.

Brought the 'goodies' as promised and wants to thank the council for their support. One bag provided for Lana. Hopefully we will find a cure soon.

5. New Business:

a. Consider Resolution acknowledging review and acceptance of De Soto's Five-year County Assistance Road System (CARS) program application. Engineer Brungardt explained that the program funds qualified transportation projects within the cities. Projects are selected by the County through a scoring process. If selected, the County funds 50% of the construction and inspection costs—cities must pay the remaining 50% plus all design, right-of-way and utility relocation costs. Only major arterial and minor collector street improvements are eligible for the program. CARS provide funds for the Lexington Avenue overlay in 2005. Cities are required to have a 5-year CIP along with project funding requests. This funding request covers projects for 2009 and are listed in Exhibit A. The 83rd Street repaving is on this list in the amount of \$417,000. This is less than half of the total cost of the project, which is \$890,000. Other projects listed in the street repaving program will also be submitted for 2011 and 2012. The application must be accompanied by a Resolution of support. This will be submitted at the next Council meeting.

Councilman Drennon asked why the cost for 83rd Street was running so high. Engineer Brungardt explained that the improvements would require the moving of water and utility lines along the road. Councilwoman Cannon asked whether Aspen Ridge would be contributing to the cost of these improvements. Engineer Brungardt

pointed out that there have not been definite development plans submitted for the next phase of the development as yet and we do not know when it will be submitted with the current market.

Motion by Councilman Drennon to approve Resolution No. 810 acknowledging review and acceptance of De Soto's Five-year County Assistance Road System (CARS) program application; second by Cannon

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

Motion carried.

- b. Consider Interlocal Agreement adopting Johnson County's Transportation Cooperation Council (TCC) Charter. Engineer Brungardt explained that this is a new advisory group that is forming that will include representatives from the county and each of the cities to address transportation issues. Project is being headed by County Commissioner John Segale. Engineer Brungardt sees this group as an excellent opportunity to keep advised concerning several upcoming transportation projects that will have a major effect upon the City. He sees this as a good way to keep communication open and have a sounding board between the county and the other cities. Issues will be coming up that will find this group useful and keep De Soto 'in the loop.'

Mayor Anderson commented that the subject had been discussed at the recent Mayor's meeting. There was further discussion concerning the purpose and affect of the new board. The Cities are not required to participate and can withdraw at will. The board may provide De Soto with a better understanding on what is happening in neighboring communities on major transportation issues.

Motion by Councilwoman Templin to sign the Interlocal Agreement adopting Johnson County's Transportation Cooperation Council Charter; second by Drennon

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

Motion carried.

Engineer Brungardt requested that the mayor designate a representative to the board and an alternate. Mayor Anderson selected Engineer Brungardt as the representative and Patrick Guilfoyle as the alternate.

- c. Consider Approval of Project Authorizations/Resolution of Intent for Year 2 of the 5-Year Capital Improvement Program. Engineer Brungardt stated there are two staff reports for Item 5c and that the ordinances would be addressed later under Items 5f and 5j.

Part 1. Mill & Overlay Projects. There are bond funds in the amount of \$100,000 programmed into the CIP for 2008 for a mill and overlay project on a main trafficway. He has identified 8 projects where this funding could be applied—each a mill and overlay of about 1500'—as listed in the staff report. The Council must designate the project locations as "main trafficways" or "main trafficway connecting links" tonight in order to be able to select the specific project at the next meeting.

Councilwoman Templin asked if Ottawa Street could be included in the project list.

Engineer Brungardt stated that Ottawa Street was already designated a main trafficway and could easily be added to the project list. The length of Ottawa Street would also meet the criteria for a mill & overlay project.

Councilwoman Templin asked if engineering costs for each project would be available for them by the next meeting. Engineer Brungardt agreed that he could have that information and his recommendation concerning project priority ready at that time.

Mayor Anderson asked for comments from the remaining council members. Councilman Morse pointed out that traffic count information should be a major consideration in their choice. Engineer Brungardt stated he did not have traffic counts on all of the locations in the project list. He could obtain that information but it would require considerable funding.

Part 2. Water System Improvements. Engineer Brungardt stated there are 4 projects totaling \$386,000 related to water system improvements listed in the CIP for 2008. However, these will not be necessary since it looks like the City will be out of the water production business in about 4 months. He suggested that these projects could be foregone without jeopardizing current water production and the CIP funds applied to other projects. Engineer Brungardt has identified 2 projects for the Council to consider. First, a new 12" main along Sunflower Road from 87th Street. Second, replacement of the 3.5" water main between Intervet's old campus along and Sunflower Road along 87th Street with a 12" water main.

Engineer Brungardt pointed out that the original water projects funding for \$386,000 will not cover the cost of both projects—which total \$412,000. He recommends replacing the main in 87th Street for \$240, 000 and moving Intervet up to this year. (Mike??) Councilman Morse asked if this would affect maintenance of the City wells. Engineer Brungardt stated that the well maintenance is provided in the general budget. He also affirmed that the water tower is not currently leaking. Discussion incurred about back up generating options available.

- d. Consider Proposal to Construct New Monopole Communication Tower. Engineer Brungardt pointed out that the new water tower will be about 30' shorter than the old one, which causes a reduction in coverage for the existing communications companies using the tower. He proposes to construct a new monopole tower and transfer it over to a management company to maintain the leases. The City currently receives \$58,500 per year in lease payments. Selective Site consultants would provide this service for \$50,000 per year plus 30% of any future leases they acquire. Telecom Realty submitted a proposal that would pay the City \$40,410 per year.

Motion by Councilwoman Templin to authorize staff to proceed with contract negotiations with Selective Site Consultants; second by Morse

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

Motion carried

Mayor Anderson called a five-minute recess at 8:10 p.m.

Mayor Anderson reconvened the Council at 8:15 p.m.

- e. Consider Participation in MARCIT Medical Insurance Program for City Employees.

Administrator Guilfoyle explained that the current employee insurance carrier, Humana had increased their rates by 20% last year and will be increasing them again this year as of April 1 by 22.39%. The City is faced with the same problem this year due to its small group size. Claims are higher than the premiums can cover. Our insurance broker tried requesting bids on the open market, but no bids were received. They also suggested reducing benefits—an unattractive option because the benefits were just reduced last year. Administrator Guilfoyle stated that last fall an employee task force was formed to investigate the available options for insurance coverage. They looked at the Marcit Group, a self-insurance program for municipalities and school districts. Marcit is able to provide the same coverage for a much lower cost and it is anticipated that the premium increases will be much more reasonable over the years. Marcit offers three levels of coverage—a two PPO's and an HMO. Analysis of coverage costs indicates that employees may increase their insurance coverage/use under the Marcit provisions. The more families and subscribers enrolled the lower the cost ratio becomes. Administrator Guilfoyle conducted a survey to try and determine if more employees would add family coverage if the City was able to pick up a portion of the premium costs.

Councilman Morse expressed several concerns about the proposed Marcit coverage. Administrator Guilfoyle addressed these concerns. He recommended that the City offer coverage by the Marcit Group, paying the employee benefit premium and offering to pay 30% of the differential between the premium for the employee only and the premium for coverage of any other family members. The Council determined that it would retain PPO A as an option for employees; however, the City will cap its premium coverage for family PPO A at the dollar amounts set for PPO B. Since the Marcit coverage year begins in June and the Humana coverage ends this month, Marcit is proposing to provide coverage for April and May and for the next coverage year at the same premium cost.

Motion by Councilman Morse to join Marcit and offer 30% to families; second by Templin

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

Motion carried.

- f. Consider Ordinance Designating Certain Streets and Roads as Main Trafficways. Engineer Brungardt stated that this is the Ordinance that relates to the issues covered under 5c, Part 1 previously. The Council needs to designate certain streets as “main trafficways” or “main trafficway connections.”

Motion by Councilwoman Templin to approve Ordinance No. 2194 Designating Certain Streets and Roads as Main Trafficways or Main Trafficway Connections and to include Ottawa Street in the list of projects; second by Drennon

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

Motion carried.

- g. Consider Resolution Authorizing Improvements to De Soto Gray Water Tower.

Motion by Councilman Morse to approve Resolution No. 811 Authorizing Improvements to the De Soto Water Storage Tank; second by Cannon

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

Motion carried.

- h. Consider Resolution Authorizing the Downtown Streetscape Project. Engineer Brungardt explained that this would authorize funding for the first phase of the Plan.

Motion by Councilman Drennon to approve Resolution No. 812 Authorizing the Downtown Streetscape Project; second by Templin

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

Motion carried.

- i. Consider Resolution Authorizing Improvements to Skaggs and Sunset Lift Stations.

Motion by Councilman Drennon to approve Resolution No. 813 Authorizing Improvements to the Skaggs and Sunset Lift Stations; second by Morse

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

Motion carried.

- j. Consider Authorizing Improvements to the Intervet and 87th Street Water Line.

Motion by Councilman Morse to approve Resolution No. 814 Authorizing Improvements to the Intervet and 87th Street Water Line; second by Drennon

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

Motion carried.

- k. Consider Resolution Authorizing Sale of Bonds and Notes. Gina Riekhof, Bond Council for the City, spoke recommending the City authorize them to move forward and prepare the paperwork for the sale of bonds in the amount of \$1,090,000 and temporary notes for \$1,895,000 that would cover the financing for several projects listed in the CIP program. She further stated that recent experience in the market revealed reasonable interest rates are available. She should be able to return to the Council in April. There were no further questions from the Council. Administrator Guilfoyle expressed confidence that the City would be able to repay the bonds and that the interest rate was favorable.

Motion by Councilwoman Templin to approve Resolution No. 815 Authorizing Sale of Bonds and Notes; second by Cannon.

Roll Call: Cannon Yes Maniez Absent

Drennon	Yes	Morse	Yes
Templin	Yes		

Motion carried.

6. Executive Session: None

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, Senate Bill 574 was passed by the Senate and moves to the House now. Hopefully they will also have a positive vote. The cooperation between the Fire District and Johnson County has helped move this issue forward. A new board will be taking office when completed and two members appointed by the City Council will need to be appointed and be ready to go in April or May. Statutes require two members appointed by the City and two by the County with the fifth member alternately with the first appointment from the County. The Council should give thought to possible appointees. The statutes do not have specific qualification for those positions.
- b. City Attorney, Patrick Reavey, inquired whether the Council would want him to investigate amending the City refuse ordinance to accommodate situations such as addressed by Mr. Stephens earlier in the meeting. Attorney Reavey stated that he had found Mr. Weldon to be flexible and would probably work with the City to resolve problems. The Mayor suggested that Attorney Reavey speak to Mr. Weldon concerning situations where a resident has more than one service point, as in an office and a home location. Maybe the resident could 'opt-out' of one location.
- c. City Engineer, Mike Brungardt,
 1. There was a pre-bid conference today for the next step of Phase 1 for Riverfront Park. There were eight companies that attended, but it was not mandatory to attend in order to bid. Bids are due on Thursday of next week. Duncan still has a little more to finish when the ground dries up a little, but it was complete enough for the City to get a supplemental survey for this next phase. Main concern is to get the first phase established in time for the festival. They will be seeding Bermuda by mid June or will have to sod.
 2. The 95th Street Corridor land area plan is moving along. About 20 people participated in a workshop, completing 4 possible scenarios for the Corridor. The next meeting is on March 27th and they will narrow the 4 maps down into a single one to be presented to the Planning Commission.
 3. CARNP Meeting. On Tuesday he attended a discussion about the corridor study and he will provide more information on that soon.
- d. City Planner, Linda Bohnsack, stated that she will be out of the office for about 4 weeks beginning next Thursday following surgery. Engineer Brungardt will handle things in her absence.
- e. City Clerk, Lana McPherson, was absent due to attending a KMIT Board meeting.

8. Council & Mayor Comments:

Councilwoman Templin asked Brungardt to follow up on a possible water leak at the intersection of 91st St & Craig Drive. There has been constant water running in the ditch since October. She asked Brungardt to have the Water Department look into this.

Councilman Morse asked how the rental program was going. Administrator Guilfoyle stated he would begin providing updates on regular basis. Codes Inspector Graff has been doing a very good job and is very thorough with the inspections. Landlords have been very cooperative. Most of problems discovered have been minor. Councilwoman Cannon complimented Codes inspector Graff on her performance when she inspected some of Councilwoman Cannon's properties.

Motion by Councilwoman Templin to adjourn at 9:17 p.m.; second by Drennon.

All Council approved by "ayes".

Respectfully submitted:

Linda Bohnsack, City Planner