

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
February 16th, 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 58.

The Mayor led the Pledge of Allegiance.

Mayor Anderson read a proclamation declaring the month of March, 2006, as "National Athletic Training Month".

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 February 2nd, 2006.
- b. Approve Pay Ordinance No. 539.
- c. Approve Resolution No. 734 pursuant to K.S.A. 75-1120a(c)(1) requesting a waiver of new general governmental accounting procedures as set out in K.S.A. 75-1120a(a).
- d. Approve Resolution No. 735 setting the Fee Schedule for 2006.
- e. Approve agreement with Air Tex, Inc. (dba Engineered Air) for easements relating to new wastewater treatment plant

Councilwoman Zindler discussed the new swimming pool fees and the new "senior citizen" fee category. Discussion by Council that the senior age is "55". Discussion by Councilman Morse regarding a gate fee being charged for each person, no matter the age of the person. Young children require as much lifeguard attention as older people.

Councilman Maniez asked about check No. 16239 payable to Conley Backhoe Service. Engineer Brungardt stated this was for work done on the water line by the VFW property.

Motion by Councilman Morse to table item 1.d.; second by Cannon.

All Council approved by "ayes".

Councilwoman Cannon discussed what the cost is for the parking lot. Engineer Brungardt discussed the parking lot area and the estimated cost of about \$10,000.

Motion by Councilman Maniez to amend the Agenda to include Item 5 f. to add an Executive Session for a personnel matter; for an attorney client privilege matter; and a confidential company information discussion; second by Templin

All Council approved by "ayes".

Motion by Councilman Maniez to approve the Consent Agenda with item 1.c being Resolution No. 734; second by Templin.

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."

Duke Neeland, on behalf of the Cinco de Mayo Committee, stated there will be another celebration this year. Council was provided a letter from Mr. Neeland on behalf of the committee requesting a list of items they would like the City to assist them with. Mr. Neeland provided a budget spreadsheet from the previous years for the Council members to review. Mayor Anderson stated the City has adopted a policy for donations. Mr. Neeland stated this has been a joint effort on the part of the City and the Hispanic community. If the Committee can't get the subsidy from the City, there may not be a Cinco de Mayo celebration.

Discussion by Councilman Morse that the new policy has addressed some of the concerns with food and drink in the gymnasium. Mr. Neeland stated this would be an alcohol-free event. Mayor Anderson polled the Council regarding the use of the Senior Center on Saturday evenings for the children's dance practice. Mr. Neeland will work with Jay Garvin on scheduling. Council agreed to waiving the fees for the dance practice. Mr. Neeland asked if there could be a Council liaison for the Cinco de Mayo committee. Council will discuss this at the next Council meeting on March 2nd, 2006.

3. Chamber / EDC Report: Executive Director Sara Ritter, provided a copy of the latest edition of the Johnson County Trade Area Profile. Approximately 30,000 vehicles cross K-10 at Lexington Avenue. The Johnson County Chambers have written a letter regarding support of cities to use eminent domain. Mrs. Ritter also discussed the bill before the Senate regarding the personal property tax on property, other than vehicles, being eliminated in 2007.

4. Old Business: None.

5. New Business:

- a. Consider proposal from Wald & Co. for the 2006 Fourth of July fireworks display. City Clerk Lana McPherson reviewed the memo to Council dated February 7th, 2006, regarding the pricing options for the City's 2006 fireworks display. Councilwoman Zindler asked if anyone from the City has discussed this with the school district, as the district seems to have concerns about the fireworks. Councilwoman Templin said she would go speak with Superintendent Zoellner regarding the display.

Motion by Councilman Morse to approve \$6,000 for the fireworks display; second by Cannon.

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

Motion carried.

- b. Consider equipment acquisition proposal and scope of services from R.E. Pedrotti for the Supervisory Control and Data Acquisition (SCADA) system for the new wastewater treatment plant. Engineer Brungardt stated this is the last major equipment purchase for the sewer plant. He provided Council with a memo outlining the four bids that were received. Staff has reviewed all the bids and, based on the equipment, recommend accepting the bid from Pedrotti. Discussion by Councilman Morse regarding the installation and maintenance contract. Engineer Brungardt stated the warranties are through the manufacturer of each piece of equipment and the warranty time varies.

Discussion by Councilman Maniez on providing training to the wastewater employees on the new equipment. Engineer Brungardt stated this bid provides start-up training. Councilman Maniez stated he would like to know that the wastewater employees have some current training as electronics change considerably every two to three years. Engineer Brungardt stated he will work with Doug Smith on the training.

Motion by Councilman Maniez to authorize the City Engineer to issue a purchase order not to exceed the amount of \$103,850 to R. E. Pedrotti Co., Inc. for the SCADA equipment and associated services as defined in their proposal dated November 22, 2005; second by Zindler.

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

Motion carried.

- c. Consider bids for replacement of Plummer lift station. City Engineer Brungardt stated there are funds allocated in the 2002B bonds for upgrades to the sewer collection system. He reviewed his memo to Council dated February 16, 2006. Wastewater Superintendent Doug Smith has recommended a pump station manufactured by HFE Process of Tulsa, Oklahoma. Bids were let and two quotes were received. Council discussion on the payment of the rental equipment being used currently.

Motion by Councilwoman Templin to authorize the expenditures of bond proceeds for the Plummer lift station replacement project in the amount not to exceed \$37,000, and direct staff to proceed with the project after obtaining multiple bids for the contract services and materials; second by Cannon.

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

Motion carried.

- d. Consider not renewing lease with Victory Place Church for use of former library in the community center. Parks & Recreation Director Jay Garvin reviewed the memo to Council dated February 10, 2006, regarding the lease agreement that expires on March 17, 2006. Mr. Garvin would like to use this space for a proposed fitness and dance studio because attendance has increased considerably the past two years. Discussion on future expansion of the dance and fitness programs in this space. Council agreed not to renew the lease agreement with Victory Place Church. Staff will send a letter notifying the Church that the lease will not be renewed.

- e. Consider waiver of excise tax on construction of new home at 8730 Oak Country Lane. City Attorney Reavey provided Council with a memo dated February 10, 2006. Mr. Reavey has talked with the property owners and stated they have owned the property for 21 years. Mr. Reavey provided copies of the applicants' letter and copies of the excise tax ordinances. Discussion by Councilman Maniez that there has been a sunset clause set and it has expired. Further discussion by Attorney Reavey. Discussion by Councilwoman Zindler that it has been Council's opinion not to make exceptions.

Motion by Councilwoman Zindler to adopt Resolution No. 735 Denying the Excise Tax Appeal Filed by Owner of Property at 8730 Oak Country Lane; second by Morse.

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

Motion carried.

Mayor Anderson called a five-minute recess at 8:00 p.m.
Mayor Anderson reconvened the Council at 8:05 p.m.

f. Executive Session:

Motion by Councilman Maniez to go into Executive Session at 8:05 p.m. for 30 minutes for a personnel matter; for attorney/client discussion; for confidential company information; and to invite Sara Ritter in for the confidential company information; second by Templin.

All Council approved by "ayes".

Motion by Councilman Maniez to return to Regular Session at 8:35 p.m. and only the items stated were discussed and no votes were taken; second by Templin.

All Council approved by "ayes".

Motion by Councilman Morse to transfer \$1,000 from the Water Fund to the Water Development Fund in 2005; second by Templin.

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

Motion carried.

6. Advisory Reports:

a. City Administrator, Michael Webb, was not present.

Discussion by Councilwoman Cannon regarding her meeting with Fire Chief Kevin Ritter. Discussion by Councilman Maniez that there should be some type of training involved for the volunteers; these are expensive pieces of equipment that the taxpayers pay for as well as the City's insurance concern. Councilman Maniez stated he is very appreciative of the support of the volunteers and he is glad no one was seriously injured; however, there needs to be training on driving the fire trucks.

Councilwoman Cannon stated she is very surprised that firefighters are not required to have CDL's. Discussion by Mayor Anderson that the City Council can set a policy that volunteers must have CDL's to operate the fire trucks. Councilwoman Cannon said school bus drivers must have CDL's and she thinks that volunteers operating these fire trucks need to have some training in air brakes, weight, etc. Councilman Maniez and Councilwoman Cannon agreed more training is necessary. Councilwoman Cannon stated she was disappointed that Council members were not told up front. Discussion by Mayor Anderson on the notification.

Sara Ritter, as a member of the Fire Department, stated there are monthly training sessions on driving the vehicles. She said no one has to drive the trucks if they feel uncomfortable with it.

Mayor Anderson stated he received the call from Chief Ritter and he didn't call the Council members. He said calls of this type had been handled by the City Administrator in the past, and it was a breakdown of communication.

Mayor Anderson reviewed Michael Webb's comments in his staff report with Council.

b. City Attorney, Patrick Reavey, stated the auditor has asked about the water loan when the Water Department borrowed \$150,000 from the electric utility fund. He and Bonnie have talked with Greg Johnson, former City Administrator, about this amount being added into the bond. The auditor is requesting a letter to this effect. Discussion. Mr. Reavey will prepare the letter to the auditor at Council's direction.

Attorney Reavey stated he and Lana met with the City's insurance broker today in preparation for the 2006 insurance renewal. A new application form will need to be completed and information gathered for the renewal.

- c. City Engineer, Mike Brungardt, said he has talked with KDOT and Bucher, Willis & Ratliff regarding a stop sign on Lexington. KDOT requires a stop sign study. The analysis will cost \$1,000 for Bucher, Willis & Ratliff to perform. Discussion by Council to not proceed with the stop sign study. Councilman Maniez requested that staff contact the Sheriff's Department to do selective enforcement at Lexington and Commerce. Council discussion on the accident potential at this intersection.

Engineer Brungardt said the signs for the east "wye" are on order. The trees have been removed. He is meeting with Westar about a light at that location. Discussion by Council regarding the Wyandotte River Bridge sign being taken down. Council requested some sign options for the downtown business district and for City Hall.

- d. City Clerk, Lana McPherson, stated the Mayor has asked her to check on the NIMS program that the Federal government is requesting all cities to have in order to continue to receive Federal funding in case of natural disasters.

7. Council & Mayor Comments:

Councilman Morse talked about the Olathe Medical Athletic Trainer that helped the young man that was hurt in the ball game last week. He is most appreciative of the athletic trainers that attend our school sporting events, and supports the proclamation.

Councilwoman Cannon stated she really appreciated Clarence Brunk getting back to her on the water problems, and keeping her posted on the repairs.

Councilman Maniez discussed the entry signs that Michael Webb outlined in his memo to Council. He requested the Council be given a rendering of the proposed signs before the process gets too far advanced. Discussion by Council in seeing some proposed signage before the process is completed.

Councilwoman Zindler had no comments.

Councilwoman Templin stated the De Soto Wrestling Club had 425 kids that wrestled that weekend. There were about 1300 people attending this event and bringing business into the City. She stated it was a good event for De Soto and for the Wrestling Club. Council discussion.

Mayor Anderson stated that about 90 people attended the West Area Land Plan meeting. There is a joint meeting to be held on February 22nd. The citizens were appreciative of being asked to come and give their comments and input on the land plan. Mayor Anderson and Engineer Brungardt stated this was a very positive meeting. Discussion by Mayor Anderson on his discussion with the Sunflower Redevelopment representatives in opening the lines of communication.

Motion by Councilman Maniez to adjourn at 9:20 p.m.; second by Morse.

All Council approved by “ayes”.

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk