

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
April 17<sup>th</sup>, 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	Present
	Drennon	Present	Morse	Present
	Templin	Present		

The Mayor led the Pledge of Allegiance. Citizens signed the book on page 115.

A Proclamation was read by Mayor David Anderson proclaiming "Arbor Day" on April 22<sup>nd</sup>, 2008.

A Proclamation was read by Mayor David Anderson proclaiming "National Day of Prayer" on May 1<sup>st</sup>, 2008.

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 3<sup>rd</sup>, 2008.
  - b. Approve Pay Ordinance No. 590.
  - c. Approve Fireworks Contract with Wald & Co. for annual 4<sup>th</sup> of July display.
  - d. Approve Resolution 821 Environmental Code Violation (Yard) at 8525 High St.
  - e. Approve Resolution 822 Environmental Code Violation (Structure) at 8525 High St.
  - f. Authorize Mayor to Sign Annual Maintenance Agreements with Bruce and Mark Neis for Farming Portions of Riverfest, Wilderness, and Widow Big Knife Parks.

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

Discussion by Councilwoman Cannon regarding the addresses on the code violations. Address corrections will be made by Attorney Reavey.

Roll Call:	Cannon	Yes	Maniez	Yes
	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."

Darrel Zimmerman, said he is very proud of being a citizen of De Soto. The construction work on Riverfest Park is going well. He also attended a meeting for the Spring Fling and about 25 businesses were in attendance. He also read an article from The Selk Family regarding the hometown atmosphere in De Soto. The Park Board voted at its last meeting to send a letter to the Johnson County Parks & Recreation District in thanking them for the historical marker and kiosk at the Kill Creek Overlook.

Bob Garrett said he keeps hearing a rumor that De Soto is looking at selling the water rights to the city of Olathe to supply water to the City. Mayor Anderson said the truth is the City is looking at the City of Olathe to supply water to the City of De Soto. Mr. Garrett said we are sitting on a gold mine. Mr. Garrett said any educated person knows you don't give up your water rights. Discussion by Councilman Morse and Councilman Drennon that De Soto is already double the costs of some surrounding cities. Mr. Garrett said he doesn't want to be at the mercy of the City of Olathe or any one else.

Mr. Garrett said we sold off the electric, we're merging with the fire district, and now you're selling off the water, so "why do we need you guys anymore?" Mayor Anderson said the responsibility of the Council is to get the best product for the costs of what a citizen pays for. Mr. Garrett said he wants the Mayor to guarantee that. Mr. Garrett said Olathe has had to ration water and the City of De Soto has never rationed water. Why would we want to be at the mercy of somebody else. Mayor Anderson encouraged Mr. Garrett to get other citizens involved so they can review the documents and the summaries that have been done. Councilman Morse said many people can't afford the higher rates that it will cost for the City of De Soto to continue producing water. Mr. Garrett said this concerns every citizen and every citizen should have the right to vote on something that concerns them like water.

Mayor Anderson said the water rights aren't being transferred to anybody. He stated the City hasn't signed any contracts. The City has been talking with Water One and the City of Olathe for the past two years. Mr. Garrett said again this should be put to the vote of the people. He does not feel the Council has the right to make this decision for everybody. A discussion ensued with Attorney Reavey and Mr. Garrett regarding the 20-year contract discussion. Mr. Garrett said if Olathe has problems, then De Soto will be the first to suffer if there is a shortage. He said he hopes that Attorney Reavey can craft a contract to take care of that.

Mr. Garrett asked when the City is going to merge with the Rural Fire Department. Mayor Anderson said the bill hasn't yet been passed by the Kansas Legislature. The City has to get ready for budget, as does the Fire District, so the earliest the consolidation to take place would be January, 2009. The new governing body of the merged department would have to be formed and a budget done by August, in order for the January, 2009, date to work. Discussion by Mayor Anderson and Mr. Garrett regarding this board will appoint a new fire chief.

Discussion by Administrator Guilfoyle regarding the options that have been considered by the Council on either buying water wholesale from Water One or the City of Olathe. No decision has been made. Mr. Garrett said this has been kept pretty quiet. Administrator Guilfoyle said this has been a lengthy process in trying to get questions answered and has been reported in the local press. Mr. Garrett said he understands that if people don't know what's going on, then it just gets done. Continued discussion by Administrator Guilfoyle on the different scenarios of De Soto staying in the water production business, which would result in a huge rate increase. In the water study commissioned by the City a couple years ago, the consultant concluded that the City had two basic options: stay in the production business or buy wholesale. If the City stays in the production business, the cheapest approach would require construction of a new water plant; that new plant's water rates assumes that the City would gain new customers from its western growth area and from any development at Sunflower. The resulting water rates based on those new customers would be higher than the rates required if the City purchased water wholesale from Olathe. However, Guilfoyle pointed out that Sunflower has said that De Soto's new water rates would be too high; they would purchase their supply from Olathe/ Water One, whichever is cheaper. Moreover, the City legally cannot serve its western growth area since that area is within RWD #6's territory; the law stipulates that RWD #6 shall serve that area. As a result,

the only customer base to rely on for a new plant would basically be the City's existing population, which would cause the rates to increase even more so. Mr. Garrett said he doesn't just want this to be "slipped by" and the citizens not know what is going on.

3. Chamber / EDC Report: Executive Director, Sara Ritter, was not present. She emailed her report to the Council. The Spring Fling is on Saturday, April 26<sup>th</sup>, in downtown. The networking event will be on April 24<sup>th</sup> between 5:00 p.m. and 7:00 p.m. at Kill Creek Farm. Gardner, Olathe and Spring Hill will be attending this event.
4. Old Business:
  - a. Presentation of the ACS "Fight Back" banner by Rita Jones, De Soto Relay For Life. Rita Jones and Kayla Glass from ACS brought the banner and read the mission of the Relay and the memories that are kept alive by the annual Relay For Life. The plea is to save one life this year from cancer by becoming involved and fight back. Rita and Kayla handed out pledge cards to Council members and staff. Council members and staff are the first to sign the "Fight Back" banner.
  - b. Consider an Ordinance on recommendation from the Planning Commission to amend Article 7, Section 11, Part A of the Zoning Regulations, concerning signs in the "R-H" Residential – Historic "Old Town" District. **TABLED**
5. New Business:
  - a. Announcement by the Park Board of the poster contest winners. Mayor Anderson stated there are three award winners present this evening. Mayor Anderson announced third place winner, Josh Uribe-Hunter from Starside; Jocelyn Deleon, second place winner, from Starside; and first place winner, Kevin Grier, from Mize Elementary. Mayor Anderson presented each winner with a certificate and a pin. Kevin wins a \$50 savings bond and a tree planted in his name at the Riverfest Park; Jocelyn Deleon wins a \$25 savings bond and a tree planted her name; and Josh wins a \$10 Sonic gift card.
  - b. Consider Application for Refuse Service Exemption. Attorney Reavey stated this is a request by Mr. Robert Stevens regarding the amendment adopted by the Council at its' last meeting.

Motion by Councilman Morse to approve the application for refuse service exemption; second by Cannon.

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

Motion carried.

- c. Consider Resolution Endorsing Renewal of County ¼ Cent Sales Tax with County Portion dedicated to Public Safety Programs. Administrator Guilfoyle said the County is interested in getting an extension on the sales tax that is scheduled to expire this year. The County is requesting the municipalities to endorse the resolution. He provided the Council with a memo summarizing the history of this ¼ cent sales tax from 2002 through present, and discussed the reasons why the County wants to extend the sales tax. The County is not going to provide any funding support to the school districts. They are going to use the funds toward public safety programs. He discussed the reasons why the County isn't going to

provide funding to the school districts.

Discussion by Councilman Morse on whether or not the County is guaranteeing that this funding is actually going to the new jail, a new juvenile facility, etc. Discussion by Councilwoman Templin that this was first marketed as an economic funding tool for the schools. This was campaigned for under the guise of the schools. She said the way she looks at this tax is that it was supposed to be a short-term tax for economic development and it was supposed to go away. She said the County spends millions and millions of dollars on acquiring park lands and there should be some way to direct money to other things. She said this is not a tax that is good for De Soto and she isn't going to support it.

Councilman Drennon said he isn't going to support this resolution. Attorney Reavey said the statutory authority for the tax is specifically under "economic development". Councilman Maniez said he feels that if you don't pay for it with sales tax, the County will just raise our property taxes. He said he doesn't like there not being a sunset clause. Why can't there be a time limit on this? Mayor Anderson said the County could float a bond. Councilwoman Templin said bonds have an ending point. Mayor Anderson said the buyers of the most goods are the ones paying the tax. There has been an argument of the County lowering its cash reserve, too.

Councilman Morse said he doesn't have a concern in approving because the people spending the money are going to be paying it. Councilwoman Cannon asked if the mill levy is adjusted on the tax base. Discussion. Councilman Maniez said this is just an endorsement, and the voters will decide whether it passes or not. Mayor Anderson said the City does receive a portion of this tax fund. Comments by Administrator Guilfoyle that the resolution could be modified to include a sunset clause. Continued discussion by Mayor Anderson and Council.

Motion by Councilman Morse to approve Resolution No. 823 Endorsing Renewal of the County ¼ Cent Sales Tax, and direct staff to put in a 20-year sunset clause; second by Maniez.

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	No	Morse	Yes
	Templin	No		

Motion carried.

- d. Consider Authorization to Proceed with Routine Well Maintenance of Well #3 and Well #10, For an Amount of \$18,517.40. Administrator Guilfoyle said this is routine well maintenance that is needed when the wells slow down in production and need to be cleaned out. The low bid was submitted by Alliance Pump.

Motion by Councilman Cannon to authorize the City Administrator to Proceed with Routine Well Maintenance of Well #3 and Well #10, with Alliance Pump, for an amount not to exceed \$18,517.40; second by Templin.

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

Motion carried.

6. Executive Session:

Motion by Councilman Maniez to go into Executive Session at 8:10 p.m. for 15 minutes on Attorney-Client privilege and 15 minutes on land acquisition, and to invite City Administrator Guilfoyle and City Engineer Brungardt into the session; second by Cannon.

All Council approved by "ayes".

Motion carried.

At 8:40 p.m. Councilwoman Cannon stated the Council needed an extension of time until 9:00 p.m.

Motion by Councilman Maniez to return to regular session at 9:00 p.m., with one extension of time, 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, provided Council with his annual review documents. Council will provide their comments by the next Council meeting.
- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, stated the Planning Commission agenda next Tuesday includes Powers' application under the downtown overlay district, banner signs, and the 95<sup>th</sup> Street land area plan.
- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, stated Mikes Liquor has been sold by Richard Brazukas and the new owner took possession on Monday, April 14<sup>th</sup>.

8. Council & Mayor Comments:

No comments by any Council.

Motion by Councilman Maniez to adjourn at 9:08 p.m.; second by Cannon.

All Council approved by "ayes".

Motion carried.

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk