

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
April 16th, at 7:45 P.M.*

* Time change for this meeting only.

MINUTES

The meeting was called to order at 7:50 p.m. with Roll Call by Mayor David Anderson.

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

Mayor Anderson led the Pledge of Allegiance. Guests signed the book on page 140.

A Proclamation was read by Mayor Anderson proclaiming April 17th as Arbor Day in De Soto.

A Proclamation was read by Mayor Anderson proclaiming May 7th as National Day of Prayer in De Soto.

Motion by Councilwoman Templin to amend the Consent Agenda to add Item 1.c. Resolution No. 845 for City Code violation on property located at 8930 Lexington Avenue; and, to add Item 1.d. Resolution No. 846 Requesting that the Johnson County, Kansas Board of County Commissions Consolidate the De Soto Fire Department and the Johnson County Fire District #3 By Creating a New District Named Northwest Consolidated Fire District; second by Maniez.

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 April 2nd, 2009.
 - b. Approve Pay Ordinance No. 615.
 - c. Approve Resolution No. 845, Order of Violation of Section 8-208 of Article 2 of Chapter 8 of the City Code for Property Located at 8930 Lexington Avenue.
 - d. Approve Resolution No. 846 Requesting that the Johnson County, Kansas Board of County Commissions Consolidate the De Soto Fire Department and the Johnson County Fire District #3 By Creating a New District Named Northwest Consolidated Fire District.

Motion by Councilman Drennon to approve the Consent Agenda, as amended; second by Maniez.

Roll Call:	Cannon	Yes	Morse	Absent
	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.”

No one appeared. Mayor Anderson closed the Call to Public.

3. Chamber / EDC Report: Executive Director, Sara Ritter, provided updates regarding the Spring Fling on April 25th, and there are currently 25 vendors signed up to participate. The Chamber is organizing a joint networking event on April 30th at Kill Creek Farm. She said other communities are also calling and wanting to attend. The EDC Board has had some discussions regarding the developers’ reception. The date will change to later this summer in order for more information to be provided to those developers.

On behalf of the Chamber and EDC, Mrs. Ritter thanked Councilman Maniez for his support to the community and to the Chamber and EDC during his years as a Council member.

4. Old Business:

- a. Consider Accepting Quit Claim Deed for property at 30150 W. 82nd Place. Attorney Reavey stated this item was discussed previously by the Council. Two property owners were interested and the adjoining property will take ownership of the property, take down the structure, and clean the property. The other interested adjoining property owner will be able to put a garden on the property once it is cleaned.

Motion by Councilman Maniez to accept the Quit Claim Deed from the Anderson Trust; second by Templin.

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

Motion carried.

- b. Authorize Mayor to sign Quit Claim Deed for property at 30150 West 82nd Place to Mark Buffon for purposes of demolition and ownership by Mr. Buffon.

Motion by Councilman Maniez to authorize the Mayor to execute the Quit Claim deed to Mark Buffon for property at 30150 West 82nd Place; second by Cannon.

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

Motion carried.

- c. Consider Temporary Use Permit request by Cinco de Mayo. Administrator Guilfoyle said staff has met with the Cinco de Mayo Committee. They are rescoping their plan and they are not going to use the Riverfest Park. They are going back to the VFW facility as they did last year. The Committee is requesting a temporary use permit for selling Cereal Malt Beverage if they decide to sell beer outside the VFW. They are also going to request a donation from the City as they did last year to help sponsor the event. No one is present this evening from the Cinco de Mayo Committee. No action was taken.

At this time, Mayor David R. Anderson, was sworn in to begin his third term as Mayor of De Soto by City Clerk Lana McPherson.

Mayor Anderson then stated that Councilman Morse was not present this evening to accept the appreciation plaque for his service to the community as a Council member the past four years.

Mayor Anderson requested Council President Tim Maniez to come forward. Mayor Anderson read a note from Robert Freeman, former Council member who served with Councilman Maniez. Former Council members Linda Zindler and Brad Seaman were also present and gave their appreciation comments to Councilman Maniez. Mayor Anderson then thanked Councilman Maniez for his 20 years serving as a Council member, Council President and additional years as a Planning Commissioner. Mayor Anderson presented Councilman Maniez with a commemorative wooden gavel box in appreciation of service.

Newly-elected Councilmen Ron McDaniel and Rick Walker were sworn in to office for a four-year term by City Clerk Lana McPherson.

Mayor Anderson called a five-minute recess at 8:20 p.m. Mayor Anderson reconvened the meeting of the new Council at 8:25 p.m.

Motion by Councilman Drennon to nominate Mitra Templin as Council President; second by Cannon.

All Council approved by "ayes".

Motion carried.

2. New Business:

- a. Presentation and Acceptance of City Audit for Fiscal Year 2008. Administrator Guilfoyle introduced Ms. Audrey Odermann, of the Lowenthal Singleton Webb & Wilson CPAs, the City's auditing firm. She went through the City's financial statements and the statements made in the auditor letters and comments. Ms. Odermann stated it is a pleasure to come out and work with Bonnie and Pat on the audit. Administrator Guilfoyle stated Bonnie Bennett, the City's Finance Officer, does a great job on the finances and reports. This audit is a credit to her professionalism. Mayor Anderson thanked Bonnie for her good work.

Motion by Councilwoman Cannon to accept the City Audit for Fiscal Year 2008; second by Drennon.

Roll Call:	Cannon	Yes	Templin	Yes
	Drennon	Yes	Walker	Yes
	McDaniel	Yes		

Motion carried.

3. Executive Session: N/A

4. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said he provided Council with a summary of the Park Board's deliberation regarding the user fees for Riverfest Park via a prior email memo. The Park Board's focus was to charge fees that are competitive within the region and to maximize the use of the Park as a marketing tool, the primary goal being to attract visitors to De Soto and to establish the facility as a good venue for regional festivals/concerts.

The Park Board recommended a base fee for profit-based groups: \$1,000 for multi-day events and \$250 for one day or partial day events. The Park Board recommended no base fee for civic/non-profit groups. Beyond the base fee, the Park Board recommended a \$100 electric service fee for multi-day events and \$50 for a one day or partial day event.

The Board also recommended a damage/deposit fee of \$500 cash at the time the event is reserved, payable within 2 weeks of the event. If a group has to cancel the event, then 50% of the deposit will be forfeited if cancelled 31 days or longer before the event. The group would forfeit 100% of its deposit if the event is cancelled less than 31 days before the event. The City would hold the deposit until after the event is held and the park is cleaned up.

Councilwoman Templin asked how the fees were determined. Administrator Guilfoyle stated the discussion focused on charging a reasonable fee after reviewing fees charged by other cities. Park Board recommended that fees be reviewed on an annual basis as the Park becomes more established. Councilwoman Templin asked if the \$500 deposit is enough for a large event if the park were damaged more than the \$500 would cover.

Councilwoman Templin, Attorney Reavey and Engineer Brungardt discussed the option of requiring insurance for large events. Darrel Zimmerman said there should not be separate charges for Riverfest Park as opposed to Miller Park. Councilwoman Templin said there is a little bit of difference because Riverfest Park can accommodate several thousand people and Miller Park can't.

Administrator Guilfoyle said the Park Board discussed the damage clause, but did not resolve the question. Ms. Sara Ritter stated the Chamber obtains event insurance for up to One Million Dollars for the BBQ event, but wasn't sure if it covered property damage or simply liability.

Councilman McDaniel asked how many toilets are required for a certain number of people. He said he has asked the City Engineer to check on this. Councilman McDaniel also asked about potable water. Administrator Guilfoyle said there is potable water available at the park. Ms. Ritter said the portable toilet rental company has a formula for the number needed. Administrator Guilfoyle commented that the Park Board is working on an application form that addresses these questions.

Councilwoman Templin said she is not comfortable with the proposed regulations. She understands the Park Board's desire to keep the fees low, but she is struggling with the costs to the City to operate the park. She said she isn't comfortable with giving the use of the Riverfest Park away knowing that the City has expenses that have to be paid.

Mayor Anderson stated this is a venue that will be used; however, the fees can be reviewed annually or more. The Park was built to bring people off the highway. These items will need to be addressed as they come up. A discussion continued between Mayor Anderson and Councilwoman Templin that parks are different than the Community Center. Councilman McDaniel commented on the Kansas City park fees.

Councilwoman Cannon asked if this would be different than renting the City's ball fields. Councilwoman Templin said she hoped the Park Board would calculate the costs of City involvement for the events. Discussion between Administrator Guilfoyle and Councilwoman Templin regarding the things applicant would be responsible for. Mr. Garrett said the VFW charges \$700 for cleanup on large events. Discussion continued.

Mayor Anderson stated maybe the City's policy should be to require insurance for large events at the time the Park is reserved. Councilman Walker commented on the fee structure. Councilman McDaniel asked who is going to monitor the events to ensure things are being done properly. Discussion continued between Mayor Anderson and Council members on who is going to monitor Riverfest Park during events. The City pays for a monitor to use the Community Center. Administrator Guilfoyle said this is a good idea. He will also look into an insurance policy for property damage.

Councilwoman Templin asked about checks being given on deposits. Administrator Guilfoyle said deposit checks will be cashed upon receipt.

Administrator Guilfoyle stated Deputy Mark Leiker has put together a teen event in the City. Deputy Leiker said the Sheriff's Office used to promote these dance events for middle school youth in De Soto. The fee charged is used to pay the DJ, and any money received over the cost of the DJ will be given to the City for use of the gym. The 4-H club is going to provide concessions. Sheriff's deputies will be here to sponsor the event and monitor the activities.

- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, stated the public wholesale water district discussions are going well. He has met with Tony O'Malley of Larkin and representatives of RWD #6 and RWD #7. The group has selected Larkin Engineering to do the feasibility study. The conclusions on this report should be in by late June or early July. He will have a scope and fee for Council to consider by the May 7th meeting. Engineer Brungardt will email the report from Larkin as soon as it is received. Engineer Brungardt stated that with KDHE's funding, they require that more than one option has to be considered. The options are to renovate the old plant, as well as the cost to build a new plant. Council advised to go with this as soon as possible.

The downtown streetscape planning meeting was held yesterday. Most of the business owners were contacted by RDG and City Staff. RDG is going to take the feedback and start with some renderings on paper. RDG will be back to do a two-day workshop session with the business owners and staff on May 19th-20th.

Engineer Brungardt stated FEMA's update on the flood plain has designated 30-40 properties in the City that will be in the new FEMA flood plain maps. FEMA is asking for the City to adopt the new maps by August 1st, 2009. Engineer Brungardt will notify those property owners who will be affected. The County is surveying about 30 homes in the City to determine if they are in the new flood plain designation. He is waiting for the results of those surveys before contacting all the property owners.

There was a discussion between Councilwoman Templin and Engineer Brungardt regarding the homes that were identified several months ago. Engineer Brungardt stated that most of the houses affected were only in the new flood plain by a foot or so.

- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, no report.
- f. Council & Mayor Comments:

Councilwoman Cannon congratulated Ron McDaniel and Rick Walker on being elected to the Council.

Councilman McDaniel said he is glad to be here, and he sees that he is the oldest guy here. He stated he really cares about the City of De Soto and he cares about the people here. It has always been a great city and he knows it will continue to be.

No comments from Mayor Anderson.

Councilwoman Templin asked about the seeding on the old gas station property. Engineer Brungardt said he has written the contractor a letter, and the City is holding a bond.

Councilman Drennon congratulated the new Council members.

Councilman Walker said he is glad to be here.

Motion by Councilwoman Templin to adjourn at 9:22 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk