

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

MINUTES

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

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

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 141.

Presentation by Mayor Anderson to Planning Commissioners Roger Templin and Rick Walker.

Mayor Anderson presented Roger Templin with a plaque for serving on the Planning Commission for eight (8) years, serving with dedication and commitment. Mayor Anderson stated he has served the City well.

Mayor Anderson presented Rick Walker with a plaque for serving on the Planning Commission for two (2) years, and he was recently elected to the City Council. Mayor Anderson stated he is proud of Mr. Walker for serving on the Planning Commission and then coming on as a Council member.

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 16th, 2009.
 - b. Approve Pay Ordinance No. 616.
 - c. Approve Resolution No. 847 Order of Code Violation at 30200 W. 84th Street.
 - d. Authorize Mayor to Sign Maintenance Agreements for Wilderness and Widow Big Knife Parks.

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

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

Darlene Bedford, 27744 W. 83rd Street, Lenexa, stated she is here regarding the repaving of 83rd Street. She is a walker and is also in favor of a bike path. She said her question is whether or not the city would be interested in working with Lenexa on a future vision. She said Lenexa is all about gateways, and this is an opportunity to make the City of De Soto shine. She thinks there should be a walk / bike path connecting Lenexa and De Soto on 83rd Street.

Mayor Anderson asked staff if they have been contacted by Lenexa regarding their 2030 Vision Plan. Engineer Brungardt stated he has talked with them about long-range regional planning

issues. He further said the project on 83rd Street now is only a resurfacing project. Mayor Anderson said the bicycle traffic was banned on 83rd Street due to the narrowness of the road and the dangers therein. A discussion continued between Mrs. Bedford and Mayor Anderson. Engineer Brungardt said he would contact Roger Kroh at Lenexa to discuss their long-range planning.

Councilwoman Templin said she would be willing to talk about the bike traffic again on 83rd Street, and Councilman Walker said he would, as well. Engineer Brungardt stated bikes were banned on 83rd Street because it was deemed dangerous. He said bike lanes on 83rd Street were looked at, but from a funding standpoint, prior Councils did not approve them. A discussion ensued between Mayor Anderson and Engineer Brungardt regarding the MARC bike plan along K-10. He said he would encourage a safety study prior to relieving the ban on bicycles.

No one else appeared.

3. Chamber / EDC Report: Executive Director, Sara Ritter, was not present.
4. Old Business: N/A
5. New Business:
 - a. Public meeting to discuss 83rd Street Repaving Project. Engineer Brungardt introduced the consultants from Shafer, Kline & Warren. He said the design is about 80% complete and the construction bids should be back to Council at the June 18th Council meeting. He said the Council will need to discuss funding and the construction cost estimates. The project appears, at this point, to be short of funding of around \$145,000. The exact numbers won't be available until the bids are in.

Mr. Arnie Tulloch, project manager for SKW, stated one of the initial points was to do a geographical survey. He provided maps showing the survey markings and the repairs needed. The project will consist of a milling down to the original concrete surface to look at the condition of the pavement and what needs to be repaired. This work will take place on one lane while leaving the other open for traffic to continue. This will call for joint removal and replacement, and then the overlay process which will take around three days. The project should be completed in September, depending on weather conditions and the underlying pavement.

Discussion regarding the storm water drainage and driveway accesses. Engineer Brungardt stated the City's Street Department will be cleaning out some drainage areas prior to the contractors coming in. Mayor Anderson asked about contact with the homeowners who have access on this section of 83rd Street. The contractor will be talking with the homeowners as the construction progresses on a daily basis. Continued discussion regarding placing more crown in the roadway to help the water drain from the roadway. A discussion ensued on the 40-foot right-of-way on each side of the center of the roadway. Mr. Tulloch answered questions from the citizens regarding the repaving and drainage.

Jerry Johnson of SKW said they have put out a flyer that SKW would be surveying and they provided email addresses. SKW did receive three emails regarding some specific areas on drainage concerns and future plans. Mr. Johnson said the pricing would be unit pricing on the contract. He discussed the joint repairs and the cost basis.

Engineer Brungardt discussed Exhibit C attached to the Staff Report regarding construction costs, engineering costs and project costs. There is \$417,000 funding through the CARS program, and also \$415,000 from the Temporary Notes issued this Spring. Administrator Guilfoyle has also reviewed the Capital Improvement Fund to see if the shortfall could be made up from this fund. Administrator Guilfoyle stated the only fund that could handle this project would be the Capital Improvement Fund. He provided two spreadsheets reflecting the projections to provide a sufficient balance to fund the project shortfall. Administrator Guilfoyle stated that, in order for the Street Department to do the clean out work, it will require additional equipment. The City of Lenexa is willing to provide the City with

assistance in equipment and crews.

Discussion ensued between Mayor Anderson and Administrator Guilfoyle regarding the Capital Improvement Fund and how those monies are accumulated in the CIF. Councilwoman Templin and Engineer Brungardt discussed the options in reducing the costs of this project. Councilwoman Cannon and Engineer Brungardt discussed the possibility of more repairs needed than are currently planned for. Engineer Brungardt said there is always a 5 to 10 percent contingency requested to cover unexpected items. Councilman Walker stated there could be some additional CARS funding that might be applied for if cities do not use their entire funding amount for a project.

Councilman Walker stated he would like to see the entire project done. All Council agreed.

Mayor Anderson called a five-minute recess at 8:00 p.m. He reconvened the Council at 8:07 p.m.

- b. Discuss options for providing access to public sewer for properties along Lexington Avenue. Engineer Brungardt discussed the ten homes on the west side of Lexington Avenue between Penner and 91st Street that do not have direct access to the City's sewer system. These homes were constructed in the late 1950's, before the City had sewer in the area. One of these private septic systems has been repaired, and the City has concerns with the aging private systems. There is also a high water table in this area, and that leads to further concerns. Engineer Brungardt provided two alternatives for consideration.

He discussed the Traditional public sewer system plan, which would require an additional pump station, and a cost of approximately a \$260,000 for this plan. Engineer Brungardt discussed the second alternative, the Common Force Main, which has a total approximate cost of \$202,000 for this alternative plan. The funding options were outlined and discussed. Any potential City funding for the project should be considered in the context of the overall Capital Improvements Project program. He also suggested having an open house meeting with the property owners to gauge interest in the project.

Councilman McDaniel asked about the sewer line at the junior high school. Engineer Brungardt stated this line is too high for these properties to connect to. Councilwoman Templin commented that the first option is a better one, but she also sympathizes with the homeowners. She asked about a benefit district for some of the cost of the pump station. Councilwoman Cannon asked about the life of the pump station. Discussion. Councilwoman Templin said staff has her blessing to go talk with the homeowners; however, she feels the City's portion is too much in relation to the homeowners' cost.

Councilman Drennon said he doesn't personally feel the City should pay for any of this. He said he has no problem with Staff talking with the homeowners. Councilman Walker and Engineer Brungardt discussed the sewer line in the area. Mayor Anderson discussed the options for a long-term fix. Councilman Drennon said he isn't in favor of using taxpayer funding for this. Councilwoman Templin said she doesn't feel the City should pay for all of it, but she does think there is a responsibility for some of the cost. Councilman Walker said he tends to agree with Councilwoman Templin on the spending. He discussed other sewer system options. Councilwoman Cannon asked about other areas in the City that have similar problems. Councilman McDaniel said he agrees with Councilwoman Templin regarding the health and welfare side of this. He also feels that the homeowners should bear more of the costs. A discussion ensued regarding the costs that the City would pay. Engineer Brungardt said there may be some grant funding through KDHE. Administrator Guilfoyle said there has been a lot of staff discussion on this issue. He further commented that some creative financing could possibly be funded through the electric utility fund.

- c. Discuss potential projects for 2010 Community Development Block Grant. Engineer Brungardt said this is the annual application to Johnson County for these funds. The project must be submitted in June. He provided several projects for consideration that are currently in the CIP including five (5) mill and overlay projects for 2010, and also downtown waterline replacements.

- d. Consider Services United request for donation for May 2 Fiesta De Soto. Administrator Guilfoyle introduced Estrella Villa, a representative for Fiesta De Soto. The fiesta was very successful and there were approximately 200-250 people in attendance. Mayor Anderson asked what this group, Services United, does in the community. She explained this group works with other not-for-profit organizations to assist people who need assistance. Discussion on how the money was spent concerning this request. Councilman McDaniel said the City's donation policy is for organizations that are located in the City of De Soto, and this organization is based in Overland Park. Ms. Villa said she is a resident of De Soto and the event was held here in De Soto.

Councilwoman Templin said the City has helped with the Cinco de Mayo festival in the past. She said the cap on the donation is \$1,000 and she is thinking more along the lines of \$500 since this group was not this large. Comments from Councilmen Drennon and Walker. Discussion by Councilwoman Cannon that the deadline is in March and every year there isn't that much participation from the community. She isn't in favor of granting the late request. Mayor Anderson said that if this group is planning an event for next year, then they need to understand that the paperwork needs to be submitted no later than March, 2010.

Motion by Councilman Walker to donate \$600 to Services United for the May celebration; second by Templin.

Roll Call:	Cannon	No	McDaniel	No
	Drennon	Yes	Templin	Yes
	Walker	Yes		

Motion carried.

Councilwoman Templin said maybe Services United could use this money for seed money for next year's celebration.

- e. Consider authorization for mayor to execute joint governmental agreement with Johnson County to continue De Soto FlexRide service for 2009. Administrator Guilfoyle stated this program was started in 2006. The 2009 cost share for the City to continue the service is \$13,236. He provided ridership numbers that are increasing annually. The County will provide a credit back to the City if the fuel expenses are less than anticipated.

Motion by Councilman Drennon to authorize the Mayor to execute the Agreement with Johnson County to continue De Soto FlexRide service for 2009; second by Cannon.

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

Motion carried.

- f. Consider authorization for City Administrator to purchase fireworks for July 4 community fireworks show. Administrator Guilfoyle said the annual contract is presented for this year. The amount for this year is \$8,000 and is the same amount as 2008. Administrator Guilfoyle said this year it will be a little more festive than in the past. He said people show up around 6:30 p.m. for the annual fireworks, so for this year the City is preparing to set a tradition with food and fun for the family. Councilman McDaniel asked where are people going to park for this event at Riverfest. Administrator Guilfoyle said there will be parking attendants to help people get parked.

Motion by Councilwoman Templin to authorize the City Administrator to purchase fireworks not to exceed \$8,000; second by McDaniel.

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

Motion carried.

- g. Consider bids to install a stop valve to allow for repair of a leaking water valve at the water treatment plant site. Administrator Guilfoyle said staff has met and discussed the leak caused by an inoperable valve on a 24" inch water line coming from the water plant. The stop valve will allow the line to be repaired without shutting off the water to the community. Discussion.

Motion by Councilman Drennon to approve the contract for \$16,500 with a not-to-exceed total of \$21,500; second by Cannon.

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

Motion carried.

- h. Consider bids for chip seal contract. Administrator Guilfoyle said this is an annual rite in the Street Department to address the most-needed areas in the community for a chip seal. This work will be combined with the crack seal contract, with the two combined based on the estimates is \$108,321.18. However, he is requesting the motion to be based on the total square yards. Discussion. Councilman McDaniel asked Engineer Brungardt about the Haydite aggregate. He also asked if there is a guarantee on the work. Engineer Brungardt said there really isn't; you have to go with contractors that have provided good product in the past.

Motion by Councilman Walker to award a contract for chip sealing to the low bidder, Vance Brothers, Inc. of Kansas City, Missouri, for a price of \$1.55/sq. yd. for an estimated 41,684 square yards; second by Templin.

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

Motion carried.

- i. Consider bids for crack seal contract.

Motion by Councilman Walker to award a contract for crack sealing to the low bidder, Missouri Pavement Maintenance, Inc. of Independence, Missouri for a price of \$0.49/sq. yd. for route and seal for an estimated 27,324 sq. yds, and for a price of \$0.34/sq. yd. for overband seal for an estimated 89,183 sq. yds; second by McDaniel.

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

Motion carried.

- j. Consider Temporary Use Permit for a Classic Car Show at VFW Post #6654. Planner Bohnsack

stated in conjunction with the car show, there will be food and drink served inside the VFW Post. The parking will be to the south of the building for the public. The car show will end around 6 p.m. There is no obstruction of Penner Avenue, and the Sheriff and Fire Department will be notified. The VFW requests the \$50 permit fee be waived. Staff recommends approval.

Motion by Councilwoman Cannon to authorize the staff to issue the Temporary Use Permit and to waive the \$50 permit fee; second by Drennon.

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

Motion carried.

Councilman McDaniel said this is a fund-raising event to finish the downstairs of the VFW Post for a meeting area for the Auxiliary.

6. Executive Session: N/A

7. Advisory Reports:

a. City Administrator, Pat Guilfoyle, provided an update on the fire consolidation process. The Fire Advisory Board will be meeting on May 19th at 7:00 p.m. The BOCC is going to consider a Resolution to form the new fire district at their May 21st meeting. Once the BOCC approves the Resolution, it will need to be approved by the City Council. He stated that Chief Ritter and he have been working with John Krudwig on a grant for structural repairs to the current fire station building.

Administrator Guilfoyle stated he received a call from the City's insurance broker regarding a damage policy for the Riverfest Park for users who rent the park. There is not insurance for this type of thing from commercial providers. The insurance agent has also looked at carriers who would provide a performance bond for users; there is not a performance bond carrier either. The insurance broker stated that the best option would be that the park user signs an agreement with the City to pay for any damages. Mayor Anderson stated there is another option to consider in a Letter of Credit, which would allow the City to go to the bank extending the credit.

b. City Attorney, Patrick Reavey, provided a copy of the response letter in the packet regarding the Sunflower Water Right #38.

c. City Engineer, Mike Brungardt, said on Monday he will be meeting with the Public Wholesale Water group to finalize the study fee, with the intent of moving forward. He is also going forward with a KDHE funding grant. On May 12th, there is a workshop regarding the agricultural zoning district with the Planning Commission and the Council. On May 19th and 20th, RDG will be in the City holding their two-day workshop on the Downtown Street Project. Information will be going out on this. He asked if Council members would attend the May 20th RDG meeting. Engineer Brungardt stated that Johnson County CDBG received about \$150,000 worth of funding and they are looking for projects that are "shovel ready". He stated we have two projects that qualify--the sidewalk on Wea next to the Dollar General and a mill and overlay project. He will be submitting both projects to the County.

d. City Planner, Linda Bohnsack, stated she will be providing Council with a packet of information for the Planning Commission workshop on May 12th. She said she attended a seminar last week at Hallmark to hear a speaker discuss Rockport, Missouri, and the four

wind turbines that feed the entire City. She asked if the Council would like to have Mr. Chamberlain come to the City and host a meeting with other communities coming here. A discussion ensued and Council said proceed with the proposed joint meeting details.

- e. City Clerk, Lana McPherson, said the City's National Day of Prayer program was very successful again this year. The Lexington Trails Middle School Choir and Mr. Bill Wilting provided music for the program. Over 70 people were in attendance.

8. Council & Mayor Comments:

Councilwoman Cannon asked if Pat's annual review is completed. Mayor Anderson said he will provide a copy to the Council and discuss it at the next meeting. She said she was thankful Hunt-Midwest donated the rock for the Riverfest Park. Councilwoman Cannon asked about the potholes on Waverly Road. Engineer Brungardt said Ron Creason is working on this with the County and they will also be working on a plan for the subsurface water. Administrator Guilfoyle said Lenexa is also going to help with this project. She asked if there is a water leak on Wea Street on the west side, south of 84th Street. Councilwoman Cannon said there are broken beer bottles at the old pool house that need to be cleaned up because of the kids playing around there.

Councilman McDaniel said the Agenda has given him something to work on all week. He has been out talking to the citizens.

Mayor Anderson said he has talked to Council members about the vacancies on the Planning Commission. There are four positions that need to be filled. He said he would like to sit down with the Council and Planning Commission and hold a workshop on the duties of the Planning Commission. Councilman McDaniel said we are losing a good member with Roger Templin leaving the Planning Commission. He said he was impressed with Roger during the meetings he attended. Mayor Anderson said he would like to do this joint workshop prior to the next Council meeting, possibly on a Saturday, or on a week night. Planner Bohnsack will also look for some material for the meeting. Engineer Brungardt will check with Dean Palos to see when he is available.

Councilwoman Templin had no comments.

Councilman Drennon said he would like some help from the Sheriff's Department to enforce the 20 mph speed limit on 87th Street from 84th Street to Timber Trails Drive. He said people drive way too fast, and some of the teenage drivers are being careless. Today a vehicle ended up in his neighbor's yard because the teenager was driving too fast. Councilman McDaniel said he agrees; people fly down 87th Street. He also requested the Sheriff's Department to patrol 84th St.

Councilman Walker had no comments.

Motion by Councilman Drennon to adjourn at 10:01 p.m.; second by Cannon.

All Council approved by "ayes".

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk