

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
May 21<sup>st</sup>, 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 142.

**PUBLIC HEARING:** Select Community Development Block Grant project for 2010. Engineer Brungardt discussed the CDBG Grant project options for 2010, which included several road projects in addition to a water project. An \$110,000 funding level is preferred due to city matching requirements; however it is estimated that the project amounts for the road projects could be upwards of \$160,000 depending on the selected project. Alternatives to keep the project within the \$110,000 funding level were discussed, such as paring down the project or to increase the city funding level.

Staff provided information on the waterline repair project in the amount of \$120,000. If the project is implemented as part of the CIP it would consist of trenchless technology which would have less impact on the neighborhood.

Given the May 29, 2009 deadline application, staff requested a firm decision from the council. Councilwoman Templin asked if the waterline repair is recommended. Mr. Brungardt stated that it would depend on how the CIP mill and overlay project proceeds due to budget constraints, adding that the water infrastructure has largely been ignored in the CIP process. Mayor Anderson opened the public hearing for comments.

McDaniel stated that with the age of the water lines, it would be beneficial to proceed with the project as it would require more investment later.

Councilwoman Templin suggested proceeding with the road project with CDBG money and find alternative funding to complete the waterline project. Mayor Anderson suggested finding alternative financing now rather than waiting for the CDBG process. Administrator Guilfoyle stated that the CIP would allow the city to continue with the mill and overlay program, and maintain at the same level as this year. Councilwoman Templin stated that \$209,000 could be borrowed from the electrical utility fund to be repaid from an increase in water bills, and use CDBG for the mill and overlay project. Councilwoman Cannon recommended using CDBG for water repairs. Councilman Walker suggested holding off and financing another project, adding the importance of reinvestment in the downtown area.

Councilwoman Templin recommended borrowing from the electric fund for the water line project which would save more money for the CDBG. Administrator Guilfoyle stated that for a small project this would be a favored approach, with a 4-5% interest repayment. Payback would be a 20-year bond for a typical water project. Councilwoman Cannon asked how much the rates would increase to pay for the project.

Mayor Anderson closed the public hearing.

Motion by Councilwoman Cannon to approve the 2010 CDBG submittal for downtown waterline

replacement; second by Templin.

Roll Call:	Cannon	Yes	McDaniel	Yes
	Drennon	Yes	Templin	Yes
	Walker	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 7<sup>th</sup>, 2009.
  - b. Approve Pay Ordinance No. 617.
  - c. Approve Fee Resolution No. 848 Establishing Fees for Riverfest Park.

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

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

Motion carried.

1. 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, 34055 W. 86<sup>th</sup> Terrace, attended the joint meeting with the city council and planning commission of which there was discussion regarding an agricultural zone. In summary, he felt it was appropriate to emphasize several factors when creating zoning districts. An open rural setting is an attracter of the community.

County Commissioner Calvin Hayden, 37550 W. 95<sup>th</sup> Street, informed the council on the merger of the fire department. He thanked Administrator Guilfoyle for his hard work on the merger, and stated that it will be a great benefit to the citizens of northwest Johnson County.

2. Chamber / EDC Report: Executive Director, Sara Ritter, reported on the June 20, 2009 Country Concert at De Soto Riverfest Park. Councilwoman Templin suggested contacting the KC Star to have information included in the Johnson County section.

3. Old Business: N/A

4. New Business:

- a. Consider a Cereal Malt Beverage permit for the Chamber of Commerce and the Country Music Concert to be held in Riverfest Park on June 20<sup>th</sup>.

Patrick Reavey stated that this was normally approved in conjunction with the special use permit; however it was not mentioned in the previous motion.

Motion by Councilman Walker, to approve the Temporary Cereal Malt Beverage Permit for the Country Music Concert on June 20, 2009, and to waive the \$75.00 permit fee; second by Cannon.

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

Motion carried.

- b. Consider Interlocal Agreement for the feasibility study of a Public Wholesale Water Supply District.

Brungardt stated that meetings were held with potential partners to discuss the feasibility study and funding. The costs will be \$25,000 of which the grant will cover \$12,500. The remainder will be split between the members. The KDHE grant required an interlocal agreement to ensure the balance will be paid. The partnership would be formed for 18 months. Councilwoman Templin asked about the city's chances to obtain the grant. Engineer Brungardt stated it is possible that the grant would not be approved. If the grant is not awarded, staff will return to the city council for additional funding. Staff will know if the grant is approved before the study is started.

Motion by Councilman Drennon to authorize the Mayor to sign the Interlocal Cooperation Agreement for Western Johnson County Public Wholesale Water Supply District; second by McDaniel.

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

Motion carried.

- c. Consider Waverly Rd. (from 89<sup>th</sup> St. to Explorers Trail) Rehabilitation Project.

Administrator Guilfoyle stated that the street department has indicated that there have been many temporary repairs to the 89<sup>th</sup> Street area. An inspection by staff was conducted and has reviewed options on repairing Waverly Road. Engineer Brungardt stated that there is significant underground water flow that removes the patches quickly. The sub-base will be removed and asphalt millings and a double-chip seal will be performed. New drains will be installed. This is a pilot project to start, which can be completed this year with additional repairs to the other portions of the road in future years.

Discussion followed regarding issues with mowing and ditches along the portion of the project. Administrator Guilfoyle stated that the county is partnering with the city on the project. Lenexa is also providing assistance in terms of equipment being loaned to staff.

Motion by Councilwoman Templin to direct staff to proceed with the Waverly Road rehabilitation project in an amount not to exceed \$35,000.00; second by Walker.

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

Motion carried.

5. Executive Session:

6. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, reported on the consolidation of the Northwest Johnson County Fire District. He thanked Commissioner Hayden and stated that this has been an effort in cooperation with Johnson County, RFD #3 and the city. Commissioner Hayden has been instrumental in the forward movement and cooperation at the county level when needed.
- b. City Attorney, Patrick Reavey, had no comments.
- c. City Engineer, Mike Brungardt, recommended having a county representative to meet with the Council and Planning Commission to brief the new council and commissions on their roles and responsibilities on Thursday, June 18, 2009 at 5:30 p.m. All current Planning Commissioners were encouraged to attend.

An update was provided on the two-day work session on the downtown streetscape project. A presentation was provided to a group of attendees on May 20, 2009. The consultants, who will provide cost numbers at the June 18, 2009 in a final form of the plan, will review information received from the work session. The initial concepts include defined crosswalks, corner nodes for public use and greenery along 83<sup>rd</sup> Street. Trees are concentrated at the corners so that they do not obscure visibility of businesses. Crosswalks would have colored concrete, sidewalks would also have an etched, color concrete in a brick-like pattern. Defined parking was discussed. The street would not be replaced, but rather a resurfacing. An additional ten parking spaces would be realized near Abbott Hall. The post office will have ADA enhancements, which has been an issue for the public. The retaining wall will be replaced in front of De Soto Youth Ministries which would provide ADA accessibility.

Councilwoman Templin asked if it is the city's obligation to provide ADA accessibility to private businesses. Mayor Anderson stated that ADA accessibility is provided to all businesses as necessary. The consultants redesigned the fire station parking lot and the corner in front of The Bleu Tomato. Additional parking would be realized and the area would also lend itself to a potential pedestrian/public use area. The most interesting corner of 83<sup>rd</sup> and Wea St. is the most challenging due to grade transitions. There would be an outside seating area at the street level with an ADA ramp which ramps up to the top level. This provides an easy transition for the public and to accommodate the flow in grading. Sloping along the vacant property in between the Dollar General and Great American Bank would allow for increased ADA accessibility. It was proposed that the sidewalk along the southwest corner of Shawnee and 83<sup>rd</sup> Street be reconfigured. Grade issues near Caprine Supply would be addressed to enter via a ramp.

Councilman McDaniel stated that trees are fine for a while but they grow and are a hazard. He stated that where the concrete bricks with grass growing up which requires increased maintenance. He stated that Dean Weller was against the ramp in front of his business and didn't want to lose parking spaces. Brungardt stated that the concept actually adds six spaces. Councilman McDaniel stated that Eudora's main street was clean. He challenged the council to visit their main street. He agreed that the sidewalks should be replaced. Councilwoman Templin stated that the consultants have addressed several concerns and liked the concept in front of The Bleu Tomato. Discussion followed regarding site distance issues with trees. Brungardt stated that the trees recommended were small and had small leaves. Lighting was also discussed.

Brungardt stated that short-term, RDG would solicit public input for a project concept and costs. Directly following, a hard design will take place with Phase I in the fall. Constructing of Phase I could happen in 2010. There is funding for Phase I and Phase

II in 2011. Mayor Anderson stated that the consultant stated this could be done in two phases. Staff's opinion was that the concepts would be higher than what could be funded initially and discussions would be needed to prioritize.

Councilman McDaniel stated that there are not many retail businesses currently in the downtown area. Discussion occurred and it was felt that with the improvements, it would encourage more businesses to consider the downtown area as a location. Mayor Anderson asked if TIF had been discussed for future retail. Councilwoman Cannon asked if water and sewer lines had been replaced. Engineer Brungardt stated that there are no lines in the area. Drains would be needed to address the concerns in the corners, however. A decision would need to be made in July or August in order to proceed with construction in 2010. Mayor Anderson asked the Council to consider issues, such as maintenance, etc. and a solution of each. Administrator Guilfoyle stated that in all actuality it would be limited to sidewalks due to the economy. Councilman Walker suggested having items ready for stimulus funding. Staff would research estimated design costs.

- d. City Planner, Linda Bohnsack, was absent.
- e. City Clerk, Lana McPherson, was absent.

#### 7. Council & Mayor Comments

Councilman Walker had no comments.

Motion by Drennon to renew the City Administrator's contract with a 2% salary only increase; seconded by Templin.

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

Motion carried.

Councilman McDaniel stated that he received a complaint from a citizen regarding a large population of cats along Osage Street. He felt that it was a health hazard and offered suggestions on how to address the issue. He stated that he saw at least 14 cats in the area that are living in the drains. Councilwoman Templin stated that the council has a responsibility to address the issue. Councilman McDaniel stated that he would take on this effort and follow through.

Councilwoman Cannon asked if Well 6 was up and operating. Engineer Brungardt stated that staff performed the acid treatment and the capacity was greater than when it was originally with treatments.

Mayor Anderson heard from other communities who go to the National League of Cities. He spoke to Administrator Guilfoyle and discussed the cost, which would require air travel. Administrator Guilfoyle stated that this particular organization is geared towards elected officials and felt that there would be of value.

Motion by Councilman Drennon to adjourn at 8:21 p.m.; second by Templin.

All Council approved by "ayes".

Motion carried.

Respectfully submitted:

---

Sara Ritter, Secretary of the Meeting