

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
August 21<sup>st</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	Absent	Morse	Present
	Templin	Present		

Mayor Anderson led the Pledge of Allegiance. Guests signed the book on page 124.

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 7<sup>th</sup>, 2008.
  - b. Approve Pay Ordinance No. 598.
  - c. Approve Ordinance No. 2209 adopting the Standard Traffic Ordinance for 2008.
  - d. Approve Ordinance No. 2210 adopting the Uniform Public Offense Code for 2008.
  - e. Approve Facility Use Agreement for 2008-2010 for the Senior Nutrition Center.
  - f. Approve a Temporary Use Permit for the Chamber's Blues and BBQ Festival.

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

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Absent	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."

Drew Culbertson, 8778 Golden Lane, on behalf of the VFW, is requesting approval for a temporary use permit to sell cereal malt beverages at the De Soto Days Festival. He stated this is a very similar request that the VFW had requested for their own property; however, this tent will be located at the De Soto Days Festival near the VFW bingo tent. The beer garden will be in a different tent and the hours will be in conjunction with the festival hours. Discussion by Council members Maniez and Morse, De Soto Days representative Kathy Ross, and Mr. Culbertson. Mr. Culbertson stated identification will be checked regularly and all partakers will be issued a wristband for consumption within the beer garden only.

Councilman Morse confirmed with Mr. Culbertson that no minors will be allowed in the beer garden tent; only adults. Discussion by Councilman Morse that he's not sure he is in favor of this as Miller Park has always been a family-oriented park. Comments by Attorney Reavey regarding the process for obtaining a temporary use permit. Discussion between Councilman Morse and Mr. Culbertson on why the VFW is so late in submitting this request.

Councilman Maniez said from the beginning he wasn't in favor of allowing alcohol in the parks; however, the Council adopted an ordinance to allow "alcohol in outdoor parks" all because of the BBQ event, and the Council should not now be discriminatory against the De Soto Days event. Councilwoman Templin said this was also her concern when this was first brought up. She stated her concern is what if next year there are three applicants who want to put up a beer garden at De Soto Days, then who gets the approval? Council discussion.

Kathy Ross stated the VFW does have a license to sell cereal malt beverages at the De Soto Days event. The VFW will be paying a booth rent to the De Soto Days committee. Continued discussion by Councilwoman Templin that the official committee would have to make the recommendation.

Attorney Reavey stated the VFW would also need to have a temporary cereal malt beverage license since they are off-premises in the park. Councilwoman Cannon said she doesn't have an objection to the beer garden.

Motion by Councilwoman Templin to approve the temporary use permit for the VFW to hold a beer garden at De Soto Days, and to allow staff to approve a temporary CMB license for the VFW; second by Cannon.

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

Motion carried.

Karen Lavenduske, 34537 W. 83<sup>rd</sup> Street, said she is here because she commutes 60 miles to work each day. She has contacted Johnson County in trying to find alternate ways to get to work. She has worked with the MARC on trying to carpool with other people. She has done research and there are several people in this community that would also like to ride share. She feels the citizens of De Soto should go to the County because the County is leaving out De Soto, as it is with other smaller communities. She said the County is telling her they don't have the money to stop their "Jo" busses in De Soto. Discussion by Mayor Anderson and Ms. Lavenduske regarding the City's FlexRide program.

She further stated she would like to see the City have a recycling program. Mayor Anderson said the City has had a recycling program for a couple of years. He stated the City has been working with the County on the Flex-Ride program and the City is working for future transportation. Discussion by Mayor Anderson and Ms. Lavenduske.

3. Chamber / EDC Report: Executive Director, Sara Ritter, had no report this evening.
4. Old Business:
  - a. Consider Ordinance Amending the Procedures Manual to establish a review procedure for the "UDO" Uptown De Soto Overlay District. **TABLED**
5. New Business:
  - a. Consider revisions to the Interlocal Agreement adopting Johnson County's Transportation Cooperation Council (TCC) Charter. Engineer Brungardt said the TCC talked about this in the Spring and the Council approved the Interlocal Agreement. Some of the cities have requested changes to the agreement relating to land use planning and the voting model for the group. Engineer Brungardt

provided his comments in the staff report to the Council dated August 4<sup>th</sup>, 2008. Council discussion.

Motion by Councilwoman Templin to authorize the Mayor to sign the Interlocal Agreement with Johnson County; second by Maniez.

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

Motion carried.

- b. Consider bid for drainage improvements in the Cherokee Woods Benefit District. Engineer Brungardt stated the contractor on this project, D. F. Freeman, went bankrupt this past Spring. The bonding company has hired a contractor to work with the City on completing this project. Engineer Brungardt has met with Doug Stark Construction regarding the finishing of the project. The fund balance of the project will be paid to the bonding company. The City, in the meantime, had to hire another contractor to perform the erosion control and the cleanup of silt from the streets after rain events. The developers, Thompson's, have indicated they are ready to apply for building permits; however, they have not come in yet and requested a permit. Engineer Brungardt further discussed the design fees by Allenbrand Drews for the drainage problems that affected the adjoining property owners.

Discussion between Mayor Anderson and Attorney Reavey regarding the bonding company and the termination of the contract between the City and D. F. Freeman.

Motion by Councilman Maniez to accept the bid from Doug Stark Construction for the drainage improvements in Cherokee Woods in the amount of \$9,884.00; and, to authorize payment to Allenbrand Drews & Associates in the amount of \$2,500 for the design and survey of the improvements, with funding from the temporary financing for the Cherokee Woods Benefit District project; second by Cannon.

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

Motion carried.

- c. Consider a citizen request to block off a section of 86<sup>th</sup> Terrace on September 13<sup>th</sup>. Council discussion. Attorney Reavey said the applicant needs to be made aware of the City's noise ordinance.

Motion by Councilwoman Templin to authorize the blocking of 86<sup>th</sup> Terrace from Penner Avenue to Penway Drive, on September 13<sup>th</sup>, 2008, from 5:00 p.m. to midnight; second by Cannon.

All Council approved by "ayes".

Motion carried.

- d. Consider bid for windows and doors in City Hall. Administrator Guilfoyle said this is the last phase to replace the windows and doors in the City Hall. Discussion by Council.

Motion by Councilwoman Templin to accept the bid from Midwest Glass, Inc. in the amount of \$38,300 for windows and \$6,800 for doors for the Community Center; second by Cannon.

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

Motion carried.

6. Executive Session:

Motion by Councilwoman Templin to go into Executive Session at 7:45 p.m. for the purpose of discussing land acquisition, to return at 8:00 p.m. and to include Pat Guilfoyle; second by Cannon.

All Council approved by "ayes".

Motion carried.

Motion by Councilwoman Templin to return from Executive Session at 8:00 p.m. and only the item stated was discussed and no votes were taken; second by Cannon.

All Council approved by "ayes".

Motion carried.

Motion by Councilwoman Templin to authorize the Mayor to enter into a contract to purchase property located at 83<sup>rd</sup> & Kill Creek in an amount not to exceed \$82,500; second by Cannon.

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

Motion carried.

Motion by Councilwoman Templin to authorize staff to prepare an ordinance allowing the use of funds from the electric utility fund for the purpose of real estate acquisition and related expenses; second by Cannon.

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

Motion carried.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said he would like to work on a date for the water workshop. Councilman Maniez said General Motors has changed his hours and he can't get out of there until 5:30 p.m. Discussion between Council and Mayor on the prospect of having a community open house for the public to discuss their concerns. Council decided to hold the water workshop on Thursday, September 11<sup>th</sup>, at 7 p.m.
- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, said the Planning Commission meeting next week will be discussing the monopole construction on the Waverly Tower property. Mayor Anderson asked if the County had further reports on the Kill Creek realignment.

Engineer Brungardt said they are still working on that. He will have this presentation on the Council's agenda.

- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, reminded Council members of the forthcoming League of Kansas Municipalities Conference in Wichita. She also asked if any Council members were planning to attend the Chamber Day at the Speedway.

8. Council & Mayor Comments:

Mayor Anderson showed Council members the Relay for Life plaque that was given to the Council from Rita Jones on behalf of The Relay For Life team.

No further comments from the Council members.

Motion by Councilman Maniez to adjourn at 8:15 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk