

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
July 2nd, 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 145.

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 June 18th, 2009.
 - b. Approve Pay Ordinance No. 620.

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.

Motion by Councilwoman Templin to amend the agenda to discuss New Business Item 5. g. prior to 5.a; second by Drennon.

All Council approved by "ayes".

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."

Darrel Zimmerman invited everyone to participate in the Rotary Sunflower Challenge to raise funds to help wipe out polio in three countries in world. The De Soto Rotary is hoping to meet the challenge offered by the Bill Gates foundation.

3. Chamber / EDC Report: Executive Director, Sara Ritter, thanked everyone for their support of the country Concert. The EDC has been busy helping local businesses. The Targeted Industry Study will be coming up in a few weeks. Councilwoman Templin had requested the Chamber to start "tweeting" on the new Twitter network.

Councilman Drennon said he would like to congratulate the Chamber on the success of the Country Concert.

4. Old Business: N/A

5. New Business:

NOTE: Agenda Item 5.g. was brought forward and discussed at this time.

- a. Presentation by RDG on the Downtown Streetscape project. Mr. Marty Shukert provided a power point presentation for enhancing the streetscape for the two blocks of 83rd Street that are the primary center of downtown De Soto. The entrances to all business in this area would be barrier free. He discussed the safety, appeal and friendliness of the corner nodes or bump-outs and mid-block crossings. The proposed plan calls for street trees at corners and perhaps mid-block so the view of businesses is not obstructed. The street would be 30 ft. wide so as not to obstruct the traffic flow. At 83rd and Wea, RDG proposes a two-level solution in front of the Bleu Tomato and Dollar General, with an upper level sidewalk to the businesses. On that upper level would be a raised patio or stage area under a roof.

Mr. Shukert discussed three phasing strategies or approaches for this project. The total project cost is estimated at \$1.5 million and described several phasing options. He recommends the City consider the 'hybrid' approach based on the accessibility to the businesses as well as for economic development. Mayor Anderson and Mr. Shukert discussed the phasing concepts. Councilman McDaniel and Councilwoman Cannon said the sidewalks are appealing. Councilwoman Cannon said she is not partial to nodes due to snow removal. Council discussion with Mr. Shukert. Mr. Shukert suggested contacting Mr. Greg Connell, the former mayor of Shenandoah, Iowa to discuss their upgrades. Mayor Anderson stated there are questions that need to be answered regarding the City and the draw it has or could have from K-10 traffic.

Councilwoman Templin said she has talked with the Post Office and the Library and at the time, both said they would like to be closer to K-10. As Sunflower develops, it is important to keep our town viable and this would be a first step in updating downtown.

Councilman Drennon said there is a point in time that we will need to make a choice whether or not to invest in our downtown. Councilman Walker said with the transportation corridor being K-10, businesses will locate closer there unless there is a compelling reason to come downtown.

Mr. Darrel Zimmerman stated he agrees with the Council members. Yes, we need sidewalks, but sidewalks alone are not going to draw people off of K-10.

Mr. Bob Garrett said a few years ago there was a study done to make Lexington Avenue the "new" downtown due to more locations to build. Councilman McDaniel said the City bought a piece of property for a future fire station; however, the City has since traded off the property.

Councilwoman Templin said Lexington Avenue is not a real downtown where people can walk across the street to the Post Office or the Dollar General. Lexington was built as a highway and you can't have downtown built on a highway.

Mayor Anderson stated the Lexington corridor is an enterprise zone, which is advantageous to businesses building there. The downtown master plan that was done in 2006 does include Lexington Avenue with a drop down from Wea and Peoria Streets.

Councilwoman Cannon asked if the \$750,000 for Phase 1 of the hybrid approach has water and sewer infrastructure. Discussion between Mr. Shukart and the Council members. Engineer Brungardt stated the storm sewer elements are included in the

costs. There really isn't a plan to update water lines on the 83rd Street area.

Mr. Zimmerman stated the question is "how much do you want to invest in the community" because that's what is going to keep the downtown alive. City Planner Bohnsack stated that the citizens in Tonganoxie have taken a real interest in upgrading their properties since the City has improved their downtown area.

Discussion by Mayor Anderson and Council members regarding an integrated approach to making this work and getting commitments from businesses to stay in downtown. Councilman McDaniel stated the Post Office is a reason that senior citizens go downtown. Engineer Brungardt stated this spring the City issued \$100,000 in temporary notes and this will conclude RDG's contract with the City. There is about \$27,000 left on the temporary note, but he feels it would be better to work through the budget process before going forward. Mayor Anderson asked Council members how they see this moving forward.

Councilman Walker said the concept has been done and a public meeting for comments is needed to go forward with a final plan. Council members Templin and Drennon agreed. Mr. Shukart stated there has been public comment throughout the study since 2006. Councilwoman Cannon stated if the City could work through the money issues, is this going to create business opportunities or would downtown just look better. Councilman McDaniel stated he has no further comments as he expressed them at the public meetings. Councilwoman Templin said we are in a position now to develop this before everything moves closer to K-10.

- b. Consider Ordinance adopting new floodplain maps. Engineer Brungardt stated this is a culmination of work that began in De Soto around 2005. The County did a series of watershed studies in the major creeks in Johnson County, and concluded those studies in 2007. Engineer Brungardt discussed the new maps and the best information that the City has regarding the new flood plain areas within the City. Engineer Brungardt will be holding a public informational meeting on July 7th, 2009, at 6:00 p.m. to discuss the new FIRM maps and flood insurance implications for properties in De Soto. He has notified every property owner located in the amended plans. He recommends adopting the new maps.

Motion by Councilman Walker to adopt Ordinance No. 2222 concerning the 2009 Flood Insurance Study and Flood Insurance Rate Maps for the City of De Soto; second by Templin

Councilman McDaniel asked if this ordinance will add to the existing ordinance. Discussion by Attorney Reavey.

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

Motion carried.

- c. Consider bids for the 2009 CDBG project – 84th Street Mill & Overlay. Engineer Brungardt discussed the project and the bids that were received. The project is funded by the 2009 CDBG allocation of \$100,000.

Motion by Councilman Drennon to authorize the Mayor to sign the construction contract for the 2009 CDBG project with McAnany Construction in the amount of \$95,349.88 and to authorize additional contingency funding from the capital projects fund in the amount of \$4,650; second by McDaniel.

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

Motion carried.

- d. Consider bids for the 83rd Street resurfacing project from Kill Creek Rd east to the City limits. This is a CARS project with part of the funding from Johnson County. Engineer Brungardt stated the bids were taken on Tuesday, and there were only four bidders on this project. There were eight plan holders on this project, but only four bids came in. The difference in the bids came in the unit costs for the 10-inch asphalt patching bid item. He called Blacktop Paving and they assured Engineer Brungardt that the unit price was the difference and they also have a haul site for the material to be removed. Blacktop has done several projects for the City and we have never had a problem with their work. Comments from Councilwoman Cannon regarding the engineer’s estimate being close. Councilman McDaniel asked if all the blacktop is going to be taken up and the concrete worked. Engineer Brungardt said, “yes”, all the blacktop will be taken up. Engineer Brungardt said there is a provision in the contract that the milled surface cannot be left open for more than 45 days.

Engineer Brungardt discussed the funding and the contingency of \$20,000 to manage day-to-day issues that may arise. Councilman McDaniel asked Engineer Brungardt if the new pavement would make the road wider. Engineer Brungardt stated this will not widen the road; there will not be wider shoulders for bicycle traffic.

Discussion by Bob Garrett that the City could think about 82nd Street from Corliss Road down into Cedar Junction west to 83rd Street. Discussion that this is not a good road for bicycle riding as it is bumpy and rough.

Motion by Councilwoman Templin to award the contract to Blacktop Paving in the amount of \$899,000, to authorize an additional \$20,000 in contingency funding for the project, and allocate the \$166,650 budget shortfall from cash reserves in the Capital Improvements Fund; second by Cannon.

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

Motion carried.

Mayor Anderson called a five-minute break at 9:00 p.m. Councilwoman Templin left the meeting. Mayor Anderson reconvened the Council at 9:05 p.m.

- e. Discuss adjustments to Planning Commission service terms. Planner Bohnsack stated she has reviewed the City ordinance and City Code regarding the term requirements for Planning Commissioners. She provided background information on the current 2- & 3-staggered term practice and a proposed chart for the terms/rotation schedule to agree with the Ordinance. Planner Bohnsack requested the Council return the Planning Commission terms and rotation schedule to the original ordinance. Council discussion.

Motion by Councilman Walker to return to the three-year terms and schedule as provided by Ordinance; second by Cannon.

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

Motion carried.

- f. Presentation and Discussion of Proposed 2010 Budget. City Administrator Guilfoyle said we all knew this budget season was going to be full of challenges and new approaches. The budget presented to Council totals about \$7.5 million, which is about \$763,000 less than the 2009 budget due to the Fire Department being consolidated. The big story in the 2010 budget is property taxes. The 2009 valuation is approximately \$58,000,000; the 2010 estimate from the County is \$55,000,000, which is 5.7% less than 2009. He explained the devalued mill levy for the funds that are related to the property taxes. Based on the 2010 property taxes and the County's March estimates, there is a reduction from 27.335 mills to 19.247 mills.

Administrator Guilfoyle discussed the new fire district fund and the mill levy for that fund. He stated the NCFC budget has been worked out by the Fire Advisory Committee, and the County would have the final say on the fire mill levy. Administrator Guilfoyle provided the mill levy differences in fire for 2009 and 2010.

The General Fund is going down slightly. Administrator Guilfoyle discussed the decline in the economy-related revenue sources in the General Fund which prompts the need to increase the General Fund portion of the City's overall 2010 tax levy.

Administrator Guilfoyle discussed the utility funds and he stated there is a stability trend developing. The City's infrastructure improvements will be determined later depending on costs and financing. The Water Fund anticipates a 3.5% increase and the Sewer Fund anticipates a 6.2% rate increase January 1, 2010; both rate increases have the potential to be revisited pending revenue performance for the balance of 2009. He discussed the Refuse Fund and doesn't anticipate a rate increase for that fund.

Administrator Guilfoyle then reviewed the Capital Project Funds, which decreased about half of 2009's budget level, due to the economy. He suggested the City take care of the most basic needs first, and discussed the funding concerns for 2010. He asked the Council to consider convening a consensus process after the budget is adopted in order to develop agreement on specific projects with the limited capital dollars available in 2010.

Council members McDaniel and Cannon requested a list of City vehicles and equipment and the mileage on the vehicles. Discussion by Administrator Guilfoyle and Council members on the vehicle and equipment requests for 2010. He stated we have a good group of department heads who understand the budget and the economy. Administrator Guilfoyle discussed the possibilities of using the electric utility fund for lease purchases with Councilman Drennon. Councilman Drennon suggested that some of the big purchase items be held off until we know more about the economy for 2010.

Mayor Anderson and Engineer Brungardt discussed the three items in the Water Department that need to be done: the electric line, the water line and a back up generator. Councilman McDaniel said the City needs to go forward on the water plan that was approved in February. Attorney Reavey stated the City has to come to an agreement with Sunflower regarding the City needing to get some things moving along. Discussion ensued between Council members and Staff. Council members McDaniel and Cannon stated the electric line and the back up generator need to get done.

Administrator Guilfoyle reviewed the main budget goals for Council to consider. Mayor

Anderson said Administrator Guilfoyle needs to keep those goals before the Council. Mayor Anderson stated Senator Brownback is running for governor and John Petersen of Sunflower Redevelopment is his chairperson. It is time for the City to get something going on the Sunflower water plant.

Councilman McDaniel and Administrator Guilfoyle discussed the law enforcement budget for 2010. Councilman Drennon commented on the mill levy and the property taxes. Mayor Anderson discussed the proposed 2011 ending cash balance forecast. Mayor Anderson stated that all the employees spend way less money every year than is budgeted, and we do a great job with what we have.

- g. Consider Ordinance on Prohibition of Non-motorized Vehicles on 83rd Street. Attorney Reavey stated he provided Council with the background information and a previous lawsuit that was filed regarding the current ordinance. He further stated if Council is interested in lifting the ban, they should adopt the Ordinance as prepared. Councilwoman Templin said she also requested staff to put in the Ordinance that bicyclists should not ride two abreast. Discussion by Council members regarding the provisions in the new ordinance.

Motion by Councilman Drennon to go into Executive Session at 7:12 p.m. for attorney/client privilege to discuss the legalities in respect to the City's liability for 15 minutes; second by McDaniel.

All Council approved by "ayes".

Council returned to the Council Chamber early. The City Clerk stated no one from the audience had left the Council Chamber during the Council's absence for executive session.

Motion by Councilman Drennon to return to regular session at 7:19 p.m., eight minutes early, and no votes were taken; second by Cannon.

All Council approved by "ayes".

Motion carried.

Motion by Councilwoman Templin to adopt Ordinance No. 2222 that amends the current ordinance and prohibition of non-motorized vehicles on 83rd Street; second by Walker.

Councilman Drennon said he is not in favor of this as 83rd Street is not a bicycle route and with the 83rd Street study that was done, it is not a good idea for the City to lift the ban.

Councilwoman Templin said she does not agree with that because the study was for the feasibility of a designated bike route. She stated there is already a lot of bike traffic on the road; they just aren't being caught. Councilwoman Templin further commented that the new ordinance provides for signage on 83rd Street.

Councilman McDaniel said he is not for this until 83rd Street has been resurfaced. He further he would like to see what the new roadway will bring.

Councilwoman Cannon said she is not in favor of this until the road is repaved; she doesn't want to see it lifted.

Councilman Walker said he doesn't know if the traffic has increased since 1996. He stated that at the peak times there would be traffic, that wouldn't be the time most bicyclists would be on the road. He further stated he is not opposed to waiting until the new roadway is completed as there are some improvements with the resurfacing project.

Councilwoman Templin said we allow fireworks in this town, and we know fireworks are unsafe, and Council knew that when they allowed the fireworks ban to be lifted. Just because something is a nuisance to somebody, it doesn't necessarily mean it is a nuisance to others. She stated the City will place signs to encourage bicyclists to ride single-file, and feels the ordinance will benefit everyone. She stated it is a shame not to lift the ban.

City Clerk Lana McPherson noted for the record she forwarded an email from Mr. Dale Baldwin, 8446 Corliss Road, to the Council and also provided them a copy at this meeting.

Councilman McDaniel said he would like to see this matter tabled until the new roadway is completed. He said currently 83rd Street is a little dangerous.

Mayor Anderson called for the vote.

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

Motion failed.

Councilwoman Templin requested this matter be brought up again after the completion of the repaving of 83rd Street.

- h. Consider Aquatic Center Policy on Outside Food and Drink. Councilman McDaniel said he walked inside the pool this afternoon. He said he picked up a smashed pop can and some candy wrappers. There was some popcorn on the ground that was tracked into the pool. He continued to walk around the pool and found several more items of trash. He doesn't feel the lifeguards should have to go around and pick up all the trash.

Councilman Drennon said part of the duties at the pool are picking up and cleaning up around the pool.

Administrator Guilfoyle stated the City's current policy is no outside food or drink inside the pool. The staff has discussed the current policy and provided some options for the Council to consider. One option is to allow water and food in restricted area next to the concession stand. The other option is to allow water and food with no restrictions on where it can be consumed. Administrator Guilfoyle stated staff does not recommend allowing outside beverages or beverage containers, except unopened bottles of water or empty water containers. No coolers are allowed.

Council stated they do want to go with no restrictions. Councilman Drennon stated he favors Option A. Discussion continued among Council members regarding the violations and the current policy.

Motion by Councilman Drennon to change the policy to Option A which allows water and food in a restricted area; second by McDaniel.

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

Motion carried.

6. Executive Session: (Previously called for in Agenda Item 5.g.)

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said staff had a meeting this morning with the archery club and staff is working on an agreement. Councilman McDaniel said he has been asked if people can still go mushroom hunting in the park. The answer is “no”. Councilman Drennon asked how much money the Park Board collected from the Country Concert. Guilfoyle responded that the Park Board volunteers collected \$1,127.
- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, no report.
- d. City Planner, Linda Bohnsack, provided Council with information on the agricultural regulations which will be discussed in the next workshop meeting.
- e. City Clerk, Lana McPherson, stated the 4th of July event is going great. She thanked Council members who have volunteered to help on Saturday evening, and extended a special thank you to Elvyn Jones for all the advertising he has done on this event.

8. Council & Mayor Comments:

Mayor Anderson said he received comments regarding candidates for the Planning Commission. Mayor Anderson said he will email the Council with his recommendation for new members.

Councilman Walker said he has been reading an article about how to start a cooperative, and if Council members are interested, he will give them a copy of it.

No comments from Councilman Drennon.

Councilman McDaniel said he would like staff to work on the easements for the water needs at Sunflower. Discussion by Council and staff regarding an easement.

No further comments from Council.

Motion by Councilwoman Cannon to adjourn at 10:35 p.m.; second by McDaniel.

All Council approved by “ayes”.

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk