

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
October 18th, 2007, 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	Present	Morse	Present
	Templin	Present		

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 103.

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 October 9th, 2007.
 - b. Approve Pay Ordinance No. 579.

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

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."

Cass Ferrel, 8380 Osage, said she has never been to a Council meeting. She said she walks in Miller Park every day. She said she watches kids tearing up the park and said bags of trash and empty cans and bottles are scattered all over the park every day. Ms. Ferrel said she has seen some of the young people doing these things. Mayor Anderson asked her how many times she has seen a Sheriff's patrol at the park. She said only twice during the past several months. She said she sees most of the vandalism occurring in the early morning and late in the evenings. Administrator Guilfoyle said he will contact the Sheriff's Department and follow up on the concerns. Comments by Attorney Reavey that the Sheriff's Office is very concerned about vandalism to the park and will take action if they are aware of it.

3. Chamber / EDC Report: Executive Director Sara Ritter, thanked the City Staff and Sesquicentennial Committee for their help and support on the Kookin' on the Kaw BBQ.
4. Old Business:
 - a. Consider Resolution Authorizing Tax Abatement for Airtex Building. TABLED

- b. Consider Resolution Authorizing Sale of General Obligation Temporary Notes. Administrator Guilfoyle said the note sale was today and it was good news with positive results. He introduced Kelsey Powell, who said this resolution will authorize the sale of Temporary Notes in the amount of \$705,000. There were four bidders and the winning bidder was UMB Bank, with 3.58%. The Notes are scheduled to close on November 8th. Funds will then be available to start on the Riverfront Park project.

Motion by Councilwoman Templin to approve Resolution No. 803 authorizing sale of General Obligation Temporary Notes, Series 2007-2; second by Cannon.

Roll Call:	Cannon	Yes	Maniez	No
	Drennon	Yes	Morse	No
	Templin	Yes		

Motion carried.

5. New Business:

- a. Consider Overview of Proposed Refuse Service (Effective February, 2008) Offered by Weldon Enterprises. Administrator Guilfoyle said the current contract will terminate at the end of January, 2008. Per the Council's direction, Administrator Guilfoyle has talked with Kevin Weldon. Kevin Weldon provided a handout and power point presentation for the Council's review. Mr. Weldon said they are working toward an automated collection, with a 95-gallon container provided at each single family dwelling. He said there is currently a lot of loose trash and bags. The trash carts will provide uniformity and more cleanliness on trash days. The carts also reduce the potential for animals getting into them. A 95-gallon container should be sufficient for a family. An additional container is \$3.00 per month extra. Mr. Weldon said the intent is to keep all the trash inside the container and not outside on the curbs. He further discussed some recycling options at the curbside location and a drop-off recycling bin, as well as the monthly bulk waste pick-up.

Administrator Guilfoyle said the \$2.25 extra for the 95-gallon cart per month. Discussion that Weldon is willing to provide the same service at the same basic cost for a five-year contract. Discussion by Council members with Mr. Weldon. Further comments by Administrator Guilfoyle on the recycling costs in other communities. Mr. Weldon discussed the costs for recycling in other cities around De Soto.

Mayor Anderson polled the Council. Councilwoman Cannon said she feels Weldon has done a wonderful job in the City and she would like to see them continue for the next five years. Councilman Morse said he agreed, and would like to see Option 2 and use the container. Councilman Maniez said he prefers the cart program and he would like to further investigate a senior citizen discount. Councilwoman Templin said she likes Option 2, as well. She said she would like to revisit the curbside recycling program in future. Discussion by Mr. Weldon. Councilwoman Templin said she uses the drop-off recycling. Councilman Drennon said Weldon has done a good job and would like to see them continue. He likes Option B; however, he said at holidays and special occasions, what if there is extra trash that won't fit into the 95-gallon container. Discussion by Councilman Maniez and Mr. Weldon on what to do during holidays when there is extra trash. Councilman Morse asked who would pay for a trash container if he backed over it or damaged it. Discussion by Attorney Reavey and Mr. Weldon regarding the discount for senior citizens. Administrator Guilfoyle said the people in this community are well-served by Weldon at a reasonable cost for the services provided.

- b. Consider the Final Plat for Estates of Snowy Acres, 15 acres on the west side of Corliss Road between 84th Terrace and 86th Street. Engineer Brungardt said this plat was approved by Planning Commission on September 25th, and there are two separate owners of the property in this final plat. Attorney Reavey discussed the Agreement Not to Protest Benefit District for Snowy Acres. This is a standard benefit district agreement that will be filed with the Department of Records and Tax Administration at Johnson County. Mr. Hollingsworth and the Jarboe's have executed the agreement.

Councilman Maniez asked about the drainage on this property and how will the drainage and runoff be handled, and if septic systems can be supported in the development. Engineer Brungardt said there are two separate drainage easements and detention facilities for this site. The septic system concerns were looked at very closely prior to this plat coming to the Planning Commission. The City's Building Official has dug test holes and the site drainage was studied carefully during the Preliminary Platting process. Engineer Brungardt and Councilman Maniez reviewed the drainage map for the area that was approved by the Planning Commission. Comments by Councilwoman Templin.

(After discussion, the Agreement was voted on prior to the Final Plat)

- (1) Consider Agreement Not to Protest Benefit District for Snowy Acres.

Motion by Councilman Drennon to authorize the Mayor to enter into the Agreement Not to Protest Benefit District for Snowy Acres; second by Templin.

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

Motion carried.

Motion by Councilman Drennon to approve the Final Plat for Snowy Acres; second by Templin.

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

Motion carried.

- c. Consider resolution of support for a grant application to KDOT for use of Transportation Enhancement funds for the downtown streetscape project. Engineer Brungardt said this is the resolution that was discussed at the last Council meeting. Attorney Reavey stated this resolution is referencing the grant program for the streetscape

Motion by Councilwoman Templin to approve Resolution No. 804 and authorize staff to make changes from De Soto Riverfront Park project to the Downtown Streetscape project; second by Maniez.

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

Motion carried.

- d. Consider change order #1 for the Cherokee Woods Benefit District Project and authorization to issue building permits prior to final completion of public improvements. Engineer Brungardt discussed the comments in the staff memo directed to Council and stated that a permit from the Corps of Engineers will be needed to construct the detention facility. This permit is being held up indefinitely at the federal level. The change order moves the date for the detention pond construction back to May 1st, 2008. Another change order item has to do with the removal of some asphalt on a water connection and the installation of handicap access ramps. All of this constitutes change orders. The costs are covered in the benefit district and at no additional cost to the City.

Additionally, the Thompson's have asked the City to issue building permits prior to the completion of the detention facility in the Spring of 2008. Discussion by Councilman Maniez if approval isn't given on the detention facility by the Corps of Engineers and the adjoining property owner won't allow the runoff onto his property. Engineer Brungardt said one option is to go to another stormwater management plan. If the Corps of Engineers denies the detention pond, further building permits would be withheld by the City until the developer constructs the detention facility. Discussion by Engineer Brungardt and Attorney Reavey on the issuance of the building permits.

Primrose should be open sometime in December, after the waterline is in.

Motion by Councilman Drennon to approve Change Order #1 to D.F. Freeman for the Cherokee Woods project in the amount of \$9,245.66, and to authorize the Building Inspector to issue building permits for the subdivision prior to the completion of the stormwater detention facility, but after the completion and acceptance of the on-site infrastructure; second by Morse.

Discussion by Councilman Maniez on any conditions on the number of building permits to be issued prior to the completion of the detention facility. Discussion.

Councilman Drennon amended the afore-stated motion to allow building permits to be issued until the May 1st, 2008, completion date; second by Morse.

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

Motion carried.

Councilman Morse asked how the Corps of Engineers came to be involved in this. Engineer Brungardt said they are involved because of the Clean Water Act and the discharge of fill or dredging material within the nation's waterways. In 2005, the Corps was sued for exerting jurisdiction where they shouldn't have. The Supreme Court decision was a split decision and the EPA and Corps of Engineers issued a joint policy memo to try to clear up the definitions.

- e. Consider authorization of funding for traffic counts in connection with a Kansas University case study. Engineer Brungardt said he was approached by a professor at the University of Kansas for the City to serve as a case study for a graduate-level traffic engineering class to develop a traffic model for existing and future conditions using an industry standard software package. Engineer Brungardt discussed the scope and the fee associated with this class project and the benefit to the City for a basis of the City's Transportation Master Plan. Discussion by Councilman Maniez

on the results being useful in 2010. Engineer Brungardt said the counts will be good, and will be developed by future land use plans.

Motion by Councilman Maniez to authorize the allocation of \$6,674 from the Community Development Department budget for the initial date collection services from HNTB for the transportation master plan; second by Cannon.

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

Motion carried.

- f. Consider Authorization to Purchase Water Meters. Administrator Guilfoyle said in an continuing effort to minimize water losses, there are four water meters at the well heads that were installed by the Army back in the 1970's. These meters are not recording accurately. The total cost is approximately \$11,000. Discussion.

Motion by Councilman Morse to authorize Administrator Guilfoyle to purchase water meters in an amount not to exceed \$11,000; second by Cannon.

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

Motion carried.

6. Executive Session: N/A

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, provided Council with a copy of a letter from the Johnson County Park Board's recommendation to the County Commissioners to award De Soto the \$57,000 for the Riverfront Park project.

Administrator Guilfoyle, Councilman Maniez and Councilwoman Cannon met with the Fire District No. 3 board this week to get started on the new Fire District budget. He provided Council members with a timeline. Councilman Maniez said it went well and they were working on the two budgets and combining them. There will not be a huge cost savings overall. The issues will likely be the same as they have been for years, i.e. personnel, territory, appointments. Councilwoman Cannon said she feels it is a good start toward a unification of services. Administrator Guilfoyle will be meeting with the chiefs next week.

Administrator Guilfoyle said he would like to set up a workshop for Council and EDC, in terms of focusing on what the desires as for the economic development of the City. Discussion on targeted industry report. Discussion on the date. Council decided on the date of Monday, October 22nd, at 5:00 p.m.

- b. City Attorney, Patrick Reavey, said he received a proclamation today from the Governor's office declaring the City of De Soto a City of the second class. The project of re-codifying the City's ordinances is underway.
- c. City Engineer, Mike Brungardt, said Bill Maasen, Johnson County Parks and Recreation, is going to be submitting a grant application to KDOT for Transportation

Enhancement grant funding for the multi use recreation path along K-10 that was discussed last year. The Council might be asked to consider a resolution of support for Mr. Maasen's application, No City dollars will be involved because the Johnson County Parks and Recreation district is proposing to fund the local portion of the project, if the grant is awarded.

Engineer Brungardt said that he has been attending some meetings for the Transportation Coordination Committee at the County. The meetings have been centered around a charter and each city will have a voting member. This will be a cooperative effort and the committee will be a recommending body for transportation matters. Engineer Brungardt further stated Arbor Ridge was pulled at the request of the applicant.

Mayor Anderson asked how the mill and overlay is coming. The rain has not helped, but the base is holding up well considering all the rain. Hopefully, the roads will be paved next week. Discussion.

- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, asked if Council would be attending the Regional Supper.

8. Council & Mayor Comments:

Mayor Anderson said he has been invited by Chairman Surbaugh to attend a meeting on October 29th. He may have a conflict and asked if Councilman Maniez could attend in his place. Councilman Maniez said he can attend if the Mayor cannot.

He said Barbara Vernon, the City Administrator in Roeland Park, is retiring.

Councilman Maniez had no further comments.

Councilwoman Templin asked about the dirt piles in Miller Park.

No comments from Council members Cannon, Drennon, or Morse.

Motion by Councilwoman Templin to adjourn at 8:50 p.m.; second by Cannon.

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk