

## MINUTES

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The meeting was called to order with Roll Call by Mayor Rick Walker.

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

Mayor Walker led the Pledge of Allegiance.

PROCLAMATION: Mayor Walker designated September 17<sup>th</sup>-23<sup>rd</sup>, 2020 as Constitution Week.

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 September 3, 2020.
  - b. Approve Pay Ordinance No. 886.

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

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:

- a. Discuss Possible City Code Revision to Accommodate Habitat/Wildlife Preservation Projects Within the City. City Attorney Patrick Reavey addressed the Council and stated at the last Council meeting, there was an ordinance proposed to allow the Council to consider revisions to the City's weed ordinance. Since that time, Attorney Reavey has checked with other cities and the Mayor has also found ordinances from Minnesota regarding their regulations. He explained the options available to the Council concerning this matter. He prepared a revised ordinance to incorporate the natural habitat and conditions to be met to support a natural habitat, and also provides for the oversight by the City Codes Officer.

Mayor Walker said he researched some ordinances used in other cities and this would help define the natural habitat and the criteria which must be adhered to for this type of natural habitat. He said, personally, not every lawn has to look the same. Part of the attraction of our community is that we are not a 'one size fits everything' as there are differences in lot sizes and varieties. He asked for Council's thoughts on this matter.

Council member Murdock said she wasn't here last meeting. As a Council, she said she wants to find a policy that would be beneficial for everyone. However, the City is continually looking at ordinances and refining and changing regulations to meet the needs of the citizens. There are many areas of our City that do have a natural landscape. She has driven around the City and what every citizen wants in their yard is totally different. The City has a lot of large lots and the residents have chosen a large lot so they can do what they want on the property. Not everyone wants the same thing. She said her job is to make sure there is no harm being done. It's not fair to say this owner doesn't want to mow, since this is a project. She said she is a big wildflower lover and she is working on a wildflower garden in her backyard. She is in support of making a change to the ordinance to allow this. She said noxious weeds as defined in the Kansas Noxious Weed Act need to be removed. There will still need to be setbacks, weed control, etc. for the particular area.

Council member Daniels said at last Council meeting he asked for time to review. He commented this type of habitat isn't a new thing and has been done in other cities. He said people like De Soto, and the ability to not have to do with certain mandating as in larger cities. What really defines weeds vs. flowers. He said he would like to encourage people to talk to their neighbors. He visited with people who signed the petition and those who hadn't. There were neighbors who said they have no problem with the natural habitat, and there are two sides and he heard both fairly equally. He said there hasn't been a lot of communication to let everyone know what is going on with this project. All the information isn't equal. He said he is fairly supportive of the proposed ordinance and agrees with Council Member Murdock about the noxious weeds and setbacks.

Council member Honomichl said he sees this as something we can all collaborate on. He said he is pretty much a rule follower, but when he saw the presentation about restoration of natural habitat, he is for that, too. From his years serving on the Planning Commission, he has a bias of wanting to have structure, yet De Soto is also a suburban environment. People in De Soto like the fact there isn't a lot of overreach and control as in some larger cities. He likes the idea of naturalized vegetation and he would like to find collaboration and look at alternatives. There are places the City has surplus property where this would be a good idea to implement something like this. In keeping with the large lot and rural feel of the community, where is the harm of having natural. He thinks there should be some correction.

Council member Ritter said after the presentation at the last Council meeting, he did go look at the project. He likes the ordinance as it is, and if changes need to be made then we need to work on it.

Council member Lane said he is in favor of natural habitats and tall grass prairie. He feels this tall grass prairie needs to stay in the tall grass prairie. This project is too overgrown for this area in the subdivision. On a smaller scale and not surrounding the whole area, this might be ok. He is willing to look over other options. He feels the ordinance should stand as is. He feels this is wrong place for a prairie in the middle of the subdivision where other property is well taken care of.

Council member Daniels said he sees two issues. One is dealing with the ordinance as it stands or is revised; and the other is dealing with the consideration of the property and the definition of the weeds. Mayor Walker said either ordinance is going to require the property owner to come into compliance with the project as far as noxious weeds and yard setbacks.

Council member Murdock said she understands Council member Honomichl's comment about having this discussion prior to this project taking place. No matter what would have transpired, the discussion would be the same. Do we want to allow it (natural habitat) in our community or not? Noxious weeds need to be removed from the area to be in compliance.

There are people who want this kind of habitat. We need to discuss it and determine a policy based on the research that has been done.

Mayor Walker said the steps we would have gone through, would likely have ended at the same conclusion as this is the way the Council solves concerns. Discussion ensued among Council members. Council member Daniels said he thought about several considerations, but the community is very diverse on lot sizes and yard setbacks. Council member Honomichl asked Attorney Reavey to clarify the language as a complaint-based regulation. A discussion ensued on the 'front yard' definition in the City's Zoning Regulations. Discussion.

Council member Ritter said he understands the front yard definition; yet, the City doesn't enforce those regulations because people do park boats, trailers and RV's in their front yard. Discussion ensued with Council member Honomichl that this discussion has gone around, but the Council has debated whether to drive around and look or go on a complaint-based regulation. Administrator Brungardt said there are 5-10 worst-case violations that are looked at and there are community-based resources used to help mitigate these violations. Council member Daniels said the balance of enforcement is a fine line to balance.

Mayor Walker asked for Council's recommendation for the ordinance. Council member Honomichl said the second ordinance is his preference; however, he would change the front yard setback to match the City's current front setback. Council member Murdock said the second ordinance is the one she is in favor of. Council member Daniels said he prefers the second proposed ordinance and agrees with Council woman Murdock. Council members Lane and Ritter both have stated they were not

Motion by Council member Murdock to approve Ordinance No. 2499 Amending Sections 8-402 and 8-407 of Article 4 of Chapter VIII of the City Code to Update the City's Regulations Governing Maintenance of Weeds and Grasses; second by Daniels.

Council member Ritter asked about the yard setbacks. Council woman Murdock said she did not include that in the motion.

Roll Call:	Lane	No	Ritter	No
	Daniels	Yes	Murdock	Yes
	Honomichl	Yes		

Motion carried.

Council member Honomichl asked how the existing property will fall into compliance under this new ordinance. Attorney Reavey said at the last meeting, the Code Enforcement Officer said this is not an enforceable situation as presented to him in the beginning. Right now, there isn't any enforcement under the old ordinance. Attorney Reavey will discuss the new ordinance with the Code Enforcement Officer and work with the property owner to bring this property into compliance under the new ordinance regulations.

Mr. Jim McNaughton commented that he bought his property 35 years ago and they were made to comply with every ordinance to improve their property.

Mr. Evan Haake, 9105 Oak Country Lane, issued his apologies and thanks to those in the room. He said when he and his daughter entered into this project, it was with good intentions. Mr. Haake said he is sad about losing friends over this. He said he is really proud of his daughter and the work she has done on this project. She should be proud of herself and she has done a fantastic job. He appreciates the consideration of everyone.

4. New Business:

- a. Receive Presentation on Park Bond Referendum Survey. Administrator Brungardt introduced Whitney Lange, City Communications and Outreach Coordinator, who worked with the Park & Recreation Board to conduct an online survey to obtain feedback from the public about the specifics of the proposal. The main intent was to guide the Park Board on what they need to look for. Ms. Lange provided a power point presentation for the Council's consideration regarding the survey demographics. The survey was offered in both English and Spanish.

Administrator Brungardt said the Parks & Rec Board will be discussing this information in their meetings and then will bring their recommendations to the Council after the first of the year. What does the Council want to do about a modified referendum or let it lie for now?

Council member Daniels said he would like to hear the Park Board's recommendation. When did the survey take place? Whitney stated July 30<sup>th</sup> through September 2<sup>nd</sup>. Council member Daniels said the COVID may have had an impact on the trail outcome as more people were out walking. He said in watching Johnson County increase taxes, he doesn't feel going back for another referendum at this time would be beneficial. Council member Murdock said she isn't in favor of doing another referendum right now. Even though trails were important to the citizens, she still feels it would be good to go back to the sports fields for the kids. We've been working on these fields for the kids for years. The sports program can grow if we can work on soccer fields.

Mayor Walker said we aren't looking for a huge soccer complex; we want flat fields for our kids to play soccer on. There are some misconceptions on what was proposed. Council member Murdock said she would like to look further into trying to get better soccer fields for our kids. Council member Daniels said he agrees with Council member Murdock, and part of his view on the soccer fields is to find a way to keep that moving. Council member Honomichl said he agrees. He said he feels like, looking back, maybe we did try to bite off too much. He said the trails are important and so is Miller Park. Maybe there is something to be supported in a more modest approach with trails included that could be worked into a referendum in late 2021. Council member Murdock asked about connecting to the county's trails. Could some of the City's trails be connected with the county trails?

Council member Lane said he feels late next year it may be better to refocus and have more public meetings. He would like to look at options and not overload with a high tax increase.

Council member Ritter said he would like to attempt it again. We need to find out how we can get more registered voters to participate. He agrees with Council member Murdock that the sports fields are very important for our kids.

Mayor Walker said the Park Board is anxious to get a new plan together. Discussion ensued.

- b. Receive Park Board Recommendation on Pool Fee Schedule for 2021 Season. Administrator Brungardt said at the request of Staff, the Park Board has reviewed the fees the City charges and De Soto is significantly below surrounding communities' fees. There haven't been any rate adjustments made since 2010. The main motivation is the ongoing abuse of the family pass where unrelated groups of individuals are often included in a family pass. A discussion on a proposed "Household" pass which is limited to four (4) persons and no more than two (2) adults are included the total of four persons.

Council Member Murdock asked about the rates on individuals being reduced. The new "Household" pass will increase in cost. However, a single child pass will decrease. Jay Garvin, Parks & Rec Director, commented on the different passes.

Motion by Council member Murdock to direct Staff to prepare an amendment to the fee resolution for consideration at the October 1<sup>st</sup> meeting; second by Honomichl.

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

Motion carried.

Discussion between Council member Daniels and Mr. Garvin on the fee structure amounts.

- c. Consider Subrecipient Agreement with Johnson County Relating to CARES Act Coronavirus Relief Funding. Administrator Brungardt said he has tried to keep Council apprised of the County's process on reimbursing cities for the COVID-related expenses. He explained the three parts of the County's allocation plan, and the Subrecipient Agreement for allocation of the award of \$28,526.00 for De Soto for reimbursable expenses. Administrator Brungardt has already submitted items that have been approved by the County. He commented on the future projects that to address the health concerns and areas of need.

Motion by Council member Daniels to authorize the City Administrator to sign the subrecipient agreement with Johnson County for \$200,638.05 in CARES Act grant funding; second by Murdock.

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

Motion carried.

- d. Consider Purchases of Tablets for Remote Work and Videoconferencing Purposes. These have been approved through the County's pre-approval process. Administrator Brungardt said the Apple iPads were priced out, but some department heads would prefer a Microsoft Surface. He would like the option to allow a product choice for the department heads.

Council member Murdock asked why the Council would need iPads. Administrator Brungardt said it would be reasonable to expect Council members to have City equipment for meetings so that everyone is working from the same format, microphones, etc.

Council member Honomichl asked about other employees who may need an iPad. Discussion with Administrator Brungardt on what some departments already have in use.

Council member Ritter asked if there could be some Emergency Management information set up in the iPads. Administrator Brungardt said there could be a folder when the IT person sets up all the iPads.

Council member Honomichl asked if this should be tied to an exact amount or what kind of flexibility is needed? Discussion that the County has already approved the dollar amount.

Motion by Council member Honomichl to authorize the City Administrator to purchase 14 tablets with accessories with expenses to be reimbursed by CARES Act grant funding; second by Daniels.

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

Motion carried.

Council member Daniels said he would like to comment further on Council member Ritter's suggestion of having Emergency Management info as well as some other info programmed in.

5. Executive Session:

- a. Discuss the City Administrator's Annual Review – 15 Minutes

Motion by Council member Murdock to recess into Executive Session at 9:12 p.m. for 15 minutes to discuss personnel pursuant to K.S.A. 75-4319(b)(1), with the open meeting resuming in the City Council Chamber at 9:27 p.m.; second by Daniels.

All Council approved by "ayes."

Motion carried.

Members of the Council returned to the Council Chamber from Executive Session at 9:27 p.m.

Motion by Council member Murdock to increase the salary of the City Administrator by 4% retro to his contract date; second by Daniels.

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

Motion carried.

6. Advisory Reports:

- a. City Administrator, Mike Brungardt, said the road improvements on Post Oak Drive and Post Oak Circle will begin next Monday. He said he sent letters to the property and business owners in the area of the proposed roundabout project. He commented on the turn lane by the Business Park on 91<sup>st</sup> Street. The preliminary design work is being discussed and the second meeting with the public will be around the first week in October.

Administrator Brungardt commented on the previous discussion about moving former Mayor Maniez's tree that was used for the Mayor's tree lighting event. He said he has spoken with Debbie Maniez as there were some concerns about moving the tree. Staff has looked at some options available. He is working with City Staff on where to locate the Christmas tree.

- b. City Attorney, Patrick Reavey, commented on the property the City is purchasing. There is a title issue that was not addressed by the seller of the property and she is willing to get that done and move forward. He said with Council's approval, he would like to extend the contract for another month to allow seller's attorney to complete the necessary documents.
- c. City Planner, Brad Weisenburger, was not present.
- d. City Clerk, Lana McPherson, no comments.

7. Council & Mayor Comments:

Council member Ritter asked about the direction signs at the intersection at 91<sup>st</sup> Street. Administrator Brungardt said the signs have been installed.

No further comments from Council members.

Mayor Walker said when Doug Pickert presented the plan at Riverfest during the last meeting, he suggested some tree plantings around the band shell. With Fall approaching maybe this is the time frame to get trees planted so they can start growing. He would like Council's approval to move forward on that. Administrator Brungardt will bring back bids for the next meeting.

Mayor Walker said he thought it was a good meeting. He feels badly if people in the audience thought they were going to be allowed to speak again since the matter was discussed at the last meeting, and there were also many emails sent to Council members. Discussion among Council that the topic had been covered in the previous meeting.

Motion by Council member Murdock to adjourn at 9:42 p.m.; second by Honomichl.

All Council approved by "ayes."

Motion carried.

Respectfully submitted:

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Lana R. McPherson, MMC, City Clerk