

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
July 17<sup>th</sup>, 2008, at 7:00 P.M.

**MINUTES**

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

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

Guests signed the book on page 122. Mayor Anderson led the Pledge of Allegiance.

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 July 10<sup>th</sup>, 2008.
  - b. Approve Pay Ordinance No. 596.

Motion by Councilwoman Templin to amend the Consent Agenda and add Item 1.c., to include Resolution No. 826 to amend the sign permit fees; second by Cannon.

All Council approved by "ayes".

Motion by Councilman Morse to approve the Consent Agenda as amended; second by Templin.

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Yes	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."

Mrs. Leona Robinson, on behalf on the Kaw Valley Sportsman Association. She said there hasn't been a hunter safety course in De Soto for over six years. They are receiving calls from citizens wanting to know where they can take the course. Mr. and Mrs. Robinson have found instructors to teach the class. The concern is where to have the class and the Association doesn't have money in their funds to rent a facility. They would appreciate the Council consider helping with rental costs.

Discussion by Administrator Guilfoyle that he and the Robinson's have talked about using the senior center. However, the monitor would need to be paid. Council discussed the option of the waiving the rental fee and the Association only paying for the monitor fee. It would be approximately 10 hours for the class. The dates requested are September 20<sup>th</sup> and 21<sup>st</sup>. Council requested Administrator Guilfoyle check on the monitor fees and respond back to Mrs. Robinson.

3. Chamber / EDC Report: Executive Director, Sara Ritter, was not present.
4. Old Business:
  - a. Consider Resolution Authorizing Agreement of Withdrawal and Formation of Kansas Group Funded Pool. **TABLED**
  - b. Consider Resolution Authorizing Procurement of MARCIT-Kansas Program or Service. **TABLED**
5. New Business:
  - a. Consider accepting quitclaim deed for 97<sup>th</sup> Terrace. Engineer Brungardt stated this matter was discussed in detail at the June meetings. Attorney Reavey has prepared the deed which will transfer the ownership of the right-of-way to the City. There has been a discussion regarding the annexation of the abutting properties into the City. The property owners were contacted and they did respond with questions regarding the costs and benefits of coming into the City. Engineer Brungardt did contact all the residents again regarding the quitclaim deed to be considered at this meeting. The Council did discuss annexation of the properties; however, it does not appear there are any voluntary annexations coming forward at this time. The properties are contiguous to the City boundaries, so the County would not have to approve the annexations. There will be other documents that will need to be prepared regarding the provision of services, if the City wishes to initiate the annexation of the properties. Attorney Reavey said the quitclaim deed will be recorded with the County showing the City has accepted the road.

Councilman Morse said he was not present at the previous meeting where this was discussed, and he is not in favor of annexing the road into the City. Mayor Anderson said there are two issues here. Mayor Anderson said this piece of property was annexed into the City in 1998, and, the City started maintaining the private road. When Engineer Brungardt discovered this error, the City stopped maintaining the road. Mr. Oswald then approached the City about formally accepting the road easement as City right-of-way and continuing with the road maintenance. Mr. Oswald would like to deed this property over to the City for the City to maintain the roadway.

Councilman Maniez said the other part of the concern is whether or not it was the City's intention to maintain this private road since it wasn't up to City standards. In 1998, when the annexation was done, the City was trying to square up the boundaries and asking for volunteer annexations. He stated he doesn't recall any discussion that the City was going to maintain this private road. He said this is a policy decision; and if the City is going to take over private drives and open the door, then the City will have to consider taking on other streets. If all the property owners want to annex into the City, then he would go for that; but, he said he doesn't want to spend taxpayer funds on this private road for the benefit of those not within the City boundaries.

Councilman Drennon said he doesn't see what the point is if the other property owners aren't coming in; he stated he isn't in favor of accepting the maintenance for the road, then fighting the owners about annexation.

Councilwoman Cannon said she felt that if Mr. Oswald was under the assumption that the City had taken in the road and had maintained it for several years, then she feels the City should take it in and maintain it.

No further comments by Council members. Mayor Anderson called for an action.

This item died for lack of a motion.

- b. Consider Authorization to Proceed with Tennis Court Refurbishment as Recommended by Staff. Administrator Guilfoyle reviewed the comments prepared by Parks Director Jay Garvin. He explained the options that Mr. Garvin has investigated. Discussion by Mayor Anderson regarding the asphalt materials.

Motion by Councilwoman Templin to authorize the Parks Department to spend the \$15,805 for the tennis court refurbishment as recommended; second by Cannon.

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

Motion carried.

- c. Consider Resolution Authorizing Mayor to Execute Service Agreement with Johnson County for 2008 De Soto FlexRide Program. Administrator Guilfoyle said Johnson County has submitted this formal contract for the continuation of the FlexRide program with the City. The cost to the City is \$12,500. He said it is worth noting that with the price of gasoline being a possible factor, the ridership has increased over 42% during the past year. There are several municipalities in Johnson County that have a similar service; however, De Soto's program is the most successful.

Motion by Councilwoman Cannon to authorize the Mayor to enter into the contract agreement with Johnson County on the FlexRide program; second by Drennon.

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

Motion carried.

6. Executive Session: N/A

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said the chairman of the Parks & Rec Board resigned last week; and, he made a recommendation that the Park Board dissolve itself. There was a long discussion and the Park Board was looking for a clear vision and some focus to bring them together as a unified body. They would like to refocus their efforts and energies and become a "Council of Community Events". The Park Board would like to serve as the focal point for generating ideas and events for the activities at the Riverfront Park. These types of events are not typically a function of Chambers of Commerce. Discussion between Councilwoman Templin and Administrator Guilfoyle regarding the decision of the Park Board.
- b. City Attorney, Patrick Reavey, provided a copy of a letter he has written concerning a drainage problem and documentation attached to the letter.
- c. City Engineer, Mike Brungardt, provided the bids received by Ron Creason regarding the 2008 chip seal and crack seal projects. Three bids were received for

the chip seal, and due to increased prices, some projects will need to be pushed back to next year. The lowest bid on the chip seal was from Harbour in the amount of \$32,800. On the crack seal, the low bid was from Musselman-Hall for the amount of \$18,947. These bid prices are only good until July 31<sup>st</sup> due to the increasing price of oil.

Motion by Councilman Maniez to authorize Administrator Guilfoyle to accept the bid from Harbour Construction for the chip seal of 95<sup>th</sup> Street in the amount of \$32,800; and, to accept the bid from Musselman-Hall for the amount of \$18,947; second by Drennon.

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

Motion carried.

Engineer Brungardt said the water workshop date needs to be set for sometime in August. Council set the date for August 21<sup>st</sup> at 5:00 p.m.

- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, had no report.

8. Council & Mayor Comments:

Mayor Anderson said Mr. Oswald would like to address the Council and he asked him to come forward. Mr. Oswald said he would like to question the vote. At the previous meeting the Council approved the proposed annexation of the road, so what is the holdup tonight? Discussion by Attorney Reavey that the Council directed staff to prepare the documents for approval.

Mr. Oswald said his attorney will be requesting documentation as the City has maintained the road the past ten years, and the Council voted to accept it at a previous meeting. He said the City has set a precedent here by maintaining the road.

Mayor Anderson said the Council is in full seating and no motion came up this evening to accept the document; therefore, the action died for lack of a motion.

Councilwoman Cannon asked about the status of Waverly Road. Engineer Brungardt said LRM would be meeting with staff tomorrow to facilitate the repair.

She also asked if the lift stations have been repaired. Administrator Guilfoyle said they are waiting for the equipment.

Councilman Morse had no comments.

Mayor Anderson asked Engineer Brungardt if Primrose has been taken care of. Engineer Brungardt said that D.F. Freeman went bankrupt several months ago and the bond company is now working on the bond funds. Currently, staff is working with another company to come in and do the clean up and grade and seed. He has met with the bonding company's contractor.

Councilman Maniez discussed the new driveway that was added by Engineered Air next to the Bedford's driveway. He said the confusion is even worse because now there is another lane. He asked if it would be any better to post a sign warning that

there is a “driveway entrance ahead”. Councilwoman Templin said a “private drive ahead” or some type of warning sign. Councilman Maniez said it is a real confusion. Discussion between Councilman Morse and Councilman Maniez on the entrances. Councilman Maniez said it is real confusion in all being right together with a turn lane. Engineer Brungardt will look at some options for signage or better delineation.

Councilwoman Templin had no comments.

Councilman Drennon had no comments.

Motion by Councilwoman Templin to adjourn at 8:02 p.m.; second by Drennon.

All Council approved by “ayes”.

Motion carried.

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk