

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
June 4<sup>th</sup>, 2009, 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 143.

Mayor Anderson introduced Donna Oleson, the City Clerk for Eudora. Ms. Oleson presented Lana McPherson with a pin and a certificate naming Lana to the Municipal Clerks 2009 Honor Roll.

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 21<sup>st</sup>, 2009.
  - b. Approve Pay Ordinance No. 618.
  - c. Authorize Mayor to sign the 2009 CDBG Sub-Recipient Agreement for the Mill & Overlay of 84<sup>th</sup> Street from Shawnee to Jaycee Streets.

Motion by Councilman Drennon to approve the Consent Agenda; second by Walker.

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.”

Mr. Randy Johnson stated he has a tenant who has been approached about the rental inspection program. He provided a copy of a letter that was given to his tenant. He stated his tenant wasn't happy with the letter stating a rental inspection needed to be done. Mr. Johnson stated his tenant feels harassed and threatened by the letter, and he feels the rental inspection program is wrong. Mr. Johnson stated he is not going to allow the City into the apartment to do a rental inspection.

Discussion between Councilwoman Templin with Mr. Johnson that he is the owner of the property and possibly he could be available for the inspection. Mr. Johnson stated he is not available and he is opposed to the inspection program.

On another matter, Mr. Johnson stated he is satisfied with the new council members. He asked about the campaign statements that these new members made about bringing in a grocery store to the community. Mr. Johnson said he has lost a couple of renters due to not

having a grocery store in town. Council discussion.

3. Chamber / EDC Report: Executive Director, Sara Ritter, was not present. Administrator Guilfoyle shared that the Chamber is focused on preparing for the June 20<sup>th</sup> Country Concert. They are expecting at least 2,000 people to attend the concert. KFKF 94.1 country radio station has been a great sponsor in advertising this concert. The station will be on site with Dale Carter and Mayor Anderson be emceeing this event. Congressman Dennis Moore will be present for the concert and will take the stage to perform "This Land is Your Land". The Chamber extends a special thanks to the Park Board for handling the parking for this event and all parking proceeds will go to the Park Board to benefit the Riverfest Park.

4. Old Business: N/A

5. New Business:

a. Approve 2009 fireworks permits and consider waiving permit fee for not-for-profit organizations: De Soto High Wildcat Football, Faith Builders, and VFW Post #6654. Building Official Steve Chick stated there are representatives present from each group.

Drew Culbertson, on behalf of the VFW Post, extended a thank you to the Council and City staff for facilitating the fireworks stand permit. They put last year's profits into the Veterans Memorial. He is formally asking the Council to waive the \$500 permit fee for the Post.

Tom Byers, Head Coach for the DHS Wildcat Football Team, stated the fireworks stand has been an outstanding fundraiser for the team. They are also requesting the Council waive the \$500 permit fee. They greatly appreciate the City's support of this program.

Mrs. Marie Price, Faith Builders International, stated they used the proceeds from last year to redecorate their Children's Area and for Operation Sunshine. They are requesting the Council please waive the \$500 permit fee.

Motion by Councilman Drennon to approve the fireworks permits and waive the permit fee for each applicant; second by McDaniel.

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

Motion carried.

At this time, Mayor Anderson recused himself from the Council Chamber as the next item concerns him. He requested Council President Mitra Templin preside over this item of business.

b. Consider Agreement to suspend installation of sidewalks for Oak Country Estates Eighth Plat. Attorney Reavey stated that Dave Anderson is a developer of this property. The lots are not selling as hoped for due to the downturn of the economy. Attorney Reavey outlined the criteria in the agreement pertaining to the future creation of a benefit district for sidewalks in this development, and there would be no cost to the City.

Councilman McDaniel said he has looked at this development, and he asked if the sidewalks could be put in at one time once the houses are built. Discussion between Attorney Reavey and Councilman McDaniel regarding sidewalks.

Councilwoman Templin and Engineer Brungardt discussed the proposed sidewalks and

the development plat that was filed with the City. The proposed benefit district will run with the property.

Motion by Councilman McDaniel to accept the agreement and authorize the Mayor to execute the same; second By Drennon

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

Motion carried.

Mayor Anderson was called back to the Council Chamber and again presided over the meeting.

- c. Consider Fire Station Usage by New Northwest Consolidated Fire District (NCFD) and Cost Sharing 2009 Legal Expenses with Johnson County Rural Fire Protection District #3. Administrator Guilfoyle stated the Fire Advisory committee has been working very successfully to make the 2010 consolidation. There is one expense that needs to be considered by the City Council; and, that is a hopeful lease arrangement with the City for continued use of the De Soto fire station as a fire station. Ownership of the building rests with the City; as such, ownership will remain with the City after the January 1, 2010 commencement date for the NCFD. The new district would like to continue to use the City's fire station until such time they can build a new fire station. As in a typical landlord/tenant lease arrangement, the advisory committee proposes that the City will be responsible for the physical building; the new district will be responsible for the typical tenant expenses such as utilities, cleaning, etc.

Linda Zindler and Kent Dvorak were both present for this discussion. Mrs. Zindler stated there is also fire equipment stored at the Lexington Township building that the City leases. This will also need to be incorporated into a lease agreement.

Administrator Guilfoyle stated that Johnson County Rural District #3 has agreed to pay for one-half of the legal expenses the advisory committee may incur between now and December 31. They are also requesting the City share the other half of the legal expenses, which would be funded from the City's Fire Protection fund. Attorney Reavey asked if Rural District #3 is going to re-title their real estate and equipment to the new Consolidated District. Mr. Dvorak stated that is the plan. Administrator Guilfoyle said this is part of the statutory language that was approved by the state for the consolidation. Discussion ensued between Administrator Guilfoyle and Councilman McDaniel regarding the upkeep and repairs of the city's fire district. Discussion by Councilman McDaniel on who is going to pay for the insurance. Discussion between Mr. Dvorak and Council. Mayor Anderson thanked Mrs. Zindler and Mr. Dvorak for their work and cooperation on this advisory committee.

Motion by Councilman Drennon to authorize the City Attorney to draft a 3-year lease with NCFD; second by Cannon.

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

Motion carried.

Motion by Councilman Drennon to approve one-half of the legal expenses incurred by the Fire Advisory Committee until December 31, 2009; second by Cannon.

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

Motion carried.

6. Executive Session: N/A

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, had no report this evening.
- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, said the 2009 Mill and Overlay project near Penner will bid next week; bids for the sidewalk replacement by the Dollar General building will be opened on June 16<sup>th</sup>; the 2009 CDBG mill and overlay project will bid on June 25<sup>th</sup>; and the 83<sup>rd</sup> Street resurfacing project should be out for bid by the end of next week.

Mr. Dean Palos will be here on June 18<sup>th</sup> at 6:00 p.m. to meet with the Council.

Councilman McDaniel asked about Wea Street and the curb replacement on the west side of the Bleu Tomato location. Discussion between Councilman McDaniel and Engineer Brungardt on replacing the curb when the sidewalk is replaced.

Discussion between Councilwoman Templin and Engineer Brungardt on the grant application to KDHE for funding for the public wholesale water district study. Engineer Brungardt said that Gardner would also like to be a part of this application. The scope of the contract will need to be revised if the City of Gardner decides to join in this grant application. Discussion that Engineer Brungardt will submit the grant next week.

Councilman Drennon asked about the bridge work that was done on 83<sup>rd</sup> Street. Engineer Brungardt stated the contractor will be back to fix the posts. The City will be doing the dirt work.

Councilwoman Templin and Engineer Brungardt discussed the sewer system and the meeting that took place with the property owners. He provided the property owners with a questionnaire to complete and return to the City. Engineer Brungardt stated there is progress and Doug Smith, Wastewater, has arranged for samples of the surface water to be taken.

- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, said plans for the 4<sup>th</sup> of July event at Riverfest Park are going well.

8. Council & Mayor Comments:

Mayor Anderson said he has received a letter from Johnson County Commissioners to attend a meeting of the mayors on the solid waste issues in Johnson County. He will not be attending this meeting as De Soto is not a participant in this program.

Mayor Anderson stated he is going on June 9<sup>th</sup> to attend the Smart Growth Master Plan for the Smart Corridor. The meeting is sponsored by Westar Energy. This is about a total

sustainable development.

Councilman McDaniel stated, in reference to a grocery store, he has a tentative meeting to visit with the owner of Checkers' grocery store in Lawrence. Administrator Guilfoyle said he and Sara Ritter had met with Checkers' previously. A discussion ensued between Councilman McDaniel and Council regarding the City's need for a grocery store. Councilman Walker said he has started on a business plan and will continue to work on a grocery store. Administrator Guilfoyle said it would be helpful if he and Sara Ritter met with Councilman McDaniel and Councilman Walker and give them some history of what has taken place.

No further comments by Councilwoman Cannon and Councilwoman Templin.

Councilman Drennon asked Administrator Guilfoyle about the memberships for the pool this year. Administrator Guilfoyle stated Justin Huslig, Aquatics Manager, will provide a monthly report. The memberships for this year are significantly higher this year than last year.

No further reports.

Motion by Councilwoman Templin to adjourn at 8:00 p.m.; second by Drennon.

All Council approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, MMC, City Clerk