

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
January 21st, 2010, at 7:00 P.M.

MINUTES

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

Roll Call: Cannon McDaniel
Drennon Templin
Walker

All present

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

Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.

Motion to amend Consent Agenda to add item 1.c., Code Violation, by Council member Templin, second by Council member Drennon. Motion carries unanimously.

1. Consent Agenda:

- a. Approve Minutes of the Council Meeting of January 7th, 2010.
- b. Approve Pay Ordinance No. 633.
- c. Approve Resolution No. 862 for Notice of Code Violation at 8974 Hillview Drive

Motion by Council member Templin to approve the Consent Agenda; second by Council member Drennon.

Roll Call: Cannon McDaniel
Drennon Templin
Walker

Motion carries unanimously.

2. Call to Public:

"Members of the public are welcome to use this time to comment about any matter relating to City business 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. You must state your name and address."

Jacob Stirley, 33160 West 82nd Street. Indicated he is here to talk about parking situation. Prohibition of parking if 2 inches or more of snow is a problem. Wife leaves house 6 times a day. Street Superintendent suggested they park up on Peoria. City Engineer displayed map. Mayor explained that Council made the rule, and, if they determined it was appropriate, would have to change restriction. City Engineer suggested looking into making just one side of 82nd Street no parking during snow. City Engineer will work with Street Superintendent on finding a solution.

3. Chamber / EDC Report: Executive Director, Sara Ritter,

Ms. Ritter not in attendance.

4. Old Business: N/A

5. New Business:

- a. Consider a request to rezone 14 parcels from their county zoning to an appropriate City zoning District.

City Planner explained the proposed rezonings. Clearview City has numerous non-conforming uses that will need to be specified. Non-conforming uses need to be identified and recorded. After these rezonings, there are only 2 properties left to be rezoned. One is from siltation by river, which is owned by State of Kansas, the other was property that changed hands during rezoning process. Discussion about owner of parcel that changed hands.

Motion by Council member Templin to adopt Ordinance No. 2247, Second by Council member Drennon.

Roll Call:	Cannon	McDaniel
	Drennon	Templin
	Walker	Anderson

Motion carries unanimously.

- b. Consider a text amendment concerning the rezoning of annexed lands.

City Planner explained the amendment is to require newly annexed land to be voluntarily rezoned within 3 months after annexation. Following the passage of 3 months, the City will initiate rezoning to appropriate City District. This will prevent properties from being unregulated for too long of a period.

Motion by Council member Templin to adopt Ordinance 2248, Second by Council member Drennon.

Roll Call:	Cannon	McDaniel
	Drennon	Templin
	Walker	Anderson

Motion carries unanimously.

- c. Consider Authorization for City Administrator to Proceed with Purchase of 2010 Budgeted Vehicles for Following Departments: Water, Parks, Streets.

City Administrator explained vehicles included in the 2010 budget. Staff participated in MARC's bid program, which resulted in favorable bids. Bids came in \$16,000 lower than what everyone anticipated. Discussion of necessity of bed liners in trucks.

Motion by Council member Templin to proceed with purchase as recommended by Staff, second by Council member Drennon.

Roll Call:	Cannon	McDaniel
	Drennon	Templin

Walker

Motion carries unanimously.

d. Discussion Regarding 2010 Food/Drink Policy for Aquatic Center.

City Administrator explained history of policy changes. Last policy in place was patrons could bring food and drink into pool, but were limited to consuming in specified area. Staff has outlined recommended policy of restricting food and drink from being brought into pool, except water. Council members Cannon and McDaniel agree with Staff's recommendation. Council member Templin supports Staff's recommendation but asked question of whether there should be restriction on where patrons should be able to eat food purchased at refreshment station. Staff supports allowing patrons to eat or drink purchased refreshments throughout the pool area. Council member Templin also suggests Staff be consistent throughout year, and be sensitive to special circumstances such as parent feeding a small toddler. Staff agrees to be sensitive. Council member Drennon is supportive of Staff's recommendation, but does not agree with prohibiting patrons from bringing food into pool area. Council member Walker is comfortable with Staff's recommendation, and asked question of whether sufficient staffing is in place to enforce policy.

Motion by Council member Templin to approve Staff's recommendation on food and drink policy at pool, Second by Council member Cannon.

Motion carries.

e. Discussion Regarding 2010 Fees for Aquatic Center.

City Administrator noted budget is not based on any adjustment in fees, but the fees have not been adjusted for 5 years of operation. One point that often comes up is what other communities are charging. De Soto is very competitive for area, lower than surrounding areas. Staff recognizes this is a sensitive time to raise fees due to the economy. Attendance has been declining since the pool opened. Mayor Anderson suggested offering discount for patrons who purchase pass early. Council member McDaniel is supportive of raising fees to cover for painting and maintenance. Staff has not ran any models to see how much revenue fee increases would yield. Council member McDaniel says everything will continue to go up. Mayor Anderson brought up the difficulty of determining how many people would stop using pool due to an increase in fees. Council member Cannon believes rates should be increased. Mr. Garvin projected \$3,500 would be raised by increasing family pass by \$10. Staff's recommended changes are sensitive to effect increases will have on patrons. It is likely that, even with increase, De Soto's rates would still be very competitive, particularly given that other communities will be raising their rates. Council member Templin asked question of whether rates should be increased on everyone, without exempting Seniors. Council member Drennon suggested raising non-resident pass. Council member McDaniel suggested allowing patrons period of time to get passes at old rates. Budget has sufficient funds for sending out postcard letting citizens know of "early bird" special. Council member Walker is supportive of raising rates, but would like to see some scenarios of what different rate structures would yield in revenue. City Administrator will bring back some numbers.

f. Consider Renewal of Mowing Contract with Kansas Land Management for 2010.

City Administrator explained that current contract has expired. Kansas Land Management has agreed to continue the service, without any increase, which means proposed agreement would be at same rate as 2007-2008 rates. Staff can stick with Kansas Land Management, or go out for bids. Consensus of Council is to stick with Kansas Land Management. Yearly cost is about \$62,000. Council member

Walker asked whether we have studied if we can do away with any of the mowings to save money. This has been considered, and Staff has modified some of the scheduling to minimize cost.

Discussion concerning whether City can be liable if mowing Contractor uses undocumented workers to perform City Contract. City Attorney will report back to the Council on this issue.

Motion by Council member Templin to renew mowing contract with Kansas Land Management at last year's rates, Second by Council member McDaniel.

Roll Call:	Cannon	McDaniel
	Drennon	Templin
	Walker	

Motion carries unanimously.

g. Consider Bidding out Painting Services for Aquatic Center.

City Administrator explained that this item was not included in budget due to staff not noticing peeling of paint until after budget preparation. Staff has obtained a couple of quotes. If City waits on painting, it is likely painting would be more costly after the wait. City Administrator brought up idea of financing this item through Electric Utility Fund, to be paid back in next budget year, or next two. The expense could also be financed through the Capital Improvement Fund, which can be carried from year to year. Mayor Anderson suggested waiting until September and then reassess the need and financing. Only concern Staff has is continued deterioration of existing paint. Council member McDaniel brought up that some areas need to be sandblasted, and he would like to see qualifications of bidders and exactly what they plan to do. Staff reported that bidders came out to the pool to look at what needs to be done. Council member Templin believes putting the painting off may affect attendance and create downward spiral of the pool. Council member Drennon hates to put off maintenance, but this is a lot of money. Council member McDaniel is supportive of the painting as long as pool fees are raised. Further discussion about offering a free day at the pool to encourage more attendance.

Jay Garvin will prepare bid specs of exactly what needs to be done, and bring them back to Council within the next month. Council member Templin commented on the great condition of the City's ball fields, and great park programs.

h. Consider Water and Sewer Rate Structure Modifications.

City Engineer gave presentation on water and sewer rate structure issues. Purpose was to determine if Council wants to modify structures to give relief to certain lower income customer groups. Low water users are not necessarily residential, many are commercial (e.g. Intervet). The overall goal of creating new tiers is to preserve increases implemented by Council at last meeting, but allocate collections differently.

Council member Templin indicated the presentation was very good and answered her question. She believes rebate program may be better mechanism to address the issue she was concerned with.

Dave Rhodes of Clearview City addressed Council, indicating that the City reads two meters, and Clearview City maintains its own distribution system. Mr. Rhodes believes rates on Clearview City should be reduced given City has no maintenance, and doesn't have to read all of the meters. Mr. Rhodes believes the City ignores the residents of Clearview City, which is 10% of entire City population.

Council member McDaniel believes everyone in town should pay minimum charge. Water and sewer is a service provided to all residents. No one should get reduced minimum fee. Mayor Anderson believes people should pay for water and sewer, because these services, unlike street maintenance, are user supported and thus, if citizens want these services, they should pay for them.

Council member Templin inquired about rebate program. City Administrator asked what is the intent of rebate program, is it based on income, or is it based on low users. City Administrator suggests qualifying recipients of rebates on an annual basis to make administration manageable. Using the tier approach, if low usage is concern, would be easiest to administer. City Administrator believes current approach is fair and equitable, and no need to change.

Consensus is to retain current rate structure.

6. Executive Session: None.

7. Advisory Reports:

a. City Administrator, Patrick Guilfoyle. No report.

b. City Attorney, Patrick Reavey. No report.

c. City Engineer, Mike Brungardt. No report.

d. City Planner, Linda Bohnsack, shared information about a Planning Seminar hosted by Mid America Regional Council to occur on January 26, 2010. Elected officials, and staff, are invited to attend. Linda is not able to attend due to the City's Planning Commission meeting. Signage committee met, but Linda not able to attend. Linda shared information on the committee's progress and activities, including the Way-finding signs. The new logo is now on City trucks.

e. City Clerk, Lana McPherson, was not present.

8. Council & Mayor Comments:

Mayor shared information about the Mayor's prayer breakfast on Feb. 23rd. The Council is not interested in buying a table but individuals are welcome to attend. The Mayor would like to start economic development activities.

Council member McDaniel would like some information on status of water discussions, improvements, etc. He also questioned the status of \$500,000 grant that City is pursuing through Congressman Moore's office. City Engineer is working on this. Regarding the question about the status of settlement negotiations, the City Attorney and City Engineer indicated the City has done everything to get agreement completed, but are still waiting to hear back from Sunflower Redevelopment.

Council member Cannon asked about tower inspection charges on pay ordinance. City Engineer explained they are related to freezing and what happened. Staff decided bid for thawing was unnecessary as weather will eventually thaw it out. Council member Cannon also asked about

water breaks from the cold weather. City Administrator provided the information. Council member Cannon also asked about deterioration of Waverly after snowfall. City Engineer and Street Superintendent are aware and working on solution.

Motion by Council member Templin to adjourn at 9:10 p.m.; second by Council member Drennon.

All Council approved by "ayes".

Respectfully submitted:

Patrick G. Reavey, City Attorney