

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
June 7<sup>th</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	Present
	Templin	Present		

Citizens signed the book on page 94.

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 May 17<sup>th</sup>, 2007.
  - b. Approve Pay Ordinance No. 570.
  - c. Approve Permit and Waive Permit Fee for De Soto Wildcat Football fireworks stand.
  - d. Approve Permit and Waive Permit Fee for De Soto Youth Ministries fireworks stand.
  - e. Approve Permit and Waive Permit Fee for De Soto VFW Post 6654 fireworks stand.
  - f. Approve Permit and Waive Permit Fee for De Soto Rotary Club fireworks stand.

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

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

Monte Bowers, 23307 Lexington, said he and his wife, Becky, own the mobile home court, Standard Court, at the end of Ottawa Street. He said they disagree with the proposed carport regulations. He said in September, 2004, he had a tenant ask about a carport. At that time, then City Inspector said there was no permit required; and, the only stipulation was that the carport could not be connected to any structure. The tenant constructed the carport, as did another tenant in March, 2005. Mr. Bowers referred to Article 8 of the City Code regarding Mobile Home Parks-4-805, paragraph 4, and read it for the audience. He requested the Council consider rescinding the new regulations for those carports already built.

Discussion by Councilman Morse and Mr. Bowers on who the previous inspector was for the City that Mr. Bowers talked with. Mr. Bowers said it was Larry Baxter. Discussion by

Council and Attorney Reavey. The carport structures in a mobile home park have different setback regulations. Discussion.

Council asked Steve Chick, Building Official, to comment. Mr. Chick said the request was to bring the carports into compliance on the setback regulations. Discussion by Attorney Reavey and Council. Attorney Reavey said he would like some time to discuss this matter with staff. If any person is constructing a carport, they must have a City-approved building permit.

Nathan Zwahlen, a 10-year old student in De Soto, said he is here to discuss curbside recycling. He provided a power-point presentation for the Council and audience in support of his request for curbside recycling. Comments by Mayor Anderson with Nathan Zwahlen. Comments by Nathan's father and grandmother.

Comments by Sam Tyler about Deffenbaugh's representative saying at a past Council meeting that recycling isn't profitable. Further discussion by Councilwoman Templin regarding giving Weldon a "heads-up" on recycling in the next contract proposal.

Drew Culbertson, 8778 Golden Lane, said he is the commander of the VFW Post 6654. He said he is here to thank the Council and Mayor for granting the fireworks permit and waiving the permit fee for this organization.

Kirk Johnson, 8705 Golden Lane, said he wished to thank the Council for allowing the De Soto Rotary to increase their fundraising by selling fireworks this year by waiving the permit fee for the Rotary. He said the Rotary Club is replacing the ice machine for the Senior Center this month.

Clarence Chance, 8370 Penner Avenue, said he is here to speak about the carport regulations. He said he has a setback concern with his carport and he is asking the Council to look into changing the regulations. Discussion by Council and staff. Councilwoman Cannon said this is the older part of town and the lots are much smaller. Discussion by Councilman Morse and Mr. Chance that he constructed the carport in November, 2006. He did not come to the City and request a permit. Discussion by Council and Mr. Chance. Mayor Anderson said staff could review the carport regulations.

Attorney Reavey said he will need some time with Council in Executive Session to discuss the legal aspects of carports, in general.

Comments by Sam Tyler, regarding the same concerns on the carport issue.

Darrel Zimmerman, 34055 W. 86<sup>th</sup> Terrace, said the "Finding a Sense of Place Art Exhibition" is set for Wednesday, September 19<sup>th</sup>. He said the art work is coming in and he invited everyone to attend. There is about \$7,000 pledged already to purchase the artwork.

The four historic markers along the recreation pathway is in the hands of Johnson County Parks & Recreation. They are working on the format of the plaques. Two of the plaques will go on Kill Creek and two will go in Miller Park. The plaques will not be ready in July.

The Blues and BBQ sponsored by the Chamber will be Saturday, June 16<sup>th</sup>.

Lana thanked the Council, on behalf of Bill Wilting and De Soto Youth Ministries, for approving the fireworks permit and waiving the fee. The youth are earning money for a mission trip to Brazil this summer.

3. Chamber / EDC Report: Sara Ritter, Executive Director, was not present.

4. Old Business:

- a. Consider Ordinance establishing a Rental Housing Inspection Program and licensing landlords to conduct business within De Soto. Attorney Reavey provided Council with a red-line copy of the changes proposed for the ordinance. There were several meetings of the task-force committee. Councilwoman Templin commented that on page 10, paragraph c, the stated 10 business days is too short. She would like it to be a longer time frame. Discussion to change the language from 10 business days to 30 days.

Councilman Drennon asked about the contract for deed provision and said he is totally against this. Discussion by Attorney Reavey on the language. Further discussion by Councilman Morse and Councilwoman Templin. Council discussion on the contract for deed statement. Council agreed to strike the language referring to the contract for deed. Attorney Reavey said he has talked with Councilwoman Cannon regarding the City's Code of Ethics as she owns rental property. She is free to vote as this is a legislative issue. Discussion by Councilman Morse and Attorney Reavey regarding the inspection fees. A discussion ensued with Councilwoman Templin and Attorney Reavey regarding the inspection fees and the \$25.00 fee.

Council agreed to the changes on page 3, Section 5-302, by striking all language after the first sentence. The Council further agreed to the change on page 10, paragraph 5-314 c from 10 business days to 30 days.

Motion by Councilman Morse to approve Ordinance No. 2160 with the changes as discussed; second by Templin.

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

Motion carried.

5. New Business:

- a. Steve Chick's Summary Report on Greensburg Volunteer Service. Mr. Chick said he very much appreciated the Council's support of his going to Greensburg, and he thanked the Council and Pat Guilfoyle for supporting his volunteer efforts. Mr. Chick provided Council with a power-point presentation of the Greensburg disaster. He stated he would like to see De Soto be better prepared for an emergency disaster. Mayor Anderson thanked Mr. Chick for his presentation.

Administrator Guilfoyle commented on the remarks Mr. Chick made regarding the gas service to the community. Greensburg's gas supply is totally shut down.

- b. Consider Final Plat for Brook West Estates, generally located Northwest of Penner Avenue and 87th Street. Engineer Brungardt reviewed the staff memo dated May 31, 2007, directed to the Council. The Planning Commission granted approval of the Final Plat with two minor conditions, which have been addressed at this time. Staff recommends approval of the Final Plat.

Motion by Councilman Cannon to approve the Brook West Final Plat; second by Drennon.

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

Motion carried.

The record reflects Councilman Drennon recused himself from the following discussion.  
 The record reflects Councilwoman Templin recused himself from the following discussion.

- c. Consider Final Plat for Hilltop Estates, 6-acres located along the west side of Waverly Road between 83<sup>rd</sup> and 87<sup>th</sup> Streets. Engineer Brungardt reviewed the Staff report directed to Council dated May 31<sup>st</sup>, 2007. There is a property boundary line dispute by the adjoining property owner. The City does not have any obligation to judge on the line dispute. Staff has reviewed the setbacks on the disputed line and Engineer Brungardt discussed the staff's opinion. The Planning Commission recommended approval of this Final Plat and staff also recommends approval.

Motion by Councilman Morse to approve the Final Plat for Hilltop Estate; second by Cannon.

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

Motion carried.

Councilwoman Templin and Councilman Drennon were recalled to the meeting.

Mayor Anderson called a five-minute recess at 8:30 p.m.  
 Mayor Anderson reconvened the Council at 8:35 p.m.

- d. Consider Charter Ordinance No. 21 Pertaining to Financing Projects included in Capital Improvements Plan. City Administrator Guilfoyle provided some background information regarding the debt service fund and the refinancing of the City's debt portfolio. He said he is very pleased and excited about working with Jeff White, City Financial Advisor, and Gina Riekhof of Gilmore and Bell, City Bond Counsel. This team has prepared the charter ordinance authorizing bond proceeds to be used for all projects included within the Capital Improvements Plan. Administrator Guilfoyle provided a timeline in the Council's packet regarding the proposed financial bond instruments.

Attorney Gina Riekhof said the charter ordinance is a method used by cities in Kansas for public improvements. She explained what is allowed under Kansas statute, and the removal of the election requirement. Bond Counsel will be bringing back documents for approval at the June 21<sup>st</sup> meeting. The Charter Ordinance No. 21 is subject to a 60-day protest period after the second publication.

Motion by Councilman Maniez to adopt Charter Ordinance No. 21, exempting the City from the provisions of K.S.A. 13-1024a; second by Drennon.

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

Motion carried.

Administrator Guilfoyle thanked Ms. Riekhof and Mr. White for their good work.

- e. Consider Ordinance No. 2161 Creating a Capital Improvements Fund. Administrator Guilfoyle discussed the funding mechanisms for creating a capital improvement fund. Jeff White, Financial Advisor, said the Capital Improvement Fund is a budget mechanism that carries money over year-to-year for multi-year projects in the City. Discussion by Councilman Maniez and Attorney Reavey. Continued discussion by Engineer Brungardt and Administrator Guilfoyle with Council members regarding funding of CIP projects in the past. Mr. White stated this is a living document and may be amended annually as project needs change.

Motion by Councilman Maniez to approve Ordinance No. 2161 Creating a Capital Improvements Fund; second by Cannon.

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

Motion carried.

- f. Discussion Regarding Timetable and Process to Re-Finance City's Existing Debt Portfolio and to Issue New Debt for First Phase of 5- Year Capital Improvement Program. Administrator Guilfoyle said Bond Counsel has been working with Engineer Brungardt on the projects. Engineer Brungardt provided Council with a proposed plan of projects and their scheduled implementation. He discussed the funding totals for each year; specifically, the projects for 2007 and 2008, with Mayor Anderson and Council. Councilwoman Templin and Councilman Maniez said they would like the citizens to be able to see how the bond proceeds are being utilized. Discussion ensued with Council and Engineer Brungardt on the priority of the projects.

Financial Advisor Jeff White said he commends the Council on these discussions and putting together a long-term plan. Mr. White discussed the timing of the projects and the financial flexibility of the projects. Discussion by Councilman Morse on the funding in this bond. Continued discussed by Councilman Drennon and Mr. White on the debt service. Councilman Maniez discussed the 20-year debt that will be ongoing long after the project is done. Comments by Mayor Anderson that this is, in essence, a rolling debt.

Mr. White said a transaction schedule and temporary notes will be discussed and brought to Council on August 2<sup>nd</sup>. He discussed the projects and temporary funding for those projects. Mayor Anderson commented on the previous bonds issued by the City in past years. Councilman Maniez asked Mr. White for some type of graph or spreadsheet showing the debt structure and the refinancing.

Discussion by Council and staff on the 2007 project list. Ms. Riekhof discussed the June 21<sup>st</sup> deadline to meet the legal requirements for issuing temporary notes. Further comments by Mayor Anderson on the priority of the projects on the list. Discussion by Council and staff on the annual prioritization of improvement projects. Councilman Maniez said he would like to have a work session next week to discuss the 2007-08 projects. Council will meet on Wednesday at 5:30 p.m. for a workshop.

- g. Discussion Regarding Suggested Goals/Objectives Process with City Council. Administrator Guilfoyle said he will bring a proposal to the Council to consider.

- h. Consider Whether to Enact Regulations Pertaining to Pay Day Loan Businesses.

Discussion by Attorney Reavey and Council. Council members agreed they would like staff to draft regulations for consideration at the next meeting.

Motion by Councilman Maniez to move the Executive Session to the last item on the Agenda; second by Templin.

All Council approved by "ayes".

6. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said he attended a meeting this week where several cities discussed how they budget their sales tax. Mayor Anderson said it makes him feel proud that our city has held the tax increases to a minimum and is still providing services without cutting back or downsizing employees. Administrator Guilfoyle stated there is a big concern among city managers of the elimination of the taxes on the machinery and equipment and how that is going to affect budgets.

Administrator Guilfoyle stated Kim Buttrum has submitted her resignation effective July 6, 2007, due to her husband's job relocation to Galveston, Texas.

- b. City Attorney, Patrick Reavey, had no report.
- c. City Engineer, Mike Brungardt, said there is a heavily scheduled Planning Commission this month.
- d. City Planner, Kim Buttrum, was not present.
- e. City Clerk, Lana McPherson, thanked City Administrator Guilfoyle and the Council for the opportunity to attend the IIMC conference.

7. Council & Mayor Comments:

Councilman Morse said 83<sup>rd</sup> Street needs to have some work done on it.

Councilman Maniez asked if staff has been meeting with Engineered Air on their expansion. He said the neighboring properties have concerns. Discussion by Engineer Brungardt and Council regarding the expansion project.

Councilman Maniez asked about the island being repaired out by McDonald's. Engineer Brungardt said he has talked to Ron Creason about this.

Councilwoman Cannon said the mowing needs to be done by the overpass. Discussion that this area is owned by KDOT. Engineer Brungardt will follow up on the mowing concern.

No comments by Councilwoman Templin and Councilman Drennon.

8. Executive Session:

Motion by Councilwoman Templin to go into Executive Session to discuss legal issues concerning carpools at 10:03 p.m. for 15 minutes, to include Administrator Guilfoyle; second by Cannon.

All Council approved by "ayes".

Motion by Councilwoman Templin to return from Executive Session at 10:18 p.m., and only the item stated was discussed and no votes were taken; second by Drennon.

All Council approved by "ayes".

Motion by Councilman Drennon to adjourn at 10:21 p.m.; second by Cannon.

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk

DRAFT