

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
August 20th, 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 148.

PUBLIC HEARING: Consider Approval of the City of De Soto's Budget for 2010. Administrator Guilfoyle provided a power point presentation for the Council. He stated the overall budget for 2010 is \$7,302,156 without the local Fire Department. This will result in a 12% decrease over the 2009 budget. The economy is having an impact on municipalities, especially in assessed valuations. The City's mill levy for 2010 is 19.247 as a result of the absence of the City Fire Department. Administrator Guilfoyle explained the various operating funds of the City and the budgetary impact. He reviewed the 2010 Capital Improvement Projects and the funding sources for the program.

Mayor Anderson opened the public hearing for comment.

Randy Johnson asked about the CDBG fund. Mayor Anderson explained this funding comes through Johnson County. Continued discussion with Administrator Guilfoyle on the CDBG funds that were given to the City this year.

No further public comments and Mayor Anderson closed the public hearing.

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 August 6th, 2009
 - b. Approve Pay Ordinance No. 623
 - c. Approve Ordinance No. 2225 Adopting the Standard Traffic Ordinance for 2009
 - d. Approve Ordinance No. 2226 Adopting the Uniform Public Offense Code for 2009
 - e. Approve Resolution No. 852 Designating Signors for the Municipal Investment Pool
 - f. Approve Ordinance No. 2227 Adopting Revisions to City Code on Sale of Fireworks
 - g. Approve Subrecipient Agreements for CDBG-ARRA funding for the Wea Sidewalk and Mill & Overlay projects

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

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."

Ron Crow, Jr., on behalf of the De Soto Days Committee, stated he is requesting the Council waive fees for the Liverpool concert, in case of rain, on Saturday evening, September 5th, from 9 p.m. to midnight. Councilwoman Templin asked if Mr. Crow had talked with Jay Garvin, the Parks & Recreation Director, to work out the details regarding security, food and drink, and the monitoring. Administrator Guilfoyle said he will work with staff and Ron. Council agreed to waive the fees for the gym.

Darrel Zimmerman stated the Fresh Promises farmers' market has been going well. They have started an email list of those coming to the market and it has been very successful.

3. Chamber / EDC Report: Executive Director, Sara Ritter, was not present. She sent an update on the Targeted Industry Study. Council will hear the results of that meeting at the Council meeting on September 3rd, 2009.

4. Old Business:

a. Consider rehabilitation of Water Well #9. Administrator Guilfoyle stated he and Clarence Brunk, Water Superintendent, have discussed the repairs, and they agreed that the well be treated at this time, and the pump replacement be done with the rehabilitation work scheduled in 2010. Discussion between Engineer Brungardt and Council regarding the need for the treatment of the well due to calcium deposits. This well is used daily for water production. A discussion ensued between Mayor Anderson and Administrator Guilfoyle concerning the well repairs. Councilwoman Cannon asked why the funding couldn't come from the electric utility fund and fix the well now instead of waiting until 2010. Discussion among staff and Council on the timing of repairs should the pump fail. Councilman McDaniel asked how many times this particular well has been discussed and then repairs put off. He said the well needs to be fixed now and get on with it. Councilwoman Templin said she is good with fixing it all right now and stave off any problems that might occur.

Councilman Drennon asked how much longer it is going to be for the feasibility study for the water co-operative. Engineer Brungardt said that draft findings from the report should be ready in about a month and that the final report could be ready in two months. Councilwoman Templin and Engineer Brungardt discussed the timing. Councilman McDaniel said he has had conversations with Council members from Eudora. Councilman Walker said he is good with replacing it all now.

Motion by Councilwoman Templin to authorize the contract with Alliance Pump to do the well treatment and pump motor replacement for a cost of \$27,519; second by Cannon.

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

Motion carried.

b. Consider Development Agreement with Glavin Development for Senior Housing. Attorney Reavey stated the developer's representative has requested to table this matter. There is a change that has been submitted for consideration. Discussion between Mayor Anderson and Attorney Reavey regarding the deadlines.

Motion by Councilman Walker to table this matter; second by Drennon.

All Council approved by "ayes".

Motion carried.

- c. Approve 2010 Budget for the City of De Soto. Administrator Guilfoyle said the public hearing was held earlier in this meeting. Councilwoman Cannon asked what kinds of trucks are being purchased. Administrator Guilfoyle said they are replacements for existing vehicles. He stated the Kansas City area has great cooperation among the governmental entities for a singular bid to purchase vehicles, which is a great cost savings. These are 4-wheel drive Ford trucks. Administrator Guilfoyle said he will provide the specifics to the Council.

Motion by Councilman Walker to approve the 2010 budget for the City of De Soto as published; second by McDaniel.

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

Motion carried.

5. New Business:

- a. Consider Ordinance Issuing a Special Use Permit for an accessory building in an established front yard. Planner Bohnsack said Mr. Dunn has come before the Planning Commission and this is now before the Council. She provided a review of the staff memo dated August 14, 2009, regarding the application for this request. The Planning Commission has reviewed the criteria and findings of fact and they have recommended approval of the request for a Special Use Permit.

Motion by Councilman Drennon to approve Ordinance No. 2228 Issuing a Special Use Permit for 30577 W. 90th Street; second by Cannon.

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

Motion carried.

- b. Consider Ordinance Amending Article 11 - Site Plan Review of the City's Zoning Regulations. Planner Bohnsack said this matter has been reviewed by the Planning Commission and they have recommended approval of the text amendment as proposed in the staff report dated July 28, 2009.

Motion by Councilman Walker to approve Ordinance No. 2229 Amending Article 11 – Site Plan Review of the City's Zoning Regulations; second by Templin.

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

Motion carried.

- c. Consider Ordinance amending the City's Comprehensive Plan incorporating all previous updates through June 19, 2008. Planner Bohnsack stated this matter was reviewed by the Planning Commission. They have completed their review as required by Kansas statute, and recommends approval of the Comprehensive Plan.

Motion by Councilman Drennon to approve Ordinance No. 2230 amending the City's Comprehensive Plan; second by McDaniel.

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

Motion carried.

- d. Consider Ordinance of the City of De Soto Expressing the Property Taxation Policy of the Northwest Consolidated Fire District with Respect to Financing the 2010 Annual Budget Within the Jurisdictional Limits of the City of De Soto. Administrator Guilfoyle said in creating the budget for the Consolidated Fire District, the advisory committee sat down and prepared a budget, which was submitted to the Board of County Commissioners. The County has requested that this budget be recommended for approval to the County Commissioners. Mr. Kent Dvorak commented on the budget for the new consolidated district. Discussion on the debt service and mill levy.

Motion by Councilwoman Templin to approve Ordinance No. 2231 of the City of De Soto Expressing the Property Taxation Policy of the Northwest Consolidated Fire District with Respect to Financing the 2010 Annual Budget Within the Jurisdictional Limits of the City of De Soto; second by Drennon.

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

Motion carried.

- e. Consider Ordinance Granting Annexation of Land at 8680 Sunflower Road. Attorney Reavey stated this matter was brought by the property owners. It was determined the residence is currently in the county, but that an addition to the residence was in the City. Engineer Brungardt provided an aerial map depicting the parcels of land.

Motion by Councilman Drennon to adopt Ordinance No. 2232 Granting Annexation of Land at 8680 Sunflower Road; second by Cannon.

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

Motion carried.

- f. Consider Temporary Use Permit for De Soto Days Festival. Planner Bohnsack provided comments from the staff report dated August 20, 2009, and stated City staff has been working with the De Soto Days committee. She further discussed the fees that are associated with the permit applications. Councilman McDaniel asked about the traffic control for this event. He stated the last event was handled very well, and

the concern is how to handle the foot traffic. Councilman McDaniel said the way Administrator Guilfoyle handled that on the 4th was really good. Discussion between Councilwoman Templin and Councilman McDaniel regarding the placement of cones for foot traffic. The concern is for the children that are going to be walking back and forth. Council requested this concern be relayed back to the De Soto Days Committee. Discussion between Deputy Leiker, Administrator Guilfoyle and Council regarding the discussion that has taken place concerning the foot traffic, as well as lighting at night. Comments from the public.

Discussion between Attorney Reavey and Planner Bohnsack regarding the permit request also includes the 5K/10K run sponsored by De Soto Youth Ministries. A discussion ensued regarding the safety of pedestrian traffic. The De Soto Youth Ministry will provide monitors at each intersection for the run.

Motion by Councilwoman Templin to approve a Temporary Use Permit for De Soto Days and waive the fees associated with the permits, conditional upon working out a pedestrian plan; and to include the 5/10K run conditional permit; second by McDaniel.

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

Motion carried.

Councilwoman Templin said for future consideration, if the Committee started the parade in Miller Park and ended at the Riverfest Park, then Ottawa Street could be closed down to accommodate pedestrian traffic.

6. Executive Session: N/A

7. Advisory Reports:

- a. City Administrator, Patrick Guilfoyle, no report.
- b. City Attorney, Patrick Reavey, said he has revised the settlement agreement with Sunflower Redevelopment Agreement and progress is being made.
- c. City Engineer, Mike Brungardt, said Friday is the deadline for the qualification statements for the Sunflower plant rehab. He asked for a Council member to volunteer. Councilman Walker said he would, and Councilman McDaniel agreed to. Engineer Brungardt discussed the sub-recipient agreements that were approved this evening and those projects will be initiated. The 83rd Street project has started and this work will be ongoing.
- d. City Planner, Linda Bohnsack, commented on the Planning Commission updates. The logo committee will soon have a submittal for the Council's consideration.
- e. City Clerk, Lana McPherson, no report.

8. Council & Mayor Comments:

Mayor Anderson said that during the discussion of the grocery store, the Basehor folks provided a name of someone to conduct a survey. Discussion. Council agreed to proceed.

Councilman Walker stated a community survey for the community's support of a grocery

store is needed. Discussion.

No further comments from Council members.

Motion by Councilwoman Templin to adjourn at 8:35 p.m.; second by Drennon.

All Council approved by "ayes".

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk