

## MINUTES

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The meeting was called to order with Roll Call by Mayor Rick Walker.

Roll Call:	Lane	Present	Ritter	Present
	Daniels	Present	Murdock	Present
	Honomichl	Present		

Mayor Walker led the Pledge of Allegiance. Citizens signed the book on page 58.

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 Council member Murdock to amend the Agenda to add Item 4.e Consider Ordinance No. 2456 Amending Article 2 of Chapter IV of the City of De Soto Code related to 2018 International Building Codes, and the "ICC A117.1-2017" Standard for Accessible and Usable Buildings and Facilities; second by Lane.

All Council approved by "ayes."

Motion carried.

1. Consent Agenda:
  - a. Approve Minutes of the Council Meeting on January 3<sup>rd</sup>, 2019.
  - b. Approve Pay Ordinance No. 846.

Motion by Council member Murdock to approve the Consent Agenda; second by Ritter.

Roll Call:	Lane	Yes	Ritter	Yes
	Daniels	Yes	Murdock	Yes
	Honomichl	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 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. You must state your name and address."

No one appeared.

3. Old Business:

- a. Consider Appointment to the Northwest Consolidated Fire District Board. Mayor Walker said he understands there are several here to express your thoughts about the City's appointment for a three-year term of a board member to the Fire District. He stated he wants to clear up any confusion as to City appointments in general. Since he has been mayor, he has asked Council members and Staff to publicize and seek out interested candidates for any appointments by the City to involve a wide range of citizens in the City's operations. We've done that, and it is working well.

The appointment to the Fire Board is an appointment by the Governing Body as a whole, rather than the Mayor, and it was handled in the same manner with interest from two (2) candidates: Walt McDaniel, who just completed a term on the Board, and Brooks Young. Both candidates should be given fair consideration.

Mayor Walker commented on the governance of the NWCFD and the qualifications to be a board member. The NWCFD is governed by a five-member board, with members appointed by the County BOCC and the City of De Soto. Members for the City appointment need to be residents of the City for the City's appointment. Appointed board members serve at the pleasure of the entity who appointed them to the Board. However, neither the City of De Soto nor the County BOCC have direct supervisory authority over the NWCFD Board.

Mayor Walker then provided direction for the public comments. For those wishing to make public comment on this item, there will be a 30-minute total time limit, with each person taking no more than four (4) minutes. Please direct all comments to the City Council as a body. Council members will not comment, unless for clarification, on the public comments. Mayor Walker defined the protocols for addressing this matter and requested those speaking to refrain from using disruptive or profane language, and from making comments of a personal nature regarding others. He requested the audience refrain from making comments while a speaker is at the podium. The two applicants are here and will have the opportunity to speak.

Bill Miller, 9509 Corliss Court, said he sent Council a letter today and he can't get all his comments provided in the four-minute allotment. He read comments from his notes and stated he has asked Attorney Reavey to check on any conflicts of interest. He said his comments were strictly about board leadership.

Dawn Kroeger, 33108 W. 87<sup>th</sup> Terrace, stated there were no convictions of the charges made against Walt McDaniel of alleged harassment and the case was dismissed.

Brooks Young, 9624 Corliss Court, said he was just made aware about three months ago of the fire board position. He said he was approached and looked into the position. His concern is the same person being in that board position more than one term. Mr. Young said he has lived in the City for 11 years. He has never been a firefighter. He's very involved in the community and wanted to throw his hat in the ring. Mayor Walker thanked him for his interest.

Walt McDaniel declined to speak. He said his letter to the Council states his background. He has been serving and is available to continue. He is a life-long resident of De Soto.

Mayor Walker stated that part of the commentary heard concerned criminal charges against former Fire District Chief Whim, and assertions how they came about. In considering who to appoint as a board member, it is important we respect the legal process. Mayor Walker said this appointment could be delayed until the charges are resolved, or the Council can move forward tonight. A lady in the audience asked what the reason would be to wait. Mayor Walker said none really.

Council member Murdock said she is ready to move forward.

Council member Daniels said a lot of the allegations made were hearsay and he is in favor of moving forward.

Motion by Council member Lane to approve Resolution No. 1005 appointing Walter McDaniel to serve on the Northwest Consolidated Fire District Board because he has done a good job in the past and will continue to do so; second by Daniels.

Council member Honomichl said just from leadership and managerial principles, he can't speak to the allegations, but the conflict situation does concern him. This puts the Fire Chief in a difficult situation in his job because he is supervising a family member of a board member who has direct authority over his own job. As a leader, you try to avoid creating those kinds of situations. To acknowledge it and then accept it is effectively condoning that conflict of interest situation. Those things always seem to work out fine until they aren't fine. As a leader and from principles that he practices over the past two decades, he tries to avoid these kinds of situations. It's not just the Fire Chief who could be in an awkward situation, but it is also perceptions of other employees of the Fire District who may see ways of things being handled in the future.

Roll Call:	Lane	Yes	Ritter	Yes
	Daniels	Yes	Murdock	Yes
	Honomichl	No, because of the conflict he expressed		
	Mayor	Yes		

Motion carried.

Mayor Walker thanked everyone and said he would be tapping Brooks in future for other appointments as they become available.

4. New Business:

- a. Discuss 2019 Strategic Plan Update. Administrator Brungardt said the 2018 additions or revisions have been accepted. The red-line on the current plan are changes that were discussed at the last Council meeting. Administrator Brungardt commented on his Staff Report to Council dated January 17, 2019. He said discussions have been around economic incentives or the active promotion of residential. He called attention to page 14 of the Plan. He further commented on the objective to promote the City's online presence, as well as more activities involving the community.

Council member Honomichl said he is appreciative of what is being carried forward in the chain of edits. He has no other comments on the proposed Plan. Administrator Brungardt stated this is a one-year evolution of the Plan. The intent is at the five-year mark to totally review the Plan.

- b. Consider Bids for Gym Floor Repair & Refinishing. Administrator Brungardt said this item is now included in the yearly operating budget for the Community Center. He commented on the damage to the gym floor from water damage in the late 1990's. Three bids were received. Discussion between Council member Honomichl and Administrator Brungardt on one of the companies who submitted a bid.

Motion by Council member Honomichl to authorize the Mayor to sign the contract with Von Lintel Refinishing & Flooring, Inc. for an amount not to exceed \$21,225.00; second by Ritter.

Roll Call:	Lane	Yes	Ritter	Yes
	Daniels	Yes	Murdock	Yes
	Honomichl	Yes		

Motion carried.

- c. Consider Ordinance Amending City Code to Comply with New Cereal Malt Beverage Law. City Attorney Patrick Reavey said this is to update the City Code to match state law as of April 1, 2019, when retailers will be able to sell up to 6% cereal malt beverages.

Motion by Council member Murdock to approve Ordinance No. 2455 Amending City Code to Comply with New Cereal Malt Beverage Law; second by Daniels.

Roll Call:	Lane	Yes	Ritter	Yes
	Daniels	Yes	Murdock	Yes
	Honomichl	Yes		

Motion carried.

- d. Discuss 5-Year CIP for 2019 – 2023. Administrator Brungardt said the aim is to update the Capital Improvement Program annually. The community and several stakeholders were involved in the discussions and the strategic plan impacts and information. He started with a list of projects as outlined in his report to Council dated January 17, 2019. He provided Council with several spreadsheets outlining the projects that were approved last year along with the funding sources. Administrator Brungardt commented on the 2018 CIP schedules of some projects and the funding impacts in Exhibit A of the Staff Report. Discussion among Council members and Administrator Brungardt on the ‘tee’ intersection at Commerce and Packaging Drive near Huhtamaki. Administrator Brungardt continued with outlining the Projects Numbers 4 through 7 in the Staff Report. Discussion ensued on the soccer fields project.

Administrator Brungardt commented on the projects listed in Appendix B. There aren't any new projects listed in Appendix B, but it does reflect some of the funding and project implementation items. He also commented on Appendix C which reflects some new projects and new funding revenues. Council member Honomichl commented on Item 28. Discussion on future sewer service for potential large projects. Council member Murdock asked about the Arbor Ridge sidewalk pedestrian crossing. Discussion.

- e. Consider Amending Article 2 of Chapter IV of the City of De Soto Code related to 2018 International Building Codes, and the “ICCa117.1-2017” standard for accessible and usable buildings and facilities. Attorney Reavey commented on this ordinance addressing the new apartment project, at the time the plans were approved at the Planning Commission, the plans were consistent with the ADA codes at that time. This ordinance addresses a 120-day time period from when the Planning Commission gave final approval on a project. Council member Ritter and Council discussed another project that has been approved.

Motion by Council member Daniels to approve Ordinance No. 2456 Amending Article 2 of Chapter IV of the City of De Soto Code related to 2018 International Building Codes, and the “ICC A117.1-2017” standard for accessible and usable buildings and facilities and striking the extra zero in ‘120’ on page two, under paragraph b; second by Honomichl.

Roll Call:	Lane	Yes	Ritter	Yes
	Daniels	Yes	Murdock	Yes
	Honomichl	Yes		

Motion carried.

5. Executive Session: N/A

6. Advisory Reports:

- a. City Administrator, Mike Brungardt, said City Hall is closed Monday in observance of Martin Luther King Day. He reminded Council about the Public Safety Town Hall meeting coming up on Tuesday, January 29th, starting at 6:30 p.m. in the City Council Chambers. The Sheriff’s Office and the NWCFD will be here to conduct the meeting.

He said the 91<sup>st</sup> Street Plan is being reviewed by CFS and should be coming to City Hall soon.

Administrator Brungardt said RG Fiber and Zoom Fiber are starting work in the City. The snow has slowed them down. A ribbon-cutting ceremony will be forthcoming when the weather improves.

Staff is working on the 2018 end of year reports. Administrator Brungardt stated the General Fund is going to end with an increase this year based on the sales tax revenue increase and the sale of Cherokee Woods. The 2018 budget report will be available some time next week.

- b. City Attorney, Patrick Reavey, no further report.
- c. City Planner, Brad Weisenburger, was not present.
- d. City Clerk, Lana McPherson, reminded Council of the forthcoming Chamber Dinner on Friday, January 25<sup>th</sup>, at the VFW beginning at 6:00 p.m. She also asked Council members to save the date for the annual Kansas City Mayors' Prayer Breakfast on February 26<sup>th</sup>.

7. Council & Mayor Comments:

Council member Lane said he wanted to compliment the Mayor on handling the meeting very well tonight and keeping it moving along. He said the City did a really good job on the snow removal. He said he received two phone calls and one of the comments was, 'Boy, it was a lot better than Bonner!'

Council member Ritter also complimented the City staff on a great job of snow removal.

Council member Daniels said he agreed on the snow removal comments. He will be attending the Government Day next Wednesday in Topeka. He echoed the Mayor on the comments thanking Brooks Young for his interest in the fire board appointment and stepping up to put his name in on future appointments coming up.

Council member Daniels said there have been some public safety comments on the "In and Around De Soto" Facebook page about people driving around school bus stop signs. He would like to see that addressed by our public safety officials. Council member Daniels said he will be at the JCSO in the morning and will be sitting in on six deputies' interviews for the next deputy appointment to the City of De Soto. There are some good names in the interviews.

No comments from Council member Murdock.

Council Member Honomichl said there will be many new residents who are moving into De Soto. He said he hopes we can encourage an environment of welcoming new residents into town. Council member Honomichl said he doesn't see that citizens aren't welcome, yet there are still those comments made about 'not being from here' if you didn't grow up here or attended school here. He would like to establish a culture of welcoming new people to De Soto and being more pro-active in welcoming new residents to De Soto.

No further comments were heard from Council members.

Motion by Council member Murdock to adjourn at 8:23 p.m.; second by Honomichl.

All Council approved by "ayes."

Motion carried.

Respectfully submitted:

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Lana R. McPherson, MMC, City Clerk