

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
May 3rd, 2007, at 7:00 P.M.

MINUTES

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

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

Citizens signed the book on page 92. Mayor Anderson led the Pledge of Allegiance.

Motion by Councilman Maniez to amend the Agenda to move item 5.c. to before item 5 b.; second by Templin.

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 April 19th, 2007.
 - b. Approve Pay Ordinance No. 568.
 - c. Approve Resolution No. 781 supporting application to Kansas Dept. of Transportation for funding pursuant to Kansas Safe Routes to School Program.
 - d. Approve Temporary Cereal Malt Beverage License for Darrel Zimmerman on behalf of the Chamber of Commerce Blues & BBQ Event on June 16, 2007.

Councilwoman Templin asked for a correction to the Resolution. Discussion by Planner Buttrum.

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

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Drennon	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.”

Senator Julia Lynn stated it is a pleasure to be back in De Soto today. She spoke at the National Day of Prayer program today in the Community Center. Senator Lynn said she

hosted members of the City to the Senate last Friday for the reading of Senate Resolution 1882, proclaiming and celebrating the 150th birthday of the City of De Soto. Senator Lynn then read the Resolution. Senator Lynn said it was a pleasure to read this Resolution to the City of De Soto. She then presented Mayor Anderson with a pin and congratulations as the "Master Mayor" of the great City of De Soto. Mayor Anderson thanked Senator Lynn for coming to De Soto.

Richard Beaman, 30565 W. 99th Street, De Soto. Mr. Beaman said he owns 100 acres of ground and has bison on the land. He said they are getting out of the animal business and have considered developing the remaining acreage. He is interested in annexing this property into the City of De Soto. He said he wants to retain his 6.5 acres of his residential property. He is asking if the City would be interested in annexing this property into the City.

Mayor Anderson said that the main concern is that 99th Street is a substandard road and that would be a great cost. Mr. Beaman said that the first step is to annex the 6.5 acres. Councilman Morse said the entire would have to be looked at, and not just the 6.5 acres. The entire development would need to be looked at carefully. Discussion by Engineer Brungardt that the County is responsible for maintaining part of 99th Street, and taking maintenance ownership of 99th Street would be something the City would have to consider. The City has requirements for lot acreage.

City Planner Buttrum said the City cannot annex the 6.5 acres unless it is split out from the larger parcel. Continued discussion between Mayor Anderson and Mr. Beaman regarding the maintenance of 99th Street until the development is there. Further discussion by Engineer Brungardt on the improvements to 99th Street and the costs of infrastructure improvements. Comments from Councilman Drennon regarding the excise tax; further explanation of excise tax parameters by Engineer Brungardt. Mayor Anderson said this is an interesting thought, but it is a question of economics for the City. Discussion by Mayor Anderson regarding the regulations of the County. Continued discussion by Planner Buttrum and Councilwoman Templin.

Mr. Beaman thanked the Council for their comments and their time.

3. Chamber / EDC Report: Sara Ritter, Executive Director, had no report.
4. Old Business: None

(The record reflects that New Business Item 5.c. was moved forward and considered prior to Item 5.b.)

5. New Business:
 - a. Consider Authorization for Mayor to execute contract with Indigo Design, Inc. to complete Schematic Design Master Plan for the River Front Park Site. City Administrator Guilfoyle said the selection committee reviewed eight proposals the City received from the seventeen RFQ solicitations mailed out. He said based upon the criteria, there were three selected for final interviews. It was a unanimous recommendation to proceed with Indigo Design, Inc. Administrator Guilfoyle said the committee was impressed by Mr. Doug Pickert and his team he brought with him. The committee thought Mr. Pickert was very sensitive to the plans and the needs of the community and appreciated his insight into De Soto.

Mr. Doug Pickert, said he appreciated the opportunity to practice his profession

in the community. Mr. Pickert read a comment to the Council that he feels expresses the feeling and spirit by which he and his firm would do this project.

Councilwoman Templin said she is impressed by the work of Mr. Pickert's firm. Councilwoman Templin asked the other Council members if they were comfortable with the plans and projects. Councilwoman Cannon said she felt the firms that Mr. Pickert is bringing in will bring new ideas and extra eyes to continue with the plan. Comments by Administrator Guilfoyle on the things these smaller firms can bring to the City and the focused attention that will be given by Indigo Design.

Motion by Councilwoman Templin to authorize the Mayor to execute a contract with Indigo Design, Inc. for the riverfront park design; second by Drennon.

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

Motion carried.

- b. Consider Ordinance establishing a Rental Housing Inspection Program and licensing landlords to conduct business within De Soto. Mayor Anderson said this is not a public hearing, but he will allow the landlords to express their opinions. Mayor Anderson said the Council has not discussed this before.

Randy Johnson, 8230 Delaware, said he would like this matter tabled so it can be discussed further. He said he doesn't have time for a bureaucracy to take over his rental business. He said he treats people right and he feels good about. He said he knows there are issues with some rental properties in town, and he feels this is a target toward landlords. Mr. Johnson reiterated he **will not** settle with someone telling him how to run his business; he isn't going to allow anyone to tell him how to do his business.

Belva Thrasher, Box 671, said she feels she is being discriminated against. She said she hasn't had any complaints. She doesn't like the fact that they have to have a business license when other businesses don't have to. She said the tenant has to sign up for water, then the tenant should be doing the reporting due to the privacy laws. She doesn't like the idea. She said if there is a complaint, then there can be an inspection. She thinks this should be tabled and there should be some changes. She said if her properties aren't complained about to the City, then she shouldn't have to be subjected to inspections. She said information should be obtained from the tenant. Mrs. Thrasher said her attorney tells her what she can ask under the privacy laws.

Councilman Morse asked if this matter is tabled, would Mrs. Thrasher and Mr. Johnson be willing to serve on the committee. Mr. Johnson said he would.

Mr. Johnson said if this passes, he would like more time to discuss some issues that he didn't have time to bring up. The Kansas Landlord-Tenant Agreement is an 18-page agreement. Mr. Leon Coker said this matter should be tabled.

Councilman Maniez asked Mr. Johnson if there is a way to address the safety of the public. He asked if there is a way to enforce health and safety without infringing on the landlord business. Mr. Johnson said absolutely there are some issues in this town; but, he could compare the rental property issue with a personal property issue that are the same, and there are ordinances that are not being enforced on personal property. Mr.

Johnson said, as a Council, you must stand up and enforce the ordinances. Discussion by Mr. Johnson this needs to be tabled and the Kansas Landlord-Tenant Act discussed.

Mr. Joe Dwiggins said he would prefer to have some more study on this matter. Councilman Maniez said he would like to come up with a plan to address the health and safety issues of rental property.

Mayor Anderson asked what the primary goal was of the task force. Administrator Guilfoyle said the City Council requested a task force to study the issues addressed in the housing survey. Councilwoman Templin said it was also in response to housing and rental situations that Jodi Hitchcock deals with through the Johnson County Multi-Service Center. Many landlords are good landlords and keep their property in good repair; however, there are some that don't maintain their property and there are safety and health concerns. Discussion by Mayor Anderson and Councilwoman Templin on the enforcement of the codes. Councilwoman Cannon said this should be tabled and reviewed more. If something is going to be inspected, once every three years won't be that helpful. Councilwoman Cannon said she has rental property and she said she has instructed her renters to call if there are problems.

Councilwoman Templin said it is the health and safety issues they are looking at, like substandard flooring and gas and electrical concerns. Discussion by Steve Chick, Building Official, and Mayor Anderson regarding the enforcement of the building codes and environmental codes. Mr. Chick said some of the concerns can be addressed under the Uniform Building Code. Discussion by Mayor Anderson and Mr. Chick regarding the health and safety issues of rental properties. Mayor Anderson said the exterior code violations of homeowners is enforceable by the City. Discussion by Councilwoman Templin that the renter doesn't want to complain because they feel they will be forced to move out.

Councilman Morse said there are good landlords; however, there are also the bad. Council has to pass something to protect the renters. Further comments regarding the Kansas statutes and building code. Councilman Morse said the City is going to have to pass something. Discussion by Mr. Johnson that the inspection process is very costly. Councilman Maniez said he agrees with Councilman Morse that something has to be put in place so that the tenants have some recourse to address the health and safety issues. He said the ones that have problems with gas lines, floors falling in, and the big safety and health issues need to be addressed. Councilwoman Templin said she absolutely agrees with those comments. The question is, "who is the good landlord, and who isn't?" She said the proposed plan is a very objective way to look at this issue.

Councilman Drennon said there are a lot of properties in town to be cleaned up. He said we need to find ways to not hurt the good landlords; but there must be something in place. He said there needs to be some more discussion. Councilwoman Templin asked what are the things these people want to see? Mayor Anderson discussed some options that could be considered. Continued discussion by Councilwoman Templin that there are properties that have health and safety issues because they are rented cheaply and the renter doesn't want to complain because they don't want to try to find another home.

Councilman Maniez said there must be something in place for the Building Official to go out and inspect the rental property. Discussion by Councilwoman Cannon in modifying some of the language in the proposed plan. Continued discussion by Council and Administrator Guilfoyle on the task force's recommendation. Mayor Anderson asked if the fee request and the inspections could be modified. Councilwoman Templin said the fees were not pulled from the air and she explained where the number came from. Mayor Anderson discussed that an internal inspection could trigger a fee. Discussion.

Councilman Morse said a Council workshop would be good so this can be discussed.

Motion by Councilman Morse to table this matter; second by Cannon.

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

Motion carried.

Mayor Anderson called a five-minute break at 8:20 p.m. Mayor Anderson reconvened the Council at 8:30 p.m.

- c. Consider presentation and acceptance of City Audit for Fiscal Year 2006. Administrator Guilfoyle introduced Tom Singleton, the City's Auditor, regarding the annual financial audit. Mr. Singleton thanked the Council for moving this matter forward. He reviewed the comments of the audit findings as stated in the letter to Mayor and City Council dated April 13, 2007. Mr. Singleton said there is no letter this year regarding any financial deficiencies. He thanked the City, and City Staff, for their cooperation during the audit process.

Councilwoman Templin asked if the Council members could be listed on the audit letter for historical purposes. Discussion by Mr. Singleton that this could be done, and he will ensure that information is included in the next audit.

Administrator Guilfoyle said he would like to express appreciation to Bonnie Bennett, City Finance Officer, for being responsible in making improvements as requested by the audit last year.

- d. Consider Final Plat for Cherokee Woods. Engineer Brungardt said the Planning Commission approved the Preliminary Plat for Cherokee Woods with several conditions. Engineer Brungardt reviewed the comments in the Staff Report dated April 26, 2007. The submittal tonight is for the Phase 1 of Cherokee Woods and includes the northern portion of the subdivision that includes Primrose Drive and the area of the proposed benefit district.

Staff recommends approval of this Final Plat. Discussion by Councilman Maniez and Engineer Brungardt regarding Items A and B as stated on page 2 of the Staff Report that have been corrected on the Final Plat. Discussion by Engineer Brungardt on the conditions of the Preliminary Plat that were discussed at the Planning Commission regarding the park land or park fees in two tracts of land shown on the preliminary plat. Discussion by Councilman Drennon and Engineer Brungardt regarding the Primrose extension.

Motion by Councilman Morse to accept the Final Plat on Cherokee Woods; second by Templin.

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

Motion carried.

- e. Consider Resolution No. 782 finding petition for Cherokee Woods Benefit District sufficient, authorizing public improvements within Cherokee Woods subdivision, and authorizing issuance of general obligation bonds for such improvements.

City Administrator Guilfoyle said the agreement entered into last year with the developer is to proceed with the creation of a benefit district to construct Primrose Drive. The application from the developer has been reviewed for the creation of the benefit district. The petition has been reviewed by the City Attorney and the City's Bond Counsel and is considered ready for approval.

Discussion by Engineer Brungardt on the costs associated with the creation of the benefit district and the administration of the project. He said as far as cost to the City, this is a "no-cost" arrangement to the City. At the end of the construction time, all these costs are validated and the assessments will be adjusted accordingly. Comments by Administrator Guilfoyle on any additional costs will be brought back to the Council for consideration. Comments by Councilwoman Cannon on when the assessments will go on the tax roll. Further discussion by Administrator Guilfoyle, Engineer Brungardt and Council members.

Motion by Councilman Maniez to approve Resolution No. 782 pertaining to the Cherokee Woods project; second by Drennon.

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

Motion carried.

- f. Consider Engineering Services agreement with Allenbrand Drews & Associates for the design of the Cherokee Woods Benefit District improvements. Engineer Brungardt discussed the comments in the Staff Report.

Motion by Councilwoman Templin to adopt Resolution No. 783 authorizing the Mayor to enter into a contract with Allenbrand-Drews in an amount not to exceed \$130,000; second by Cannon.

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

Motion carried.

- g. Discuss potential projects for 2008 Community Development Block Grant. City Planner Buttrum discussed the previous years' projects from 2002 through 2006. She said the City is tied to the CIP plan as these CDBG funds have been tied to the Plan. Planner Buttrum said infrastructure is what has been recommended for the CDBG funds. Discussion by Councilwoman Templin on the amount that would be requested. Planner Buttrum said the City could ask for more, and always asks for \$100,000. Continued discussion on possible projects from the CIP list.

Councilman Maniez asked why there wasn't consideration given to the railroad bridge as project Number 7. Engineer Brungardt said he tried to come close to the \$100,000 request amount. He also tried to identify projects that could be implemented in one year because the CDBG funding doesn't come in until April of the following year and there isn't funding for the match. Engineer Brungardt said his plan is to have more construction details defined for the next meeting. He and Administrator Guilfoyle will be discussing the projects with the City's Bond Counsel.

Councilman Drennon asked where the culvert and guardrail replacements would be. Discussion by Engineer Brungardt that this would be on Ottawa Street. He said this could be pushed back until the Parks Master Plan is worked out.

Councilman Morse said the lift stations are old and are a concern and he feels they should be given a priority. Mayor Anderson agreed. Continued discussion by Councilwoman Templin and Planner Buttrum on the funding coming in 2008. Comments by Councilwoman Cannon and Administrator Guilfoyle.

- h. Consider Mayor's Annual Appointments of City Officers: Fire Chief, Asst. Fire Chief, Treasurer, City Engineer, City Attorney, City Prosecutor, Judge of the Municipal Court. Mayor Anderson said he would like to continue with the current persons in these positions: Fire Chief Kevin Ritter; Asst. Fire Chief Mike Frehe; City Engineer Mike Brungardt; City Attorney Patrick Reavey; City Prosecutor Amy Mitchell; Municipal Judge Charles Droege, and appoint Bonnie Bennett as the City Treasurer at the recommendation of the auditors.

Motion by Councilwoman Templin to approve the Mayor's annual appointments, second by Drennon.

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

Motion carried.

6. Executive Session:

Motion by Councilman Maniez to go into Executive Session at 9:02 p.m. for thirty minutes until 9:32 p.m. to discuss confidential company information and to invite Sara Ritter to the discussion; second by Templin.

All Council approved by "ayes".

At 9:32 p.m., Councilman Morse requested an additional 15 minutes to 9:47 p.m.

At 9:47 p.m., Councilman Maniez requested an additional 10 minutes to 9:57 p.m.

Motion by Councilman Maniez to return to regular session at 10:02 p.m. with two extensions of time, and only the items stated were discussed and no votes were taken; second by Templin.

All Council approved by "ayes".

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said the wireless communication antennas on the Waverly Tower generate income. The question is going to arise when the Waverly Tower comes down on what to do with the communication antennas. The City has been approached by a company wanting to discuss a proposal of constructing a monopole tower for communication antennas. There is a meeting next week with another provider to consider options. Council discussion on the ground lease and the income generated from the tower leases, as well as the type of beacon or lighting on the tower. Discussion with Darrel Zimmerman.

Council will have a landlord/tenant workshop at 5:30 p.m. on May 24th, 2007.

- b. City Attorney, Patrick Reavey, was absent.
 - c. City Engineer, Mike Brungardt, no report.
 - d. City Planner, Kim Buttrum, was absent.
 - e. City Clerk, Lana McPherson, had no report.
8. Council & Mayor Comments:

Councilwoman Cannon and Councilman Morse had no comments this evening.

Councilman Maniez asked about the patching that needs to be done on Commerce. Engineer Brungardt will check with Ron Creason. Councilman Maniez asked about the roadwork to be done on Waverly. Engineer Brungardt has been talking with the contractor, but due to the weather, work has been postponed. Discussion on the road work that needs to be done. Engineer Brungardt said there is a two-year maintenance agreement on the bond.

Councilwoman Templin said she wanted to congratulate Lana on the National Day of Prayer program today. It was very enjoyable and she said she wished more Council members had been able to attend.

Councilwoman Templin said the large cedar tree on 91st Street that was taken down recently needs to be cleared away. Engineer Brungardt said he has talked with the property owners. He will follow up with the City crews.

Mayor Anderson said on May 17th at 7:00 a.m., the KCADC is hosting a breakfast and the Council is invited to attend.

Motion by Councilwoman Templin to adjourn at 10:18 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk