

MINUTES

The meeting was called to order with Roll Call by Mayor Rick Walker, who appeared virtually.

Roll Call:	Lane	Present Virtually	Ritter	Present Virtually
	Daniels	Present	Murdock	Present
	Honomichl	Present		

Mayor Walker led the Pledge of Allegiance. Citizens signed the book on page 90.

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 on December 17, 2020.
 - b. Approve Pay Ordinance No. 893.

Motion by Council member Murdock to approve the Consent Agenda; second by Lane.

Roll Call:	Lane	Yes	Ritter	Yes
	Daniels	Yes	Murdock	Yes
	Honomichl	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 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. You must state your name and address."

No one appeared.

3. Old Business: None

4. New Business:

- a. Consider Agreement with Johnson County for Health Order Enforcement. Administrator Brungardt said the BOCC passed a health order relating to COVID restrictions in Johnson County. The enforcement of this order is only allowed in the unincorporated areas and within cities who have entered into an agreement with the County. Mayor Walker asked if anyone is aware of any complaints made within our city. Administrator Brungardt said he checked with the County's hotline and they said they hadn't received any complaints as of December 30th. Council member Honomichl said there is one business in De Soto that has employees who fail to wear a mask.

Council member Daniels said he is a 'no' vote on this for a lot of different reasons why. He said one of the reasons is Chairman Eilert was dishonest in this and there is nothing in this resolution about 'education' of the public. At the time, Eilert said the chambers supported this, and that is an untrue statement. The Thanksgiving holiday did not spike as was predicted. The need for this enforcement is waning. He doesn't see a need of handing over enforcement to the County.

Council member Lane said he doesn't feel like we need anything else; he isn't happy with some of

the things the state (governor) does for reasons, and he is against this particular enforcement.

Council member Honomichl said whether we need enforcement or not, he could support this. He said the numbers are coming up again and it isn't getting better. If we need to take an action to encourage proper safety practices, he absolutely believes we need to do that. He said he will choose to not visit one business in De Soto because of their practices. He supports increased health safety measures.

Council member Ritter said he is not in support of this particular action. He does feel we need to encourage our citizens to practice all the safety health guidance. He feels if we are going to enforce something like this, it should come from our own city government and not allow or rely on the county to come in and pick whatever businesses they want, and then keep the revenues. He said there are probably some folks who don't follow all the safety procedures, but he feels we can educate them.

Council member Murdock said when she was going through this resolution, she felt it is something that needs to be enforced. She said there is a rise in COVID in our community. She really feels we need people to understand the severity of it and we need some lockdown on it. We are part of Johnson County and the BOCC has chosen this for our county. She said she would vote 'yes', and she feels people in our community need to follow the rules and we shouldn't let this slide.

Council member Ritter said he wasn't concerned about the fees; he is concerned about what isn't in the proposed resolution. There are things that are not included, such as the big businesses that are exempted. He said the state pushed this off on other folks to enforce.

Council member Honomichl said part of the rub is when people choose not to protect themselves, and that then affects others by not protecting their health and safety.

Council member Daniels said the numbers may be up, but the numbers are not what we've been led to believe in this area. Businesses are doing what they are supposed to be doing. He said this resolution isn't about personal, it's about businesses. The County's codes department doesn't have adequate enforcement as it is and their enforcement isn't going to have much effectiveness.

Mayor Walker said he thinks we all agree that masks are effective in slowing the spread of the virus. He said he, personally, has very clear proof that in his case the masks do slow the spread. He wants everyone to adhere to the mask order and keep everyone safe. He said this resolution puts the onus on the businesses, and personal actions by individuals is not being enforced. He said a business may be doing what they can and still have someone come into their business without a mask.

There was no further discussion and no motion was made.

- b. Consider Bids for Demolition of Structure at 8225 Delaware Street. Administrator Brungardt said there have been numerous resolutions and hearings on the unsafe structure on the property. The judge's order did come down this week and specifically prohibits inhabitants living there. Two responsive demo bids were received. He explained the bids. Attorney Reavey said the City will work with the Sheriff's Office to ensure the inhabitants are able to retrieve their personal belongings from the unsafe structure. Attorney Reavey stated the judgment is specific in not allowing anyone living on the premises, including in the trailer on the property. Johnson County has sent a copy of the tax foreclosure that has been filed against the property, along with two other liens against the property. The City will not likely collect the costs for the demolition of the unsafe structure.

Council member Lane asked if the City could attach a lien, at least to have it on file. Attorney Reavey said 'yes', however, once the title to the property changes, everything is off the table. He explained the process and the lien rights. Administrator Brungardt said the City will file a lien; however, with the tax foreclosure, it is unlikely the City will collect once the property goes through a

tax sale. Attorney Reavey said a lien will be filed by the City. Discussion on time frame.

Council member Murdock asked Attorney Reavey how long the inhabitants will have to remove their personal belongings from the unsafe structure. Attorney Reavey said the Resolution previously passed requires a minimum ten (10) days' notice; however, the City can determine a time frame. The only involvement the City has with the Sheriff is if someone is still using the property as a residence and asking the Sheriff to remove the person(s) from the residence. Council member Murdock said there should be a certain timeframe defined for the property owner to get their belongings out of the structure and off the property. Discussion ensued. Attorney Reavey said he will again reach out to Ms. Gardner and has requested she contact him directly. So far, he has not received any response from her. He asked Council to give him direction on the amount of time they want to give the defendants to remove personal items.

Mayor Walker asked if the structure is safe to enter. Administrator Brungardt said the Building Official said it is not safe to inhabit. Council member Honomichl commented that direction could be given to staff to direct the property owner to remove any belongings and enter into the structure at their own risk. Council member Daniels said this does need to be taken care of, not only for the property owner, but also for the neighbors. There has been plenty of opportunity for the property owner to know this demolition was coming. Discussion ensued between Council and Staff. Council member Daniels asked if Staff knows what the timeframe is for the contractor to demolish the structure. Council member Murdock said she feels there should be a document given to the property owner/inhabitant with a stated date so there is a defined timeframe for them to remove their personal belongings and that date is the deadline. She feels a couple of weeks to 30 days is sufficient time. A discussion ensued among Council members and Attorney Reavey. Attorney Reavey said a Notice will be served to the property owner. Council member Ritter said since the structure was posted as 'unsafe to enter', he asked Attorney Reavey to include in the notice that removing the contents is at their own risk to enter the structure.

Motion by Council member Daniels to accept the bid submitted by Denton Excavating dba Midland Wrecking in the amount of \$10,390.00 and approve Resolution No. 1040, with the provision that occupants have an opportunity to remove the contents from the structure within 30 days; second by Murdock.

Roll Call:	Lane	Yes	Ritter	Yes
	Daniels	Yes	Murdock	Yes
	Honomichl	Yes		

Motion carried.

- c. Discuss 2021 Strategic Plan Update. Administrator Brungardt said this is the fourth year of the updates to the plan that was originally adopted in August 2017. He has provided Council with some updates provided in red-line and asked Council members for their thoughts on existing goals or new goals, or any other changes to discuss. The red lines reflect changes that have occurred in 2020.

Council member Daniels asked the goal of internet in the under-served areas. He said the people inside the City are now asking when they are going to get the fiber internet to the remainder of the community. Council member Murdock said she agrees that the citizens are wanting to have the opportunity to change providers and maybe there is something the City can do to help with that. Council member Honomichl commented regarding the fiber installation to the under-served areas and now bringing this expansion of high-speed service to the citizens who may want to change providers. Council member Daniels said one of the companies in town keeps chasing greener pastures in other cities because they say there is so much rock, which is true, but we need some way to keep this company moving within our community rather than taking off to another community. Council member Honomichl commented on ways to help encourage them to promote their business and to build their business in this community. Discussion.

Council member Lane said he agrees with both Council members and he feels we need to get the

Broadband Committee back together and have discussions to reassert to both providers what we expect from them. Council member Ritter said sidewalks are also on the list and he wondered if we could work with the internet providers to have them put the fiber in the ground prior to the sidewalks being constructed. Discussion.

Mayor Walker asked about other goals, like housing. Council member Murdock said housing should always be on the list. She said housing needs to match up with the need of the employees who work in the City and be affordable to those who work in the manufacturing field. She also said the downtown revitalization needs to be discussed again and maybe revamping the goals. The last item she commented on is the 'trails' since that was a priority on the past parks referendum that didn't pass. Council member Honomichl said as we look at the southwest area for broader economic opportunities, it needs to be realigned in some other areas of the master plan for both land use and infrastructure. Administrator Brungardt said he has made some notes and when we have the next Council meeting, he feels we can make good progress with this. Discussion by Council member Honomichl and Mayor Walker. Council members will provide their comments to Administrator Brungardt so he can work up the comments for discussion at the next meeting.

- d. Discuss 2021 CIP Update. Administrator Brungardt said the revisions are started in January annually. The 2021 update will be the third update since the CIP was overhauled in 2019. He said he has shown the five years in a spreadsheet to make it easier to review. Administrator Brungardt pointed out the funding sources for the projects in the CIP. He explained details of a proposed benefit district that Council will need to discuss. Discussion by Mayor Walker, Council members and Administrator Brungardt. Administrator Brungardt said the City will be issuing bonds in the amount of \$1.1 Million this year for projects. He outlined further projects in this year's update. A discussion ensued about the railroad bridge. Administrator Brungardt continued with comments on the funding for this year's projects, along with the Master CIP listing of projects and debt service.

Council member Murdock commented on the park improvements that aren't on the CIP. Council member Honomichl commented on the year-ending fund balance for year 2024. He would like to discuss how we look at 2024, 2025, 2026 and how we maintain a balance as in prior years. He said he feels infrastructure will slow down, and he would like to set a target for the outlying years. He also said he completely supports the projects in the Park Board's recommendations. Council member Daniels asked about the downtown streetscape project and the timeframe possibly being spread out so some of the funding could be used elsewhere. Mayor Walker asked how comfortable Council members are with the debt service mills being proposed. Discussion. Council member Daniels said he would like to see the mill levy stay in the area where it has been, but also look at other funding sources. Council member Honomichl asked about the Waverly Water Tower. Administrator Brungardt said this tower currently isn't being utilized at this time. This item is part of the Water Fund and not the CIP Fund. He commented on the different types of funds. Council member Ritter said the tower was kept there for storage and for ISO rating.

- e. Consider Final Plat for Carriage Houses #9. Planning Director Brad Weisenburger stated the development plan does have 10 buildings. He explained the process for the garage condominiums. The exact square footage for each unit has been established and the Planning Commission has approved the Final Plat.

Motion by Council Member Honomichl to accept the easements and Rights-of-Way for the Final Plat of Carriage Houses #9; second by Daniels.

Roll Call:	Lane	Yes	Ritter	Yes
	Daniels	Yes	Murdock	Yes
	Honomichl	Yes	Mayor	Yes

Motion carried.

- f. Consider Special Use Permit for a Pole Sign for O'Reilly's Auto Parts at 34009 West 91st Terrace.

Planning Director Weisenburger said this was submitted for a pole sign and all appropriate information, site plan, and documentation have been received. Notification letters were sent to surrounding property owners and no one responded. Planning Director Weisenburger said the Planning Commission recommended approval of the application. He reviewed the Zoning Requirements and the Matters to be Considered. Staff conclusions on the Matters to be Considered are generally 'positive' in favor of granting the application. Staff recommends approval of the Special Use Permit for a term of 20 years with one-year annual renewals.

Administrator Brungardt provided some renderings of the area where the proposed pole sign would be erected so Council has an idea of how the proposed pole sign could look in that area.

Motion by Council Member Daniels to approve Ordinance No. 2504 Providing for a Special Use Permit for O'Reilly Auto Enterprises, LLC to Locate and Maintain an Elevated Pole Sign at 34009 West 91st Terrace for a term of 20 years with one-year annual renewals; second by Murdock.

Roll Call:	Lane	Yes	Ritter	Yes
	Daniels	Yes	Murdock	Yes
	Honomichl	Yes		

Motion carried.

Mayor Walker asked if this a good time to discuss how many pole signs we should allow. Discussion ensued among Council members. Council member Murdock said she likes to know what businesses are in a town when she drives in. She agreed with Council member Daniels that it is unlikely every business will want a pole sign. Council member Ritter said he agrees with Council member Murdock.

- g. Discuss Citizen Input on 82nd Street Sidewalk Project. Planning Director Weisenburger provided the background on this project. City staff prepared and direct mailed 50 letters to property owners and residents and distributed 30 door hangers at every residence in the direct area of influence. Information was provided in English and Spanish. A virtual public meeting was held on December 10, 2020, with only one property owner participating. The information regarding the pros and cons was presented block by block for each side of the street. Only five people responded and were in support of the south side and are current residents along the south side. Staff is requesting Council direction to proceed on the sidewalk project. Administrator Brungardt commented on the project.

Council member Murdock said the south side was the chosen side; however, the north side is more cost-effective. Mayor Walker commented on the existing sidewalk from Miller Park. Discussion. Council member Murdock said she thinks this is a good project to do and would like to see funding options to complete the project. Council member Honomichl said he agrees with the south side.

Staff will request PEC to complete the final design documents for the project and also add alternates for the project and costs so funding sources could be reviewed. Discussion ensued.

- h. Consider Funding for Southwest Area Plan in Cooperation with EDC. Administrator Brungardt said there is \$50,000 for an infrastructure masterplan for the Southwest Growth Area. The EDC is also wanting to do a similar study for property at 103rd and Edgerton Road. In cooperation with the EDC, negotiations have been taking place with Burns & McDonnell to perform the study. The scope for both areas has been broken out and the consultant will provide layouts and cost estimates for the two areas. The work will be done for the EDC and the City is not named as a party to the contract.

Council member Honomichl and Administrator Brungardt discussed the details of what this study will cover for the Southwest Growth Area. Discussion between Council members on what will be needed in additional follow up for this particular area.

Motion by Council member Daniels to authorize the City Administrator to provide the EDC with \$50,000 in

CIP funding for the Southwest Area Plan study; second by Honomichl.

Roll Call:	Lane	Yes	Ritter	Yes
	Daniels	Yes	Murdock	Yes
	Honomichl	Yes		

Motion carried.

5. Executive Session: N/A

6. Advisory Reports:

- a. City Administrator, Mike Brungardt, said Staff was approached by Susan Mong about public art being included in Johnson County Parks. She would like some participants in the focus groups. He said he has volunteered Whitney Lange from City Staff, Rose Burgweger and Linda Lane. He said he had asked Linda Lane because she has approached Council in the past about having public art displays in our community. Administrator Brungardt asked if there were any others who would be interested in participating to contact him. Council member Murdock commented that she had talked with Ms. Mong and if another person is needed, Council member Murdock will volunteer.
- b. City Attorney, Patrick Reavey, no report.
- c. City Planner, Brad Weisenburger, stated he will present a street project at the next Council meeting.
- d. City Clerk, Lana McPherson, no report.

7. Council & Mayor Comments:

Council member Murdock had no further comments.

Council member Lane said the Street Department did a good job on the streets last week.

Council member Honomichl had no further comments.

Council member Ritter said a resident at 87th & Waverly called about their mailbox being damaged. He asked Staff to check on this. Council member Ritter said he would like to follow up on the COVID comments and asked if we could request Whitney to post something about wearing masks and being safe. Council member Ritter said he had a complaint about one of the contractors installing wireless resulting in some damage. Council member Ritter said he owed an apology to Administrator Brungardt for not stopping by to sign a document. He was on the road and simply forgot about coming in.

Council member Daniels asked if there is any resolution on the mill levy error the County made and is there a correction coming soon? Administrator Brungardt explained what happened and the County Appraiser has been working on this with the parties involved. He doesn't know how the County is going to handle the public information part of correcting the error.

Mayor Walker said he neglected to formally appoint David Burns to the Board of Zoning Appeals.

Motion by Council member Honomichl to ratify the Mayor's appointment of David Burns to the Board of Zoning Appeals; second by Ritter.

All Council approved by "ayes.

Motion carried.

Mayor Walker said the Johnson County Housing Study has been drafted. The second step is forming a task force to participate in the findings of this study. He asked if there is anyone who would like to serve on this task force. It can be anyone who is interested in the housing needs in Johnson County. They have been underrepresented in this task force and are asking for participants. Council discussed several contractors and builders who work in the City that may be interested in serving.

Council member Murdock asked if this is something Whitney could put together and put out to the community. Administrator Brungardt commented on his attendance at the study meetings.

No further business came before the Council.

Motion by Council member Murdock to adjourn at 9:45 p.m.; second by Honomichl.

All Council approved by "ayes."

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk