

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

MINUTES

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

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|------------|---------|---------|----------|---------|
| Roll Call: | Cannon | Present | McDaniel | Present |
| | Drennon | Present | Templin | Present |
| | Walker | Present | | |

Citizens signed the book on page 147. 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 July 16th, 2009.
 - b. Approve Pay Ordinance No. 622.
 - c. Approve Order of Violation for Abandoned Vehicle at 8225 Delaware.
 - d. Consider Resolution No. 849 Approving Execution of Bylaws of Midwest Public Risk of Kansas, Inc.

Motion by Councilman Drennon to approve the Consent Agenda, except the Minutes of the July 16th meeting; second by Cannon.

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| Roll Call: | Cannon | Yes | McDaniel | Yes |
| | Drennon | Yes | Templin | Yes |
| | Walker | Yes | | |

Motion carried.

Motion by Councilwoman Templin to approve the Minutes of July 16th, 2009; second by Cannon.

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| Roll Call: | Cannon | Yes | McDaniel | Yes |
| | Drennon | Abstain | Templin | Yes |
| | Walker | Yes | | |

Motion carried.

Motion by Councilwoman Templin to amend the Agenda to add a new Business Item 5 a. to include a Cost-Benefit Analysis for the Glavin Development provided by Columbia Capital Management; second by Drennon.

All Council approved by "ayes".

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."

Loya Beery, 30407 W. 88th Terrace, De Soto, read a letter to the Council regarding her

disappointment in the Economic Development Committee in not trying to retain and bring businesses into the downtown area of the City. She stated the City needs an overall blend of new and old businesses.

Mayor Anderson requested comments from the Council; none were stated. Mayor Anderson stated the relocation of the Dollar General was brought up by an outside developer; it was not something that was brought up by the City, the Chamber or the EDC. Discussion between Mrs. Beery and Mayor Anderson that the developer initiated the discussion, not the City.

Jeff Hoge, 170th Street, Bonner Springs, said he is representing Bill and Donna Wilting and De Soto Youth Ministries. They are requesting permission to put up three signs for the forthcoming 5K/10K run for Saturday, September 5th, as a part of the De Soto Days festival. He provided a proposed sign. Attorney Reavey and Engineer Brungardt stated they have talked with Mr. Wilting regarding the City's sign regulations.

Motion by Councilman Walker to display the De Soto Youth Ministries 5K/10K run signs at the east and west "Y's" to promote the 5/10K run; second by Cannon.

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| Roll Call: | Cannon | Yes | McDaniel | Yes |
| | Drennon | Yes | Templin | Yes |
| | Walker | Yes | | |

Motion carried.

Logan Clancy brought in a model for a skate park and he stated he believes it is a good investment for people to spend time and get some exercise. He said it would improve the value of the property and make the community more attractive. Logan stated people would get a lot of use from the skate park. He knows it is an expensive project, and he thinks there may be grant money from the state.

Mayor Anderson asked Logan if he knows how much this would cost? Logan stated he is going to be doing more research on this project.

3. Chamber / EDC Report: Executive Director, Sara Ritter, stated the Targeted Industry Study will be held next Saturday, August 15th, at City Hall and she invited everyone to attend. The last Targeted Industry Study was completed in 2003. Mayor Anderson and Ms. Ritter discussed that this is a discussion meeting and all comments and input are invited. The documents are on the Chamber's website and are also available at the Chamber office.

Mrs. Ritter discussed the outcome of the Country Concert and said it brought significant recognition to De Soto and the Riverfest Park. She provided information to the Council regarding the Transient Guest Tax funding. Given that this event promoted tourism and marketing of the community, the De Soto Chamber of Commerce Board of Directors respectfully request reimbursement in the amount of \$3,499.97 from the Transient Guest Tax Fund. She stated last year the Chamber gave back \$2,500 to the Transient Guest Tax Fund.

Council members Walker, Drennon, and Templin stated they feel this is a proper request and an excellent use of the Transient Guest Tax fund.

Councilman McDaniel asked what the \$3,499.97 is going to pay for. Ms. Ritter said it was for expenses associated with the Country Concert. Councilman McDaniel said the City waived many of the fees associated with this event. Discussion ensued between

Councilman McDaniel and Ms. Ritter regarding the park and the costs associated for the event.

Councilwoman Cannon said the event went really well and brought in many people. She feels the money should come from the Transient Guest Tax fund as that is what it is there for.

Motion by Councilwoman Templin to transfer \$3,499.97 of the Transient Guest Tax fund and direct that amount to the Chamber of Commerce to offset costs for the Country Concert at Riverfest Park; second by Drennon.

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| Roll Call: | Cannon | Yes | McDaniel | Yes |
| | Drennon | Yes | Templin | Yes |
| | Walker | Yes | | |

Motion carried.

Mayor Anderson said he feels the Chamber and Council should discuss ticket costs. Ms. Ritter said she will be

4. Old Business:

- a. Consider Ordinance Allowing Discharge of Bow and Arrow in Widow Big Knife Park. Attorney Reavey said the ordinance would allow bow and arrows to be discharged in this park; this is an exception to the City's ordinance, similar to the exception made for Wilderness Park. Councilman McDaniel asked if the City is going to have any inspection of the course to be set up in the park. Attorney Reavey stated, "yes", the City does have the authority to enter onto the property and to enforce the terms of the lease. Discussion that a professional association must also approve the course.

Motion by Councilwoman Templin to approve Ordinance No. 2224 Modifying the Uniform Public Offense Code to Allow Discharge of Bow and Arrows in Widow Big Knife Park; second by McDaniel.

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| Roll Call: | Cannon | Yes | McDaniel | Yes |
| | Drennon | Yes | Templin | Yes |
| | Walker | Yes | | |

Motion carried.

5. New Business:

- a. Consider Cost-Benefit Analysis for Glavin Development. Attorney Reavey stated Engineer Brungardt and Administrator Guilfoyle have met with Mr. Glavin regarding this elderly housing project. Ms. Kelsey Powell, the City's Financial Advisor, is here to comment on the findings of the analysis. Engineer Brungardt said the property is located at 90th Street and Lexington Avenue, and the project consists of two large assisted care facilities and sixteen tri-plex units. This proposes to be a \$25 million project. The developer is requesting development incentives including about \$370,000 in cost waivers from the City. They are also requesting a 20% discount on the water and sewer fees for a ten-year period which would represent about \$15,000 per year.

Jeff Zimmerman, 5819 Nieman Road, Shawnee, KS 66203, stated this is the first

step in bringing this project to the community. There are several sites in the Kansas City area that have been considered. He stated Mr. Glavin is ready to start this project as soon as approval is given. Mr. Zimmerman said they would like to approach the “front-end” fees with the City that could make this project viable. The development would be 180 residential units consisting of independent living, assisted care living, mental care unit, and townhomes. This project will bring 37 new jobs to De Soto, and 76 part-time positions.

Attorney Reavey said in reviewing the analysis, the excise tax is not included in the table. Engineer Brungardt said the subject property is under an excise tax rate of 9 cents per square foot due to a settlement agreement from several years ago. Mayor Anderson said this is an infill project that will not affect school enrollment or roads.

Councilman McDaniel asked about the water cost if the City enters into a co-op agreement in the future. Will it cost the City more money? Discussion between Mayor Anderson and Councilman McDaniel regarding the water. Mayor Anderson said he has talked with Mr. Zimmerman, Mr. Glavin, and Mr. Parr regarding this project and they would like to use as many local contractors as possible for this project. Mayor Anderson said if Council is in agreement, then he would like to appoint one Council member and one Planning Commissioner to help oversee this project, as was done with Engineered Air.

Attorney Reavey stated that if the water district is set up, all the participants would purchase water from the wholesale water group. Engineer Brungardt said the City sets their retail charges for water.

Motion by Councilwoman Templin to direct staff to enter into a Development Agreement with Glavin Development for an elderly housing project consistent with the concessions they have asked for; second by McDaniel.

Councilman Drennon said he disagrees that the numbers do not take into consideration the amount of staff time involved, and he is not in agreement with the water rate reduction at all; it is not fair to the taxpayers to pay the developer’s burden. He isn’t in support of this as it currently stands. Engineer Brungardt reviewed the in-house fee amounts that the City would be waiving and discussed the structure of those fees.

Mayor Anderson asked Ms. Powell about the cost-benefit analysis figures. Mayor Anderson said the assumptions in a cost-benefit analysis are always a guideline. He stated that the interest rates are artificially low right now and he feels the return rate will be less than the ten years when the economy improves. Councilman Drennon said he isn’t against the drafting of an agreement; just not for everything they are asking for. Attorney Reavey said the developer wants a development agreement as soon as possible as the developer has an option on the ground. If the Council isn’t on board with the requests, then they need to let the developer know the concerns. Discussion.

Mr. Zimmerman said the developer needs these numbers to make this project work here. If these numbers don’t work, then they will have to back off and look at some type of tax abatement.

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| Roll Call: | Cannon | Yes | McDaniel | Yes |
| | Drennon | No | Templin | Yes |
| | Walker | Yes | | |

Motion carried.

- b. Resolution Appointing Two Members to the Northwest Consolidated Fire District's Governing Body. Attorney Reavey stated this pertains to the new consolidated fire district. These two people were on the advisory board. The budget for the year 2010 was approved the County today.

Motion by Councilwoman Templin to approve Resolution No. 850 appointing Linda Zindler to a two-year term and Max Atwell to a one-year term to the Northwest Consolidated Fire District's Governing Body; second by Cannon.

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| Roll Call: | Cannon | Yes | McDaniel | Yes |
| | Drennon | Yes | Templin | Yes |
| | Walker | Yes | | |

Motion carried.

- c. Consider purchase of a vacuum excavating system for the Water Department. Engineer Brungardt said this is not an "action" item, and is presented more for an information item for the Council as this equipment purchase is in the 2010 budget. He said he was not involved in the selection of the equipment. Councilman McDaniel said he has talked to the contractor who has been doing the business for the City, "E's Trenching", and the owner said the City would be ahead to purchase this piece of equipment. Engineer Brungardt said this item is in the 2010 budget and will be approved when the budget is approved.
- d. Consider rehabilitation of Water Well #9. Engineer Brungardt said the plan was to re-hab well #9 in the 2009 budget. The old pumps and motors are original equipment from the Army. He stated the City does use the wells on the north side of the river, and will continue to use those wells for the next several years so it makes sense to treat the wells. He explained the replacement parts and treatment of both wells. Engineer Brungardt stated he would like to table this request for Well #9 until the next Council meeting, to allow for further budget review of funding.

Councilman McDaniel said this needs to be done, and it is now time to fix the water because these repairs have been put off too long. He said he does understand the money has to be there, but the repairs must be made. Discussion by Council.

Motion by Councilwoman Cannon to table Water Well #9 until the next meeting; second by Templin.

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| Roll Call: | Cannon | Yes | McDaniel | Yes |
| | Drennon | Yes | Templin | Yes |
| | Walker | Yes | | |

Motion carried.

- e. Consider chemical treatment of Water Well #8. Councilman Walker asked about the treatment of this well. Discussion ensued between Engineer Brungardt and Councilman Walker regarding the bids between Douglas Pump and Alliance Pump.

Motion by Councilman Walker to award the bid to Alliance Pump in the amount of \$11,274.00 for rehab of Water Well #8; second by Templin.

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| Roll Call: | Cannon | Yes | McDaniel | Yes |
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| Drennon | Yes | Templin | Yes |
| Walker | Yes | | |

Motion carried.

6. Executive Session:

Motion by Councilwoman Templin, after a five-minute recess, to go into Executive Session at 8:25 p.m. for 15 minutes to discuss a land acquisition matter, and to invite Engineer Brungardt and Attorney Reavey into the meeting; second by Cannon.

Motion by Councilwoman Templin to return to regular session at 8:35 p.m. and only the topic of land acquisition was discussed and no votes were taken; second by Drennon.

All Council approved by "ayes".

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, is not present.
- b. City Attorney, Patrick Reavey, provided an update on the discussions with Sunflower Redevelopment. He has a meeting with Kise Randall on Friday to narrow down the agreements.
- c. City Engineer, Mike Brungardt, said the 84th Street project has started, and Monday will be paving day for 84th Street. The 83rd Street project is underway and they will start milling on Monday. The construction foreman is working with the school district regarding the 83rd Street bus route. The City did receive confirmation from the CDBG folks at Johnson County that HUD did approve the grant money.

Councilman McDaniel asked if the water valve is going to be repaired. Engineer Brungardt said Clarence has exercised the valve and it has quit leaking. They will continue to monitor the valve.
- d. City Planner, Linda Bohnsack, is not present.
- e. City Clerk, Lana McPherson, reminded Council of the forthcoming League of Kansas Municipalities Conference in Topeka in October.

8. Council & Mayor Comments:

Councilman McDaniel said he and Mayor Anderson met with the people from the Checkers grocery store in Lawrence. They do not want to build a building here. Councilman McDaniel said he talked with the people at the Basehor grocery store and they want to develop and operate a store in De Soto. He said he has talked to Aldi's and they don't want to come to De Soto.

Mayor Anderson said he believes the Council will have to spend some money for a market study. The cost could be \$5,000 to \$7,000 for a market study. Discussion. Councilwoman Templin thanked Councilman McDaniel for his commitment.

Councilwoman Cannon asked about the odors at Engineered Air. Engineer Brungardt said they are having trouble getting their permits from the State of Kansas. Attorney Reavey stated he has contacted their consultant and left a message but he has not heard from them.

Councilman McDaniel said he was getting his hair cut last week at the shop next door and the odor was really bad coming from Engineered Air. He stated he came to City Hall and talked to Steve Chick about it.

Mayor Anderson asked if there were any further concerns. None were stated.

Motion by Councilwoman Templin to adjourn at 8:55 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk