

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
July 6th, 2006, at 7:00 P.M.

MINUTES

The meeting was called to order with Roll Call by Mayor David Anderson at 7:00 p.m.

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

Citizens signed the book on page 70.

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 June 15th, 2006.
 - b. Approve Pay Ordinance No. 548.
 - c. Approve Resolution 746 for Deer Hunting Permit for property at 9295 Cedar Creek Road.

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

Roll Call:	Cannon	Yes	Templin	Absent
	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.”

Charles Lawhead, 31760 W. 83rd Street, said he provided a previous note to Council regarding the city of Olathe approaching him wanting to put test holes behind his house for water wells. He wants to know what the City’s plan is on this; does the City want Olathe’s water wells in their front yard?

Councilwoman Cannon said she does not want Olathe coming further into town and taking over private property. She feels the City of De Soto needs to support the landowner. Discussion by Councilman Morse and Mr. Lawhead that the City of Olathe previously used eminent domain within the sovereign boundaries of the City of De Soto and made history the last time the City of Olathe came onto his personal property and used it for their purposes under eminent domain.

Discussion by Attorney Patrick Reavey and Mayor Anderson that the only way to stop them is to use heavy political pressure. Councilwoman Zindler asked if the City of De Soto has been contacted by the City of Olathe regarding this. City Administrator Guilfoyle said he has not been contacted, nor had Engineer Brungardt.

Mr. Lawhead is requesting the City of De Soto step up and start asking Olathe what they are planning to do. Councilman Maniez said he believes the first step is for the City of De Soto to contact Olathe and ask them why they are wanting to put water wells in the entrance of our City when we are trying to improve the gateways to our City. Water wells are not the most pleasing things we want people to see when coming into De Soto.

Mayor Anderson said he has no problem contacting the City of Olathe and will confer with Mr. Lawhead regarding future discussions.

Mrs. Gale Anderson, 13972 W. 147th Terrace, Olathe, Kansas 66062, showed Council a photo of her son, James, age 8, who is hearing impaired. James plays baseball for a Blue Valley Team, the Gators, and the team has been invited by the USAA tournament to play in the tournament in Miller Park in De Soto this weekend. The tournament directors are not willing to sponsor an interpreter for James, who is profoundly deaf. Mrs. Anderson said the team has paid their entry fee, and there are many sponsors that help pay for the tournament and she listed many of those. She said she was told by the director there was no funding to pay for an interpreter. Mrs. Anderson said the City of De Soto has some responsibility, if not legally, at least ethically, to provide an interpreter. She said her son, James, has been on this team from the beginning and he wants and needs a fair shot and he needs an interpreter to do that. She is requesting the City put pressure on the organizers of this event and deny them the use of the fields for the tournament if they aren't going to make it ADA accessible for every player.

Mayor Anderson asked how long James has played with the Blue Valley Recreation team. Mayor Anderson stated the City is not sponsoring this tournament. The fields have been rented through the proper requirements, as they would be to any organization. Mayor Anderson asked when the tournament sponsors were notified that a hearing-impaired child would be playing. Mayor Anderson provided a copy of the letter to Mrs. Anderson that City Attorney Patrick Reavey sent to Mr. Don Clark, the tournament representative, this afternoon. Telephone numbers have been given to Mrs. Anderson for City personnel if a problem arises. The City will take no further action.

3. Chamber / EDC Report: Sara Ritter, Executive Director, is out of town. Administrator Guilfoyle said there were between 250-300 people at the joint chambers networking event. The plan is to move the event to April next year to avoid the heat. Mrs. Ritter has been working with outside businesses who are considering relocating to De Soto.
4. Old Business: None.
5. New Business:
 - a. Consider a Special Use Permit amendment for Beer Thirty, an establishment in the 'C-2' General Business zoning district located at 9150 Lexington Avenue. City Engineer Brungardt stated this item needs to be tabled until the next meeting in order to satisfy the hearing requirements.

Motion by Councilwoman Zindler to table this matter to the next meeting; second by Cannon.

All Council approved by “ayes”.

- b. Consider a pool policy for citizens who want to enter the facility and are not going to be swimming. Aquatics Manager Justin Huslig provided a memo to Council regarding the policy. He said the general public appears to be comfortable with the rules now that they have been in force for over a month. Mr. Huslig stated that allowing people that do not pay into the pool still counts towards the maximum occupancy of 532 people. Several of the people who have requested to come inside the pool are not De Soto residents; they are here visiting friends or family and just want to come inside and watch and chat. There is limited deck space and chairs in the facility that paying customers are paying to utilize. Council discussion.

Mayor Anderson said the complaints he had received were from people who had come into town for the all-school reunion and had wanted to go inside and take a tour of the pool. Mayor Anderson asked if the pool manager could come out and take those people on a tour. Mr. Huslig said he had no problems with that.

Councilman Maniez said he had complaints from grandparents who wanted to come inside the pool and watch their grandkids swim. Councilman Maniez said most grandparents aren't going to stay for hours at the pool in the hot sun. The taxpaying citizens in the community should be allowed to go inside and watch their grandkids swim for a while.

Councilwoman Zindler and Councilman Morse said they didn't think a \$2.50 gate fee for a senior citizen pass was too much to pay to watch your grandkids swim. Councilwoman Cannon said the complaints she heard were that people put towels on the chairs and never went back to use the chair. Councilman Morse said the policy should stay intact and if someone wants a tour, then the pool manager on duty can give a tour. Discussion by Council and Mayor Anderson that more training should be done with the pool managers in assisting the senior citizens' requests. Mr. Huslig said he will work with the pool managers to accommodate these concerns.

- c. Consider Resolution of Support for Valley Spring Homes Phase II by Commercial Group. City Attorney Reavey said the Council has provided a resolution in support for the first phase, and now the developers are ready to begin the second phase. Discussion by Council regarding the senior citizens apartment criteria. Councilman Maniez discussed the criteria for senior housing. Councilwoman Zindler and Engineer Brungardt discussed that this is a Planned Development zoning and the senior criteria was made a condition of the platting process. Councilwoman Cannon said she would like to see a shelter put in for the FlexRide program riders. Discussion by staff and Council that the proposed development in Phase II will have to go through the planning process. Mayor Anderson agreed a shelter should go in.

Motion by Councilman Maniez to approve Resolution No. 747 for Commercial Group, Inc. in support of Phase II; second by Cannon.

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

Motion carried.

- d. Consider bids for 2006 CDBG Project. Engineer Brungardt reviewed the three bids

that were received and provided in the memo to Council dated June 29, 2006. There is a carry-over balance from the 2005 project, which is only now finishing up, and the balance is approximately \$20,500. There will be approximately \$70,500 to complete the 2006 project. LRM Industries was the low bidder on the bids and the alternate bids. Engineer Brungardt discussed the scope of the project and the items to be considered as project scope reductions. The total construction cost for the entire project is \$91,355. LRM has indicated a willingness to reduce the scope of the improvements to facilitate the project. A change order will need to be done when the contract is awarded. Discussion by Mayor and Council with Engineer Brungardt on the sidewalk. Councilman Morse said he is not in favor of a back gate access to the pool due to security reasons. Councilman Maniez said the shelter pad is an outrageous price; Councilman Morse agreed. Further discussion with Engineer Brungardt on the unit price. Councilwoman Zindler asked about the trail alignment. Councilman Morse restated that the back entrance to the pool should be safeguarded. The pool has already had vandalism done to it.

Mayor Anderson said the park board is anxious to have the shelter pad because they have the money to purchase the shelter. The City agreed to pay for the shelter pad. Councilwoman Cannon stated there needs to be a cheaper way to pour the pad. Council requested to bid out the shelter pad separately from the CDBG project. Further discussion by Council on the hillside by the pool being cleared out so there is more visibility for safety reasons. Council discussed a mulch walkway.

- e. Discuss Benefit District for Lexington Avenue traffic signal project. Engineer Brungardt provided a memo to Council dated June 29, 2006, and reviewed the traffic study and count that was done last fall. The total cost, if the benefit district bond is done, will be about \$189,000. The total benefit district costs would be approximately \$287,606. The City's portion would be 54.6% and the Benefit District portion would be 45.4%. Engineer Brungardt provided Council with an updated ownership listing of property owners. The school district is not likely to agree to be involved with the benefit district as the school is restricted from being a part of a special taxing district.

Discussion by Mayor Anderson, Council and Engineer Brungardt on assessments. The Mayor said he is in favor of a benefit district. Council agreed to further pursue a benefit district. Engineer Brungardt will bring back more information at next meeting.

6. Executive Session: None.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, requested the Council consider the days off for the employees for the Christmas holidays. Council directed Administrator Guilfoyle to work with the employees for a Friday or Tuesday split to cover City Hall business.

Administrator Guilfoyle requested a budget workshop for 5:30 p.m. on July 20th.

- b. City Attorney, Patrick Reavey, said Engineer Brungardt had discussed the questions regarding a school district impact fee. This is not a normal procedure and Attorney Reavey has notified the Planning Commission. He has also talked with Mr. Goodcents and they are waiting to have their property surveyed.
- c. City Engineer, Mike Brungardt, asked Council about scheduling a workshop for the water facilities plan. He has also invited some members from the Kansas Water

Office to attend the meeting. He asked Council to consider August 8th at 5:30 p.m.

Motion by Councilwoman Zindler for the Governing Body to schedule two workshops: one for July 20th, 2006, at 5:30 p.m. for a budget workshop; and, another on August 8th, 2006, at 5:30 p.m. for the water workshop; second by Maniez.

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

Motion carried.

Discussion by Mayor Anderson and Engineer Brungardt on utilizing and refurbishing the water treatment facilities located on the Sunflower property.

Mayor Anderson asked about the Penney property on 83rd Street and the house moving project being delayed. Discussion by Council that something needs to be done to get the project completed. Engineer Brungardt will report back to Building Official Chick and respond to the Council.

- d. City Planner, Kim Gordanier, is not present.
- e. City Clerk, Lana McPherson, provided Council with two handouts from the KACIR meeting she attended last Thursday in Wichita.

8. Council & Mayor Comments:

Councilwoman Zindler said the recycling centers have been a great success. Councilman Morse said Max Atwell is doing a tremendous amount of work around the recycling bins.

Councilman Maniez said the new trees that were planted on Kill Creek Road look like they are dying. He wants to know if the City has a plan to keep the trees watered so they don't die. The trees need to be watered at least once a week while it is so dry.

Councilman Maniez said the smell at the East "Y" has been brought to his attention by the Bedford's. Apparently, there is a noticeable odor on occasion. Will the new sewer plant take care of these odors? Engineer Brungardt said there will be a small lift station at the current wastewater plant and the west side lift station will be removed. Engineer Brungardt will ask Doug Smith to check into it.

Councilman Maniez asked where the City is with installing the audio visual equipment in the Council Chamber. Administrator Guilfoyle said he will be working on this in the future, after the budget process.

Councilman Maniez said there were a lot of fireworks all over town. He said he had received comments about the debris that was left by citizens. Mayor Anderson said it is something that will need to be tweaked in future. Councilwoman Zindler said in front of Rehrig Pacific, in the City street, there is debris all over. Councilman Maniez said the mess needs to be cleaned up, and the public should take responsibility for their trash.

Mayor Anderson said he has three Planning Commission appointments to make. He would like to again appoint Roger Templin to a three-year term; Mike Kroeger to a three-

year term, and John Krudwig to a two-year term.

Motion by Councilman Maniez to accept the Mayor's appointments; second by Zindler.

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

Motion carried.

Mayor Anderson said he has talked to the other City appointees and they are all willing to continue. He will appoint those people at the next meeting.

Councilman Morse said the trees on Kill Creek should be watered at least once a week.

Councilwoman Cannon said there needs to be more signage directing people to the boat ramp. She also suggested a port-a-john at that location since we provide one at the parks. Councilwoman Cannon thanked City staff for getting the thistles cut down on the railroad easement. Attorney Reavey said he has talked with Rehrig-Pacific and they are agreeable to keeping this done. The railroad does the spraying.

No further comments were made.

Motion by Councilman Maniez to adjourn at 8:45 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk