

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
October 19th, 2006, at 7:00 P.M.

MINUTES

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

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

Citizens signed the book on page 77.

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 October 5th, 2006.
 - b. Approve Pay Ordinance No. 555.
 - c. Approve Facility Use Agreement for JOCO Nutrition Program for Seniors
 - d. Approve Resolution No. 765 implementing fees for Temporary Uses
 - e. Authorize Mayor to Sign Lease Amendment with New Cingular Wireless

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

Roll Call:	Cannon	Yes	Templin	Yes
	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.”

No one appeared.

3. Chamber / EDC Report: Executive Director, Sara Ritter, was not present.

4. Old Business:

- a. Discuss Requirements on Security Services Operating within the City. Attorney Reavey provided regulations from several communities. Councilwoman Templin said it is entirely unenforceable for a city the size of De Soto to have every security company report to the City on a private contract. Discussion with Attorney Reavey regarding the enforcement of an ordinance for licensing of security service companies. Council discussion with Attorney Reavey on a mechanism to enforce the requirements should the City decide to enact an

ordinance for requiring a license for security companies. Discussion by Council members and staff on requesting a copy of proof of insurance when private security is used for events within the City. Council discussed the concept and the liability concerns. Attorney Reavey will work on language for the contracts with the City when private security is used in the Community Center events.

5. New Business:

- a. Consider approving agreement with Engineered Air, change order to add air scrubber unit at the new Main Lift Station, and supplemental agreement with BNSF relating to rail track removal. Engineer Brungardt stated there are several items that need to be discussed. Three of the items are in Change Order #2, which is a list of smaller items that have occurred since the beginning of the project. The full change order amount is over \$49,000 and about half of that is to add the scrubber unit back into the project. Engineered Air has requested the City add the scrubber back in and the cost of the scrubber is about \$22,000. The scrubber unit has been recommended to be included in the project. The remainder of the items on the change order were listed in Engineer Brungardt's staff report to Council dated October 12, 2006. Further discussion by Engineer Brungardt on the terms and conditions of the easement with Engineered Air.

Discussion with Council regarding the agreement. Attorney Reavey discussed the agreement and the scrubber unit language that was presented by Engineered Air. Engineer Brungardt discussed the project funding, and further discussed the scrubber unit with Councilwoman Templin and Councilman Maniez. They voiced concerns as to whether it is necessary to this project. Discussion by Attorney Reavey and Engineer Brungardt that the scrubber unit was never stated or discussed as a condition for the easements. The design engineers would not have allowed the scrubber to be removed if it was necessary; it has always been an optional add-in if it was needed and funding was available. Councilwoman Cannon discussed the cost and maintenance of the scrubber and the filters. More discussion ensued regarding the parking lot paving. Councilman Maniez asked about the scrubber unit being just hand-written on the City's agreement. A discussion ensued by Councilwoman Templin and staff regarding the agreement.

Discussion with Council and Engineer Brungardt regarding the BNSF agreement for removing the railroad track and switching gear to install the force main line.

Motion by Councilman Morse to authorize the approval of Change Order #2, including the odor control equipment; second by Zindler.

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

Motion carried.

Motion by Councilwoman Zindler to authorize the Mayor to enter into the Agreement with Eng. Air attached as "Exhibit B" second by Cannon.

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

Motion carried.

Motion by Councilman Maniez to authorize the Mayor to enter into a supplemental agreement with BNSF for the removal of the rail spur line; second by Cannon.

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

Motion carried.

- b. Consider options for safety upgrades to 91st Street. Engineer Brungardt discussed the Staff Report provided to Council dated October 12, 2006. During public meetings about Oak Country VIII, safety issues along 91st Street were discussed at length. Engineer Brungardt provided some recommendations for safety upgrades for Council's consideration. He recommended lowering the speed limit to 25 mph on 91st Street from Kill Creek Road west. The removal of roadside vegetation in the right-of-way would improve sight distance. Discussion by Councilman Maniez that the developer should pay for some improvements at the intersection. Engineer Brungardt said there was no vegetation to be removed at that particular location. A discussion ensued regarding the vegetation as depicted in the photos provided in the staff report. Councilman Maniez stated there are several intersections within the City that need to have vegetation removed.

Further discussion by Engineer Brungardt regarding additional advisory warning signs, additional street lighting, and a traffic calming device. Discussion on the kinds of traffic calming devices. Councilwoman Templin discussed the speed bump criteria. Discussion by Councilman Maniez and Councilman Morse that speed humps/bumps are not the answer. Councilwoman Templin said there have been eight (8) accidents in her yard in the past 13 years. She wants people to slow down on the street. Councilwoman Zindler said there should be more law enforcement. She further discussed warning signs and a stop sign being installed. Council discussion ensued.

Engineer Brungardt stated if speed humps/bumps are to be considered, there needs to be a policy. And, a policy needs to be substantiated by a traffic study. Mayor Anderson asked who is going to pay for this? Councilman Morse said a neighborhood consensus should be done. Discussion by Councilwoman Templin and Mayor Anderson. Mayor Anderson said the speeding problem is among the neighbors who live in the area, not the visitors who are trying to locate an address. Further discussion by Councilwoman Templin on who should pay for the problem. Councilman Morse said there should be a policy in place before any speed bumps/humps are installed. He personally feels they are dangerous. Discussion.

Councilman Maniez said a policy is only going to open up a big can of worms. Councilwoman Cannon and Councilman Morse said they didn't want a policy. Councilwoman Zindler said a policy would be her last resort. She stated what appears to be missing here is the lack of law enforcement in this area for speeders. Councilman Maniez stated that lowering the speed limit to 15 mph and posting the signs would help the law enforcement to slow speeders down. It worked on Lexington a few years ago. Council discussion on direction to staff. Attorney Reavey stated an ordinance will need to be approved at the next meeting.

- c. Consider resolution calling for public hearing on traffic signal benefit district. Engineer Brungardt stated he has heard back from six of the property owners, with five responses in favor of the district and one, Rehrig Pacific, is against the benefit district. After discussion with bond counsel, property owned by the B & P

Land Company should be included in the benefit district. He will contact them to ascertain their decision on the benefit district. Councilman Maniez stated it is interesting that the companies with the big tax abatements are the ones who are objecting. The smaller companies with no tax abatement are in favor of it.

Discussion by Attorney Reavey that the City is funding 55% of the cost. He briefly outlined the resolution calling for a public hearing to be held on November 16, 2006, at 7:00 p.m. at the City Hall.

Engineer Brungardt stated the bids have been received for the installation of the traffic signal. The contract cannot be awarded this year without the funding from the benefit district. The project is currently part of next year's budget. Discussion by Administrator Guilfoyle, Attorney Reavey, and Engineer Brungardt.

Motion by Councilman Maniez to approve Resolution No. 766 providing for a public hearing on improvements for Lexington Avenue traffic signal project; second by Templin

Councilwoman Templin discussed the fact this is merely an agreement to have a public hearing, not a decision on the benefit district.

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

Motion carried.

- d. Discussion Regarding Status of Primrose Road Extension. Administrator Guilfoyle provided Council with a summary memo dated October 12, 2006. He said the developers have met with their Engineer. Administrator Guilfoyle said he talked with Bill Thompson yesterday and Mr. Thompson provided an email to Administrator Guilfoyle on October 19, 2006, which was copied to the Council. A preliminary plat will be forthcoming before the Planning Commission in December. Administrator Guilfoyle reviewed the questions asked by the developer in the email correspondence. Administrator Guilfoyle further discussed the telephone conversation he had with Nate Harding. Discussion of the questions Mr. Thompson asked.

Councilman Maniez said the line has to be drawn or this will again continue on forever just as it has in the past. Discussion by Administrator Guilfoyle on the response to Mr. Thompson. Councilwomen Templin and Zindler agreed with Councilman Maniez. Councilman Morse said this needs to move forward as did Councilwoman Cannon. Attorney Reavey stated a dedication of right-of-way is a separate document. Council wants a December 1st dedication of right-of-way.

6. Executive Session: None.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said Ron Creason, Street Superintendent, would like Council authorization to proceed in purchasing salt for the winter.

Motion by Councilwoman Templin to authorize Ron to purchase the salt; second by Morse.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	Yes

Morse Yes

Motion carried.

- b. City Attorney, Patrick Reavey, said the discrimination charge that was filed regarding the interpreter issue at the ball game this past summer is still active. The Kansas Human Rights Commission is asking if the City wants to enter into mediation. Discussion that the City is not involved in this matter at all. Council is not interested in participating as the City was not involved in this.
- c. City Engineer, Mike Brungardt, said on 83rd Street, just west of Gardner Road in the west bound lane, the pavement is dropping off. There needs to be a repair made before winter. He and Ron Creason have met with two contractors to discuss repairs. Two bids have been received. The total repair would be about \$25,000. Discussion by Administrator Guilfoyle that the funding can be allocated.

On Commerce Drive, heading east from McDonald's, the curve in the triangle intersection could use a stop sign. Johnson County Sheriff's officers have asked that a stop sign be installed in the northbound lane for safety reasons.

- d. City Planner, Kim Buttrum, was not present.
- e. City Clerk, Lana McPherson, reminded Council of the LKM regional supper.

8. Council & Mayor Comments:

Councilwoman Cannon asked about the home-based business violations being followed up on. She asked what the regulations were regarding home businesses. Councilman Maniez said he just talked to Kim Buttrum today and had a list of ten businesses that are not permitted in home businesses. Council discussion.

Councilman Maniez said De Soto has always had home-based businesses and if they don't create any problems, why do the regulations prohibit home-based barbers and beauty shops. Council directed staff to research these.

Councilman Morse asked about the Fire Department meeting. Councilwoman Cannon said she thought there was a meeting yesterday between the two chiefs. Councilwoman Templin asked if some dates could be put in place to get the information to make decisions. Councilman Maniez said a large part of it was the hierarchy of staff; there can't be two fire chiefs and that is a major decision. It is all about power between the two departments. Councilman Morse said something needs to happen soon. Councilwoman Zindler said there could be some overlapping of services that could be minimized for more efficiency of services. Discussion that there could be a full-time fire chief rather than two part-time chiefs. Comments by Attorney Reavey on the rural not wanting to detach any of their district to the City. The district needs to be one big land area that some fire department would govern as a new fire district.

Discussion by Mayor Anderson that all parties and neighborhoods are not represented on the board. There is not total representation for each taxation area. There is not equal representation for the taxation.

Mayor Anderson said he and Administrator Guilfoyle will call the two fire chiefs and Kent Dvorak, the Chair of the Fire District, and put a plan together for consideration. The Mayor said there needs to be fair representation for every taxpayer to have a

say in the makeup of the Fire District Board. That involves De Soto, Olathe, and the Rural in the County. Discussion that the assessed valuation of the two cities is growing faster than the County. Council discussion.

Councilman Maniez asked if the line of sight projects have been started yet. Ron and Walter are working on this.

Councilwoman Templin asked Attorney Reavey if excise tax was discussed at the LKM meeting. Attorney Reavey stated only the cities in Johnson County have excise tax, so the League of Kansas Municipalities doesn't really get involved in this tax.

Councilwoman Zindler had no comments.

Mayor Anderson said the Council of Mayors will be meeting to plan a presentation before the Legislature. Councilman Maniez asked if the City needs to be working on how to capture fees that are currently covered by excise tax. Mayor Anderson said that is a good idea. Councilwoman Zindler discussed that Overland Park is already far ahead in their planning. Councilwoman Templin agreed.

Mayor Anderson said Councilwoman Zindler will be chairing the November 2nd meeting as he will be out of town.

Mayor Anderson said the Annual Holiday Dinner will be at Lake Quivira again this year.

Motion by Councilman Morse to adjourn at 9:22 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk