

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
June 5th, 2008, at 7:00 P.M.

MINUTES

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

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|------------|---------|---------|--------|---------|
| Roll Call: | Cannon | Present | Maniez | Present |
| | Drennon | Present | Morse | Present |
| | Templin | Present | | |

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 118.

Mayor Anderson read a Proclamation Proclaiming June as Business Appreciation Month.

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 21st, 2008.
 - b. Approve Pay Ordinance No. 594.

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

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| Roll Call: | Cannon | Yes | Maniez | Yes |
| | Drennon | Abstain | 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."

Kameron Kline, 35276 W. 95th Street, said he recently purchased the assets of Tann Broadband. He has spoken with Patrick Reavey, City Attorney, regarding the previous Tann lease and a new lease transaction for his company. Mr. Kline said he will ensure the outstanding debt owed by Tann Broadband will be covered by him, even though it is not in his purchase contract. Discussion between Mayor Anderson, Attorney Reavey and Mr. Kline regarding the assignment of a new lease.

Motion by Councilwoman Templin to authorize the City Attorney to assign the Tann Broadband lease to Kameron Kline; second by Cannon.

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

Motion carried.

Lana McPherson introduced Ry Patton, who is attending the Council meeting tonight as part of his Citizenship badge toward an Eagle Scout commendation.

3. Chamber / EDC Report: Executive Director, Sara Ritter, was not present.
4. Old Business:
 - a. Conduct lottery for fireworks stand permits. Attorney Reavey said there are only three permits requested this year, so there is not a need for a lottery.

Motion by Councilman Maniez to approve the fireworks sales permits for the three non-profit groups; second by Templin.

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

Motion carried.

Mayor Anderson introduced the three persons present for the non-profit fireworks stands.

Andrew Culbertson, 8778 Golden Lane, respectfully requested Council waive the \$500 permit fee for the VFW Fireworks Stand as it is a non-profit organization.

Steve Lynch on behalf of Faith Builders, International also requested Council to waive the \$500 permit fee for their non-profit organization.

Brad Scott, 4627 Aminda, Shawnee, on behalf of the De Soto Football Team requested Council to waive the \$500 permit fee. He said he appreciated the ordinance approved by the Council for the fireworks stands. The fireworks stand provides the team with the extra money to purchase needed items. He would like the Council to consider amending the ordinance to allow the school to always have one slot guaranteed in the lottery. He said the De Soto Football Team is one of the original stands and he would like to ensure in future that there will always be a slot for the original groups to come first.

Mr. Culbertson said the VFW purchased all of the equipment and about \$3,000 worth of fireworks. Mr. Culbertson said, following Brad's comments, that he would like to say that 100% of the VFW profits stay within the organization. He would like to see the homegrown stands remain every year and be granted a permit.

Attorney Reavey said that when this program began, the legality is that the City cannot restrict the lottery to certain or specific entities. Discussion between Councilwoman Templin and Attorney Reavey regarding changing the date to possibly July 31st for those who have fireworks stands to apply for the next year. Comments by Mr. Culbertson regarding the date and the "hometown" stands verses the folks who come in from out of town. Discussion by applicants, Attorney Reavey and the Council on future requirements for the lottery.

Motion by Councilman Morse to waive the \$500 permit fee for De Soto High School Football Team, Faith Builders, International Youth Group, and VFW Post #6654; second by Cannon.

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

Templin Yes

Motion carried.

- b. Consider Agreement with Selective Site Consultants, Inc. for Monopole. **Tabled.**
- c. Consider Mayor’s Appointment of Municipal Court Judge. Mayor Anderson said Nate Sutton is the current judge. Mayor Anderson stated he has talked with our Court staff, and he would like to reappoint Mr. Sutton as the Municipal Judge.

Motion by Councilman Morse to reappoint Nate Sutton as Municipal Court Judge; second by Cannon.

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

Motion carried.

5. New Business:

- a. Consider bids for the 2008 Mill & Overlay Project. Engineer Brungardt discussed his comments in the staff report regarding the project bids and the funding. He discussed the Army railroad crossing on Ottawa Street as a result of discussions with Sunflower Redevelopment Group. If SRG does not commit to the reimbursement for the rail crossing, the Council can remove this from the project at the June 19th meeting. The crossing is a real nuisance at this point and he is not sure what the Sunflower Redevelopment Group’s response is to reimbursing the cost of the crossing repairs.

Mayor Anderson discussed with Engineer Brungardt and Administrator Guilfoyle that Kise Randall has verbally agreed to reimburse the City for the crossing improvement. Mayor Anderson said SRG wants to talk about working together, and there are three items that the City is requesting Sunflower Redevelopment to handle. If they can’t, then the County Commissioners have obviously given title to the wrong developers. The railroad crossing is about \$30,000. Mayor Anderson said he wants to be kept apprised of the responsiveness of SRG on this crossing project.

Motion by Councilman Drennon to authorize the Mayor to sign the construction contract for the 2008 Mill & Overlay project with Asphalt Improvement Company in the amount of \$123,982.40 and to authorize funding from the capital projects fund with additional contingency expenditures not to exceed \$5,767.60; second by Templin.

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

Motion carried.

- b. Consider Mayor’s Appointment of Planning Commissioner. Mayor Anderson said it was very sad to hear that former Planning Commissioner Bob Friday had passed away. Mayor Anderson said he would like to reappoint John Krudwig to the Planning Commission for another two-year term.

Motion by Councilwoman Templin to reappoint Planning Commissioner John Krudwig to another two-year term; second by Cannon.

All Council approved by “ayes”.

Motion carried.

- c. Consider resolution and agreement relating to KDOT’s lighting project at the Lexington & K-10 interchange. Engineer Brungardt said KDOT is planning to install lighting at the interchange, and because the project is within the corporate limits of De Soto, KDOT requires the City enter into an agreement that allows the use of state and federal funds within the City. Discussion by Mayor Anderson and Engineer Brungardt regarding the candlepower of the lighting. Councilwoman Templin said the lights do not light up the intersections; it is still dark. She didn’t feel it was a big improvement. Engineer Brungardt said KDOT will submit the plans to the City.

Motion by Councilman Morse to approve Resolution No. 824 for lighting at the intersection at K-10 and Lexington Avenue; second by Cannon.

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

Motion carried.

- d. Consider advisory committees for purposes of entry signage and directional signage. Administrator Guilfoyle said that after discussion at recent Council meetings, staff has met with Sara Ritter regarding making some progress on entry signage for the City. Based on those discussions, he would like the Council to consider establishing two committees. One for the Entry Signage and one for Directional Signage. They are recommending a 5-person committee for the Entry Signage committee consisting of two City Council members, one Planning Commission member, one staff Member (Linda Bohnsack), and Sara Ritter as an ex-officio member.

The Directional Signage committee is recommended to be composed of two City Council members, one Planning Commission member, two Chamber of Commerce members, one staff Member (Linda Bohnsack), and Sara Ritter as an ex-officio member.

Discussion by Administrator Guilfoyle regarding the consideration and discussion of changing the City’s logo. He is requesting a subcommittee of the two sign committees come together to pursue the new logo design. Since the Chamber of Commerce will adopt the City logo as its own, we suggest the process involve the active input by the Chamber. They suggest the City Council appoint a sub-committee, derived from members on the two sign committees and consist of one entry signage committee member, one directional signage committee member, Sara Ritter and Linda Bohnsack.

The sub-committee would be charged with recommending a consultant/designer for City Council’s final decision; and coordinate design process and develop a recommendation for City Council’s final decision.

Discussion by Council and Mayor Anderson on the sign committees. Councilman Morse said there needs to be something moving forward on the signs. Councilman Morse said there needs to be a business owner and a real estate agent involved. Mayor Anderson said the Council needs to be involved in the entry signage as there is considerable cost involved in entry signage. Attorney Reavey said there are legal issues that must be considered in signage. There is no way to restrict what signs can go on K-10 and signage can’t be restricted legally to one group over another. Discussion continued

regarding sign contents and location. Councilman Morse and Councilwoman Templin will represent the Council members on the sign committees. The Planning Commission will choose their two representatives.

Councilman Maniez said he likes the City logo; Councilwoman Templin said she doesn't. Administrator Guilfoyle said the logo is hard to duplicate. Councilman Drennon said he doesn't have a problem with the logo; Councilman Morse said he doesn't care; Councilwoman Cannon said the embroidery in the logo is hard to duplicate. Discussion by Councilwoman Templin regarding the logo and ideas to enhance what the City has to offer. Mayor Anderson said the committee will review the possibilities for a new logo.

- e. Consider Ordinance Amending City Code to Allow Alcohol at Outdoor Park Facilities for Public Events. Councilwoman Templin asked why the ordinance is only for the Riverfest Park. Attorney Reavey said it is based on the history of previous Council's requests. The reason alcohol is banned from City Hall is because of the damage done to the gym floor. Discussion by Administrator Guilfoyle that this ordinance is a first step to allow alcohol on City-owned property. Continued discussion on no alcohol in the City Hall building.

Mayor Anderson said he attends many mayoral functions and alcohol is not allowed in the City buildings of other cities because there are other public functions being held in those City buildings. Some of those functions include children's activities.

Mr. Darrel Zimmerman said another reason for no alcohol in the City Hall building is part of the history of the building being a former school.

Attorney Reavey said the applicant for the festival in the Riverfest Park would need to come before the City Council to request a temporary use permit to allow alcohol in the park. Mayor Anderson stated the park needs to be maintained by funds derived from the activities held in the Riverfest Park. Councilman Morse said that if alcohol isn't allowed in the Riverfest Park, the park won't survive. Mayor Anderson said some fees need to be charged to cover the maintenance costs. This park was paid for by taxpayers and those functions that use the park should have to pay some costs for the upkeep. Councilwoman Templin said the Parks Department should be coming up with some ideas to bring people in, to market the park and to collect revenue.

Motion by Councilman Morse to approve Ordinance No. 2200 amending Section 12-116 of Article 1 of Chapter XII of the Code of the City of De Soto Relating to Prohibition of Alcoholic and Cereal Malt Beverages on Any City Property; second by Templin.

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|------------|---------|-----|--------|-----|
| 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, after a five-minute break, to discuss land acquisition and an attorney/client privilege matter; to invite Mike Brungardt and Pat Guilfoyle in; and, to convene at 8:20 p.m. and to return at 8:50 p.m.; second by Templin.

All Council approved by "ayes".

Motion by Councilman Maniez to return to regular session at 8:52 p.m. and only the two items stated were discussed and no votes were taken; second by Templin.

All Council approved by “ayes”.

Motion carried.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, had no further report.
- b. City Attorney, Patrick Reavey, said he received the real estate donation from BNSF Railroad, donating the property to the Riverfest Park.

Motion by Councilwoman Templin to authorize the Mayor to sign the real estate donation from BNSF Railroad; second by Cannon.

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

Motion carried.

- c. City Engineer, Mike Brungardt, said interviews were held this afternoon for the consultant to design the downtown streetscape. Two firms were interviewed out of the seven entries. They were RDG and TranSystems. The group felt RDG had a much better interview process and brought more to the table. RDG is the principal consultant. The selection committee would like to move forward with the scope and fee with RDG. Council approved the committee’s request
- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, thanked the Council and Administrator Guilfoyle for allowing her to attend the International City Clerks conference.

8. Council & Mayor Comments:

Councilman Maniez asked staff if Corliss Road is falling apart because there are patches that appear to be cut out. Engineer Brungardt said he wasn’t aware of this and he will check with the Street Superintendent. There are also some patches like this on 95th Street. Comments by Councilwoman Cannon that LRM was supposed to come and repair some work they did last year. Engineer Brungardt will check into the roads.

Councilwoman Templin said she will be out of town for the July 3rd meeting. Councilman Maniez said he will be gone that day, as well. The Council agreed to move the meeting to the following week on July 10th.

Councilman Drennon, Councilman Morse and Councilwoman Cannon had no comments.

Motion by Councilman Morse to adjourn at 9:02 p.m.; second by Cannon.

All Council approved by “ayes”.

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk