

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
January 2nd, 2008, at 7:00 P.M.

MINUTES

The Meeting was called to order with Roll Call by Mayor Pro-tem Maniez as Mayor Anderson is out of town.

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

Mayor Maniez led the Pledge of Allegiance. Citizens signed the book on page 108.

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 20th, 2007.
 - b. Approve Pay Ordinance No. 584.

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

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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."

Darrel Zimmerman, 34055 W. 86th Terrace, read his comments to the Council regarding the local contractors being used for the Riverfront Park construction. He said he has given considerable thought to the reasons why local contractors have donated their time, labor and equipment for the construction of the boat ramp, and he feels all of their reasons are most honorable and they were not expecting to be reimbursed. Mr. Zimmerman said he does feel that the local contract awarded to Duncan is not fair compensation. He expressed his opinion that the contract amount is not fiscally responsible, and may tend toward setting a precedent for future work.

3. Chamber / EDC Report: Sara Ritter, Executive Director, no report.

4. Old Business:

- a. Consider Options for Levying Special Assessments for Traffic Signals at Lexington and Commerce Drive (TABLED). Attorney Patrick Reavey stated the revised documents have not been prepared, and he will have those ready for the next meeting. Administrator Guilfoyle discussed his conversation with Dr. Zoellner

regarding the use of the basketball court facilities.

5. New Business:

- a. Presentation of Ad Hoc Committee's (composed of Fire District #3 Board and City Council representatives) Summary on Unification of Fire District #3 and City's Fire Dept. Administrator Guilfoyle stated the committee was composed of the Fire District #3 Board, Council members Tim Maniez and Betty Cannon, and the City's and #3's Fire Chiefs. Administrator Guilfoyle provided a power point presentation of the finances for a new unified fire district. He provided a five-year model of the revenues and appropriations for the Council's review. Administrator Guilfoyle further discussed the conclusions derived from the unification model and the cash balance of each entity being a big factor in the model. With new capital projects, property taxes will NOT go up AS HIGH after unification, the true benefit to tax payers. Unification is a "no brainer" to meet future capital needs for De Soto and District #3 at the lowest cost to tax payers. Neither District #3 nor De Soto can meet its service obligations without new capital projects. The District #3 Board is open next Tuesday to meet with the Council representatives and the ad hoc committee.

Councilman Maniez said he feels a month is very optimistic in reaching an agreement for organizing a new board. Discussion between Councilwoman Templin and Administrator Guilfoyle that the Legislature is controlling the time frame parameters. Discussion by Attorney Reavey regarding the fire district legislation in Johnson County which will allow the Johnson County Commissioners to delegate some of their appointments for the district board. The City would have two appointments on the new unified board. These parameters would need to be addressed in an inter-local agreement.

Continued discussion between Staff and Council members on the make up of the new unified board members and a potential candidate list for the new board. Councilwoman Templin and Attorney Reavey discussed why the name of the new board is going to remain Johnson County Rural District #3. Councilwoman Templin said she thought the reason for unification was for the rural county name and authority to be changed to a new district, and not to the County. Attorney Reavey said there are statutes governing county fire districts and appointments to the new board. The City would have a say in who would be on the new unified board.

Councilwoman Templin said she feels we are going to run into problems because there is still the implication that this new district is a "county" district; and it must be an "independent" district for everyone to be on board and in agreement with all parties represented. She said she doesn't want to shoot ourselves in the foot because we are hurrying to meet a legislative deadline. Discussion by Councilman Morse that he would like to see a consolidated district without Johnson County controlling the district. Councilwoman Templin said she feels there is more involved here with them not wanting to change the name and wanting the City to give up our name in the new district. Continued discussion by Attorney Reavey on the statutes.

Councilman Maniez said if the County Commissioners can give up their rights to delegate, then why can't the City absorb the rural district. Councilwoman Templin and Attorney Reavey discussed the option of the City taking over the district rather than the district taking over the City. The new board would have equal representation from both the county and the city. Council discussion continued with Attorney Reavey. Councilman Maniez said he hates to see the City lose its' identity and if we are going to share, then we need to share a name equally and De Soto should be included in the name. Councilman Maniez said De Soto is giving up

everything to the County and that is just not acceptable. He asked when did this take over come into play as it has always been his understanding this was a consolidation of both fire departments and not a back door takeover by the County. If that's the case, then this is the same circumstances that have prevented the consolidation for the past 10 years. The County wants to control it all.

Councilwoman Templin said she doesn't want this new board to fall under the County's jurisdiction and the City lose its' identity. Attorney Reavey said there are issues that will need to be addressed in the inter-local agreement so that there is not leverage by the County over the City. Councilwoman Templin said it is a nationwide rationale that county fire districts go away and are incorporated into cities, so why is there a statute that states the City has to lose its name and identity. What is the reason why the Rural District #3 has to maintain their name? Councilwoman Templin asked Attorney Reavey to find out.

Councilman Maniez said this whole plan is for the rural district to take over the City so this is not a consolidation; it's a take over of the City's fire department. The City is giving up its fire department to the County and may, hopefully, have two members representing the City on the new board. Continued discussion ensued between Councilwoman Templin, Attorney Reavey and Administrator Guilfoyle. Councilman Maniez said he is concerned if this is going to be controlled by rural, then we are giving up our fire department on the promise of an inter-local agreement and an agreement can be interpreted by different attorneys and viewed in a totally different way. Even with an agreement, it is still the rural fire district. Councilwoman Templin agreed and said she thought we were doing something different and independent, and this wasn't going to be falling under a county statute. Now, it's the reverse.

Attorney Reavey said the district has made it very clear that they are not interested in coming in under the City. The proposed manner is the only way the county is going to work with this. Council discussion with Attorney Reavey. The Council will meet with the Fire District board next Tuesday, January 8th, at 6:30 p.m. Councilman Drennon said he thought "consolidation" meant a whole new entity. Councilman Maniez said after years of trying to negotiate, it always comes back to the county wanting control and the City losing its identity. Attorney Reavey said the City should have supervision with an inter-local agreement. Discussion by Councilwoman Templin that joining departments is a good idea, but there are concerns that must be addressed so that there is equal representation for the City.

Mayor Pro-Tem Maniez called a five-minute recess at 8:30 p.m.

Mayor Pro-Tem Maniez reconvened the Council at 8:39 p.m.

- b. Consider Recommendations Regarding City Council Economic Development Goals/Objectives. Administrator Guilfoyle reviewed the "short list" of the items that received a majority of votes from the City Council. Discussion by Councilwoman Templin with Administrator Guilfoyle. He provided a power point presentation of the top five "vote-getters" and a plan to proceed with brainstorming sessions with the EDC. Discussion between Councilman Maniez and Administrator Guilfoyle on how he arrived at the top "5" instead of the top "8". Councilwoman Templin said there were votes given to some items that were not considered in this top "8". She asked that numbers 6, 7 and 8 be included and the top four of the total 8 be voted on.

Discussion by Councilman Drennon that he didn't vote on the Downtown revitalization because it is already included in the CIP. Continued discussion by Councilwoman Templin on the studies already being done by the County on the 95th Street corridor and the City is going to be lagging behind on this intersection. City

Administrator said he would like Council's input on the items to work on foremost. Discussion by Councilman Morse that items 1, 2 and 3 should be worked on. Councilwoman Templin said her concern is that items 6, 7 and 8 are going to get lost. Councilman Maniez agreed that they should be left on the list and all options be open and not shorted off the list. Councilwoman Templin said she would like to remove the vote count from the lists. Discussion between Administrator Guilfoyle and Council members. Councilman Maniez said time and effort was taken to create the industrial park at Commerce, and now the developer has thrown the price way up and no one is interested. The City paid for all the infrastructure for Commerce Park and now it's just sitting out there because the developer wants too much money for the land. Administrator Guilfoyle will work on the proposed items and bring Council another report.

6. Executive Session: n/a

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, had no report.
- b. City Attorney, Patrick Reavey, said he sent Council information regarding the Overland Park annexation legislation.
- c. City Engineer, Mike Brungardt, no report.
- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, had no report.

8. Council & Mayor Comments:

Councilwoman Cannon had no comments.

Councilman Morse had no comments.

Councilman Drennon said he may be out of town on the 17th.

Councilwoman Templin had no comments.

Councilman Maniez said the City crews have always done an excellent job on snow removal, until this last storm. He asked what has happened to having the other departments help out with snow removal because there are only five guys in the Street Department to handle the entire City. Councilman Maniez said it used to be that the Water Department employees were required to have CDL's and they were required to help snow plow when needed. Now, he understands they don't have to help and there are only five guys in the street department to handle the snow.

Administrator Guilfoyle said the last storm was not handled as well, and he and Ron Creason have discussed this. Ron has reached out to the Fire Department employees to assist in plowing snow. Councilman Maniez said that's good, but, it needs to go one step further. The Fire Department employees need to be trained in actual snow removal because not everyone can jump in a plow and do snow removal. Administrator Guilfoyle stated Ron Creason is working with those employees to get them trained.

Councilman Maniez and Councilwoman Templin stated they want to ensure the new trash containers are green. Administrator Guilfoyle said the new contract goes into effect on February 1st. He has talked with Randy Weldon about the containers.

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

All Council approved by “ayes”.

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk