

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
April 2nd, 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 139.

A Proclamation was read by Mayor David Anderson proclaiming "Fair Housing Month" during April.

Motion by Councilwoman Templin to amend the Consent Agenda to include Item 1.c., Resolution No. 842 Amending Resolution No. 833 to Correct an Incorrect Reference to Ordinance No. 2220; second by Cannon.

All Council approved by "ayes".

Roll Call:	Cannon	Morse
	Drennon	Templin
	Maniez	

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 March 19th, 2009.
 - b. Approve Pay Ordinance No. 614.
 - c. Approve Resolution No. 842 Amending Resolution No. 833 to Correct an Incorrect Reference to Ordinance No. 2220

Motion by Councilman Morse to approve the Consent Agenda, as amended; second by Templin.

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."

Darrel Zimmerman stated that of all the candidates that are vying for positions want more businesses and that is a very good reason to be seeking office. The differences among candidates are how the goals are to be achieved. Mr. Zimmerman stated he supports the

Riverfest Park and stated his reasons why. There are convincing studies that reflect parks attract new residents and new businesses into a community, even more so than the schools. Mr. Zimmerman stated he has talked to the De Soto Days carnival owner, and that owner is now confident the Riverfest Park will be a good place to hold De Soto Days. Mr. Zimmerman continued to discuss the businesses that are members of the Chamber of Commerce and have helped to support the businesses and the City in many ways. Mr. Zimmerman stated he personally feels De Soto does need an agricultural zone.

Mr. Bob Garrett stated there has been a lot of controversy regarding Riverfest Park. He stated the Riverfest Park needs lighting and sidewalks for people to walk to it. He asked if the Council has any plans to improve that. Mayor Anderson stated the City has no plans right now. Councilwoman Templin stated the De Soto Days Committee chooses the location. Ron Crow, Jr. stated De Soto Days will be held in Miller Park again this year. Discussion.

Administrator Guilfoyle stated he received a phone call on Monday from a member of the Cinco de Mayo committee. He stated he provided the temporary use permit forms for the holding of this event at Riverfest Park by email to the committee. Councilwoman Templin asked Administrator Guilfoyle if the Park Board has completed a fee survey yet for the use of the Riverfest Park. Administrator Guilfoyle responded that the Park Board has completed the survey of surrounding cities, and they are working on a fee schedule for Riverfest Park. Councilwoman Templin said she feels it is unfortunate that the Park Board hasn't accomplished this yet as summer is upon us and this was requested six months ago.

Estrella Villa, 8725 Golden Lane, discussed the event and the purpose of bringing this event to the Riverfest Park. Councilwoman Templin discussed the reasons for the fee structure for using the Riverfest Park as there are many things that have to be considered.

Ms. Villa stated this event will host many not-for-profit organizations coming to the event to provide information to the community, as well as games and activities for the children. She stated the parade has been canceled for this year. Councilwoman Templin asked about the events of the day. Ms. Villa stated there will be three (3) bands as well as games, contests, a beer garden, and a dance. Vendors will be charging for their food items.

Councilwoman Cannon stated this information was just provided this evening and there hasn't been sufficient time to review the staff report. Ms. Villa stated there haven't been many people coming to the committee meeting. Ms. Villa stated there were between 3,500 and 5,000 people in attendance last year. Councilman Maniez asked if there were plans in place to control the beer garden and parking. Councilman Morse asked when the beer garden was going to open up, as 16 hours of beer drinking probably would not be a good thing. Discussion between Mayor Anderson and Ms. Villa on conditions to be resolved.

Councilman Drennon said the Cinco-de-Mayo committee should meet with the Johnson County Sheriff's Department and get specifics to the Department for policing this large event. Discussion between Councilwoman Templin and Engineer Brungardt that there should not be parking on the grass if it is wet because the seeding is beginning to come up.

Councilman Morse said there are just too many concerns at this time and not enough information; these areas need to be refined and brought back to the Council. Council agreed there are too many items that haven't been addressed in the permit, and they need to see all the details nailed down before Council will approve this. Councilman Maniez stated all these concerns need to be addressed and finalized. He said all the details should be addressed for the public's safety, as well as the park being protected.

Deputy Mark Leiker stated one of the concerns is that the Johnson County Sheriff's Department already has two evening events scheduled that day. There will be an overtime rate charged to the City for extra policing of this event. Administrative Guilfoyle stated the expense for the extra patrolling by the Johnson County Sheriff's Department will not be paid for by the City.

No one else appeared.

3. Chamber / EDC Report: Executive Director, Sara Ritter, shared upcoming event information. On Wednesday, March 25th, representatives from BNSF provided an update on the Gardner Inter-Modul facility and how this will impact De Soto.

On April 25th, 2009, the Chamber is providing assistance to FCB Bank for the Spring Fling. On Thursday, April 30th, the Chamber will be hosting its' 5th networking event at Zimmerman's Kill Creek Farm. This is a very popular event and it is free to the Chamber members. This is a great way for area businesses to network. On May 20th, the EDC will be hosting a developer's event at FCB Bank. On Saturday, June 20th, the Chamber will be hosting a country concert with Tracy Byrd and KFKF. More information will be forthcoming for these events. The Chamber has raised \$17,000 toward bringing Tracy Byrd to the Riverfest Park. There has been great support from the community for this event.

4. Old Business:

- a. Consider Quit Claim Deed for property at 30150 W. 82nd Place for demolition.
Tabled

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 stated the City has received a little over \$400,000 from this program to assist with this year's 83rd Street project. The program requires a five-year plan to be submitted for CARS eligible routes. He explained the stimulus grant funding and how it affected the project funding in the five-year plan.

Motion by Councilman Drennon to approve Resolution No. 843, Authorizing the Five-year County Assistance Road Systems (CARS) program; second by Cannon.

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

Motion carried.

- b. Temporary Special Use Permit requests—

1. Consider a request for a Temporary Special Use Permit for the Spring Fling sponsored by FCB Bank.

Mary Guntert, of FCB Bank, stated the Spring Fling committee is requesting to waive the fee for the Temporary Use Permit and also requests the street closures as stated in the staff report. Councilwoman Templin asked if the Sheriff's Department has received notice. Mrs. Guntert stated she will notify them. Last year's event

attracted around 300 or more people to the downtown area.

Motion by Councilman Maniez to approve the permit based on the considerations noted in the staff report, for closing Wea Street north to the alley, and the fee be waived; second by Cannon.

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

Motion carried.

2. Consider a request for a Temporary Special Use Permit for a music concert to be held in Riverfest Park and sponsored by the Chamber of Commerce. Sara Ritter stated this event will be similar to the event that was held in October, 2008, and this is the Chamber's main event for the year. This event is to promote tourism to the community. The Chamber has been working with the Parks and Recreation Department and the Park Board. The Chamber has invited the Park Board to take over the parking for this event. They are being encouraged to handle the parking and collect the fees, with the goal to collect the parking revenue and put the funds back into the Park. Preliminary discussions have begun with the Johnson County Sheriff's Department regarding security. The entertainer also requires security for his group. Cleanup crews will ensure the Park will be left in a proper manner.

Councilwoman Templin reiterated the fact that there must be an established usage fee schedule for the Riverfest Park. She said she supports the parking funds. The Park Board must get the fee schedule done because these requests to use the Riverfest Park are coming in and this fee schedule was requested months ago.

Administrator Guilfoyle said the fee surveys have been received and the Park Board will discuss it at this month's Park Board meeting. Discussion ensued regarding the Park Board handling the parking. Administrator Guilfoyle said he is confident the Park Board can handle this through their volunteer members. Councilman Maniez stated the Park Board members should wear vests or some kind of shirt that distinguishes them as the Parking Officials. Ron Crow, Jr. stated the Park Board has looked at a proposal and will be wearing vests. Mrs. Ritter said there is great revenue potential for an event of this size and the Chamber does pay sales tax back to the City. She said she wants to be sure to help the Park Board by providing a revenue source for the Riverfest Park to continue to develop and be maintained.

Councilwoman Cannon said there still needs to be a fee schedule for events. Councilwoman Templin said the use of this park can't be free to every group that wants to use it for a large event. Discussions between Council members regarding the fee schedule and approving this event contingent on a fee schedule in future.

Mrs. Ritter said she is concerned that the Chamber is going to have enough money to pull off this event if the Chamber is going to have to pay a fee for use of the park. She stated she has to write a \$10,000 check to secure Tracy Byrd. Discussion by Mrs. Ritter that this is a tourism event attracting people to the City and she would request some consideration on the fee.

Councilwoman Templin stated the fee should be the same for every group because you cannot make exceptions for certain groups. Discussion ensued between Attorney Reavey, Mrs. Ritter and Council concerning the noise regulations affecting

this event. Mrs. Ritter stated the band contract is still being negotiated. But once the deposit has been made, there will not be any recourse to change the contract.

Motion by Councilwoman Templin to approve this Temporary Use Permit and waive the \$50 permit fee, waive the noise ordinance for this event, and that a payment of an established usage fee be paid for the park once the fee schedule is determined; second by Drennon.

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

Motion carried

- c. Consider bids for the installation of guardrails on the 83rd Street Bridge over the Sunflower Railroad. Engineer Brungardt said this has been a discussion item for several months. The engineering study did come back and did not recommend using the existing posts. He explained the comments in the staff report and the two bids that were obtained. The low bidder was Highway Safety Solutions. Discussion between Councilman Maniez and Engineer Brungardt regarding the guardrails and posts being re-used. The stimulus grants to replace the bridge did not come in. Mayor Anderson stated he had a complaint regarding the sidewalk on the southeast side. Engineer Brungardt stated there is a step on both ends of the bridge, and the pedestrian access is not currently wide enough to meet ADA standards. Councilman Maniez and Engineer Brungardt discussed the bridge deck and the bolting to the decking. Engineer Brungardt and Councilman Drennon discussed when the work would begin on this.

Motion by Councilman Maniez to authorize the City Administrator to award the 83rd Street guardrail bids to Highway Safety Solutions in the amount not to exceed \$15,000, with funding to come from the Street Department budget; second by Templin.

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

Motion carried.

- d. Consider Authorization to Purchase Water Reel for Parks and Recreation Department. Administrator Guilfoyle said Jay Garvin has done research on this and he would like to use this to water the athletic fields at the parks. A water reel will provide considerable savings in personnel time. Councilman Maniez asked if this means park personnel will have more time to do other park duties. Administrator Guilfoyle said the reel will help with that.

Mr. Randy Johnson said that when the Riverfest Park water sprinkler system was installed, the contractor suggested a water reel at that time. He said the water reel is a good idea, and it could have saved some funds at the Riverfest Park. He stated the temporary watering system is now being stored and it should be sold.

Discussion ensued among Council members that the temporary system should be sold if the Parks Department isn't using it. Engineer Brungardt stated there were discussions at the time the seeding was put in at the Riverfest Park and it was determined the water reel wouldn't be the better choice due to the grass not being

established. Staff will ask Jay Garvin about the temporary system being sold.

Motion by Councilman Drennon to approve the \$7,885 cost for the water reel; second by Cannon.

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

Motion carried.

6. Executive Session:

Motion by Councilwoman Templin to go into Executive Session at 8:20 p.m. for 10 minutes to discuss an attorney/client privilege matter and for five (5) minutes regarding a personnel matter, and to include Pat Guilfoyle and Patrick Reavey in this session, to return at 8:35 p.m.; second by Cannon.

All Council approved by "ayes".

Motion carried.

Motion by Councilwoman Templin to return to regular session at 8:35 p.m. and only the two items stated were discussed and no votes were taken; second b Cannon.

All Council approved by "ayes".

Motion carried.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said the Fire Advisory Committee has put to bed the draft budget they are satisfied with for now. The Committee will return to that draft in June when they have more confirmed numbers from the County. The Committee will meet again on April 13th, and begin looking at a resolution for the County Commissioners to consider for the new district. The County Attorney will be drafting that resolution and it will eventually come back to the City Council for review. The Committee will be discussing several employee-related items for the new district. They have selected Frank Jenkins as their attorney to handle legal matters until the new district is approved.

Councilman Maniez asked about the name for the new district. Administrator Guilfoyle said the State confirmed the name in the legislation. The name is the Northwest Consolidated Fire District. Attorney Reavey stated the naming phrase will contain the words "serving De Soto and Northwest Johnson County". Councilman Maniez said he is going to state once again for the record that he is disappointed that "De Soto" was not included in the name; and, as usual the City and its citizens are treated as the stepchild by Johnson County.

- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, stated there was a meeting this week to discuss the potential to create a wholesale water supply district. Those attending were Johnson County RWD #6, #7, Clearview City, Douglas County RWD and Eudora. The concept of the wholesale water supply district was discussed, along with the City's

involvement in the Sunflower Water Plant. There was discussion about moving forward quickly on a joint study to get some numbers. Eudora is interested in the process, but their need is not urgent at this time so they likely will not join in. Rural Water Districts Nos. 6 and 7 have some needs to move this along fairly quickly as their contracts with Olathe expire in 2011. There is a meeting set for April 8th to continue discussions.

KDHE's program will fund one-half of a study up to \$25,000. The interested parties will pay their share and KDHE will pick up the rest. A consultant will need to be selected. City staff would like Council's approval to move forward with the group study, and this study is separate from the City's water study. Discussion between Councilwoman Templin and staff.

Dave Rhodes of Clearview City stated he is interested in seeing the regional concept plan and he doesn't see many negatives in this. Engineer Brungardt stated the value of the improvements and the facility will need to be determined so a fee can be paid to the City of De Soto. A Council discussion ensued with Mr. Rhodes regarding the value of the Sunflower water plant. Councilwoman Templin said the urgency of this study and the opportunity for a wholesale water district needs to move forward. Council directed staff to move forward. Councilwoman Templin stated she would like to attend again.

- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, had no report.

8. Council & Mayor Comments:

Councilman Drennon said there is some graffiti that needs to be cleaned up at Miller Park.

He thanked Mike Brungardt for his due diligence on the stimulus grant from KDHE.

Councilwoman Templin said that the next Council meeting happens to be on a school program event, and both she and Councilman Drennon have children participating in that school program. She is requesting the Council meeting be moved back to 7:45 p.m. so that there will be a quorum present at that time to conduct a meeting. Council agreed.

Motion by Councilwoman Templin to change the starting time for the April 16th meeting to 7:45 p.m.; second by Drennon.

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

Motion carried.

Councilman Maniez asked when the seeding was going to be done on the former gas station property. Engineer Brungardt stated the contractor will be back to complete the seeding and mulching.

No further comments by Council.

Motion by Councilwoman Cannon to adjourn at 8:56 p.m.; second by Drennon.

All Council approved by "ayes".

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk