

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
June 15th, 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	Present
	Maniez	Present	Zindler	Present
	Morse	Present		

Citizens signed the book on page 69.

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 June 1st, 2006.
 - b. Approve Pay Ordinance No. 547.

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

Roll Call:	Cannon	Yes	Templin	Yes
	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.”

No one appeared.

3. Chamber / EDC Report: Executive Director, Sara Ritter, said the joint area cities Chamber networking will be on June 29th at 5:00 p.m. at Kill Creek Farm. She then introduced Marty Shukart from RDG Consultants, who provided the Central District Plan Initial Concept Presentation. The power point presentation compared the current areas and the future concept development opportunities. Mr. Shukart stated there are some very interesting features about the central district of De Soto that is truly remarkable is its tree cover. There is a continuous tree canopy in the City. Another feature is that the central district of the City is almost surrounded by water, i.e. the Kansas River and Kill Creek. This makes a very interesting design potential. The current Miller Memorial Park site could be developed as a private development and design a new Miller Memorial Park across Lexington Avenue on the south.

Mr. Shukart outlined the proposed “town corridor” that links the existing Miller Park with the City’s town center. He then reviewed the most “radical” planned concept of redeveloping Miller Park into a proposed mixed use urban village-type development that

creates a pedestrian-type environment, made up of businesses and residential apartments above the businesses. This concept would need a realignment of 83rd Street and Lexington Avenue intersection as a four-way gateway intersection. A future library could be built where American Redwood and Cedar and the mobile home park are now.

A third concept would be "Osage Village" which is a redevelopment of the area where the mobile home park currently is between Osage Street and Jaycee Street. There would be a community street that would connect with Shawnee Street and 83rd Street. This would create a residential and office park concept. This concept plan would produce a neighborhood green area, and provide two office buildings with dual access from Lexington and Osage Street.

The Lexington Avenue district concept is an attractive auto-oriented gateway. There could be trail connections from a new Kill Creek Trail on the south and new street landscaping and "green street" treatment could be established.

The traditional center of the City is primarily residential; however, as new occupants and demands occur, some of the houses may convert to other uses. Mr. Shukart said that in the central district plan, there is a need to maintain a vital center that will continue to grow as a mixed use district with residential scale with a streetscape as a bridge from the Lexington/83rd Street gateway into the town center, using lighting, graphics, and street trees.

The proposed Town Center is proposed to have renewed streetscape improving pedestrian access, with Shawnee Street promenade to the community Center. The redevelopment of the current Dollar General building into a signature mixed use building could provide use of lower levels to the south with the alley as a second main street.

The City Yard (Maintenance Shop) Site could be used as a housing village with 16 town homes. The view from the end of Wea Street is quite beautiful and one of the best scenic views of the Kansas River valley.

The South Ottawa Street plan proposes a series of small residential homes along the west side of Ottawa, while preserving the treescape and wooded areas.

Mr. Shukart discussed the heritage buildings that should be preserved throughout the City due to their uniqueness in architectural design. The houses that are beyond rehabilitation need to become new residential infill development. He then discussed vehicle, bicycle and pedestrian traffic access and flow patterns. The development yields were discussed by Mr. Shukart. He said this concept plan would include 160 new residential homes, as well as expanded commercial and civic gains.

Mr. Shukart said they will be looking at workshops next month for the traditional downtown part of De Soto. He asked for Council's comments.

Councilwoman Templin said the more she thought about a new Miller Park will allow a lot of opportunities. She has a concern about the new library being moved away from the downtown area because there is nothing special about that two-block corridor. Mr. Shukart said this is a concern that will be looked at. Discussion by Councilwoman Templin that this is a long hill to get to the two-block area.

Councilwoman Cannon said it is a very different concept than what we have now. She has concerns as to how the older patrons who are long-time residents of these concept areas will be moved around and how they will be treated.

Councilwoman Zindler said it is a lot to absorb and she likes the creative ideas that have

been expressed. Councilman Morse said the Miller Park Site has flooded twice in the past 80 years. Discussion by Mr. Leon Coker that the Miller Park area was donated to the City and it should remain a park because that is the way it was given to the City. Mr. Shukart said there are deed restrictions on the property.

Councilman Maniez stated he has concerns about the downtown area. He said he also has concerns about the Miller Park area being too small as the City has grown during the last several years. The idea of businesses along the northern part next to the river would be good. Discussion by Council, Mayor Anderson and Mr. Shukart on different ways to go in the Miller Park area.

Discussion on using the City Shop property as a jump start to redevelopment. The water plant isn't used now; however, the water storage tank is used daily. Discussion by Councilman Morse on where the City Shop facilities would be relocated to. The water storage facility would also have to be moved.

Mayor Anderson called from public comments. Discussion by Kirk Johnson that the two jump start projects could be the City Shop and Miller Park areas. Discussion on tax concerns. Dustin Baker said that the City could invest in some sidewalk repairs that would help tremendously.

Mayor Anderson called a five-minute recess at 8:00 p.m.
Mayor Anderson reconvened the Council at 8:05 p.m.

4. Old Business: *None*

5. New Business:

a. Consider request by Huhtamaki that restructuring of its corporate entities not affect tax abatement. City Attorney Patrick Reavey stated he has been working with the representatives from Huhtamaki and this appears to be a name change only. Attorney Reavey has also checked with the county and state regarding the abatement not being affected by the proposed changes to the corporate entities.

Ms. Jean Sumner, Huhtamaki, said the company has changed the name in the past from Sealright to Huhtamaki Americas; now, that company is also restructuring. She provided information to the Council regarding the legal structure of the companies.

Motion by Councilwoman Zindler to allow the corporate change and the change will not affect the tax abatement; second by Cannon.

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

Motion carried.

b. Consider request by Mr. Goodcents for revisions and credit pertaining to tax abatement.

(Mayor Anderson recused himself from all discussions in this area and left the Council Chamber. He requested Council President Tim Maniez to take charge of the discussion.)

City Attorney Patrick Reavey stated 35 acres that was a part of the original PILOT agreement, included the legal description for the entire land platted and made no distinction between the vacant land the headquarters area. Because of this,

Johnson County has refused to allow Mr. Goodcents to pay at the commercial rate on the headquarters' land and at the agricultural rate on the vacant ground.

Farrellynn Wolfe, CFO for Mr. Goodcents, said the abatement actually went into effect in 2002. She said the corporation was aggressive when they put the figures together for the original PILOT agreement. They have not met the levels of employment or payroll contained into the PILOT agreement. Ms. Wolfe said they will be at the 78% rate for 2006. Discussion by Councilman Maniez and Councilman Morse with Ms. Wolfe. Councilman Maniez discussed with Ms. Wolfe the amount of the tax impact to the City.

Discussion by Councilwoman Zindler and Attorney Reavey. Councilwoman Zindler said she is very uncomfortable with granting the request and is very apprehensive about opening the door to other companies who have not met their PILOT agreement. Councilwoman Zindler said there was great discussion in 2000 by the Council at that time, and she was a member of the Council in 2000, in granting the 100% abatement. Councilwoman Zindler also provided the photo that was provided in 2000 of the proposed Mr. Goodcents Headquarters complex. Discussion by Ms. Wolfe, Councilwoman Zindler and Attorney Reavey.

Attorney Reavey stated it is the Council's decision. He asked if in the year 2007, and forward, the company would cancel the tax abatement. Ms. Wolfe said is looking for some support for the company. Councilman Maniez said the company made the case and the Council gave the company what they asked for; now they want a change. Councilman Maniez said he is also apprehensive in backing up what Mr. Goodcents proposed. He would consider moving forward, but not going back since the company didn't meet their performance indicators.

Councilwoman Templin said she understands the comments from Councilwoman Zindler and Councilman Maniez, but the company has paid in a considerable amount to the City. Councilman Morse said that many times in business, things don't always work the way they were supposed to. He said, going forward, to modify the PILOT agreement is a good thing to do and would be helping out a corporate neighbor. Councilwoman Cannon said she is amending the Pilot Agreement going forward. Discussion by Councilwoman Cannon and Attorney Reavey on future abatement of new equipment.

City Attorney Reavey discussed the PILOT Agreement amount going forward in 2007. Discussion by Councilman Maniez and Ms. Wolfe regarding the abatement on the present equipment and the future development of the land.

Motion by Councilman Morse to direct staff to bring back a revised PILOT agreement for Mr. Goodcents; and, that it is Council's desire for the revised legal description to be effective from tax year 2007 through the life of the original abatement; second by Maniez.

Roll Call:	Cannon	Yes	Templin	Yes
	Maniez	Yes	Zindler	No, it was a negotiated agreement
	Morse	Yes		

Motion carried.

Mayor Anderson was recalled to the Council Chamber at 8:39 p.m.

- c. Consider authorizing the purchase of the poles for the Lexington Avenue traffic signals. City Engineer Brungardt reviewed his comments in the staff memo directed to Council. He discussed the funding and the two bids that were received for the

poles. The low bid was \$28,097 from Mid-American Signal. He is requesting the authorization for this expenditure from the Capital Projects fund. Discussion by Engineer Brungardt on the delivery time on the poles being 14 to 16 weeks. KDOT will be returning their comments by mid-July.

Engineer Brungardt discussed the potential concept of the project being funded by a benefit district between the property owners and the City. Discussion by Council regarding the formation of a benefit district. Councilwoman Templin said she has a concern with the City taxing the school district. Council discussion that the school is a big contributor to the traffic issue. City Administrator Guilfoyle stated the school district has a much larger tax base to pull funds from than the City does. Council discussion with Attorney Reavey regarding the benefit district formation. Councilman Maniez stated the traffic count would be a good way to evaluate the situation. Staff will do further work and bring back information to Council at the next meeting.

Motion by Councilman Maniez to authorize staff to order traffic signal poles for an amount not to exceed \$29,000, with funding to come from the CIP account; second by Cannon.

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

Motion carried.

- d. Consider Authorization for City to Enter into Purchase Card Program. City Administrator Guilfoyle provided Council with an outline of the program. He outlined his concerns with the expenditure of funds through use of a debit card. The credit card program is a control of expenditures with a policy each person issued a credit card would be accountable to. The credit card program is free of charge to the City.

Discussion by Councilman Maniez regarding supervisors who need credit cards. Discussion by City Administrator Guilfoyle that the supervisor who has a card cannot give the card to a department employee to make a purchase. Council discussion.

Council members approved the City Administrator's request.

- e. Consider Youth Baseball Request to Waive Fee Schedule for State Tournament on City Fields. City Administrator Guilfoyle provided Council a memo outlining the request and an email from Don Clark. For the past four years the City has been host to the USSSA Single "A" State Baseball Tournament. The request is a reduction of normal usage fees to a flat fee of \$250.

Discussion by Councilwoman Templin regarding the request. She is asking why the City isn't being contacted directly by the USSSA staff. Councilwoman Templin said Mr. Clark is representing a team as is Michelle England. These two people are splitting the profit between their two teams. This is not a direct request from USSSA and there are many other teams in De Soto that would like the same opportunity to fundraise from this tournament. Councilwoman Templin said that if there are other De Soto teams that could benefit from this, they should be allowed to participate. She said the ball fields are City owned and operated now, and fundraising opportunities should be available equally to all De Soto teams.

Discussion by Councilman Morse and Councilwoman Templin on the USSSA tournament and the money that is made in the tournament. A private organization is profiting from a public use. Council said this is something that needs to be reviewed carefully in future.

Motion by Councilman Maniez to rent the ball fields for \$250 as per Don Clark's request for the weekend of July 7-11 for the tournaments; second by Morse.

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

Motion carried.

6. Executive Session: None.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, briefed the Council on the discussion staff had with the City of Eudora regarding the water issue. The City of Eudora is interested in continuing to provide water through their own water plant; however, they would like to potentially discuss the City becoming a wholesale supplier to them for future growth if cost works out to be favorable to them, if the timing coincides and the quantity of water is identified. The City of Eudora will be doing a water study plan in another year. It was a favorable discussion and both cities will continue discussions. Discussion by Councilwoman Zindler on further comments that were made during the joint discussion. Eudora can expand their plant somewhat. Discussion by City Engineer Brungardt on the timing of the water studies that Eudora will be doing.
- b. City Attorney, Patrick Reavey, provided Council with a revised fee resolution incorporating the new state court costs that go into effect on July 1st. Attorney Reavey said the new right-of-way permit fee is included, as well as the special use permit fee for amending an existing special use permit.

Motion by Councilwoman Templin to approve Resolution No. 745 Establishing Fees and Rates for Permits, Licenses and Services Within the City of De Soto; second by Cannon.

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

Motion carried.

City Attorney Reavey introduced Jason Smith, who has built a home on 95th Street. This property has a rock ledge that caused the house to have to be constructed about 16 feet into the setback. A building permit was issued by City staff over a year ago. Due to the nature of the property, the setback issue was brought before the Board of Zoning Appeals. City Planner Gordanier stated the property is zoned "R-0", with a 50-foot setback. The property does not meet the City's zoning regulations and this was discovered when the surveyor went out to survey the property for the mortgage closing. City Planner Gordanier outlined the three options the City could grant in this matter. Staff is requesting the Council consider vacating 16 feet of the right-of-way; then, the property owner could request an "R-1" zoning change.

Mr. Smith said he bought the land 18 months ago, when Larry Baxter was the Building Official. The setback regulations were discussed at that time, as well the rock ledge. The setbacks were later approved and the house was actually moved due to the rock ledge. The final on the house was given this week. Mr. Smith's lending institution sent out a surveyor and that is when the discrepancy appeared.

Further discussion by City Planner Gordanier on the drawing that was prepared. City Attorney Reavey said the earliest the vacation of right-of-way could be granted would be July 21st, after the Council's meeting on July 20th, 2006. Attorney Reavey said he recommends Mr. Smith provide a written agreement that he gives the City an easement on this 16 feet of right-of-way. Mr. Smith said he is totally agreeable to doing that. Further discussion by Attorney Reavey and Council. Council directed staff to proceed with the documentation.

- c. City Engineer, Mike Brungardt, said Waverly Road has a big issue with the oil seeping through. The contractor is due here tomorrow to spread chips on the roadway. They are recommending that sits for one-two weeks to cure; then the contractor will come back to fix the road with a slurry seal. Engineer Brungardt said some patching work will need to be done, and the contractor will do the slurry seal in two weeks. There is a two-year maintenance bond. Discussion on the failure.

Engineer Brungardt said the cost estimates for Golden Lane have been received.

(At this point, Councilwoman Templin recused herself from the Council Chamber at 9:37 p.m.)

The bids include the power company relocating the power underground. Westar has a cost of approximately \$10,000; as well as about \$20,000 more in costs for other utilities. Discussion by Administrator Guilfoyle regarding the costs to move the power poles as opposed to putting the power underground. The question is: Does the City want to extend the cost to include going underground rather than moving the poles. Engineer Brungardt discussed the costs and Dustin Baker, FCB, said one of the contractors has reduced his cost by approximately \$15,000. Council discussion on the total cost being increased to the City by approximately \$5,000. Council agreed that it would be better to go underground and remove all the poles.

(Councilwoman Templin returned to Council Chambers at 9:45 p.m.)

The bids were opened for this year's CDBG project. Bids were over the ability to fund all the improvements. Engineer Brungardt will bring back the options at next meeting. Council comments.

- d. City Planner, Kim Gordanier, provided Council with a staff memo regarding zoning violations, especially construction contractor businesses. She stated she is going to be issuing letters of non-compliance to these home-based contractor businesses. Mayor Anderson discussed the "grandfather clause" with Planner Gordanier. Discussion by Councilman Maniez about complaints he has received from citizens regarding big trucks and trailers sitting on City streets and commercial businesses taking advantage of being in a residential district. Discussion by Mayor Anderson on making the public aware of the forthcoming enforcement of the zoning regulations.
- e. City Clerk, Lana McPherson, said the Relay for Life was a success. The City's team, Marching for Marge, raised \$2,105 of the \$37,758 total. Rita Jones sent her thanks to the Council for their support of the Wall of Hope Banner and the Relay for Life.

8. Council & Mayor Comments

Councilwoman Cannon asked about the thistles on the railroad bank as well as in the City's right-of-way by the railroad overpass on Lexington Avenue. Discussion by staff. Citizen Darrel Zimmerman said that part of the problem is that the correct herbicide was not used in the past and the grass was destroyed and the thistles came back full force.

Councilwoman Cannon asked about the house on 83rd Street in town still not being renovated. It is just sitting there with a big dumpster. Dave Penney hasn't completed his renovation of the house on East 83rd Street.

Councilman Morse said by the K-10 overpass, the grass and weeds need to be mowed down. The area is full of rocks because the contractor never cleaned up properly. It needs to be mowed down soon.

Councilman Maniez asked about the new audio visual equipment that is still on the floor. Is it going to be returned or installed, or what is going to be done with it. Councilman Maniez said he would like to go forward with a plan similar to what the school district has in their meeting room. Discussion by Council.

Councilwoman Zindler had no comments.

Councilwoman Templin asked if the slides for the pool are in yet. Engineer Brungardt said the delivery of the slides should be in a few weeks as they are being constructed in the next several days. He anticipates the pool will need to be closed for a day so that the slides can be installed. The slides may not be in for the Fourth of July.

Councilman Maniez said he was contacted by Dorothy Nalley, as was Councilwoman Cannon, that many older residents are upset because they can't enter the pool to watch their grandchildren swim. Councilman Morse said a senior citizens pass could be given to the senior citizens at no charge. Councilman Maniez said there needs to be a policy change made now; Councilwoman Cannon and Councilman Morse agreed. Council discussion. City Administrator Guilfoyle will discuss this with staff for resolution.

Motion by Councilwoman Templin to adjourn at 10:25 p.m.; second by Zindler.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk