

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
November 15th, 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	Absent
	Drennon	Present	Morse	Present
	Templin	Present		

Citizens signed the book on page 105. 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 November 1st, 2007.
 - b. Approve Pay Ordinance No. 581.
 - c. Authorize Mayor to enter into 2008 Law Enforcement Contract with Johnson County Sheriff's Office.

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

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

Motion carried

Motion by Councilwoman Templin to amend the agenda and add a discussion concerning the 2006 ICC Building Codes as Item 5a. under New Business, shifting the other items down; second by Cannon

All Council approved by "ayes".

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."

Mr. Roger Feyerherm of Feyerherm Construction appeared before the Council to request consideration of the noise ordinance requirement to wait until 7:00 AM to pour concrete at the Engineered Air site. They are at the point in the construction process where they have to pour the concrete floors for the building. The firm will have three major concrete pours. The first pour will be sometime the week following Thanksgiving, the next about a week after that, and another one about a week later. These are large pours and they will need to begin by 4:00 AM to get it completed. Then, if there are cold temperatures, they will need to cover the concrete with blankets to keep it from freezing while it dries. He has contacted the neighbors to let them know about the need to pour concrete that early in the morning and that Feyerherm will let them know 24 hours beforehand when they will pour.

The Council discussed the need to begin so early in the morning with Mr. Feyerherm. Engineer Brungardt stated that concrete could be poured basically throughout the year, which you just have to take precautions—such as covering it with blankets—to keep it from freezing. It is not as sensitive to the cold as asphalt, which cannot be used below a certain temperature.

Attorney Reavey suggested that since the Council would not meet again before the first pour date, that they could make a motion to allow staff to issue a waiver from the noise ordinance to allow the concrete pours.

Motion by Councilman Morse to direct staff to approve an exemption from the noise ordinance; second by Drennon.

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

Motion carried.

Mr. Darrell Zimmerman appeared before the Council to discuss the issue of deer causing havoc with trees in the area, stripping the bark and killing them. This is causing a significant property loss to landowners. He requests that the Council consider more stringent means to control the deer population within the city limits. He suggested authorizing bow-hunting with a license issued by the City with permission from the landowner.

Attorney Reavey pointed out that the City already has an ordinance and a process for deer hunting. It requires the landowner to apply for the permit. The landowner is then required to send letters to surrounding landowners to make them aware of the permit and possibility of hunting the area. Discussion ensued between the Council, Attorney Reavey and Mr. Zimmerman on the merits and conditions of the current process.

No one else appeared and Mayor Anderson closed the Call to Public.

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

4. Old Business:

- a. Consider Charter Ordinance No. 22 relating to Provisions for a City of the Second Class. Attorney Reavey briefed the Council concerning the discussion from the last meeting. The proposed terms of the Charter Ordinance were acceptable to the Council except for Section 5 referring to Appointment of Officers. The way the ordinance is currently drafted, it states that those officers, once appointed will retain their position until removed by a vote of a majority of the Governing Body. They can be removed with or without cause. He provided responses solicited from other cities for the Council. The concern was that future mayors may want to retain the ability to appoint their own officers as opposed to the Governing Body.

Councilman Morse stated that he had no additional discussion on the subject and that he was ready to vote.

Motion by Councilwoman Templin to approve Charter Ordinance No. 22 as submitted; second by Drennon

Roll Call:	Cannon	Yes	Maniez	Absent
	Drennon	Yes	Morse	Yes
	Templin	Yes	Mayor Anderson	Yes

Motion carried

5. New Business:

a. Discuss the process for adopting the 2006 ICC Building codes. Building Official Steve Chick appeared before the council stating that the City has been operating under the 2000 ICC Codes for several years. That the 2006 Codes are out and need to be adopted in order to take effect in January. These 2006 Codes include the

- IRC—International Residential Code
- IBC—International Building Code
- IPC—International Plumbing Code
- IMC—International Mechanical Code
- IPMC—International Property Maintenance Code
- IFC—International Fire Code

There is also the 2005 NEC—National Electric Code, which is on a different cycle than the International Code. The International codes are updated every three years. He reminded the Council that they adopted the IPSDC—International Private Sewage Disposal Code in October. Mr. Chick said that most of the cities in the area operate under these codes. If adopted, the City would probably operate under these codes until the 2012 updated version comes out.

Council directed staff to prepare the necessary documents and bring them back before them for approval.

b. Consider Contract Extension for Indigo Design for River Front Park. City Manager Guilfoyle discussed the need to extend the contract so that the Park project could get started. To move forward and complete the project by this time next year we need to adopt a contract extension for design work. Phase One is a 2-step process Step A is to clear and grade the area in order to present a clean picture for the bidders for Step B.

Engineer Brungardt stated that Indigo Design was still in the process of putting together the details of the bid package. It should be ready in a couple of weeks.

Mayor Anderson discussed the possibility of using local contractors for the land clearing process. Attorney Reavey pointed out that since the City is now a City of the 2nd Class, the City does not have to go out for a competitive bid. Mayor Anderson stated he would like the Council to consider offering the work to a local contractor first in return for the generous work they had performed on the Aquatic Center. If the cost is too high, then the offer could be withdrawn and the project put out for competitive bid.

Doug Pickert of Indigo Design pointed out that putting the job out for a competitive bid would ensure the lowest bid possible. The first part of the phase is expected to run \$70,000 to \$80,000.

Councilwoman Cannon will prepare a list of local contractors and submit it to Engineer Brungardt.

Motion by Councilwoman Templin to authorize the Mayor to sign the agreement with Indigo Design for the design of the park project; second by Cannon

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

Motion carried.

Attorney Reavey stated he would like to consult with the City financial advisor and bond council concerning selection of contractors for the project. The Mayor and Council concurred.

- c. Discussion Regarding Question of Direct Purchase of 95 Gallon Trash Containers Directly from Manufacturer or Being Billed Indirectly Through Weldon Enterprises. City Administrator Guilfoyle spoke to the Council concerning a bid he obtained from Rherig Pacific for trash containers. With the city assuming the responsibility for maintaining the containers—to include replacing them when damaged or lost—it would reduce the cost to the consumer from \$2.25 to \$1.18/per month. Is the savings worth the City taking on these maintenance responsibilities?

Council discussed the issue. Councilman Drennon stated that he was not convinced this was the best way to go with the trash service overall—aside from the containers.

Randy Weldon of Weldon Enterprises answered questions from the Council and stated that Eudora begun service 3 months ago and they have not had any problems at all. He stated that duplex residences had individual carts. Apartments have larger, shared containers. He also stated that they could provide extra containers where needed and in a color as determined by the community. They are willing to work with people to provide other options for those unable to take the can to curb.

Councilman Morse is concerned that the 95-gallon container will not be large enough for some households. It was felt that this may encourage recycling when people cannot get all their trash into the can or need a second can.

Attorney Reavey will prepare a contract for trash service from Weldon Enterprises with Weldon providing the containers.

- d. Consider approving purchase orders for slope protection at the main lift station. Engineer Brungardt detailed the issues concerning the creek bank near the waste water main pump station. They have been watching it all year and the slope has stabilized. He would like to rip-rap the slope to correct the problem and stabilize the bank. They will need 1000 ton of rock at the rate of \$26/ton. The rock will be supplied by Rip Rap Inc. in Stillwell Kansas. RL Duncan will install the rip-rap. This is a local contractor and they did the initial work on the station. They can complete work in about a week for ~\$24,000. Cost for the project is estimated to be \$50,000. He proposes to keep track of costs for materials and labor as it is submitted and may need to amend requisition, but he thinks it can be completed for that amount. This expense was anticipated in the budget. This will close out the sewer plant project.

Councilman Morse questioned whether the rock could be found locally. Engineer Brungardt stated that he had checked and the size of rock needed could not be supplied locally in the amount needed.

Motion by Councilwoman Templin to approve the purchase orders for Rip Rap, Inc. in the amount of \$26,000 and for R. L. Duncan in the amount of \$24,000, to be funded by the sewer plant project account; second by Cannon

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

Motion carried

6. Executive Session: None

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle referenced a discussion at the last meeting concerning the continued renovation needs of the City Hall building. He stated that he has an offer from Binswanger to replace the rest of the windows in the building for an amount not to exceed \$26,700. He referred to the email he sent to the Council containing the bid information. He would like to proceed with a contract. Council gave consent for Guilfoyle to proceed with the window replacements.
- b. City Attorney, Patrick Reavey, briefed the Council concerning an issue with the ownership of part of the land for the proposed Riverfront Park. When the title work for the property was received it was found that the eastern portion of the land (highlighted on his handout) was actually owned by BNSF Railroad. When he contacted BNSF they stated that the City had a lease for the property, but that BNSF would quit claim the property to the City in exchange for the City closing off the railroad crossing at Corliss Road at about the 79th Street location. Currently only people with a key and authorization are allowed to cross the tracks at that location. No residences will be affected—Corliss only provides access to agricultural land. There is another access to the property requiring an additional 4-5 minute detour.

Councilwoman Templin moved to authorize the mayor to reach an agreement with the BNSF Railroad with regard to the land for the park and closing off Corliss Road; second by Cannon.

No discussion.

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

Motion carried

- c. City Engineer, Mike Brungardt, no report
- d. City Planner, Linda Bohnsack, no report
- e. City Clerk, Lana McPherson, was not present.
- e. Council & Mayor Comments:

Mayor Anderson passed out information received at the Council of Mayor’s meeting and from a tour he took of the Olathe Water Plant. He was favorably impressed with the quality of the Plant and their ability to provide an extremely high quality level of water. He also provided invitations for the Council to the Council of Mayor’s holiday party, stating that spouses are invited. Although invited in the past, no additional invitations had been provided for staff members. These will need to be requested separately. Councilwoman Templin noted that invitations should be requested for Attorney Reavey, City Administrator Guilfoyle, Engineer Brungardt and City Clerk McPherson.

Councilwoman Templin asked if the City was aware that an adjoining landowner was using the lights at Miller Park. Administrator Guilfoyle stated that he was aware of the fact and that the landowner was paying for their use 4 evenings per week.

No further comments by Council members

Motion by Councilwoman Templin to adjourn at 8:10 p.m.; second by

All Council approved by "ayes".

Respectfully submitted:

Linda Bohnsack
City Planner