

CITY OF DE SOTO  
CITY COUNCIL  
City Hall, 32905 W. 84<sup>th</sup> Street  
September 20<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 101. 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.

Motion by Councilwoman Templin to add a Resolution to Abate Junked Motor Vehicles at 33165 W. 84<sup>th</sup> Street; second by Cannon.

All Council approved by "ayes".

1. Consent Agenda:
  - a. Approve Minutes of the Council Meeting of September 6<sup>th</sup>, 2007.
  - b. Approve Pay Ordinance No. 577.
  - c. Approve Ordinance No. 2177 Granting Tax Abatement to Airtex Authorized in 2006.
  - d. Authorize Mayor to Enter into Payment in Lieu of Tax Agreement with Airtex.
  - e. Consider Resolution No. 800 to Abate Junked Motor Vehicles at 33165 W. 84<sup>th</sup> Street.

Attorney Reavey discussed the history of the proposed tax abatement for Engineered Air (Airtex) for the benefit of the audience. He stated the reason this abatement was never administratively completed was due to Engineered Air needing to replat their land to allow the new building to be built on a lot separate from the remaining land of Engineered Air. Two separate legal descriptions were needed to allow for Engineered Air to benefit from a tax abatement on the expansion but still preserve their right to apply for an abatement on their new building. By law, there cannot be two tax abatements on the same lot.

Motion by Councilwoman Templin to approve the amended 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."

Sam Tyler, 8340 High Street, said his concern is how this town is dying. The grocery store

is closing, yet the City is giving a tax abatement to a company that hires mainly illegals. He is also concerned about the rumblings being discussed for a recycling program. Mr. Tyler said he thought this issue had been discussed and forgotten long ago and now its back. He said he was contacted about an illegal carport and had to sign an agreement because "that's the way it is done in Leawood, Overland Park, and Lenexa." De Soto is a small town and he said many people don't like the communistic approach being taken by City Hall. He wants those people who compare De Soto to the big cities to go back to the big cities and pick up a job application while they are there, and move. He wants to know where the Economic Development people were when the abatements were handed out because they didn't give any to Ted Morse for his grocery store.

3. Chamber / EDC Report: Sara Ritter, Executive Director, reported that the EDC will conduct its' quarterly business meeting next week. The Downtown Symposium is October 10<sup>th</sup>-12<sup>th</sup> and reservations have been made for those attending. The Chamber will host Senator Julia Lynn at the October luncheon. The De Soto Advantage is near completion and this is a six-panel brochure which highlights demographics in the five-mile trade area of De Soto. The Kookin' on the Kaw BBQ contest will be October 12<sup>th</sup> and 13<sup>th</sup> at the Kill Creek Farm. There will be some top-notch BBQ teams participating and they draw a very large crowd for this event.
4. Old Business: n/a
5. New Business:
  - a. Consider Resolution Authorizing Tax Abatement for Airtex building. Attorney Reavey stated this proposed abatement was discussed at the last Council meeting during a public hearing. The cost benefit analysis was performed by Columbia Capital as required by state statute. There is a net benefit to the City. The tax abatement is 100% for the first three years and at 50% for the remaining seven years. Council discussion with Attorney Reavey on the cost benefit analysis.

Motion by Councilwoman Templin to table Item 5 a. "Resolution Authorizing Tax Abatement for Airtex Building" until the next Council meeting on October 4<sup>th</sup>, 2007; second by Drennon.

All Council approved by "ayes".

- b. Consider Water Tower Lease with Tann Broadband.

Discussion by Attorney Reavey on the leases in Item b. and c. He has talked at length with both of the parties in the leases. The Council discussed the lease rate for each tower.

Motion by Councilman Morse to enter into a lease with Tann Broadband at \$300 per tower; second by Cannon.

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

Motion carried.

- c. Consider Water Tower Lease with Kansas Broadband.

Motion by Councilman Morse to enter into a lease with Kansas Broadband at \$300 per tower; 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 7:20 p.m. for attorney-client privilege, to return at 7:35 p.m., and to include Mike Brungardt; second by Templin.

All Council approved by "ayes".

Motion by Councilman Maniez to return to regular session at 7:35 p.m. and only the item stated was discussed and no votes were taken; second by Cannon.

All Council approved by "ayes".

Motion carried.

Motion by Councilwoman Templin to authorize the City Attorney to seek a legal interpretation of Kansas Statute 82A-735 pertaining to water right #38; second by Cannon.

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

Motion carried.

7. Advisory Reports:

- a. City Administrator, Pat Guilfoyle, was out of town.
- b. City Attorney, Patrick Reavey, said Administrator Guilfoyle had requested he discuss purchasing some materials requested by Parks Director, Jay Garvin. The total cost is \$8,405.22 and he is requesting authorization to purchase the materials in an amount over the \$5,000.00 which is already approved. Discussion.

Motion by Councilwoman Templin to authorize Jay Garvin to purchase materials needed for the ball fields in the amount of \$3,405.22; second by Drennon.

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

Motion carried.

Attorney Reavey said he has submitted all the documentation to the Attorney General's office regarding the changing of the City's class from third to second.

- c. City Engineer, Mike Brungardt, said the main item on the Planning Commission meeting next Tuesday evening is the second phase of Arbor Ridge. They have submitted a final development plan for this. The Final Development Plan does not come forward to the Council. The Final Plat will be submitted in future. Discussion

by Mayor Anderson and Engineer Brungardt on the phasing of the improvements to 83<sup>rd</sup> Street when the second phase of Arbor Ridge is developed.

- d. City Planner, Linda Bohnsack, was not present.
- e. City Clerk, Lana McPherson, had no comments.

8. Council & Mayor Comments:

Councilwoman Cannon said she was glad to see that the water leaks have been found. Discussion by Engineer Brungardt and Council that this will help resolve some losses.

No comments from Councilman Morse.

Mayor Anderson read a letter from Governor Sebelius congratulating the City on its' 150<sup>th</sup> birthday on October 3<sup>rd</sup>, 2007.

Mayor Anderson said Kent Dvorak and Pat Guilfoyle have scheduled a joint meeting on October 9<sup>th</sup>. The purpose of the meeting is to begin putting together a mock budget by the end of the year for a new fire district. Mayor Anderson requested Council members Cannon and Maniez to represent the Council during this joint meeting.

Councilman Maniez said Rik-Mar Drive has several pot holes. He asked Engineer Brungardt if the Street Department is going to make a drive through the City to ensure all the pot holes in the chip and seal are repaired before winter sets in. Engineer Brungardt will follow up with Street Superintendent Ron Creason.

Councilwoman Templin had no further comments.

Councilman Drennon asked where the City is with building permits for the year. Engineer Brungardt said he would check with Building Official Steve Chick and provide an email response.

Motion by Councilwoman Templin to adjourn at 8:00 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

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Lana R. McPherson, MMC  
City Clerk