

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
September 6th, 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 100.

Mayor Anderson led the Pledge of Allegiance.

Appreciation Presentations by Mayor Anderson.

Mayor Anderson called Planning Commissioner Richard Moberly forward and presented him a plaque for his dedication as a Planning Commissioner for four years. The Council and audience applauded Mr. Moberly for his service.

Mayor Anderson called Planning Commissioner Bob Friday forward and presented him a plaque for his 15 years of service and dedication as a Planning Commissioner. Mayor Anderson said Bob was known for his comment, "Is this going to set a precedent?" The Council and audience applauded Mr. Friday for his service, and gave him a standing ovation of appreciation.

Mayor Anderson then presented Judge Chuck Droege with an appreciation plaque for his 11 years of service to the City in the Municipal Court system. Mayor Anderson said Judge Droege has always been considerate and willing to work with the members of the community. Judge Droege said everyone is entitled to have respect and consideration and he intends to carry this philosophy with him to the District Court. The Council and audience applauded Judge Droege.

PUBLIC HEARING: Petition to Vacate Public Right-of-Way along 84th Street East of Delaware Street and South of Lot 19.

Attorney Reavey said the petition was submitted by the property owner, Mr. Marquez. The City vacated this property in 1995; however, due to an oversight by the County, this property was still showing as City property. Staff has prepared an ordinance for the Council's consideration after the Public Hearing is held. Engineer Brungardt said he has spoken with the County and the legal description had an error in the prior ordinances. Engineer Brungardt stated this legal description will vacate the old portion of the former "Third Street" and will not vacate any of the City's right-of-way.

Mayor Anderson opened the public hearing.

No one appeared for comments.

Mayor Anderson closed the public hearing.

PUBLIC HEARING: Proposed Tax Abatement for Engineered Air (Airtex) Building Expansion.

Attorney Reavey said Jeff White, the City's Financial Advisor with Columbia Capital, prepared a Financial Analysis for the City's consideration. The tax abatement is for three years at 100% and seven years at 50%.

Mayor Anderson opened the public hearing.

Diane Lavenberg, 8920 Corliss Road, said she is requesting the Council deny the tax abatement. She read a statement to the Council regarding her reasons and said the City is already facing costly improvement projects. The residential and commercial businesses in this City are already paying the highest sales tax and the highest school taxes in the state. The City needs to do a reevaluation of its fiscal health. Engineered Air has received tax abatements when they first came here, and they should not receive another abatement for an expansion. It is time for Engineered Air to join the community and pay their fair share.

Mayor Anderson said there are many points stated in her concerns. Mayor Anderson and Mrs. Lavenberg discussed tax abatements and the indirect cost of spreading the cost of services to the taxpayers. Mrs. Lavenberg stated this abatement will also affect the taxes for the schools. Continued discussion between Mayor Anderson and Mrs. Lavenberg. Comments by Attorney Reavey that the Council will hear public comment and take up an ordinance at the next Council meeting.

Mr. Leon Coker stated he disagreed with Mrs. Lavenberg, and people in De Soto should be glad a big company wants to come and stay in De Soto.

No one else appeared.

Mayor Anderson closed the public hearing.

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 August 16th, 2007.
 - b. Approve Pay Ordinance No. 576.
 - c. Authorize Mayor to Enter Into Contract for Codification of City Ordinances.

Councilwoman Cannon asked about a check to AT&T. Administrator Guilfoyle said this is the City's telephone provider. She asked about the prepaid propane for the Fire Department. She asked about mileage reimbursements. Administrator Guilfoyle responded to Councilwoman's Cannon's questions regarding the payments.

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

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."

Mr. John Krudwig, 8582 Frederick Drive, said he is here tonight to ask Council to focus on code enforcement in this community. There is talk about new businesses coming to town, and he thinks there should be a task force to address and enforce cleaning up the

community. He said he has lived here for over three years and there needs to be a more presentable image of the community. There is trash in the downtown area and around the community. Mr. Krudwig said he has driven around the community and it is discouraging to see junked vehicles and yard trash visible from the street. There are appliances sitting on porches and there needs to be some cleanup in several areas of the City. He said he would be willing to work on a task force to address these concerns.

Attorney Reavey said the Council has taken steps to work toward a landlord-tenant program, and the Council has passed resolutions indicating to property owners they must clean up their properties as they are in violation of the City's ordinance. Councilman Maniez stated the Council has been down this road many times during his tenure on the Council. The biggest problem is how to enforce it fairly and to what level of enforcement. He discussed what has transpired in the past with code enforcement issues and concerns. Mayor Anderson said he appreciated Mr. Krudwig's desire to be on a task force, and Mayor Anderson said he agrees that the City needs to start with notices in the newspaper that the City is going to step up the enforcement of the code ordinances.

Councilwoman Templin said Mr. Krudwig can always call City Hall at 583-1182 and talk with Pam Graff, the Codes Enforcement Officer, and have her address the situation. Councilman Drennon said he agrees with Mr. Krudwig that some cleanup needs to be done, but it does take time. Mayor Anderson thanked Mr. Krudwig for his comments, and his willingness to be on a task force. Council will discuss this concern.

Mr. Chris Tann, 7110 Lackman Road, Shawnee, Kansas, said he was here about four years ago for the tower lease. He is working with Attorney Reavey to pursue a new lease, even though the tower is going to be coming down. De Soto is one of his largest sites. Mr. Tann said another company is looking to get on the De Soto tower and he wants to state his concerns about this company. Mr. Tann said the frequencies used are shared and they could technically disrupt and knock each other out. He would prefer the other company not be allowed to remain on the tower.

Attorney Reavey said he would like to solicit the Council's opinion. Wildcat Wireless has equipment on the tower currently and Wildcat has sold their interests to Kansas Broadband. The lease Wildcat Wireless had is not assignable to anyone else without Council's approval. Attorney Reavey said there is another wrinkle in this scenario of the proposed tearing down of the current water tower. Staff is working on a monopole for the current equipment to be moved to prior to the taking down of the water tower. Attorney Reavey said he has discussed a quarterly or monthly lease. Another issue is the rate being paid by the two companies of \$300 per month, which is well below the area's average lease rate.

Discussion by Councilwoman Templin regarding the monopoles concept. She said she does not want to see a bunch of monopoles erected around the City. Discussion by Administrator Guilfoyle and Council regarding the discussions taking place on the building of a monopole.

Attorney Reavey said both the wireless leases have expired and the companies are requesting renewals of the leases. Currently, there are disputes between Tann Wireless and Kansas Broadband, who purchased the Wildcat Wireless company.

Councilman Morse said he is fine with renewing both leases, but the rate should be raised. Mr. Tann said his concern is that if additional equipment is added by another company, this could translate into interference with his customers. Discussions between Attorney Reavey and Mayor Anderson and the Council. Council agreed to have Attorney Reavey to work on the two leases for renewal. Discussion.

Mr. Tann stated there are different frequency bands used and he uses several of those.

Mr. Lee Miller, Kansas Broadband Internet, Salina, Kansas, said Kansas Broadband is in 26 counties in Kansas. He said they go through frequency coordinators and this is a normal process. There is no interference in the current frequencies and they are currently using a frequency that no one else in Kansas City is using because it is a new one.

Kevin Honomichl, 9837 Post Oak Drive, said he would like the Council to keep in sight that both of these companies provide broadband access to people south of K-10 who have no other access. This is a vital access for the citizens in the outlying areas.

Mayor Anderson closed the Call to Public.

Mayor Anderson called a five-minute recess at 7:58 p.m.

Mayor Anderson reconvened the Council at 8:03 p.m.

3. Chamber / EDC Report: Executive Director Sara Ritter was not present.
4. Old Business: n/a
5. New Business:
 - a. Consider Ordinance Vacating Public Right-of-Way along 84th Street East of Delaware Street and South of Lot 19.

Motion by Councilwoman Templin to approve Ordinance No. 2176 Amending Ordinance No. 941 to Revise Legal Description of Public Right-of-Way to Be Vacated as discussed in the Public Hearing; second by Drennon.

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

Motion carried.

- b. Consider Phase I Options for River Front Park. Administrator Guilfoyle stated based upon the dollar amounts Council requested on the project, Mr. Pickert has put together some revisions to the plan to meet the financial objective. Mr. Pickert provided three options during his power point presentation to the Council. Discussion by Council members and Mr. Pickert on the options shown.

Councilman Morse said he has given much thought to this during the past months, and he said this project should be canned right now. This is a terrible place for a park because it is a flood area. Nothing has been allowed for repairs from flood damage and this area will flood at some time. We could use this money to a much better use within the City.

Councilwoman Templin said she first thought the same way, yet after consideration of all the concerns, we need a destination point to draw people to De Soto. If this park becomes that destination point, then everything else will come with it. She said she agrees on the topics of flooding and the isolation of this area. Councilman Morse said who is going to provide security for this area.

Councilman Morse said he talks to a lot of people every day and the majority of the

citizens he has talked to are opposed to this park. He said this project needs to be put out as a vote from the people to decide. Councilman Maniez said he hasn't found anyone that he talks to that is in favor of spending millions of dollars on a park by the river. Councilman Drennon said he disagrees; he said there is concern about the initial cost, but the City does need this as a destination point or people are going to continue driving by on the highway. We need this park to keep the City going. Councilwoman Cannon said she believes the park will be used, just like the boat ramp. The boat ramp is used every day even though people said it wouldn't be.

Mayor Anderson said he would like Councilmen Morse and Maniez to look at this project in another perspective. Discussion ensued by the Council members. Councilman Maniez said there are roads and bridges that are in need of repairs. Councilman Morse and Councilman Maniez said there are people in De Soto who don't want people coming to De Soto and trying to make it another Lenexa or Overland Park. De Soto is unique and that is why it is what it is. Mayor Anderson agreed that De Soto is unique and that is why people want to come to De Soto. He wants those people to spend their money here. Continued discussion by Council members and Mayor Anderson.

Administrator Guilfoyle said the five-year CIP program originally anticipated spending \$636,000 on this project for Phase One only; that amount currently set by the City Council at \$431,500.. Continued discussion by Council and Mayor Anderson.

John Krudwig said the park on the river in Parkville draws a large crowd of people, and many area businesses hold company picnics there. Discussion by Council on area parks that are used in the manner proposed for the City's riverfront park.

Administrator Guilfoyle said if Council is interested in proceeding with the construction of the riverfront park as part of the CIP program's approved schedule, September 20 or by October 4 are important target dates. If the City receives funding decisions from potential outside funding sources by September 20, Guilfoyle will ask the Council to make a decision on September 20 as to the City funding commitment for Phase One. If the City does not receive funding commitments from any of the outside sources by October 4, Guilfoyle will ask the Council to make a funding decision on October 4, to decide to borrow \$474,746 or \$638,900. If Council waits until after October 4th, the borrowing transaction will occur after the ill-advised holiday season, pushing the transaction into 2008. A borrowing decision after October 4 will jeopardize completing Phase One in 2008.

Discussion by Administrator Guilfoyle and Mayor Anderson on the options and the financing options available prior to October 4th. Administrator Guilfoyle said there is a "90% approval" possibility of receiving a \$10,000 grant from the Kansas Department of Wildlife and Parks." The grant restrictions limit the grant to improvements that increase direct access to the Kansas River. Based on those restrictions and given the elements contained in the River Front Park master plan, Guilfoyle and Pickert suggest using the funds to either provide parking improvements for the boat ramp or, preferably, to use the funds to complete the development of the tent camping area adjacent to the boat ramp.

- c. Consider Selection of 2 Delegates and 2 Alternate Delegates to Serve as City's Representatives to the League of Kansas Municipalities. Council discussion.

Motion by Councilwoman Templin to appoint Administrator Guilfoyle as a delegate; second by Cannon.

All Council approved by “ayes”.

Motion carried.

Motion by Councilwoman Templin to appoint Mike Drennon as a delegate; second by Maniez.

All Council approved by “ayes”.

Motion by Councilwoman Templin to designate Lana McPherson as the alternate; second by Maniez.

All Council approved by “ayes”.

- d. Consider Mayor’s Appointment of Municipal Court Judge for remainder of Chuck Droege’s term. Mayor Anderson discussed the staff’s interview process at his request. Mayor Anderson would like to appoint Nate Sutton as the judge for the remainder of Judge Droege’s term.

Motion by Councilman Maniez to approve the Mayor’s appointment of Nate Sutton to fulfill the remainder of Chuck Droege’s term; second by Cannon.

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

Motion carried.

6. Executive Session:

Motion by Councilman Maniez to go into Executive Session at 8:55 p.m. for confidential company information for 15 minutes to return at 9:10 p.m. and invite Administrator Guilfoyle into the session; second by Cannon.

All Council approved by “ayes”.

Motion carried.

Motion by Councilman Maniez to return to regular session at 9:07 p.m. and only the item stated was discussed and no votes were taken; second by Templin.

All Council approved by “ayes”.

Motion carried.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, said he will be on vacation during the next Council meeting. The Johnson County Leadership Summit will be on Friday, September 28th. Mayor Anderson said he will be unable to attend the Summit.
- b. City Attorney, Patrick Reavey, said there was a mediation of the Clearview City litigation. The parties did not settle the case and it will proceed to trial in future.
- c. City Engineer, Mike Brungardt, had no report.

- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, said the pole banners for the downtown business area are in. The two examples of the new banners are hanging in the City Hall.

8. Council & Mayor Comments:

Councilman Drennon had no comments.

Councilwoman Templin had no comments.

Councilman Maniez asked if contact had been made on the two old houses by the park. Administrator Guilfoyle said he has not had any response to his telephone calls. Councilman Morse said he will contact the family.

Councilman Morse said across the street from his house is a vacant lot. The tree limbs have grown over the sidewalk and the grass hasn't been mowed all summer. Councilwoman Templin said he needs to call Pam Graff at 583-1182. He said he has called the code officer and nothing has happened. Discussion.

Councilman Morse asked about the water loss. Administrator Guilfoyle said the City has good water according to the KDHE. Discussion by Engineer Brungardt on the water loss. Mayor Anderson discussed the possibility of a contractor using water from a hydrant or a contact point on the SFAAP. Discussion by Council with Engineer Brungardt on shutting off certain areas and checking the lines.

Councilwoman Cannon said Clarence Brunk and his staff are painting the fire hydrants and they are looking good. She asked what the status is of the negotiations with the Fire Departments. Administrator Guilfoyle said he has been working with Kent Dvorak on a schedule. He has also been in contact with the State of Kansas Department of Revenue and the County Treasurer to understand the revenue issues with the districts and the new district to be created. There is some question as to what happens with motor vehicle taxes. Administrator Guilfoyle said the County is isolating what the assessed valuation would be for a reconstituted new entity at the point in time when Olathe maximizes its westward annexations. Jeff White, the City's Financial Advisor, is working with the County on this. Administrator Guilfoyle has also talked with the City of Olathe on the boundary line of the fire district, receiving confirmation that the current annexation agreement with De Soto will remain intact.

Mayor Anderson said he would like to appoint four Planning Commissioners with the Council's approval. His appointments are:

- Kevin Honomichl – reappointment for a 2 year term
- Mark Crumbaker – appoint to a 3 year term
- Rick Walker – appoint to a 2 year term
- Richard Hemphill – reappoint for a 2 year term

Councilman Morse asked if he is sure we want Kevin back again as there have been many concerns voiced by the community. Mayor Anderson said he has talked with him. Discussion on whether or not Mark Crumbaker has other outside interests that would interfere with the City's business. Mayor Anderson said he didn't think so. Mr. Crumbaker has been on the Site Plan Review Committee for the past seven years and has been involved with the Planning Commission. Discussion by Councilman Drennon and Mayor Anderson on Mr. Crumbaker's opinions regarding the City's western growth

plan. Council comments regarding the proposed appointments.

Mayor Anderson said the Planning Commission has been very “by the book”. They strictly interpret the regulations. He said there is a need for the Council’s desires to be discussed more closely with the Planning Commission and the EDC director so that there is ongoing communication between the organizations. Mayor Anderson said the Planning Commission has recommended having representatives from these groups so everyone is communicating. Councilman Maniez said he thinks this is a good idea. Mayor Anderson said the Council sets the governing policy. The Planning Commission needs that translation. Council discussion.

Motion by Councilman Maniez to approve the Mayor’s appointments; second by Drennon.

All Council approved by “ayes”.

Motion by Councilwoman Templin to adjourn at 9:35 p.m.; second by Cannon.

All Council approved by “ayes”.

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk