

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
June 2nd, 2005 7:00 P.M.

MINUTES

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

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

Mayor Anderson led the audience in the Pledge of Allegiance.

Proclamation by Mayor Anderson proclaiming the month of June as Business Appreciation Month in De Soto.

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 May 19th, 2005.
 - b. Approve Pay Ordinance No. 522.

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

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

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: Sara Ritter, Executive Director, stated June is Kansas Business Appreciation Month. This year the Chamber nominated Huhtamaki to the Eastern Region Award Ceremony for the state. On June 9th, the Chamber will honor all the businesses and she encouraged every business owner to attend. The 2005-06 Chamber Directory was sent to print today and is much larger than it has been in the past. It should be back next week.
4. Old Business:
 - a. Consider revisions to Excise Tax Ordinance. Patrick Reavey, City Attorney, stated this is an amendment to the City Code. Mr. Reavey explained the revisions to the ordinance on page two, subsection f, which defines the criteria regarding “commercial development”. Mayor Anderson commented on paragraph (f), 2, regarding the professional analysis being done by a city-approved company. Discussion by Councilman Morse on whether or not the City does want to change this. Councilwoman Zindler asked what leverage the City would have when the business fails to make the annual payment that is due. Mr. Reavey stated the City would be relying on the good will of the

business. Councilwoman Cannon asked if the City could have the ability to file a lien against the property until the excise tax is paid. Council discussion on having a contract with the developer to ensure there is security for payment of the excise tax. Councilwoman Zindler asked what would happen if a developer asked for a discounted rate rather than a payment spread over five years. Discussion that the ordinance language will stand unless amended by the Governing Body. Councilman Maniez stated he feels the City is taking a step backwards since roads and maintenance depends upon excise tax. Councilwoman Zindler agreed this would delay projects in a big payment of excise tax being spread over a five-year period.

Motion by Councilman Morse to approve Ordinance No. 2095, and adding language to section f. 2 to read "...a professional analysis by a city-approved company,"...; second by Cannon.

Roll Call:	Maniez	No, he feels there are other incentives that would be more appropriate.
	Morse	Yes, he feels this is one way the City can bring in good businesses that are falling through the cracks by not having other incentives.
	Cannon	Yes, the City needs more businesses brought in and this piece of property has no other infrastructure that the tax will affect.
	Zindler	No, she supports the current excise tax ordinance. She questions whether excise tax is an appropriate way to incent development; although this particular case is not substantial, she feels there could be cases in the future.
	Mayor	Yes

Motion failed because there must be a 2/3 majority vote of the Governing Body, and Councilwoman Templin is absent.

Mayor Anderson asked if additional language could be used to provide confidence in this ordinance. Discussion by Councilwoman Zindler that she feels there are other incentives rather than amending excise tax. She stated the City has worked diligently to come this far with the excise tax regulation, and she does not want one project to set a precedence for others in future. Councilman Maniez agreed and said no language amendments to this particular ordinance would be agreeable to him. He feels the excise tax should not be messed with as it has taken years to get it where it is now and it would be a big mistake to change it now. Councilwoman Zindler stated she would not be adverse to waiving a building permit fee if certain conditions are met. Councilman Maniez agreed with that if the development meets certain criteria. He would rather see this, than dealing with the excise tax ordinance.

Mayor Anderson asked if Council would entertain him discussing this approach with the present developer and this particular business. Councilman Maniez stated the Council has the authority to waive certain building fees, but he does not want to waiver any excise tax. Discussion by Councilman Morse that some day this may have to be used to drive business growth. Council discussion with Mr. Brungardt on site plan and platting of this particular applicant's property. Council agreed the Mayor should talk with this particular applicant, as this particular piece of property does not have infrastructure needs.

5. New Business:

- a. Presentation on City of De Soto insurance coverage provided by Monte Giddings of Gliem and Giddings. Greg Johnson introduced Mr. Giddings, the City's new insurance broker. Mr. Giddings stated the City has a very good insurance program with the St. Paul Insurance Company. His agency also represents the City of Overland Park, Lenexa, Leawood, Merriam, and others. Mr. Giddings discussed the City's Public Officials insurance coverage. St. Paul has a great risk control program and they have had their agents meet with Mr. Johnson. Council thanked Mr. Giddings for his time in coming tonight.
- b. Consider bids for filter bed improvements at water plant. Mike Brungardt, City Engineer, provided the Council with a memo dated May 27, 2005. The filter beds at the Sunflower water treatment plant need to be cleaned and some filters replaced. Mr. Brungardt explained the bids that were received. Mr.

Brungardt stated there is roughly 300 feet of welds that will be made on the filter beds, which will result in an additional \$25,000 cost on the filters. It is important to keep all 8 filter beds operational. Staff recommends accepting the bid from Blast-it-Clean. Discussion by Councilman Maniez on rust repairs. Discussion by Councilman Morse on why the lowest bidder wasn't recommended. Discussion by staff and Council. Mr. Johnson stated the funding will come from the system development fees that have been collected.

Motion by Councilman Maniez to accept the bid from Blast-it-Clean in an amount not to exceed \$225,000 for repairs; (Council discussion on bid). Motion dies for lack of a second.

Mr. Brungardt was handed a card during the meeting from a representative of Cunningham Sandblasting.

Motion by Councilman Maniez to table this item to the next meeting; second by Morse.

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

Motion carried.

6. Advisory Reports:

- a. City Administrator, Greg Johnson, stated he received a letter from Chairwoman Surbaugh at the County Commission regarding the K-10 Overlay Regulations. The County said they are not agreeable to extending the overlay district into the Sunflower Ordnance Plant. The County also expressed they will waive some of the deadlines in order to discuss the overlay district. Mayor Anderson stated he talked with Commissioner Toplikar regarding this matter. He also talked with Chairwoman Surbaugh regarding this. She said she understands the City doesn't want to continue the overlay district. Mayor Anderson discussed the history of the overlay district and how it came about six years ago. Discussion by Councilman Maniez that Sunflower is in De Soto's backdoor and has always been involved with De Soto. Councilwoman Zindler stated she thought it was a good agreement and she said the people on the south side of the City will still be affected. She feels there are some good things in the document that were beneficial for the K-10 development. Mayor Anderson stated he is disappointed that the County says De Soto can't be involved in the redevelopment of Sunflower. The City deserves to have some decision making as Sunflower is in our back yard. The County has chosen not to be partners with De Soto in this redevelopment. Discussion by Mr. Reavey and Mr. Brungardt on having the Planning Commission review the overlay regulations for development in the overlay district.

Motion by Councilman Maniez to direct staff to send notice of termination of the overlay district; second by Cannon.

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

Motion carried.

Mr. Johnson reminded Council the 2006 budget workshops will begin in July. Discussion by Mayor Anderson regarding the trees that were planted along Kill Creek Road.

- b. City Attorney, Patrick Reavey, said Mr. Brungardt and he have been talking and there are additional easements that are needed for the new wastewater treatment facility. He has prepared a Resolution for the Council's consideration.

Motion by Councilman Maniez to approve Resolution No. 717 setting forth the necessity for condemnation of private property and authorizing preparation of a survey; second by Cannon.

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

Motion carried.

c. City Engineer, Mike Brungardt, provided Council with a memo regarding a joint workshop with the Planning Commission as a result of several recent studies that have been done in the City. The Planning Commission would like to meet with the Council to ensure all concerns and planning initiatives are jointly agreed on for long-range planning in the City, based on all these studies. Council agreed on June 30th at 6:00 p.m.

d. City Clerk, Lana McPherson, had no report.

7. Council & Mayor Comments:

Councilwoman Zindler had no comments.

Councilman Maniez asked about the accessory structure he had discussed with Mr. Brungardt. Mr. Brungardt responded and also has sent an email to Councilman Maniez.

Councilman Morse asked about the cable television service within the City. Mr. Johnson responded that the contract is being negotiated currently. Councilman Morse said he believes the City should sincerely think about turning the old pool into a skateboard park. Discussion by Council on the cost to tear out the old pool. Mayor Anderson said he would like staff to determine if the pool can be used for that purpose.

Councilwoman Cannon asked if Lexington Avenue is going to be re-striped. Mr. Brungardt stated the company will be coming back to do the striping. Discussion on the reflective beads in the striping.

Mayor Anderson had no comments.

Councilman Morse asked about the Commerce Drive project. Mr. Johnson responded that the final phase will be finished when the weather permits.

Motion by Councilman Maniez to go into Executive at 8:35 p.m. to discuss land acquisition and to return at 8:45 p.m.; second by Cannon.

All Council approved by "ayes".

Motion by Councilman Maniez to return from Executive Session at 8:48 p.m. and only the item mentioned was discussed and no votes were taken; second by Zindler.

All Council approved by "ayes".

Councilwoman Cannon asked about Larry Baxter's condition. All Council members expressed their concern for Larry.

Motion by Councilman Maniez to adjourn at 8:52 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk