

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
November 1<sup>st</sup>, 2007, at 7:00 P.M.

## MINUTES

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

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

Mayor Anderson led the Pledge of Allegiance. Citizens signed the book on page 104.

**PUBLIC HEARING:** Proposed Property Tax Exemption for Economic Development Purposes for Airtex (Engineered Air) located at 32050 W. 83<sup>rd</sup> Street.

Mayor Anderson stated this matter has been on the Agenda previously. Staff had no comments. Mayor Anderson opened the public hearing for comments. Attorney Patrick Reavey said the abatement is for a manufacturing building and outlined the City's abatement policy. The company will be spending approximately \$9 million on this project. No other comments were made. Mayor Anderson closed the public hearing.

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 October 18<sup>th</sup>, 2007.
  - b. Approve Pay Ordinance No. 580.

Motion by Councilwoman Templin to approve the Consent Agenda; second by Cannon.

Roll Call:	Cannon	Yes	Maniez	Yes
	Drennon	Yes	Morse	Absent
	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."

- a. Presentation by LTMS 7<sup>th</sup> Grade Students of Ms. Nikki Leisten. Mayor Anderson introduced Ms. Leiston. These 7<sup>th</sup> grade students presented their ideas from their "If I were mayor, I would..." in a power point presentation. Olivia Cline said one of their ideas was "DE SNOWTO Days". Nick Hall spoke on food contests. Courtney Goodin spoke on a Secret Santa gift exchange in neighborhoods and a Santa look alike contests. Jordan Whitaker spoke on a holiday decoration contest for houses and businesses. She also spoke on an organized City caroling event. Rachael Lind spoke on a Community Potluck Dinner for people to meet other people. Another suggestion was to put on a community talent show.

Austin Harvey spoke on a community deer hunting contest in different age groups. He spoke on other activities that could be held in Miller Park if there is enough snow.

Nick Hall spoke on snowmobile races, sledding, skiing and snowboarding events. He also included snow building contests

James Newton spoke on a portable ice rink that could be filled and used every year. He spoke about some community ideas listed on the handout provided to the Council members.

Mayor Anderson thanked Ms. Leisten and the students for coming to the meeting tonight. He presented each one with a certificate and a "City of De Soto" pin.

4. Chamber / EDC Report: Executive Director, Sara Ritter, was not present. Administrator Guilfoyle said an email will be sent out to Council members that the Economic Development workshop will be held on November 13<sup>th</sup> at 5:45 p.m. in the Council Chamber.
5. Old Business:
  - a. Consider Resolution Authorizing Tax Abatement for Airtex Building. City Attorney Reavey said this resolution is confirming the Council's approval of a tax abatement.

Motion by Councilwoman Templin to approve Resolution No. 805 Making Certain Findings of Fact as Required by K.S.A. 79-251 With Respect to a Property Tax Exemption to be Granted to Airtex Manufacturing; second by Cannon.

Roll Call:	Cannon	Yes	Maniez	No
	Drennon	Yes	Morse	Absent
	Templin	Yes		

Motion carried.

6. New Business:
  - a. Consider Ordinance Exempting Airtex Property from Ad Valorem Taxation for Economic Development Purposes. City Attorney Reavey stated this will implement the tax abatement and the process.

Motion by Councilwoman Templin to approve Ordinance No. 2179 Exempting Certain Property from Ad Valorem Taxation for Economic Development Purposes; second by Cannon.

Roll Call:	Cannon	Yes	Maniez	No
	Drennon	Yes	Morse	Absent
	Templin	Yes		

Motion carried.

Mr. Rick Rambacher of Engineered Air stated he would like to thank the Council and City Staff for all the help and time that has been put into this project. He said they are pleased to be a secondary gateway into the City and he hopes the City will be happy with the new addition and improvements.

- b. Consider Payment in Lieu of Tax Agreement for Airtex South Building.

Motion by Councilwoman Templin to authorize the Mayor to enter into the Payment in Lieu of Tax Agreement for Airtex South Building setting the levels of abatement; second by Cannon.

Roll Call:	Cannon	Yes	Maniez	No
	Drennon	Yes	Morse	Absent
	Templin	Yes		

Motion carried.

- c. Annual report on VFW Post 6654 Development Agreement and review proposed building façade enhancements. Engineer Brungardt said Mr. Roger Sellers, on behalf of the VFW, has requested this matter be tabled to the December 6<sup>th</sup>, 2007, meeting.

Motion by Councilwoman Cannon to table Item 6.c. until December 6<sup>th</sup>, 2007; second by Templin.

All Council approved by “ayes”.

Motion carried.

- d. Consider Charter Ordinance relating to Provisions for a City of the Second Class. City Attorney Reavey stated the City’s population is now over 5,000 residents. By statute, the City has applied to the Governor’s office to make the City a city of the Second Class. A city of the Second Class is governed under different statutes than a city of the Third Class. He reviewed the proposed ordinance changes regarding appointments of staff, quorums, wards, and other requirements the City has chartered out of previously. Discussion by Councilman Maniez on the changes.

Attorney Reavey discussed Section 5 regarding appointments. Discussion continued between Attorney Reavey, Mayor Anderson and Council members regarding appointments. Discussion by Councilman Maniez that in the event of a new mayor, that mayor will not have the courtesy of annual appointments under the proposed Charter Ordinance. Discussion by Councilwoman Templin and Mayor Anderson. Attorney Reavey discussed the statutes for a city of the third class. Councilman Maniez said he feels that in a change of leadership, there could be a change in direction. He feels this is taking away the “hometown leadership” from a future mayor. Discussion continued by Council members Templin and Maniez. Further comments by Mayor Anderson and Attorney Reavey.

Motion by Councilman Maniez to table this matter until the next meeting where all Council members are present; second by Templin.

All Council approved by “ayes”.

Motion carried.

Comments by Councilwoman Templin and Attorney Reavey on the discussion that took place. Attorney Reavey will prepare a memo of the discussion for the benefit of Council members and Council member Morse, since he is not present this evening.

- e. Consider endorsement of the Johnson County Park & Recreation District’s Transportation Enhancement grant application for the K-10 multi use trail project. Engineer Brungardt said the Park District has agreed to submit for this grant. De

Soto would not have any involvement in this project as the Parks & Rec District is the legal entity of the grant and would be matching funds per the grant requirement. Engineer Brungardt is requesting Council approval to authorize the Mayor to submit a letter of endorsement for the Parks & Recreation District. Discussion by Engineer Brungardt on the proposed pilot project east of Smiley's Golf Course on K-10 to Woodland.

Motion by Councilwoman Templin to authorize the Mayor to submit a letter of endorsement for Johnson County Park & Recreation District's Transportation Enhancement grant application; second by Cannon.

All Council approved by "ayes".

Motion carried.

(The record herein reflects Mayor Anderson said he will have to recuse himself from the next item because his company has worked with Kurt Guntert of Guntert, LLC (Service Technology). Mayor Anderson left the Council Chambers at 7:58 p.m. Council President Maniez assumed the chair.)

- f. Consider Authorization for City Hall Repair/Improvement Work as Part of 5-Year Capital Improvement Program. Council President Maniez requested City Administrator Guilfoyle provide the background information for the requested improvements. Administrator Guilfoyle stated a review of the building was done and the good news is that the building is in good shape. Many of the improvements that are needed can be done in-house at modest cost. He is requesting the Council to authorize staff to proceed with contracting out for some of the work that has been recommended. This includes the windows in the building, a new ADA ramp behind the building, lighting upgrades and building tuck pointing.

Administrator Guilfoyle said he worked with Steve Chick, the City's Building Official, to secure two new HVAC units last week because, upon inspection, the units had been red-tagged and the Senior Center was out of heat until the units could be replaced. Discussion by Councilwoman Templin who said she feels it would be more courteous to our City businesses to be contacted for future project bids.

Administrator Guilfoyle said he would like to publicly acknowledge the work Jay Garvin has done on these issues. Mr. Garvin has taken a personal interest in working with the contractors and the staff in providing this list of projects and upgrades.

Councilwoman Templin said she would like to see the formation of a committee and the options to reinvest into this building, and she would like to be on that committee. Councilman Maniez said he agrees. There are needs for maintenance, as well as for improvements, to meet the needs of the Community. Councilman Maniez said he would like to serve on this committee as he was on the original building committee. Administrator Guilfoyle said he will begin the committee process. Discussion by Councilman Maniez on the bids that have been obtained.

Jay Garvin, Parks & Recreation Director, addressed the Council as to the bids that were received. Discussion by Councilman Maniez that the windows in this building are a big concern. Mr. Garvin discussed the bids and the companies that provided the bids. Council members requested Mr. Garvin provide the Council with references on the recommended window bidder. Discussion by Attorney Reavey on the bidding package.

Motion by Councilwoman Templin to authorize City Staff to proceed with the building items highlighted with an asterisk, except the windows, and to proceed in appointing a working committee to develop a recommended program of building improvements between 2010 and 2012; second by Cannon.

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

Motion carried.

(Mayor Anderson returned to the Council Chambers at 8:20 p.m.)

7. Executive Session:

Motion by Councilman Maniez to go into Executive Session for attorney-client privilege for 15 minutes and for confidential company information for 10 minutes, to invite Mike Brungardt and Pat Guilfoyle into the session; to go in at 8:20 p.m. and return at 8:45 p.m.; second by Templin.

All Council approved by "ayes".

Motion carried.

Motion by Councilman Maniez to return to regular session at 8:43 p.m. and only the two items stated were discussed and no votes were taken; second by Templin.

All Council approved by "ayes".

Motion carried.

8. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, no report.
- b. City Attorney, Patrick Reavey, said the City is proceeding with Intervet on IRB's and a tax abatement. The Council will see the Ordinance in a future meeting. Attorney Reavey stated he wanted to confirm the Mayor will vote on a Charter Ordinance.
- c. City Engineer, Mike Brungardt, no report.
- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, no report.

9. Council & Mayor Comments:

Mayor Anderson said he received a packet from FEMA this week concerning the changes in the flood maps for this area. Councilman Maniez requested staff scan the information and email it to Council.

Councilman Maniez asked if the patching work has been started. The mill and overlay projects have been completed. Engineer Brungardt will check with Ron Creason on the patching. Councilwoman Cannon said there is a hole out on Waverly.

Councilman Maniez said a home owner had put up a very nice stone wall along his

property on Corliss Road. Councilman Maniez asked if the City requires a permit. Engineer Brungardt said a permit is required and upon notice, he and Building Official Steve Chick discussed this with the property owner and his contractor. The stone wall is in the City's right-of-way and the property owner constructed the wall at his own risk. Discussion by Councilman Maniez and Engineer Brungardt. The contractor did provide a bond on this project; however, they should have come to the City prior to beginning construction. Councilman Maniez asked about property owners filling in natural drainage watersheds. Engineer Brungardt will check into this and advise.

Councilwoman Templin asked if there had been any follow up on enforcement of park patrolling. Administrator Guilfoyle said he has talked with the Sheriff's Department.

No comments from Councilwoman Cannon and Councilman Drennon.

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

All Council approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk