

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
March 2nd, 2006, at 7:00 P.M.

MINUTES

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

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

Citizens signed the book on page 61.

Mayor Anderson led the Pledge of Allegiance.

Motion by Councilwoman Zindler to amend the Consent Agenda to include Item 1.d. and add approval of the Minutes of the Joint Workshop held on March 1st, 2006; and to move Item 5 a. to after Call of the Public, as Item 2. a. and include a Item 2.b. for a Resolution Authorizing Staff to Issue Preliminary But Limited Building Permit to First Community Bank, and make 5 b. 5 a; second by Morse

All Council approved by "ayes".

Motion carried.

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 February 16th, 2006.
- b. Approve Minutes of the Joint Workshop of February 22nd, 2006.
- c. Approve Pay Ordinance No. 540.
- d. Approve Minutes of the Joint Workshop of March 1st, 2006.

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

Roll Call:	Cannon	Yes	Templin	Absent
	Maniez	Yes	Zindler	Yes
	Morse	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. Consider Agreement with FCB Bank Regarding Construction of Golden Lane. City Attorney Reavey reviewed the history of the proposed agreement between the property owner, FCB Bank and the City regarding the construction of Golden Lane. Councilman Maniez stated he did not recall discussing the waiver of the inspection fees on this.

Discussion by City Engineer Brungardt that generally the City charges a 3% fee for inspections performed by the City's project manager. The City would not charge a fee on this project because it is funded partially by the City. Mayor Anderson agreed with Councilman Maniez that he did not recall discussing this either. Councilman Maniez stated inspections still need to be performed to ensure the work is properly performed. Discussion by Engineer Brungardt and Councilman Morse regarding the out-of-pocket expenses to be borne by the City. Engineer Brungardt stated the inspection time would be less as this project would not have sanitary sewer inspections that are required. This is a relatively short section of street. Councilman Morse and Engineer Brungardt discussed the inspections that would be performed by the City's project manager.

Mayor Anderson stated there should be a policy in force. Councilman Maniez stated there should be a written policy, and not a decision made for one developer in favor of waiving costs, and then not doing the same for another developer.

Dustin Baker, 10555 Kill Creek Road, stated he agrees with Engineer Brungardt that this is a City joint project. He stated the developer will also have interest costs on the project's funding. Discussion by Attorney Reavey.

Councilman Morse stated it is always a give and take situation. Councilwoman Zindler stated she would not charge the fees; Councilwoman Cannon agreed. Mayor Anderson stated he is well aware that Councilman Maniez is not in favor of developer agreements; and, he also believes there needs to be a policy set for staff to follow. Attorney Reavey stated a list of points discussed at the meeting was provided to him to draft the proposed agreement. Continued discussion by Councilman Maniez and Mayor Anderson on a policy and also having a Council review of development agreements.

Councilwoman Zindler stated she would volunteer to review a policy for developer agreements, and she feels it is also important to review the Capital Improvements Plan on a regular basis. Engineer Brungardt stated a policy would be helpful to staff as more complex development agreements are presented in the future. He said economic development policies will be forthcoming as the City continues to grow.

Motion by Councilwoman Zindler to authorize the Mayor to enter into the Agreement with FCB Bank Regarding Construction of Golden Lane; second by Cannon.

Roll Call:	Cannon	Yes
	Maniez	No, based on his stance of the 1/3 agreement and the formula used to determine that amount
	Morse	Yes
	Zindler	Yes
	Templin	Absent

Motion carried.

- b. Consider Resolution Authorizing Staff to issue Preliminary But Limited Building Permit to First Community Bank for Certain Construction Activities in Connection With New Bank Building at 33485 Lexington Avenue. City Attorney Reavey stated there was not a sufficient quorum of the Planning Commission to take action on FCB's final plat. FCB has requested permission to move forward with some preliminary grading and foundation footings and walls. Discussion by City Engineer Brungardt regarding the outcome of the Planning Commission with only 3 members being able to vote at the Planning Commission.

Discussion by Councilwoman Zindler on whether or not there were any concerns raised by the Planning Commissioners. Engineer Brungardt stated this particular matter was not formally discussed at the meeting.

Motion by Councilwoman Cannon to approve Resolution No. 736 authorizing the preliminary building permit for FCB Bank; second by Morse.

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

Motion carried.

- 3. Chamber / EDC Report: Sara Ritter, Executive Director, provided the Council with an update on the Downtown Revitalization Program. She said there was a famous New York author in De Soto today at Round Trip Imports, and she signed autographs in her latest book. Many people were in downtown today for this exciting event.

- a. Discussion of Economic Development Incentive letter. Ms. Ritter stated at last month's EDC Board meeting, it was discussed what tools could be used to bring business and development to De Soto. The Commerce Park area was discussed and the potential that could be utilized. She reviewed the letter that was provided to Council two weeks ago, and also provided a tax abatement scenario for Council to consider. She also requested that Council, staff and EDC members sit down at a workshop and discuss an economic development policy that everyone can benefit from. Mayor Anderson stated all the infrastructure is in Commerce Park and the City should provide an incentive for people to build there first.

Councilman Maniez stated he has heard rumors for years that the owner of the property wants an excessive amount of money for the land. Discussion by Ms. Ritter on the square footage price of the commercial property along K-10 highway frontage. She also talked about the City of Shawnee's economic development policy, and provided examples. Mayor Anderson discussed the abatement incentive and the possibility of setting a time limit on abatements in designated areas. Discussion.

(The record reflects Councilwoman Templin arrived at 7:44 p.m.)

Mayor Anderson polled the Council for their comments on developing Commerce Park. Councilman Morse stated an abatement will likely help, and he would look at 50%. Councilwoman Zindler stated she would look at a 50% tax abatement on Commerce Park property. Mayor Anderson and Councilwoman Templin discussed the abatement scenario with Ms. Ritter. Councilman Maniez stated there should be a sunset clause so that the abatement isn't out there indefinitely.

4. Old Business:

- a. Reconsider request from Cinco de Mayo Committee for 2006 celebration. There were no representatives from the Committee present for the meeting. Discussion by Mayor Anderson on a conversation with Mr. Neeland. Councilwoman Zindler stated she talked with Jay Garvin, Parks and Recreation Director. Mr. Garvin had some concerns that need to be addressed. Councilwoman Templin said there was much discussion a few months ago and a policy was put into place and it should be followed. Councilman Morse stated we need to stay with our policy.

Mayor Anderson stated this is a special event for many members of our community. Discussion on having food in the gym and the “no food” policy for the gym. Councilman Maniez stated he agrees with the Mayor as this is a special event that involves a large percentage of the City’s population; we need to figure out a way to address the concerns. Councilman Morse stated we may need to amend the policy to include these types of City functions. Discussion.

Councilman Maniez and Mayor Anderson discussed the need to coordinate special events with the City. Councilman Maniez will be the City’s liaison for the Committee. Councilman Morse asked what “professional security” means as stated in the letter. Mayor Anderson requested comments from Deputy Leiker of the Johnson County Sheriff’s Department. Council discussed the amount of money that is requested and the City’s policy of \$1,000 maximum for donation requests. Council discussed that this is a special City event that involves a third of our population. Council agreed to assist, but Councilwoman Cannon stated she would like to see the Hispanic community be involved in their own celebration.

Council discussed the food being in the gym. Councilwoman Zindler stated spills must be cleaned up immediately and not tracked all over. Council agreed there must be mats down on the floor to protect the surface. Discussion on the City sticking to the policy with all groups. Councilwoman Templin stated the City can not pick and choose who has discretion on the policy. Councilwoman Templin and Councilman Maniez stated the policy was implemented for a reason and staff should not be picking and choosing who to enforce it on. Council discussed the location for the placement of the mechanical bull. Councilman Maniez will work with the Committee.

- b. Consider and approve Resolution No. 737 Setting the Fee Schedule for 2006. City Attorney Reavey stated he discussed the pool fees with Jay Garvin and checked with other cities regarding pool fees. Council reviewed the fee schedule.

Motion by Councilwoman Templin to approve Resolution No. 737 Setting the Fee Schedule for 2006; second by Morse.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	Yes
	Morse	Yes		

Motion carried.

5. New Business:

- a. Consider Industrial Revenue Bonds (IRBs) application procedures and fees. Mayor Anderson stated this came about from a review of the application packet. City Attorney

Reavey stated there was a new procedure drafted; however, it was never formally approved by the Council. Staff is requesting Council's clarification and approval that the \$2,000 application fee is non-refundable; however, the \$10,000 fee would be used as a deposit against actual expenses for bond counsel, financial advisor, and other necessary professional services and the required cost-benefit analysis.

Sara Ritter, EDC director, provided Council with some information she obtained from other cities regarding IRB policies. The City of Shawnee charges an annual fee of a set amount for the first three years, which is something De Soto does not do. Discussion.

Motion by Councilwoman Templin to adopt the IRB procedures and direct staff to revise the City's IRB application package for review and approval at a future Council meeting; second by Cannon.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	Yes
	Morse	Yes		

Motion carried.

Mayor Anderson called a five-minute recess at 8:25 p.m.
Mayor Anderson reconvened the Council at 8:30 p.m.

6. Advisory Reports:

- a. City Administrator, Patrick Guilfoyle, will be here on March 6th, 2006.
- b. City Attorney, Patrick Reavey, had no report.
- c. City Engineer, Mike Brungardt, stated there was partnering workshop today regarding the new wastewater treatment facility project. He said there was a discussion regarding the ground-breaking ceremony for the facility. The access road back to the site is not yet completed. Councilwoman Templin stated she is disappointed that there wasn't a ceremony because this is a huge, huge project for the City.

Engineer Brungardt attended a meeting sponsored by the Kansas State Parks Association. There is approximately \$400,000 earmarked from the state to construct a bike pathway. Johnson County is going to earmark \$80,000 for the project. The overall project is to construct a pedestrian trail and bikeway access from Kansas City to Lawrence. He will keep the Council updated. Council discussion.

Engineer Brungardt discussed the family and tot slides approved for the pool. Vanum Construction came back with a bid that was much higher than first anticipated. He has requested information from the contractor and the manufacturer as to why the bid came back much higher than first quoted. There are very limited manufacturers of these types of pool slides. Councilman Morse requested more research to ascertain if there are other manufacturers.

Mayor Anderson stated he had a call from a neighbor in DeMeadows regarding the curb replacement. Discussion by Engineer Brungardt that this was for straight curb removal and laid back curb replacement. It is the homeowner's responsibility for driveways.

- d. City Clerk, Lana McPherson, discussed the City's safety program and said the City's loss ratio has a very good rating. The low rating has provided the City a 5% discount on insurance premium. She stated the City employees should be applauded for their attention to safety on the job. Council reviewed the Loss Prevention Program questionnaire. Councilman Maniez said the City has a seat belt policy and a no smoking policy for City vehicles, and these policies need to be enforced. Council agreed. Discussion on seat belt safety.

7. Council & Mayor Comments:

Councilwoman Cannon stated the boat ramp is progressing, and they should be ready to pour the first slab this coming Saturday.

Councilman Morse stated his trailer photo made the Council packet and he wants to know what an "unapproved surface is. He feels this rule is too strict. He said construction equipment shouldn't be parked in front of residences and why isn't that enforced. Discussion ensued regarding the code enforcement of ordinances on the books. Councilman Morse stated he wants a Council vote on whether or not to enforce the ordinances because he will vote "no". Attorney Reavey stated the Council has to decide on whether to issue a citation to a property owner. Discussion that the codes enforcement officer sends out courtesy letters on violations; however, the Council will need to approve any citations.

Councilman Maniez requested the Council waive the fees for the Cemetery Board to use the Senior Center on Sunday, March 26th, at 1 p.m. for two hours. Discussion by Councilwoman Templin on giving the City Administrator the authority to make the decision to allow a non-profit group in the community to use the Senior Center and waive the fees. Council agreed and waived the fees for the Cemetery Board meeting.

Councilman Maniez asked about the striping on the east "wye". Engineer Brungardt stated he has talked with the contractor this week and they hope to have it completed this month, depending on the weather.

Councilwoman Zindler asked about the road project regarding the millings for 95th Street. Engineer Brungardt stated it is on the Street Department's schedule to do this Spring. He will advise Council when that is going to be done.

No comments from Councilwoman Templin.

Mayor Anderson met Monday with the Park Board and they are frustrated with the consultant on the Master Plan. Mayor Anderson met with the Sunflower Redevelopment Group to discuss the plans and they would like to meet with the Council on a regular basis and keep communication lines open. The RAB Board stated they are working on a three-year time frame to do the clean up. Engineer Brungardt will be attending the meetings in the future. Discussion about the ashes from the controlled burns.

Mayor Anderson stated he went to the Fire Department's burn trailer training last Tuesday. He was a part of a firefighting experience when a grass fire broke up. He encouraged Council members to check out the burn trailer experience.

Motion by Councilwoman Zindler to adjourn at 9:18 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk