

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

MINUTES

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

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

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 149.

Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.

Motion by Councilwoman Templin to amend the Consent Agenda to add item 1 c., Ordinance No. 2233 Granting Annexation for Land comprising Widow Big Knife Park; second by Drennon.

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

Motion carried.

1. Consent Agenda:
 - a. Approve Minutes of the Council Meeting of August 20th, 2009.
 - b. Approve Pay Ordinance No. 624.
 - c. Approve Ordinance No. 2233 Granting Annexation for Land.

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

Roll Call:	Cannon	Yes	McDaniel	Yes
	Drennon	Yes	Templin	Yes
	Walker	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.”

No one appeared.

3. Chamber / EDC Report: Executive Director, Sara Ritter, provided updates on the August 15th targeted industry study, and she will forward that report to the Council as soon as it is received. Ms. Ritter said the Johnson County partnership is holding an Economic Development summit on October 7th. The City will provide two tables at this summit. Ms. Ritter will work with Administrator Guilfoyle on the list. She said the EDC meeting will have two speakers from the Greater Home Builders Association.

4. Old Business:

- a. Consider Development Agreement with Glavin Development for Senior Housing. Attorney Reavey said the agreement has been revised, and those revisions were provided to the Council. The developer will fax over a signed copy of the revised agreement. Discussion ensued between Mayor Anderson and Attorney Reavey regarding the revisions to the agreement on the property tax. Councilman Drennon said he would request that next time he would like to have a spreadsheet on the numbers for a development before the night of the meeting. He said the financials are very important and should be considered from all sides to protect the citizens.

Councilman Drennon stated he is not in agreement with this water rate structure, and giving the developer a break at taxpayers' expense. Mayor Anderson and Councilman Drennon discussed what the City's actual expenses and revenue are in this financial analysis. Engineer Brungardt said the City will be giving up an estimated \$13,000 per year in water and sewer rates. Councilman Drennon said he thinks this is a great project, but he isn't in agreement with the water and sewer reductions.

Motion by Councilwoman Templin to authorize the Mayor to sign the agreement with Glavin Development for Senior Housing; second by Cannon.

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

Motion carried.

5. New Business:

- a. Consideration of a Temporary Use Permit for a public event to be held by the Prairie Traditional Archers at Widow Big Knife Park. Planner Bohnsack discussed the comments in her report to Council dated September 3, 2009. She explained the need for the special use permit for their club activities until the end of 2009. Discussion between Mayor Anderson, Council and staff regarding the zoning classification. Councilman McDaniel and Councilwoman Cannon said this group has already done some good work on the property. Councilwoman Templin and staff discussed the comment by the group regarding the special use permit fees.

Motion by Councilwoman Templin to approve the Temporary Use Permit for the Prairie Traditional Archers Club for day-to-day activities allowed pursuant to the lease until December 31, 2009, and waive any fees; second by Drennon.

Discussion by Councilman McDaniel that the City should not be waiving fees for people who do not live in the City of De Soto. Councilwoman Templin said she disagrees as this will be a draw to the City, and this group is just getting started on this project into making this something big. This will be a destination to bring people into the community.

Darrel Zimmerman (from the audience) said he thought this group will be entering into a farm lease and that those lease fees should help pay any City permit fees.

Mayor Anderson called for the vote.

Roll Call:	Cannon	Yes	McDaniel	Yes
	Drennon	Yes	Templin	Yes

Walker Yes

Motion carried.

- b. Consider a request by Phil Hileman regarding excise tax on new home construction at 27943 W. 85th Terrace. Engineer Brungardt stated staff has been working with the Hileman's the past several months regarding a lot split and the construction of a new home on this property. This is an approvable lot split and building permit. Mr. Hileman wants to discuss the excise tax of \$.19 per square foot, or \$10,000, for his house building permit.

Phil Hileman said he has done some research and he and his wife want to build their "senior project" home and their son and family will move into their present house. He said 37 states have at least one city that is waiving excise tax to entice people to build. He said he is requesting the Council to consider waiving the excise tax to encourage building. Mr. Hileman said he will build his home, but he knows of others who would like to build this year and the \$10,000 will keep them back. Mr. Hileman said he would like to thank Engineer Brungardt, Planner Bohnsack, and Building Official Steve Chick for their cooperation in working with him.

Discussion between Mayor Anderson and Engineer Brungardt regarding the Cherokee Woods excise tax. The amount of the tax due was not reduced. Attorney Reavey stated the legislature enacted a law a few years ago on excise tax. He said this could create a problem in future. Discussion ensued between Council, Mr. Hileman and Engineer Brungardt. Councilwoman Templin said this is a precedent setting item that has been discussed many times. She said she is sorry, but she cannot agree to set this kind of precedent for the City. Councilman Walker commented on the possibility of a moratorium on excise tax. Attorney Reavey and Councilman Drennon discussed a "sale" on excise tax; however, this could be a legislative concern. Mayor Anderson discussed the excise tax on lot splits for residential building verses commercial building excise tax. Discussion ensued among staff and Council members. Council members McDaniel and Cannon agreed the excise tax should remain to fund the CIP projects.

Administrator Guilfoyle said that the Building Official has told him he has a minimum of seven possible building permits to be issued by the end of this year. This indicates some of the building activity is beginning to pick up.

Councilman Walker said he would like the City Attorney to review the possibilities for a short-term moratorium. Councilman Drennon agreed. Councilman Walker said he would rather not do an individual exception and any waiver or consideration should be in the form of a moratorium.

- c. Consideration of a Temporary Use Permit for the Blues Festival / "Cookin' On The Kaw" events to be held at Riverfest Park on October 9 & 10. Planner Bohnsack commented on the staff report dated September 3, 2009, regarding the Chamber's request for this Temporary Use Permit. Staff has discussed the traffic control with the applicant.

Chamber Executive Director Sara Ritter said this is very similar to last year's event, except that the band will play on Friday evening rather than Saturday. This is a Kansas City Barbeque Society sanctioned event. Discussion ensued between Council and Ms. Ritter regarding the parking and pedestrian traffic.

Motion by Councilman Drennon to approve the application for a Temporary Use Permit for the

Blues Festival and “Cookin’ on the Kaw” events to be held at Riverfest Park, and waive the following fees in connection with the event: Temporary Use Permit fee; Cereal Malt Beverage License fee; and, the Reservation/Damage Deposit fee; second by Cannon.

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

Motion carried.

Mayor Anderson called a five-minute recess at 7:55 p.m.; Mayor Anderson reconvened the Council at 8:02 p.m.

- d. Discuss scheduling of items relating to long-term water supply improvements. Engineer Brungardt provided a spreadsheet schedule and comments. Administrator Guilfoyle said Council gave staff direction on two things: 1) get the water plant fixed and going; and 2) take a look at a potential regional water co-op. Engineer Brungardt stated these tasks have been broken down into four categories, as depicted on the spreadsheet. Engineer Brungardt said this schedule will change as other entities get involved. He discussed the timeline and the items that are currently being worked on, as well as those that are out of the City’s control. The financing plan was reviewed on the improvements to be made. Engineer Brungardt stated the initial scope and contract fee should be ready for Council’s consideration in mid-November.

Councilman Drennon said Engineer Brungardt has done a great job in detailing this. Discussion ensued on the Phase 1 and Phase 2 implementation. Mayor Anderson discussed the potential for others who might want to join in the wholesale water supply co-op. Administrator Guilfoyle and Mayor Anderson discussed how the Phase 1 project would be funded. Discussion on franchise agreements.

6. Executive Session: N/A

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, discussed the grocery store consultants. He said the experience the Dakota group has with industry studies, and their cost, is almost the same as the local consultant. Councilman Walker said he is in favor of going forward with the Dakota Group. Councilman Drennon said he visited the Basehor store last week; he would prefer to go with an outside group. Councilwoman Templin agreed and said she would prefer to go with Dakota. Councilman McDaniel said we need to go forward and Basehor’s store is going well. Councilwoman Cannon said the Dakota Group is the one she prefers to go with. Guilfoyle said the estimated \$7,000/\$8,000 fee would come from the Transient Guest Tax Fund.

Administrator Guilfoyle said he has received the annual letter from the LKM for the voting delegates at the conference. Councilwoman Cannon and Councilman McDaniel agreed to be the voting delegates.

- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, said milling has started on the 83rd Street overlay project. The millings are being put down on 87th Street.
- d. City Planner, Linda Bohnsack, said there will be a logo meeting coming up. On

October 1st, the High School will be using the City Hall parking lot for the Homecoming parade. Discussion between Council and staff regarding the parade.

Motion by Councilwoman Templin to change the starting time for the October 1st, 2009, City Council meeting to 5:00 p.m.; second by Walker.

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

Motion carried.

e. City Clerk, Lana McPherson, asked if Council members wished to attend the Chamber Day at the speedway to support the De Soto Chamber.

8. Council & Mayor Comments:

Mayor Anderson said the Council of Mayors' monthly meetings started again last evening. He said he was elected as vice-chairman of the Council of Mayors.

Councilman Walker asked about the City/County Leadership Summit program. Discussion ensued.

Councilman McDaniel said the City pays \$50 per month to Deffenbaugh for a dumpster at the Township Building. The dumpster needs to be dumped and the whole area needs to be cleaned up. Administrator Guilfoyle will follow up on this.

Councilwoman Cannon said she would like to see the City clean up the former scale house building at Riverfest Park. Councilman McDaniel agreed and said the shrubs need to be taken out or trimmed up, and take the boards off the windows. Councilwoman Cannon said this area is now open and attracting out of town people and it needs to be cleaned up.

Motion by Councilwoman Templin to adjourn at 8:57 p.m.; second by Drennon.

All Council approved by "ayes".

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk