

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
August 2nd, 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	Absent
	Drennon	Present	Morse	Present
	Templin	Present		

Citizens signed the book on page 98. 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 July 19th, 2007.
 - b. Approve Pay Ordinance No. 574.
 - c. Approve Ordinance No. 2167 Amending City Code Regulating Fireworks

Discussion by Councilwoman Templin and Attorney Reavey regarding the fireworks ordinance and the drawing of the names. Comments by Council members.

Motion by Councilwoman Templin to approve the Consent Agenda; second by Drennon

Roll Call:	Cannon	Yes	Maniez	Absent
	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."

No one appeared.

3. Chamber / EDC Report: Sara Ritter, Executive Director, said they are working with CERI on the new De Soto Advantage brochure. There will be a five-mile trade radius included in the brochure. Mrs. Ritter said there have been three calls this week from potential businesses. The Chamber Day at the Speedway is September 28th. The De Soto Chamber has won 2nd place in the past and she is hopeful the Chamber will win 1st this year. The De Soto Chamber ranked 25 in the top 25 Chambers in the Kansas City area.

Councilwoman Templin asked about the progress with Marty Shukart. Administrator Guilfoyle said City Planner Bohnsack will now be working on this with Mr. Shukart.

4. Old Business:

- a. Consider Resolution Supporting Proposed Development Using Housing Tax Credits for De Soto Senior Housing – Phase II. Engineer Brungardt said this item was brought to the Council earlier this Spring. Mr. Don Cooper is present this evening as a representative of the Commercial Group. There have been some past concerns regarding the maintenance issues at the present Valley Springs buildings. Engineer Brungardt said staff has met with Commercial Group representatives on July 24th to discuss the issues. Several items were related to the initial construction of the first phase and did take some time to correct the construction-related occurrences.

Attorney Reavey discussed that the proposed resolution is in effect until March 1, 2008, and it should be April 1, 2008.

Mr. Don Cooper, Commercial Group, said Engineer Brungardt has covered this well in his report. In general, many issues discussed were a result from the construction base that did not perform well. They now have a new construction base and the resident agent is very familiar with compliance. Mr. Cooper said the State inspection went well and no items were cited by the State. The second phase would be of two-bedroom unit apartments, meeting the same criteria in the Planned Development zoning.

Councilman Morse said he noticed why there was an earlier water problem. He said he hopes on the next phase there will be a better site development. Comments by Mr. Cooper that there will be a different contractor for this phase. Mayor Anderson commented the apartments are very nice on the inside. Councilwoman Cannon said she wished there was a storm shelter in the complex. Mr. Cooper said that safe rooms are something that could be looked at for the next phase. He said the new facility being built in Louisburg will have a safe room in the Community Center.

Motion by Councilman Morse to approve Resolution No. 789 and modify the date to April 1, 2008, as the final date; second by Cannon.

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

Motion carried.

5. New Business:

- a. Consider Final Plat of 'Engineered Air South Building', a 3.4-acre single lot plat located at 32050 West 83rd Street. Engineer Brungardt reviewed the staff report dated July 26, 2007, and the conditions stated by the Planning Commission. He stated there is one issue that will be discussed at the next Council meeting regarding a utility easement that was granted upon the initial building of this site. The easement will need to be vacated.

Motion by Councilman Drennon to approve the Final Plat of 'Engineered Air South Building' with the condition that the side and rear setback lines are included on the plat prior to the signature of the plat by City officials; second by Templin.

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

Motion carried.

- b. Consider Change Order #4 for Wastewater Treatment Plant Construction. Engineer Brungardt stated this is the final change order for the plant. He provided a staff report detailing the changes and the costs in the amount of \$14,923.36, and discussed those changes. The old plant hasn't been in operation since March, 2007. Discussion by Councilman Morse and Engineer Brungardt on the plant site and the decommissioning of the former plant. The City will maintain ownership of the facility and will keep the property fenced.

Motion by Councilman Morse to approve Change Order #4 to Walters Morgan Construction for the amount of \$14,923.36; second by Cannon.

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

Motion carried.

- c. Consider bids for the 2007 Mill & Overlay project. Engineer Brungardt said there were very favorable bids this Spring. He discussed the bids as outlined in the staff report dated July 27, 2007. The low bidder is Asphalt Improvement Company. Councilman Morse said he had not heard of this company. Councilwoman Cannon said she hasn't heard of this company, either. Mayor Anderson asked if this project is bonded; Engineer Brungardt said it is.

Motion by Councilwoman Templin to authorize the Mayor to sign the construction contract for the 2007 Mill & Overlay project with Asphalt Improvement Company in the amount of \$214,262.00, and to authorize funding from the capital projects fund with additional contingency expenditures not to exceed \$21,400; second by Drennon.

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

Motion carried.

- d. Consider Resolution Pertaining to Change from Third Class City to Second Class City. Attorney Reavey provided a memo to Council regarding the state statutes in the process of re-codifying the City Code.

Motion by Councilman Morse to adopt Resolution No. 790 changing the City from a City of the Third Class to a City of the Second Class and to request a proclamation from the governor classifying De Soto as a City of the Second Class; second by Templin.

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

Motion carried.

- e. Discuss Charter Ordinance on Requirement of Wards for Second Class City. Attorney

Reavey asked the Council for comments on whether or not they wanted to charter out of the requirement for wards as a city of the second class. Councilman Drennon said he didn't want wards; Councilwoman Cannon said she doesn't want wards; Mayor Anderson said he doesn't want wards; Councilwoman Templin said she sees both sides. She commented on the previous Council members and decisions that affect certain areas. Council discussion on wards. Council directed Attorney Reavey to bring back a Charter Ordinance chartering the City out of the requirement for wards.

- f. Consider Resolution Calling a Public Hearing for Tax Abatement Application for Airtex Manufacturing, Inc. D/B/A Engineered Air. Administrator Guilfoyle provided comments as set forth in his memo to Council dated July 27, 2007. The City must prepare a "cost benefit analysis report" and that report was received late today and provided to Council prior to the beginning of this meeting. There is a slight benefit to the City after the 10-year abatement. Administrator Guilfoyle said in considering the impact to the City, the benefit of the building fees would be an additional \$70,000 approximately. Administrator Guilfoyle said he provided this report to the applicant.

Mayor Anderson said the school district and the County Commissioners must be notified. Administrator Guilfoyle said there would be a public hearing and notification to the parties. Mayor Anderson polled the Council on the conditions requested for the abatement. Council members present stated they have no concerns with the requested abatement request. The public hearing would be September 6, 2007.

Motion by Councilwoman Templin to approve Resolution No. 791 Calling a Public Hearing for Tax Abatement for Engineered Air; second by Drennon.

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

Motion carried.

- g. Consider Resolution Authorizing and Directing the Issuance, Sale and Delivery of \$1,310,000 Principal Amount of General Obligation Temporary Notes, Series 2007-1 of the City of De Soto, Kansas; Providing for the Levy and Collection of an Annual Tax, if Necessary, for the Purpose of Paying the Principal of and Interest on Said Notes as They Become Due; Making certain Covenants and Agreements to Provide for the Payment and Security Thereof; and Authorizing Certain Other Documents and Actions Connected Therewith.

Mr. Jeff White, the City's Financial Advisor, said there was a very good result on the City's notes. The market was very favorable. The notes provide funds for special assessments projects and the bonds are refunding bonds to shape the City's outstanding indebtedness. There were some economic savings in the amount of approximately \$130,000. The Country Club Bank was the purchaser of the 2007-1 Notes; UMB Bank was the purchaser of the 2007 A-B Bonds.

Mr. White discussed the bonds and the comparison of De Soto's bonds in the bond market over the past several years. Comments by Mayor Anderson and Mr. White regarding the management of the City's indebtedness. Mr. White said Standard and Poor rewarded the City with a strong rating in the management process of the City.

Ms. Gina Riekhof, of Gilmore & Bell, the City's Bond Counsel, said she brings good news. She provided Council with the background of the documents that will be approved for the temporary notes and the bonds. These documents authorize the re-funding of the prior bonds and authorize the City to enter into an escrow account

and to authorize the mayor to sign the bids to effect the bond transaction.

Mayor Anderson discussed the process with Attorney Riekhof. Further comments by Councilman Morse and Attorney Riekhof on the time frame of the bids accepted today.

Motion by Councilman Morse to approve Resolution No. 792; second by Cannon.

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

Motion carried.

- h. Consider Ordinance Authorizing and Providing for the Issuance of \$1,235,000 Principal Amount of General Obligation Refunding Bonds, Series 2007-A, of the City of De Soto, Kansas, for the Purpose of Providing Funds to Refund a Portion of the City's Levy and Collection of an Annual Tax for the Purpose of Paying the Principal of and Interest on Said Bonds as They Become Due; Authorizing Certain Other Documents and Actions in Connection Therewith; and Making Certain Covenants With Respect Thereto.

Motion by Councilman Drennon to approve Ordinance No. 2168; second by Morse.

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

Motion carried.

- i. Consider Resolution Prescribing the Form and Details of and Authorizing and Directing the Sale and Delivery of \$1,235,000 Principal Amount of General obligation Refunding bonds, Series 2007-A, of the City of De Soto, Kansas, previously Authorized by Ordinance of the Issuer; making Certain Covenants and Agreements to Provide for the Payment and Security Thereof; and Authorizing Certain Other Documents and Actions Connected Therewith.

Motion by Councilman Morse to approve Resolution No. 793; second by Templin.

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

Motion carried.

- j. Consider Ordinance Authorizing and Providing for the Issuance of \$140,000 Principal Amount of General Obligation Sales Tax Refunding Bonds, Series 2007-B of the City of De Soto, Kansas; Providing for the Levy and Collection of an Annual Tax for the Purpose of Paying the Principal of and Interest on Said Bonds as They Become Due; Authorizing Certain Other Documents and Actions in Connection Therewith; and Making Certain Covenants With Respect Thereto.

Motion by Councilman Drennon to approve Ordinance No. 2169; second by Cannon.

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

Motion carried.

- k. Consider Resolution Prescribing the Form and Details of and Authorizing and Directing the Sale and Delivery of \$140,000 Principal Amount of General Obligation Sales Tax Refunding Bonds, Series 2007-B, of the City of De Soto, Kansas, Previously Authorized by Ordinance of the Issuer; Making Certain Covenants and Agreements to Provide for the Payment and Security Thereof; and Authorizing Certain Other Documents and Actions Connected Therewith.

Motion by Councilman Morse to approve Resolution No. 794; second by Cannon.

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

Motion carried.

Administrator Guilfoyle said the quality of work provided by these people has been very polished and smooth and they are a great team to work with.

6. Executive Session:

Motion by Councilwoman Templin to go into Executive Session at 8:10 p.m., following a 5-minute break, for twenty minutes, to discuss attorney-client privilege; second by Cannon.

All Council approved by "ayes".

Motion by Councilwoman Templin to return to regular session at 8:35 p.m. and only the item stated was discussed and no votes were taken; second by Cannon

All Council approved by "ayes".

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said Ron Creason, Street Superintendent, is looking for approval of a contract for striping with Twin Traffic in an amount not to exceed \$14,000.00. Discussion by Councilman Morse and Engineer Brungardt on the project and the crack sealing.

Motion by Councilwoman Templin to authorize the City Administrator to execute the contract for street striping; second by Morse.

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

Motion carried.

Fire Chief Ritter provided City Administrator Guilfoyle with a bid from Blue Valley Public Safety, Inc. as provided by MARC for the installation for the warning siren.

Discussion by Engineer Brungardt that there will be a need for some tree removal at the intersection of 89th & Hillview prior to the placement of the siren. Discussion by Council members and Chief Ritter.

Administrator Guilfoyle said Mr. Doug Pickert will be back at the August 16th meeting. The City Budget hearing will also be held at the next meeting.

- b. City Attorney, Patrick Reavey, no report.
- c. City Engineer, Mike Brungardt, no report.
- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, asked who would be attending the Chamber Day at the Speedway.

8. Council & Mayor Comments:

No comments from Councilwoman Cannon.

Councilman Morse asked about the Post Office. Councilwoman Templin said the Post Office will send a letter to the Mayor when they are in a position to relocate. She said the Library has no funding presently to relocate to a larger area. Councilman Morse said we need to become more pro-active on growth and really do something to make the area grow. He said the land is too expensive for any developer because the price is far above the appraised value. Councilman Morse said he feels the City needs to become the developer. He said Associated Grocers had no interest in De Soto whatsoever because we are "too backward". Councilman Morse said the City is going to lose its customer base. Councilman Drennon commented the City could look at some other areas besides Commerce Park.

Administrator Guilfoyle said he and Gary Anderson, the City's Bond Counsel, discussed what a municipality can do directly in order to make something happen. There isn't a lot a municipality can do directly toward development. Comments by Sara Ritter that she hears often that the land in De Soto is too expensive, as are some of the fees. Further discussion by Mayor Anderson and Council members. Discussion by Council members and Mayor Anderson on the City using the \$2 million cash on hand from the electric fund to purchase land for resale. Administrator Guilfoyle said he would like to have some time to discuss this further with the City's Bond Counsel, Sara Ritter, other entities and get a plan together to bring back to Council for a workshop in September.

Comments from Councilman Drennon that Council members need to look around the area and try to come up with some suggestions prior to the workshop. Comments by Councilwoman Cannon that there is a need for some retail growth. Further discussion by Mayor Anderson.

Councilwoman Templin said the City needs to have a mock budget from the Fire Departments by December 31st. Administrator Guilfoyle said he will work with the departments on this.

Motion by Councilwoman Templin to adjourn at 9:12 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk