

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 23.

PUBLIC HEARING: Amendment to the 2010 Budget for the City of De Soto. Mayor Anderson asked if any members of the public wished to comment. No one appeared and the public hearing was closed.

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 December 2nd, 2010.
 - b. Approve Pay Ordinance No. 655.

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

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 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.”

No one appeared.

3. Old Business:

- a. Consider Replacement of Four Sets of Entry Doors to north side of Community Center. Administrator Guilfoyle said no one else submitted a bid for the doors.

Motion by Councilman Walker to authorize Midwest Glass to replace the doors for a cost of \$13,950.00; second by Templin.

Roll Call:	Cannon	Yes	McDaniel	Yes
	Drennon	Yes	Templin	Yes

Walker Yes

Motion carried.

- b. Consider Honey Creek Disposal's Color Scheme for Curbside Recycling Containers. Administrator Guilfoyle introduce Randy and Kevin Weldon of Honey Creek Disposal. Randy stated he had sent a letter to the Council, which was enclosed in the packet, stating the reason for the color scheme. Council agreed with the color scheme set forth by Honey Creek Disposal. Randy Weldon provided Council with a draft of the new curbside recycling service. Administrator Guilfoyle said the County is cooperating with Honey Creek and the County is purchasing a Ripple Glass container at no charge to the City. It will be approximately one month before the Ripple Glass container will arrive. The City will keep the new recycling container so citizens can come in to City Hall and look at it.

4. New Business:

- a. Consider Amended Fee Resolution Adjusting Rates for R-A rezoning applications and Rental Fees for Baseball Fields. Engineer Brungardt explained the rezoning change in the language regarding the R-A zoning. Administrator Guilfoyle said Jay Garvin had requested a change in the ball field rental fees as the City has not increased the fees in many years. Attorney Reavey also commented on the early bird pool membership fee being removed as fees are remaining the same as last year. Councilwoman Templin commented on the ball field rental fees as being a "huge steal" because the fees are much lower than other fields. Discussion among Council members on the low cost of the ball field rental fees.

Motion by Councilman Drennon to approve Resolution No. 887 Establishing Fees and Rates; second by Walker.

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

Motion carried.

- b. Consider Memo of Understanding between City and De Soto Multi-Service Center. Attorney Reavey stated that the old agreement language has been revised and the City's liability has been reviewed on who has responsibility for various items.

Motion by Councilman Walker to authorize the Mayor to sign the MOU for operation of the Johnson County De Soto Multi-Service Center; second by Cannon.

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

Motion carried.

- c. Appointment of 2 Members to Northwest Consolidated Fire District's Board of Directors. Mayor Anderson stated he would like to appoint Kent Dvorak and Chris Keeter to the Board.

Motion by Councilman Drennon to approve Kent Dvorak and Chris Keeter as appointments to the Fire District Board for the City of De Soto; second by Walker.

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

Motion carried.

- d. Consider Approval of 2010 Budget Amendment. Administrator Guilfoyle said the Transient Guest Tax Fund needs to be amended, and the Sewer Fund needs to be amended.

Motion by Councilman Walker to approve the 2010 Budget Amendment as published; second by Templin.

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

Motion carried.

- e. Consider Resolution Authorizing Mayor to Enter Into an Agreement With Insight Consulting Group for Wireless Internet/Telephone Service. Administrator Guilfoyle said the City was approached several months ago by ICG to provide services to the City. The company would like to utilize the City's downtown water tower and the Waverly tower to locate their equipment. They are offering to pay a 5% contribution of the subscribers' gross regular monthly revenue. The major advantage of having this service in the City will provide high speed wireless and telephone (not cell phone) service to any resident or business that subscribes and De Soto will be a "wireless" community. Attorney Reavey and Councilwoman Templin have been a part of the discussions to reach a proposed agreement.

Administrator Guilfoyle introduced Jordan Smith, the chief of ICG, stated the company is able to provide wireless service to the City's residents and businesses. If the customer base supports it, they would like to open an office in the City. The company would like to provide a business class service that is affordable to residents and businesses. Discussion ensued between Mayor Anderson and Mr. Smith regarding the faster speed of 4000mb as opposed to Time-Warner at 15 mb. Discussion ensued between Council and Attorney Reavey regarding band widths and the agreement requiring ICG to notify the current companies using the monopole. Attorney Reavey and Engineer Brungardt stated that taking down the Waverly Tower is not going to be taken down in the foreseeable five-year future. Administrator Guilfoyle said this service will give citizens an opportunity to have wireless service in the outlying areas and will also provide an option to customers who currently use Time-Warner.

Councilman Walker asked when ICG would be able to offer service to the City. Mr. Smith stated it would be about 2-3 weeks depending on the weather to get the equipment set up on the towers. After an initial week or so of testing, service should be operating in mid-January or early February, 2011. Discussion ensued between Attorney Reavey and Councilman Drennon on the accounting of the user fees. Administrator Guilfoyle said Wi-Fi could be utilized in the City and a business draw for the City.

Motion by Councilman Walker to authorize the Mayor to execute the agreement with ICG for the lease of the water towers; second by McDaniel.

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

Motion carried.

- f. Discuss Public Wholesale Water Supply District. Engineer Brungardt provided a power point presentation detailing the results of an analysis performed to compare the financial impacts of the formation of a Public Wholesale Water Supply District with Baldwin City to a "go-alone" scenario for De Soto. Douglas County RWD#4 is not involved in this analysis, although they have asked to be a part of the inter-local agreement. Discussion ensued between Councilman McDaniel and Engineer Brungardt regarding any future cities joining in the wholesale district. Council members received a copy of the tables and exhibits used by Engineer Brungardt in the presentation. A discussion ensued between Engineer Brungardt, the Council, Mayor Anderson and Attorney Reavey regarding the financials and the property belonging to the City. Discussion on the \$500,000 that is currently being used in the first phase. Mayor Anderson asked about the easements that would have to be purchased as well as the administration. Council discussion with Engineer Brungardt.
- g. Discuss Proposed Entryway Signage. Administrator Guilfoyle discussed the plan that was previously presented and the unique features that were incorporated. The LED lighting was so unique that it was very difficult to find contractors willing to attempt the design. Doug Pickert went back to the drawing board to reduce the costs, but not eliminate the uniqueness of a sign that would point to De Soto. In the latest plan, Mr. Pickert has created a unique sign that is more affordable. Engineer Brungardt provided a power point of the proposed sign and explained the design fabrication of the elements of the sign.

Councilman McDaniel asked about the wind impact on the sign. Engineer Brungardt stated a structural engineer would be consulted regarding the wind integrity. Questions were asked about the maintenance of the glass blocks and panels. Discussion regarding the mowing area around the sign. Council would like to hear from Mr. Pickert at the next meeting regarding the questions and concerns that were brought up this evening.

5. Executive Session: N/A

6. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, stated Time Warner has notified the City that effective January 1, 2011 customers will see an increase in most of the levels of cable services. The City has no oversight on these increases, as they are approved by the State.

Ripple Glass will bring out a glass recycling container in about a month.

He further stated the Water Fund is going to be in the black this year. He sees no need to pursue a water rate increase for 2011 as contemplated when the 2011 budget was developed.

Staff is recommending modifying the pool hours for the next season. The primary reason for doing that is to make swimming classes and lessons more advantageous to citizens. It will also, however, reduce the number of hours the pool will be open to the public. Council member Templin said she agrees with the change; Councilman Drennon said he has a different opinion in that it is open fewer hours after family dinner time. Discussion among Council and Administrator Guilfoyle on the requests from citizens to offer more classes in the evening hours. Councilman McDaniel said the pool memberships are going down and that distresses him. Discussion ensued with the audience regarding the pool hours.

Mayor Anderson asked Council for direction. Council requested more information from the

Aquatics manager. Council stated there has to be some way to sell passes at the pool on the weekend. Administrator Guilfoyle said if there was a way to do that, then the other larger cities around us would probably be doing that. Council requested that City Hall be open on the weekend of the pool opening to sell pool passes.

Councilman McDaniel said he would like to see the pool open in the morning so the senior citizens can swim before all the teens get in and get rowdy. He would like to see this happen. Discussion between Administrator Guilfoyle and Council regarding more program options for the senior citizens to come in and swim without all the teenagers in the pool.

He wished everyone a Merry Christmas and a Happy New Year!

- b. City Attorney, Patrick Reavey, had no report.
- c. City Engineer, Mike Brungardt, provided a staff report update in the packets on the 36" water line update. He also provided information on Westar's electrical line to Sunflower.

Motion by Councilman Walker to authorize the City Administrator to sign a purchase order from Westar in the amount of \$72,000 for electrical line installation to the Water Plant; second by McDaniel.

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

Motion carried.

- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk. Lana McPherson, said at the employee lunch last week, Administrator Guilfoyle provided a "medal" to each employee for their work efforts and it was much appreciated.

7. Council & Mayor Comments:

Mayor Anderson said Fire Chief Zahner would like to start a new fire inspection program in the City. Mayor Anderson said he advised Chief Zahner that the City has a Building Official that must be contacted if a concern is found. Discussion by Administrator Guilfoyle that this is "pre-fire" planning. Chief Zahner will be coming before the Council sometime in January, 2011, to talk with Council.

The sales tax ballot will be conducted on February 1, 2011.

Councilwoman Cannon had no comments.

Councilman McDaniel commented on the rental inspection program. He said an inspection of a house should be done when someone comes into City Hall to have the water turned on in their name. No water should be turned on until the house has been inspected. Councilwoman Templin said the landlord can contact the City when a tenant moves out. Discussion ensued between Mayor and Council members. Councilman McDaniel said his main concern is the people that are renting the property and they should be protected by ensuring the electrical and plumbing are inspected. Administrator Guilfoyle said the inspection program does not address the items that are outlined in the Uniform Building Code. Discussion. Councilman McDaniel said the residence should be inspected every time someone moves out, even if it has only been a month or two, because if someone moves out in a short time, there is a

reason they moved out and the residence should be inspected again when the water changes.

Council members Templin, Drennon and Walker had no further comments.

Motion by Councilman Drennon to adjourn at 9:05 p.m.; second by Cannon.

All Council approved by "ayes".

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk