

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
January 5th, 2006 at 7:00 P.M.

MINUTES

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

Roll Call:	Cannon	Present	Templin	Present
	Maniez	Present	Zindler	Present
	Morse	Present		

Citizens signed the book on page 55.

Mayor Anderson led the Pledge of Allegiance.

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 15th, 2005
 - b. Approve Pay Ordinance No. 536.
 - c. Approve Agreement Not to Protest a Benefit District for De Soto Self Storage, LLC.
 - d. Approve Cereal Malt Beverage License Application for Wally's Café.

Motion by Councilman Maniez to amend the Agenda to include Item 4.b to approve the contract for a new City Administrator; second by Cannon.

All Council approved by 'ayes".

Motion by Councilwoman Templin to remove Item 1 c. from the Consent Agenda; second by Cannon.

All Council approved by "ayes".

Motion by Councilwoman Zindler to approve the Consent Agenda items 1. a, b, and d; second by Templin.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	Yes
	Morse	Yes		

Motion carried.

1. d. Approve Item 1 c. of the Consent Agenda. Discussion by Council.

Motion to approve Consent Agenda Item 1 c; second by Cannon.

Roll Call:	Cannon	Yes	Templin	Abstain
	Maniez	Yes	Zindler	Yes
	Morse	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."

Jackie Johnson, 8230 Delaware, Class of 2006 After-Prom chairman, requested the continued support of the City for a funding donation. The after-prom event will be held at the DSHS. Discussion by the City Council. Council will discuss the amount and advise Mrs. Johnson at a later date of the amount the City will contribute.

Max Atwell, 8475 Kill Creek Road, on behalf of the De Soto Rotary and the paper recycle dumpster, stated the Rotary is looking for a new place to locate the dumpster. He is requesting a City-owned location north of the tennis courts at Miller Park. Also, Dustin Baker has offered an alternate location on business property, but gravel would need to be brought in. Discussion by Council and Michael Webb, Interim City Administrator. Mr. Webb stated Mr. Weldon has discussed with him a relocation of the City's recycle bin. There is a problem with people placing trash in the recycle bins. Mr. Weldon believes a more supervised location might eliminate the trash dumping. Discussion by Mayor and Council. Discussion by Councilman Morse on placing the recycling bin on Morse's Market parking lot. Council members thanked Councilman Morse for his willingness to place the both bins on his store's parking lot. Council requested temporary signage be placed at the former location directing citizens to the new site.

3. Chamber / EDC Report: Sara Ritter, Executive Director, said the annual Chamber dinner is Saturday, January 21st. Mike Drennan is the Chamber president and Bill Severns is the chairman of the EDC Board for 2006. Ms. Ritter will be requesting funding from the City's Transient Guest Tax fund and will have that request in the Council packets next meeting.

Ms. Ritter stated in the new reports, De Soto now has just under 2,000 households and 81% of those are families. About 70% of residents are homeowners. The average sale price of homes is \$165,000. The average monthly rent in De Soto is \$661 per month. The zip code population for De Soto is 5,479 and the median age is 35.3 years. Council discussion.

Mayor Anderson thanked Max Atwell for his dedicated service to the "Catch a Ride" program.

4. Old Business:

- a. Consider award of Bid for De Soto Wastewater System Improvements to Walters-Morgan Construction, Inc. City Engineer Mike Brungardt stated the value engineering process and a review of the bond transcripts have resulted in a project budget that are equal to the project funding. He reviewed the staff report provided to Council dated December 30, 2005, and outlined the project savings that were derived from the process. Discussion by Michael Webb on the bond sale and net proceeds for this bond project. The total project expense is \$8,656,656.79. The rate analysis provided by Shafer, Kline & Warren was discussed by Michael Webb. Further discussion of the "Notice of Award" by Engineer Brungardt.

Motion by Councilman Morse to authorize the Mayor to sign the "Notice of Award" to Walters-Morgan Construction for the De Soto Wastewater System improvements attached as "Exhibit C" and to authorize the City Administrator to transfer \$100,000 from the sewer fund, and \$60,500 from the system development fund into the project account for the sewer plant construction; second by

Cannon.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	Yes
	Morse	Yes		

Motion carried.

- b. Approve the contract for Patrick Guilfoyle as the new City Administrator. Discussion by Council. The contract salary is \$86,200.00 per year and his start date is March 6th, 2006.

Motion by Councilman Morse to approve the contract for Patrick Guilfoyle; second by Cannon.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	Yes
	Morse	Yes		

Motion carried.

5. New Business:

- a. Consider amending contract with Vanum Construction for the addition of family and tot slides to the aquatic center project. City Engineer Mike Brungardt reviewed the staff report to the Council dated December 28th, 2005. Engineer Brungardt discussed the change orders, as well as the contingency fund amount remaining, which will allow for the funding of the requested slides. Discussion by Councilman Maniez on the bath house.

Motion by Councilwoman Templin to authorize the additional \$53,019 in funding for the Family Aquatic Center project, to be taken from contingency allocations, for the construction of the family and tot slide elements; second by Zindler.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	Yes
	Morse	Yes		

Motion carried.

Councilwoman Templin recused herself from the discussion of Item 5.b. and left the Council Chamber at 7:42 p.m.

- b. Consider a petition and ordinance for the creation of a benefit district for construction of Golden Lane. Discussion by Administrator Webb regarding the construction of Golden Lane between Lexington Avenue and Valley View. He reviewed the history of this request as detailed in the staff memo directed to Council dated January 5, 2006. Mr. Gary Anderson, Gilmore & Bell, discussed the parameters the Council can take at this time regarding the petition. Discussion by Council and staff regarding the construction of Golden Lane. Councilman Maniez asked how the 33% figure was arrived at since the past history of the City's paying amount has been 25%. Discussion by Council and staff.

Dustin Baker, 11065 Kill Creek Road, representing FCB Bank on this project, stated the main issues he would like to discuss are 1) on the building of the road, FCB would like to set a completion time date; and 2) the 33% figure was arrived at from discussions with many people that this street should have been completed a long time ago. As a property owner and a future bank, they feel a 33/33/33 split is a good scenario for all parties involved, and the completion of the street will benefit all parties.

Discussion by City Attorney Reavey and Engineer Brungardt on the bidding out process being handled by the Petitioner. Discussion by Administrator Michael Webb and Mr. Gary Anderson regarding the timing and party(ies) responsible for the completion date.

Mr. Baker said FCB has been in discussions with the property owner on the other side of the street. Mr. Anderson discussed the “deferrals” of the assessments for this particular property owner and the designation of this particular piece of property and its current use. Discussion by Mayor and Council concerning the property owner who doesn’t want to pay the 33% share to construct the road. Council requested the name of this property owner. Attorney Reavey responded that his name is Mr. Monty Bowers. Discussion by Councilman Morse and Councilman Maniez regarding the cost share. Mayor Anderson and Councilman Maniez discussed how the 33% calculation was arrived at. Councilman Maniez stated there should be a City policy in place so that each project is arrived at in a fair manner for the City’s portion of payment, not at the request of each developer. Discussion by Council and staff with Mr. Gary Anderson regarding funding and bonds.

Motion by Councilwoman Zindler to adopt Resolution No. 733 accepting the petition by First Community Bank; second by Cannon.

Roll Call:	Cannon	Yes	Templin	Recused
	Maniez	No	Zindler	Yes
	Morse	Yes		

Motion carried.

Motion by Councilwoman Zindler to approve a credit to FCB’s excise tax obligation not to exceed FCB’s share of construction costs of Golden Lane, which credit is subject to Golden Lane being designated as a “collector street” in the City’s Comprehensive Plan and Major Thoroughfare Map; second by Cannon.

Roll Call:	Cannon	Yes	Templin	Recused
	Maniez	No	Zindler	Yes
	Morse	Yes		

Motion carried.

Discussion by Mr. Gary Anderson regarding the Council’s interest in talking with Mr. Bowers regarding the construction of Golden Lane. Council agreed that Mr. Bowers should contact the City regarding this project. Discussion by Council and staff regarding the funding of this project.

Councilwoman Templin was recalled to Council Chambers at 8:15 p.m.

- c. Consider an Ordinance Amending Chapter XII of the City Code to Include New Article 4 Regulating Use and Excavation of the Public Right-of-Way. City Attorney Reavey discussed his memo to Council dated December 30, 2005, regarding the franchise agreements with telecommunications companies. The City needs oversight in the use of City rights-of-way by the telecommunications companies. Mr. Reavey has met with Steve Chick, the City’s Building Official, regarding the concerns of these regulations. Attorney Reavey will provide recommendations to the Council for the next meeting. The City does need to have control over the right-of-way and strong leverage over anyone working in the City’s rights-of-way to ensure that the right-of-way is returned to its’ original condition after the work is completed. City Administrator Webb stated the cable industry

is always looking for ways to avoid the regulations and all cities need to establish a right-of-way agreement to be executed by each company and the City. Council discussion.

Motion by Councilman Maniez to table items 5. c and d to the next meeting; second by Templin.

All Council approved by "ayes".

Motion carried.

- d. Consider an Ordinance Establishing Fee for Right-of-Way Permits. TABLED.
- e. Consider additional position in 2006 for an Aquatics and Recreation Manager. Administrator Webb reviewed the previous comments of Council regarding creating this new position and the parameters of the position. He discussed his comments referenced in the staff report directed to Council dated January 5, 2006. The job description was this new position was reviewed by Administrator Webb. The position requires a bachelor degree in parks and recreation management or a related field. This position was not budgeted as a full-time position for 2006 and, if the position is approved, could result in a budget amendment for 2006. Council discussion.

Councilwoman Cannon said a person was needed and this is a start. Councilman Maniez agreed and asked if this person would be required to have a certification. Discussion by Administrator Webb on the position requiring certification by the American Red Cross in CPR, as well as certification by AFO and/or NSPI being preferred. Councilwoman Zindler said she agrees and would like to see this position employ someone who has some marketing or advertising experience, as well. Council discussion. Discussion by Councilman Morse on what this position's main job would be. Administrator Webb said there is a lot that must happen before the aquatic center opens and Jay Garvin will most likely have to do much of this the first year of the center's operation.

Motion by Councilwoman Templin to approve an additional position in the 2006 Parks & Recreation budget for an Aquatics and Recreation Manager; second by Zindler.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	Yes
	Morse	Yes		

Motion carried.

- f. Consider acquisition of lime feeder equipment for the water treatment facility. City Engineer Brungardt stated Clarence Brunk, Water Superintendent, has been investigating better methods for processing lime at the Sunflower water treatment plant. Engineer Brungardt reviewed the staff report dated December 30th, 2005, directed to Council, including the memo from Mr. Brunk regarding a lime feed system. This process is more cost effective and would also reduce the manpower loading and unloading the trucks and mixing the product. Discussion by Councilman Morse on the location of the equipment. Engineer Brungardt stated Mr. Brunk has toured a couple of locations. Discussion by Mr. Reavey.

Motion by Councilwoman Templin to approve the purchase of the lime feed equipment at a cost not to exceed \$33,000; second by Cannon.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	Yes
	Morse	Yes		

Motion carried.

Mayor Anderson called a five-minute recess at 8:45 p.m.
Mayor Anderson reconvened the Council at 8:50 p.m.

6. Advisory Reports:

- a. City Administrator, Michael Webb, stated the Park Board has been working on the Park Master Plan. The Board will be meeting with BWR next week and discussing the final draft for recommendation to the Council.

The Aquatic Center marketing plan was kicked off today and some good ideas were discussed.

Administrator Webb provided Council with a report from Steve Chick, Building Official, regarding the statistics on permits and fees, as well as excise tax collected. He stated Mr. Chick is doing a great job and is revising many of the forms.

Administrator Webb discussed the sales tax funds that are being returned to the City from the state and county; and, he would like the Council to discuss how to use those funds. Mr. Webb said there are City funds in short-term CD's and the investment rates currently aren't that good. He suggests the Council look at an investment policy for future investing of funds as there are better returns in the market place. Discussion by Council.

The audio/visual system is being investigated. The file server will be installed on January 18th. The new monitors have been installed in the City Clerk's department. Further discussion is warranted on the laptops for the Council members, and the desire to move toward a paperless packet in future. Discussion by Councilman Maniez that the laptops were first discussed months ago as a process to working toward a paperless packet.

Discussion by Mayor Anderson and the direction of going to a paperless packet. Council discussion with Administrator Webb regarding the audio visual equipment that will be installed. Discussion regarding the requirements for a paperless packet. Council discussed the concept of a paperless packet. Council further discussed the purchase of laptop computers for Council members, and Mayor Anderson agreed with Councilman Maniez that the purchase of the Council laptops had been approved. Mayor Anderson asked Councilwoman Templin and Councilman Maniez to work with Mr. Webb regarding purchasing the laptop computers and the goal toward a paperless packet.

- b. City Attorney, Patrick Reavey, said the City was served with a foreclosure lawsuit against the KFC/Taco Bell restaurant. The bids on the 8380 property have been sent out. The low bid will be accepted.
- c. City Engineer, Mike Brungardt, stated the contract for the design of the traffic signals at 91st and Lexington will be ready for the next Council meeting. Council and staff discussed funding and the Kansas revolving fund as a funding source. Engineer Brungardt said KDOT has indicated they will allow a signal at this location. The rezoning for the First Community Bank site will be coming forth at the next meeting. Engineer Brungardt has met with a representative from Lumber One, and he is requesting annexation into the City. This request will be forthcoming.
- d. City Clerk, Lana McPherson, thanked the Council for the new flat screen monitors in her department. She said her staff is most appreciative of the new technology.

7. Council & Mayor Comments:

Councilman Morse had no comments.

Councilwoman Cannon asked if any funding has been found for the boat ramp project. Council discussion. Councilwoman Templin said she contacted several De Soto residents and was able to raise \$400 and she is challenging the Council to match those donations. Mayor Anderson accepted the challenge.

Councilwoman Templin asked about the striping on the "we" and Engineer Brungardt said that will be taken care of on Friday. She also asked about the curbing being marked at Lexington and Commerce by McDonald's. Engineer Brungardt said markers had been installed; however, they will also do reflective paint on the curbing.

Councilman Maniez asked about the Mayor's meeting with the property owner of the old gas station. Mayor Anderson responded that it wasn't a successful meeting.

Mayor Anderson said he and Attorney Reavey met with the Rural Fire District and discussed the next step. There is a Council workshop scheduled for February 16th, 2006, at 5:30 p.m. with the representatives of the Rural Fire District. Mayor Anderson stated there was a good rapport between the two department chiefs in the handling of the grain elevator fire. He said there was excellent support from the surrounding cities' fire departments and he is going to send a letter to those departments thanking them for their support of our Fire Department.

Mayor Anderson stated he met with the City's Transportation Committee chaired by Diana Zwahlen. They have contacted Johnson County Transit and want to work with them and Mr. Goodcents on the "Mr. Goodride" program. The goal is to provide transportation access to all City residents. Councilwoman Cannon will represent the Council on this committee.

Councilwoman Zindler had no comments.

8. Executive Session: None.

Motion by Councilman Morse to adjourn at 9:38 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk