

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
April 3rd, 2008, at 7:00 P.M.

MINUTES

The meeting was called to order with Roll Call by Mayor David Anderson.

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

Mayor Anderson led the Pledge of Allegiance. Guests signed the book on page 114.

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 March 20th, 2008.
 - b. Approve Pay Ordinance No. 589.
 - c. Approve Resolution No. 818 for City to join MARCIT for health insurance coverage.

Motion by Councilman Templin to approve the Consent Agenda; second by Drennon

Roll Call:	Cannon	Yes	Maniez	Absent
	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."

Joe Rawie, 8990 Rowen Road, De Soto, said he would like to talk about the sign ordinance on banners within the City. He said he owns a couple of shopping centers here in town and they were notified to take the banners down. Mr. Rawie said there are other banners up in town and he asked why they were up. Mr. Rawie stated the businesses need the banners up at this time because the economy is down right now. He said the banners are up trying to encourage people to come into the businesses. He is requesting the Council relax the banner ordinance for a few months. The business owners have spent a lot of money here in town to have businesses and he feels the City owes it to the businesses to help encourage business. He said the banners are tasteful and commercially printed; he doesn't want to see cardboard signs and boxes with hand lettering. Mr. Rawie said the banners do help. Mr. Rawie said there was supposed to be a sign committee formed a year or so ago, and he wondered what has happened to that committee and the signs advertising the City and the businesses to attract traffic off of the highway.

Councilman Drennon asked about the changes Mr. Rawie would like to see proposed. Mr. Rawie said commercial banners should be allowed on the property just to advertise some specials at that business. No business in town is making more money than they can spend. We need to work with the businesses to keep them. Discussion by Councilwoman Templin

on how long the banners could be left up. Continued discussion by Councilwoman Templin on how many banners can be allowed in one place. City Attorney Reavey said the banners can only be up for 21 days and only twice per year. Discussion by Council and Attorney Reavey on the ordinance and the size regulations. Councilwoman Templin said the sign committee did work with the Chamber and the City on entry signage for the City. Discussion by Council and Attorney Reavey on a possible moratorium for a year.

Councilman Drennon said he feels there needs to be a change so that there is some leeway for the businesses to attract customers. He said he is for a change. Councilwoman Templin said she does want the businesses to succeed and to allow them to advertise; however, if every business in a strip mall puts up a banner, then that may be too many banners at one time. She said if a sign is left up too long, then it stops being noticed. She said maybe it could be allowed up more than twice a year. Councilwoman Templin said she would not vote for directing staff to "look the other way". She said this matter was brought to light because a complaint was made, so a citizen had a concern about banners.

Councilman Morse said there needs to be some help for the businesses; he understands what the businesses are up against. The cutting back right now affects every business. He would support a moratorium on the ordinance for a year. Councilwoman Cannon said she agrees with Councilman Morse and the banners are no different than a real estate sign that sits in front of a house for a year or more advertising a house for sale.

Mr. Rawie said the banners need to be kept clean and neat and in good repair. Discussion by Mayor Anderson and Attorney Reavey on the banner ordinance. Attorney Reavey said if it is the Council's desire to suspend enforcement, then a citizen could ask for the City to enforce the regulation that is on the books. If the Council votes to do a moratorium, then the business should apply to the City for a permit to put the banner sign up for a specified period of time during the moratorium. Mayor Anderson said he is interested in this, and he would suggest going back to the Planning Commission to address this concern. Councilwoman Templin said she is willing to look at this, but the Planning Commission should address this. Mayor Anderson said the Council is obviously willing to change this.

Mr. Rawie said there are signs all over town that don't conform and they are still up. He just wants to help advertise and promote the businesses within the community and help attract the customers into the City's businesses. He would like to see a sign committee get busy and do something. Discussion by Councilman Morse and Mr. Rawie on a retailers' business group. Mr. Rawie said he wants to see the businesses stay here and survive. Continued discussion by Attorney Reavey on business owners coming to City Hall and signing an agreement on the banner to be put up until the moratorium is determined. Mayor Anderson said he has talked to Mr. Rawie and he understands we are a small town. Discussion by Mayor Anderson on the comments to be addressed by the Planning Commission. Attorney Reavey stated there will need to be a public hearing to change the sign ordinance. Until then, the banner signs must meet the current regulations.

Motion by Councilwoman Templin to place a moratorium on banner signs and suspend code enforcement until the Council votes on a text amendment regarding the sign ordinance; and that any persons wanting to display a banner sign during the moratorium come to the City and sign a form acknowledging that the banner sign is only allowed during the moratorium and must come into compliance with current regulations until a new ordinance is adopted by the Council on a text amendment; second by Drennon.

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

Motion carried.

Mary Hansen, 33102 W. 89th Street, asked how the signage applies. Discussion that there is a size restriction on the banner signs. Attorney Reavey stated the moratorium is only for the length of time the banner signs can remain up. She said twice a year isn't long enough.

John Richmond, 21060 W. 169th Street, said K-10 is really a corridor to help promote the City's businesses. He is the new owner of J.T.'s and he is working with the state for a sign on K-10; it is \$1,500 annually to advertise. The state regulates the signs on K-10.

- 3. Chamber / EDC Report: Executive Director, Sara Ritter, stated in February the Chamber has met with a company called Agenda KC regarding the Blues and BBQ event. This company will provide a scope of services and the Chamber will compare this with other. The Chamber is hosting a networking event on April 24th at Kill Creek Farm from 5:00 to 7:00 p.m. The event is free to all businesses.

The Chamber was approached by FCB Bank about having a "Spring Fling" on Saturday, April 26th. They are requesting a Temporary Use Permit. Mary Guntert requested that there be three "SLOW" signs placed on Shawnee, Peoria and 83rd Streets in downtown. Ms. Ritter said this is to draw people to come into the downtown area and see what De Soto has to offer. This event has grown and there is entertainment and art displays for this event. They are requesting the \$50 fee be waived as this is promoting businesses within the City.

Motion by Councilman Morse to approve the Temporary Use Permit for the Spring Fling and waive the \$50 fee; second by Cannon

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

Motion carried.

- 4. Old Business:
 - a. Consider a recommendation from the Planning Commission amending the Comprehensive Plan Maps 1 through 14. City Planner Bohnsack said the maps were two to three years old and needed to be updated for the Comprehensive Plan.

Motion by Councilman Drennon to approve Ordinance No. 2196 amending the Comprehensive Plan Maps 1 through 14; second by Cannon.

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

Motion carried.

- b. Consider a recommendation from the Planning Commission to amend Article 7, Section 11, Part A of the Zoning Regulations concerning signs in the "R-H" Residential – Historic "Old Town" District. **Table**
- c. Consider sewer service agreement for Sunflower Redevelopment LLC. Attorney Reavey stated he has heard from the attorney today regarding this matter. He provided Council a copy of the agreement with the revision. Discussion by

Administrator Guilfoyle regarding the change that the group has agreed to, per the Council's request. Discussion by Attorney Reavey and Council members.

Motion by Councilman Morse to authorize the Mayor to sign the agreement with SRL as amended; second by Cannon.

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

Motion carried.

5. New Business:

- a. Consider Temporary Use Permit request by FCB Bank, in Conjunction with Chamber of Commerce. (This item was discussed under the Chamber/EDC report above)
- b. Consider Ordinance Authorizing Issuance of Series 2008-A Bonds. Administrator Guilfoyle said bids came in today. Kelsi Powell of Columbia Capital managed the bid opening today for the Series 2008-A Bonds and Temporary Notes. There were two bids received for the 2008-A Bonds and the winning bid was from UMB Bank and the true interest cost is 4.04%. The City's underlying bond rating was increased this year to an "A" rating. Ms. Powell discussed the reasons for the City's increased rating and she congratulated the staff and Council on this accomplishment.

There were four bids on the Temporary Notes and Country Club Bank was the winning bid with an interest rate of 2.6325%.

Motion by Councilwoman Templin to approve Ordinance No. 2197 Authorizing Issuance of Series 2008-A Bonds; second by Drennon.

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

Motion carried.

- c. Consider Resolution Providing for Form and Details of Series 2008-A Bonds.

Motion by Councilman Morse to approve Resolution No. 819 Providing Form and Details of Series 2008-A Bonds; second by Cannon.

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

Motion carried.

- d. Consider Resolution Authorizing Issuance, Form, and Details of Series 2008-1 Notes.

Motion by Councilman Drennon to approve Resolution No. 820 Authorizing Issuance, Form and Details of Series 2008-1 Notes; second by Templin.

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

Motion carried.

6. Executive Session:

Motion by Councilwoman Templin to go into Executive Session at 8:10 for 15 minutes for attorney client privilege and to invite Administrator Guilfoyle into the session; second by Morse.

All Council approved by "ayes".

Councilman Drennon recused himself from Executive Session due to a conflict of interest.

Motion by Councilwoman Templin to return to Regular Session at 8:20 p.m., five minutes early, and only the item stated was discussed and no votes were taken; second by Cannon.

All Council approved by "ayes".

Motion carried.

Motion by Councilwoman Templin to deny Mr. David Nance's claim to the City; second by Cannon.

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

Motion carried.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said he attended a meeting at the County Appraiser's office this week. Mr. Welcome provided a report to all the cities. The City's real estate portion of the overall assessed valuation numbers for 2008 look better than expected, and the City is in better shape than some cities in Johnson County. The City's numbers went up 4% over last year. The County Appraiser estimates that the cities will see a 10-15% reduction to last year's Personal Property portion of the overall assessed valuation. Assuming that the State Assessment portion of the overall assessed valuation does not change significantly, the City will probably have an overall assessed valuation increase between 1.5% and 2.0%

Administrator Guilfoyle said the City has some surplus vehicles that need to be disposed of. Ron Creason, Street Superintendent, has suggested the City place these vehicles on E-bay with minimum bid amounts. Council approved this method.

Administrator Guilfoyle stated Water Superintendent Clarence Brunk would like to purchase a backup handheld unit for meter reading.

Motion by Councilwoman Templin to authorize the City Administrator to purchase the meter reading device; second by Cannon.

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

Motion carried.

- b. City Attorney, Patrick Reavey, provided Council with an update on Mr. Stevens' refuse collection. Attorney Reavey discussed the comments that Council directed staff to check into, and he provided Council with some proposed language.

Motion by Councilwoman Templin to amend the Agenda to include Item 5 E to include an Ordinance Amending Article 4 of Chapter XV of the City of De Soto Code Related to Solid Waste; second by Drennon.

Councilman Morse asked if this matter should be an item the public could look at prior to just being included at the last minute. Discussion by Council and staff.

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

Motion carried.

Motion by Councilwoman Templin to adopt Ordinance No. 2198 Amending Article 4 of Chapter XV of the City of De Soto Code Related to Solid Waste; second by Drennon.

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

Motion carried.

- c. City Engineer, Mike Brungardt, was not present.
- d. City Planner, Linda Bohnsack, thanked Council for adopting the "Downtown Plan". She stated there was another meeting on the 95th Street Corridor. These comments will go before the Planning Commission on April 22nd for further discussion. Mayor Anderson requested a copy of the list of people who have attended the meetings so he can send them a thank you letter.
- e. City Clerk, Lana McPherson, had no comments.

8. Council & Mayor Comments:

Mayor Anderson said Chairman Surbaugh has requested all cities to discuss the tax designated for infrastructure and schools. The county has asked that the Cities state specifically what that money is used for. Administrator Guilfoyle said in his discussions with other cities, the cities object to any attempt to restrict the use of their portion of the County's sales tax funds.

No further comments by Council and Mayor Anderson.

Motion by Councilwoman Cannon to adjourn at 8:46 p.m.; second by Morse.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk