

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
May 21st, 2008, at 7:00 P.M.

MINUTES

(NOTE FOR THE RECORD: DUE TO LACK OF A QUORUM ON MAY 15TH, 2008, THE MEETING WAS POSTPONED TO MAY 21ST, 2008.)

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

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

Citizens signed the book on page 117. Mayor Anderson led the Pledge of Allegiance.

PUBLIC HEARING: Select Community Development Block Grant project for 2009. City Administrator Guilfoyle addressed the Council concerning the proposed projects. The Mayor opened the Public Hearing.

Citizen Bob Garrett inquired about the projects and whether any of them involved improvements to either Wyandotte Street or 84th Street. All proposed projects were for street improvements and two of the projects would affect the area of concern. After further discussion, the Mayor closed the Public Meeting.

The Mayor read the list of projects for the record and the recommendation from the City Engineer, asking for comments from Ron Creason, Street Superintendent.

Councilman Maniez motioned to approve Project #1 Mill & Overlay of 84th Street from Shawnee to Jaycee Street, plus Jaycee Street from 84th Street to Lexington Avenue as recommended by the City Engineer; seconded by Morse.

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

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 May 1st, 2008.
 - b. Approve Pay Ordinance No. 592.

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

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Absent	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."

Mr. Bob Garrett spoke concerning the alley access to homes between Wyandotte & Delaware and 83rd and 84th Street. He stated they did not appear to be maintained or checked by the City. The Mayor and Superintendent Creason commented on the City's responsibility and the regular schedule the Street Department has for checking alley conditions in the City. There was additional discussion between the Council and Mr. Garrett concerning citizen and city maintenance responsibilities and resident parking needs. Mr. Garrett stated that some of the homes do not have parking on the street and must use the alley to access their homes and for parking.

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

3. Chamber / EDC Report: Executive Director, Sara Ritter

Ms. Ritter discussed the upcoming Developers reception, sponsored by the FCB Bank. She invited members of the Council and Staff to attend and present information concerning development in the City for real estate agents and developers in the area. Ms. Ritter also requested funding for an event coordinator for the 'Cookin' On the Kaw BBQ Contest event to be held at Riverfest Park this fall. This person would coordinate between the EDC, the Chamber, the City and other involved groups. Events are well-attended and bring favorable publicity and business to the city. This year's event is expected to attract about 5,000 people. Ms. Ritter estimates the professional coordinator would require about 40 hrs of work at \$125 per hour. The Council spoke in favor of funding the position and discussed formulating an agreement with the Chamber concerning recovery of expenses should the event be exceptionally successful.

Motion by Councilwoman Templin to approve the Chamber's request for \$5,000 out of the Transient Guest Tax Fund to fund an event coordinator; second by Cannon.

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

4. Old Business:

a. 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.

Planner Bohnsack explained that the "R-H" District had been inadvertently left out of the sign regulations for districts, making the regulations difficult to interpret for that District. The Planning Commission recommends that the "R-H" District be added to the section of the sign regulations that are applied to other residential districts.

Motion by Councilman Maniez to approve Ordinance No. 2199 for the amendment of the sign regulations as recommended by the PC; second by Cannon

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

Motion carried.

5. New Business:

- a. Conduct lottery for fireworks stand permits.

This item was tabled due to lottery only being necessary if more than 6 interested applicants prior to June 1st. As of the meeting, there were only 5 applicants.

Motion by Councilman Morse to table this issue until the next meeting; second by Maniez.

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

Motion carried.

- b. Presentation of results from of the City Audit for Fiscal year 2007.

Audrey Odermann of Lowenthal Singleton Webb & Wilson, Certified Public Accountants appeared before the Council. She noted that the City has obtained the highest possible rating on the audit and complimented Administrator Guilfoyle, Finance Officer Bonnie Bennett and the rest of the City staff on their excellent job. Ms. Odermann highlighted several sections of the report and briefly explained the method they employed in examining the city financial records. She then addressed a couple areas of concern that were explained in the report.

Mr. Maniez commented on the need for proper records on credit card expenditures. Mr. Guilfoyle responded that the employee risks not being reimbursed when a receipt is not presented for expenses. Ms. Bonnie Bennet, City Treasurer supported this statement, stating that she consistently emphasizes the need for receipts for all expenses and credit card accounts.

- c. Consider Unbudgeted Purchase of a River Rescue Boat for the Fire Dept.

Fire Chief Ritter appeared before the Council and displayed equipment purchased through a grant that they had received. This equipment is used in their rescue efforts and explained the need for such equipment to their efforts. He then discussed the need for a rescue boat in the De Soto area. They would also need a specially trained team for the water rescue operations. The rescue boat would be used both in local rescue efforts and in support of adjacent counties and cities in their rescue operations. They can receive training from the Leavenworth County Unit. It is important to the fire department to be able to provide another level of service to the city.

Councilwoman Cannon asked if they have worked out a proposal for the expenses of this service. Administrator Guilfoyle stated that he would prefer to defer consideration of a new boat to the consolidated fire district assuming it would be operational by January 1, 2009. However, it does not appear that the district will be operational until January 1, 2010. Given the delay, Guilfoyle feels it is appropriate to consider the purchase now. He also stated that he has conferred with Chief Ritter concerning his budget and is confident that the Chief will be able to control his expenses and purchase the boat out of this year's budget. Chief Ritter reiterated that he has a proposal that they can take advantage of right now and would like to proceed.

Motion by Councilman Morse to approve the purchase of the river rescue boat for \$10,500; second

by Maniez.

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

Motion carried.

- d. Consider purchase of asphalt paver and roller for Street Department.

Administrator Guilfoyle stated that the funds were budgeted for a roller and notes that the City will be able to do a much better job with a roller and paver readily available. Superintendent Creason has located both a roller and a paver within the budget amount of \$80,000 and he recommends purchasing both pieces of equipment.

Superintendent Creason stated that the city's roller is 16 years old and in poor condition. He has researched the proposed purchase and the equipment is well recommended. It is not a large piece of equipment but will meet the general needs of the City. They plan to haul the equipment to the City on the swap/loader truck. He fully expects the equipment it to pay for itself.

Motion by Councilman Morse to approve the purchase of the paver and roller; second by Cannon.

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

Motion carried.

- e. Consider Lease Agreement with Selective Site Consultants, Inc. for Monopole.

Attorney Reavey discussed the proposal and bid offered by Selective Site Consultants. SSC will build the pole and transfer the equipment from the Waverly water tower to the monopole. The city will not be involved in construction of the new monopole. Attorney Reavey does not know when the water tower can be dismantled. SSC would like it removed ASAP and is requesting a commitment of one year from the city on that time.

The new tower will be 190' tall—similar to the height of the existing water tower. The city will be moving the water tower to another location in that area and reassembled in order to maintain the water distribution system. The lease agreement will take effect when SSC signs it. They would have 6 months to complete construction of the tower and then move the carriers within 9 months. The lease agreement allows SSC to have control of the tower and leases for 25 years with an option to terminate the lease agreement every 5 years. The City could only terminate the lease after 25 years, giving a 1.5 year notice. SSC states this is industry standard and that they need a guarantee of that much time to recoup their investment in the tower. If they terminate the lease, the City obtains possession of the tower.

The Council was concerned and extensively discussed the 25 year term agreement with SSC representative Jim Steele and Attorney Reavey. Councilman Maniez is concerned that the City does not seem to have any options with this lease. Several options were discussed by the mayor and Council.

Motion by Councilman Maniez to table this issue to allow additional time to work on contract terms; second by Cannon.

All Council approved by 'Ayes'.

Motion carried.

- f. Consider Mayor's Appointment of Municipal Court Judge.

Mayor Anderson stated he needed some additional time for this.

Motion by Councilman Maniez to table this issue until the next meeting; second by Templin.

All Council approved by 'Ayes'.

Motion carried.

6. Executive Session: None

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, Progress is being made on unification of the county and city fire districts. The goal is to complete the merger by January 2009 however he is not confident that everything will be accomplished that soon and it may be delayed until 2010. Attorney Reavey will be drafting a Memorandum of Understanding for the county and the city to consider. One issue the council should consider is the appointment of two members to a five member interim board—with the other three appointed by Johnson County. The goal is that the interim board would become the permanent board. The Mayor requested the council to consider the question of board members and bring any suggestions to him at the next meeting.

Administrator Guilfoyle reminded the Council about the Sunflower tour at 4:30 p.m. on June 12, 2008.

The next subject was a discussion concerning alcohol consumption on City property. The upcoming Blues and BBQ Festival will want to serve alcoholic beverages, but there is a city ordinance prohibiting consumption of alcohol on city property. Guilfoyle asked if the Council wanted to entertain an ordinance amendment to allow the Council waivers for the alcohol prohibition. Several Council members were concerned about allowing some events to serve alcohol and not others and did not want the City to appear to be favoring one group over another. The Mayor suggested formulating a policy for such activity so that it could be enforced unilaterally and fairly to all applicants. He instructed Attorney Reavey to prepare a draft ordinance for their consideration.

- b. City Attorney, Patrick Reavey, no report

- c. City Engineer, Mike Brungardt, is not present.

- d. City Planner, Linda Bohnsack, provided a copy of the press release by Johnson County concerning their new Park Master Plan. They will be formulating a Master Plan for Sunflower Nature Park, Rieke Lake and the Cedar Niles Site and are asking for public participation on that process. The first workshop will be held in De Soto at the Senior Center on June 2 from 6 to 8:30 p.m. There will be a second workshop in Olathe on June 4. All of these parks are close to De Soto. She encouraged everyone to attend the meeting(s) and to spread the information to others. Councilwoman Templin requested that Johnson County be apprised of their mistaken statement in their letter that Sunflower Nature Park is in Eudora, the park

actually is in De Soto.

e. City Clerk, Lana McPherson, is not present.

8. Council & Mayor Comments:

Councilman Cannon—The asphalt surface of Waverly Road is deteriorating from 83rd Street. Superintendent Creason stated that he is working with the contractor to correct the problem.

Councilman Maniez—inquired about the status of the negotiations with owner of a site at 83rd and Kill Creek. Attorney Reavey and Planner Bohnsack briefed the Council concerning meetings with the owner. Planner Bohnsack stated that a proposed plan for development of the site had been discussed with a committee from the Planning Commission with the general consensus that the site is not suited to the proposed improvements. A formal proposal has not been submitted. Mr. Maniez would like to schedule an executive session for the next council meeting.

Motion by Councilwoman Templin to adjourn at 8:55 PM; seconded by Maniez.

All Council approved by “ayes”.

Respectfully submitted:

Linda Bohnsack
City Planner