

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
August 7th, 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 | | |

Guests signed the book on page 123. Mayor Anderson led the Pledge of Allegiance.

PUBLIC HEARING: Consider the 2009 Budget for the City of De Soto. Administrator Guilfoyle provided a power point presentation and discussed the 2009 budget of \$8,823,195.00. There are four major budget areas in the City budget and Administrator Guilfoyle discussed the funding in each of the four areas. The assessed valuation for the City went down One Percent from the 2008 budget. Property taxes are estimated to increase .4% while the actual property taxes levied will go down \$15,010. Guilfoyle pointed out that the 2009 budget also reflects a 5% water rate increase and a 6.2% sewer rate increase, both effective January 1, 2009. Discussion between Councilman Maniez and Administrator Guilfoyle regarding the real estate property values dropping and how that might affect the 2010 budget if the market continues to decline. Kansas does require County Appraisers to re-evaluate real property every year.

Mayor Anderson called for comments. No one from the public appeared to comment.

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 17th, 2008.
 - b. Approve Pay Ordinance No. 597.

Motion by Councilman Morse to approve the Consent Agenda; second by Cannon.

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| 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."

No one appeared.

3. Chamber / EDC Report: Executive Director, Sara Ritter, is out of town.
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**

Administrator Guilfoyle said he has received comments from MARC regarding this Kansas part of the program. He is requesting the Council remove these items from the Agenda until MARC develops a new schedule to coincide with its normal July 1 renewal date.

Motion by Councilman Maniez to remove Items 4. a and 4. b from the agenda; second by Cannon.

All Council approved by "ayes".

Motion carried.

5. New Business:

- a. Adopt the 2009 Budget for the City of De Soto. Administrator Guilfoyle said that if the City needs to increase the property tax levy beyond what the law allows, then a special ordinance must be adopted to approve that levy. The City's budget for 2009 does not necessitate the City adopting this type of ordinance.

Motion by Councilwoman Templin to adopt the 2009 Budget for the City of De Soto; second by Drennon.

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

Motion carried.

Mayor Anderson stated the Council should be very proud of the budget they just approved as this City Council has held the line. This is commendable.

- b. Consider Rate Increase for Refuse Service Requested by Weldon Enterprises. Administrator Guilfoyle said the contract does allow for Weldon to request a rate increase should fuel prices go up more than 10%. Since February 1, 2008, the benchmark price of diesel fuel has increased 41% through June, 2008. Mr. Randy Weldon is here this evening. He has met with Administrator Guilfoyle and City Attorney Reavey to discuss how Weldon would propose to add a fuel surcharge. Mr. Weldon would request the City allow them to post a monthly fuel surcharge on the bills that will reflect the real-world pricing, and the surcharge would fluctuate, or go away entirely if prices dip below \$3.66 per gallon, based on the Department of Energy's pricing of diesel fuel.

Mr. Randy Weldon discussed the chart for the fuel surcharge. The surcharge is based on the diesel fuel price. Discussion by Council members Maniez and Morse regarding their understanding of fuel costs. Councilman Morse said citizens in the community most likely haven't received a pay increase to cover their increased gasoline costs to drive to work. Councilwoman Cannon said her company hasn't added a surcharge yet with the exception of one customer. Councilwoman Templin said everything is going up because of increased fuel costs. Councilman Drennon said he doesn't like it, but the fact is everything is

going up. Mayor Anderson said he knows Weldon has been very fair through the years and costs have been kept low. The City does have reasonable rates for refuse service.

Motion by Councilwoman Templin to approve Resolution No. 827, Establishing Fees and Rates for Licenses and Services within the City of De Soto; second by Drennon.

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|------------|---------|-----|--------|-----|
| Roll Call: | Cannon | Yes | Maniez | Yes |
| | Drennon | Yes | Morse | No |
| | Templin | Yes | | |

Motion carried.

- c. Consider an application for a change in the zoning district map for property located on the North side of 83rd Street, just East of Ravenswood Lane. Planner Bohnsack discussed the comments in her staff report dated August 7th, 2008. The Planning Commission is concerned about the lack of sufficient water supply for this site and believed the development of this property will be affected by the lack of water supply. The Planning Commission recommended approval of the requested zoning change from RUR-Rural to "R-O" Residential Suburban, by a vote of 4 to 1, with one "no" vote. Two commissioners were absent.

Engineer Brungardt stated this is a rezoning request. The main concern in the development of this site is the availability of water service to this area. Water One has concluded that if the property is developed as proposed in the preliminary plat they can meet the minimum residential flow, but they cannot meet the fire flow to this proposed development. Water One stated it will not allow fire hydrants to be installed in this proposed development. Engineer Brungardt said there is no sewer in this area; however, septic systems appear to be working in that area.

The Planning Commission tabled the preliminary plat until the developer has some definite plans with Water One on how to get the water supply and fire protection to this proposed subdivision.

Discussion ensued between Engineer Brungardt and Mayor Anderson regarding fire flow capabilities. Councilwoman Templin asked about the 30-inch water line Olathe has in that area. Engineer Brungardt stated this line is a "raw" water line.

Motion by Councilwoman Templin to approve Ordinance No. 2208 approving a zoning change from RUR-Rural to "R-O" Residential Suburban, and a change in the zoning district map for property located on the North side of 83rd Street, just East of Ravenswood Lane; second by Drennon.

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

Motion carried.

- d. Consider an amendment to the Procedures Manual to establish a review procedure for the "UDO" Uptown De Soto Overlay District. Planner Bohnsack provided Council with the proposed amendment. The Planning Commission recommended approval of the proposed Article 16 concerning application submittal and review procedures for properties in the "UDO" Uptown De Soto Overlay District. Planner Bohnsack stated there are other goals that need to be included so they can be accounted for in procedures the same way as the

pedestrian scale goal. Planner Bohnsack requested that the Council return the recommendation to the Planning Commission for re-evaluation.

Motion by Councilwoman Templin to send this amendment back to the Planning Commission to incorporate the five other goals into the "UDO" Uptown De Soto Overlay District; second by Cannon.

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

Motion carried.

- e. Consider Deduct Change Order #1 for Phase 1-B of the Riverfest Park. Engineer Brungardt stated there has been some redesign and reconfiguration in the electrical components. The system originally designed was a three-phase system and a costly transformer. Westar has now said a single-phase system will work and this is a cost savings of \$7,000 in not having to purchase a three-phase transformer. Discussion between Councilman Maniez and Engineer Brungardt that this savings will remain in the CIP funds. Engineer Brungardt said this has given the project a contingency fund in case there are cost overages.

Motion by Councilman Maniez to approve Change Order #1 for the Riverfest Park Improvement Project, Phase 1-B reducing the contract compensation to RL Duncan by \$7,400; second by Cannon.

Councilman Morse asked if there wasn't already three-phase power at that location left from the sand plant operations. Engineer Brungardt and Councilmen Morse and Maniez discussed the old wiring and Westar's equipment. Engineer Brungardt stated Westar would not upgrade the transformer at their cost.

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

Motion carried.

- f. Consider Discontinuation of Spring and Fall Free Bulk Waste Days. Administrator Guilfoyle said this is for discussion purposes for two reasons: 1) The refuse fund is going to need an administrative fee added on to the base rate or some other type of adjustment by 2010; and 2) as a result of conversations with Weldon, the bulk days seem to be a duplication of services. Weldon will pick up large bulky items, except construction materials, on the first trash day of the month. Costs are rising and there is no revenue to support the free bulk waste days. Discussion by Councilwoman Templin and Councilman Morse on what type of items are brought to the bulk waste disposal days, and what do you do with the items that Weldon won't take in regular trash. Councilwoman Templin said residents should take advantage of the services already provided by Weldon.

Councilman Maniez stated a lot of folks have items that the trash service doesn't pick up. Councilman Drennon said he hates to see the City do away with this because he wonders what people will do if it isn't available. He said we want people to keep their yards and property cleaned up, and many people time their cleanups around the dumpsters. A discussion ensued between the Council members and Mayor Anderson regarding options in disposing of scrap metal and

construction-type materials. Council members Templin and Morse stated the City should discontinue the free service. Council discussion. Mayor Anderson and Council agreed to consider options. They requested Administrator Guilfoyle check into some options and report back to the Council.

6. Executive Session:

Motion by Councilman Maniez to go into Executive Session at 8:15 p.m., after a five-minute break, for 30 minutes to discuss attorney-client privilege and land acquisition, and to include Administrator Guilfoyle and Engineer Brungardt; second by Templin.

All Council approved by "ayes".

Motion by Councilman Maniez to return from Executive Session at 8:45 p.m. and only the two items stated were discussed and no votes were taken; second by Templin.

All Council approved by "ayes".

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, had no further report.
- b. City Attorney, Patrick Reavey, said BNSF Railroad has approved the transfer of the Riverfest parkland to the City.
- c. City Engineer, Mike Brungardt, had no report.
- d. City Planner, Linda Bohnsack, stated in June, the Council established a sign committee to discuss specific entry way and way finding signs and a possible new City logo. Mr. Kroeger and Mr. Hemphill of the Planning Commission have agreed to sit on the committee, along with Councilman Morse and Councilwoman Templin. Sara Ritter of the EDC will also be on the committee. Planner Bohnsack will contact the committee members and set a meeting date.
- e. City Clerk, Lana McPherson, stated the City would receive a "Gold" award for their outstanding safety practices this year. This results in a 5% discount on the workers' compensation premium through the League's KMIT program. She also provided Council members with registration forms for the LKM conference to be held in October.

8. Council & Mayor Comments:

Mayor Anderson met with Commissioner John Toplikar last week on the CARNP plan for the proposed Kill Creek realignment. The County is going to go over a ¼ mile and then south to 115th Street, and back on in to Gardner. Engineer Brungardt said the County would like to come and present the findings of the alignment study to the Council.

No further comments from Council members.

Motion by Councilwoman Templin to adjourn at 9:00 p.m.; second by Drennon.

All Council members approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk