

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
July 5<sup>TH</sup>, 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	Absent	Morse	Present
	Templin	Present		

Mayor Anderson led the Pledge of Allegiance.

Councilman Drennon arrived at 7:05 p.m.

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 June 21<sup>st</sup>, 2007.
  - b. Approve Pay Ordinance No. 572.
  - c. Authorize 5% total compensation increase for City Administrator per Employment Agreement.
  - d. Approve Resolution No. 788 Authorizing Sale of Temporary Notes for Financing of Public Improvements and Authorizing Refunding Bonds to Achieve Interest Cost Savings.

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

Roll Call:	Cannon	Yes	Maniez	Abstained- he was absent last meeting
	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."

3. Chamber / EDC Report: Sara Ritter was absent.

4. Old Business:

- a. Consider Final Plat for Cedar Hill Estates, 5.0 acres located on the southwest corner of 89<sup>th</sup> Street and Waverly Road.

Motion by Councilman Morse to table items 4 a. and 4 b. to the July 19<sup>th</sup> meeting; second by Cannon.

All Council approved by "ayes".

Motion carried.

- b. Consider Agreement Not To Protest Benefit District for Cedar Hill Estates. **Tabled.**

5. New Business:

- a. Consider Resolution Authorizing the Offering for Sale of Temporary Notes and General Obligation Refunding Bonds in Connection with Financing of Capital Improvements Plan. (This was already stated in the Consent Agenda).
- b. Consider Ordinance Amending City Code to Regulate Payday and Title Loan Businesses. Attorney Reavey reviewed the comments that have been discussed in prior meetings. He explained the ordinance and the restrictions. Discussion by Councilwoman Templin and Attorney Reavey regarding adult entertainment businesses. Further comments by Councilman Morse and Councilwoman Templin on the distance restrictions.

Motion by Councilman Morse to approve Ordinance No. 2164 regulating payday and title loan businesses; second by Templin.

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

Motion carried.

- c. Consider construction bids for the Cherokee Woods Benefit District improvements. Engineer Brungardt outlined the bid package and the bids received, along with the cost estimates. He further explained the funding and the temporary financing of the project. Discussion by Councilwoman Templin and Engineer Brungardt on the financing.

Motion by Councilman Drennon to authorize the Mayor to sign the construction contract for the Cherokee Woods Benefit District Improvements with DF Freeman in the amount of \$530,756.70, and to authorize funding from the electric utility fund with additional contingency expenditures not to exceed \$26,500 to be reimbursed in full upon receipt of the temporary financing for the project; second by Templin.

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

Motion carried.

- d. Consider construction bids for the 2007 CDBG 82<sup>nd</sup> Street Mill & Overlay project. Engineer Brungardt said there were very favorable bids for this project. He outlined the bids and the staff report comments dated June 28, 2007. This project is a 2" mill and overlay of 82<sup>nd</sup> Street from Ottawa to Ferry Road, including replacement of 625 feet of concrete curb, and full depth asphalt patching, as needed. Discussion by Council members on the other mill and overlay projects that Engineer Brungardt requested Council to review and make suggestions as to priority. Discussion by Council and Engineer Brungardt on putting more asphalt millings on 95<sup>th</sup> Street.

Motion by Councilwoman Templin to authorize the Mayor to sign the construction contract for the 2007 CDBG 82<sup>nd</sup> Street mill and Overlay with McAnany Construction in the amount of \$100,000.00,

and to authorize funding from the capital projects fund with additional contingency expenditures not to exceed \$10,000; second by Drennon.

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

Motion carried.

- e. Consider bids for crack sealing improvements. Engineer Brungardt stated these bids were solicited by Ron Creason, Street Superintendent. Engineer Brungardt reviewed the comments in the staff report dated June 28, 2007, and outlined the unit costs and the list for the crack seal projects. Discussion by Councilman Maniez that Commerce Drive was done two years ago; is it not holding up? Comments by Engineer Brungardt and Councilman Morse on the cracking of Commerce and Lexington Avenue. Engineer Brungardt stated both of these streets receive a lot of truck traffic.

Motion by Councilman Maniez to accept the proposal from Musselman & Hall Contractors for the 2007 crack sealing at a unit cost rate of \$0.43 per square yard, and to authorize the expenditure of special highway and street department budgeted funds in an amount not to exceed \$53,602; second by Templin.

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

Motion carried.

- f. Update From Indigo Design on River Front Park Schematic Design. Administrator Guilfoyle said Doug Pickert will be here at the July 19<sup>th</sup> Council meeting to share updated plans for the Council's comments.

6. Executive Session: None

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said the fireworks sales last year from two stands was about \$12,900; and this year there were four stands and they raised a combined total of \$17,000. Mayor Anderson said the clean up was an issue; however, most people did clean up after Pam Graff, Codes Officer, visited. Comments from Administrator Guilfoyle regarding fireworks-related telephone calls.

Discussion by Councilwoman Templin on how many fireworks stands can be supported by the population. Council comments on limiting the number of stands. Attorney Reavey will bring back language at the next meeting.

Councilwoman Templin asked about the canoe race that had been planned. Administrator Guilfoyle said only one float trip was held due to the rain.

- b. City Attorney, Patrick Reavey, said Engineer Brungardt and he had met with the Division of Water Resources, over Water Right Number 38. He discussed the previous meetings the City had with the Division of Water Resources a few years ago. Discussion by Mayor Anderson and the Council regarding these meetings. Mayor Anderson said this is another example of the redevelopment group going back on their deal. Mayor Anderson said Senator Roberts will be hearing from him

as this was not what was agreed to by De Soto for the Sunflower deal to go through. Discussion by Council members, Attorney Reavey and Engineer Brungardt regarding these previous meetings and discussions regarding the water rights prior to the Sunflower Redevelopment being given the property. Councilman Maniez said he would like to see a strong letter sent to everyone involved in the previous discussions that the City is in total disagreement with Mr. Pogue. Councilwoman Templin said she thinks the City should take a more forceful approach and file a lawsuit. Discussion by Mayor Anderson that he prefers to take the letter approach first. Councilman Morse said he thinks the letter approach should be first.

- c. City Engineer, Mike Brungardt, said Kim's last day is Friday. He invited everyone to come by and say "good bye". The City is taking applications for this position in a more administrative assistant capacity, and hiring a Planning Consultant for the more in-depth planning requirements.
- d. City Planner, Kim Buttrum, was absent.
- e. City Clerk, Lana McPherson, had no report.

8. Council & Mayor Comments:

Councilwoman Cannon said she has heard complaints that the City is not working on flushing fire hydrants in the City, and some hydrants aren't working. Discussion.

Councilman Morse said he received a major complaint from a senior citizen today regarding the fireworks.

Councilman Maniez said the willow trees near the railroad track crossing on Commerce Drive by Rehrig Pacific are overgrown and the line of sight is hindered. Councilman Maniez asked about the property by the park. Administrator Guilfoyle said he will make a call.

Councilman Maniez said he would like to see a tornado warning siren being placed on the east side of the City. Discussion by Council and Administrator Guilfoyle on the funding of the siren. Council agreed there is a need to proceed with the siren.

Councilwoman Templin said there was a real need for the bathrooms to be open on the football field during the fireworks. Councilwoman Templin asked about the pool being closed down early because there were not many people in the pool. Administrator Guilfoyle said he has talked with pool staff and the pool must be kept open. Discussion.

Councilwoman Templin asked about the police reports since the traffic signal has been installed. Administrator Guilfoyle said he has talked with the Sheriff's Office and the numbers will be coming. Councilman Maniez said he still thinks the turning signals should have been installed.

Councilman Drennon had no report.

Mayor Anderson read a "Thank you" note from Calvin Robinson for supporting the Kids Fishing Derby.

No further comments by Mayor Anderson or the Council members.

Motion by Councilman Maniez to adjourn at 8:20 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk