

MINUTES

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 Walked led the Pledge of Allegiance. Citizens signed the book on page 36.

Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.

Councilman Ritter requested Consent Agenda Item 1c be removed from the Consent Agenda.

Councilman Honomichl said he has comments concerning the Minutes of the previous meeting. Discussion. Council member Honomichl stated he would like to make a revision to the Minutes to reflect the discussion he had concerning the Council President election is made. The Minutes reflected that Attorney Reavey stated it is when a new Council is seated. Council Member Honomichl said he brought up the suggestion that we ought to consider doing that on an annual basis or a some more regular basis as a general practice. No action was taken. That discussion wasn't stated in the Minutes, although it seemed the consensus kind of centered around that thought. If people generally agreed, he thought it should have been reflected in the Minutes. Otherwise, you could look back at this and read at the conclusion of the Minutes that we only do this when a new Council is seated.

Attorney Reavey commented there needs to be a motion to amend those Minutes.

Motion by Council member Honomichl to remove Items 1a and 1c from the Consent Agenda; second by Murdock.

All Council approved by "ayes."

Motion carried.

1. Consent Agenda:
 - b. Approve Pay Ordinance 824.

Motion by Council member Murdock to approve Pay Ordinance No. 824; second by Lane.

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

Motion carried.

- a. Approve Minutes of the Council Meeting January 18th, 2018.

Motion by Council member Murdock to amend the Minutes of the January 18th Council meeting to reflect the discussion to discuss the election of Council President on a yearly basis; second by Honomichl.

Council member Honomichl stated that if you consider the election on an annual basis, and you don't act on it, then the President continues forward. It should be a matter of regular practice so that in January it allows for an election of Council President consideration. Discussion ensued between Mayor Walker and Attorney Reavey that this practice does not need to be set in a resolution. There are no term limits for this position.

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

Motion carried.

NOTE: Councilmember Ritter left the Council Chamber at this time.

- c. Approve Pay Ordinance No. 824a. Administrator Brungardt stated there is now a second check on this pay ordinance to the Chamber of Commerce for the annual dinner.

Motion by Council member Murdock to approve Pay Ordinance No. 824a; second by Lane.

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

Motion carried.

NOTE: Councilmember Ritter was recalled to the Council Chamber at this time.

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."

Paul Pingleton, De Soto resident, said he loves our town. He congratulated the new members of Council. He said he was out on 95th Street today by the new park and saw two City employees patching pot holes. They had been working and patching in the cold and wind all day today. He commended the City employees on taking care of the icy streets a few weeks ago.

Bill Miller, 9509 Corliss Court, said two Council meetings ago, he addressed the Council concerning the Fire Chief who has been placed on administrative leave. Mr. Miller said he attended a meeting at the Fire District. He said there are some concerns with the fire board members in following proper procedures in the meetings. He said two members appointed by the City should, in his opinion, be recalled. He requested the Council check into this further.

3. Old Business: None

4. New Business:

- a. EDC Update – Sara Ritter. Executive Director Ritter provided Council with the activities of the EDC for the 2017 year. Mr. Dave Anderson and Mr. Mike Rogers were present. She said the EDC conducted through Strategic Plan Process and developed the EDC Road Map and the four core visions of Recruitment, Business Retention and Expansion, Quality of Life,

and Internal Organizational Growth. By 2021, De Soto will have a population of 7,150, which represents a 2% growth average per year. Mrs. Ritter provided a power point presentation for the Council and directed attention to the Strategic Initiatives the EDC is working on. Mayor Walker and Mrs. Ritter commented on the site location consultant.

Council member Honomichl commented on the sponsorship for these types of location visits. He commented that Google is working on a work/travel and what is happening during certain periods of time. He wonders what that would look like for De Soto. He said maybe we do need a K-10 connector bus to stop in De Soto. We need to look at the travel patterns of our work force.

Mrs. Ritter commented on the Accountability of the activity report sent monthly to the stakeholders/members. She said the Constant Contact updates are opened more frequently than the Chamber weekly updates.

Mrs. Ritter said the additional investment by the City of De Soto for marketing efforts is a separate line item in the budget and those funds are designated for that EDC line item.

The EDC has a Finance Committee, a Marketing Committee, and a Membership Committee that work closely with the EDC stakeholders. Mrs. Ritter said the continued implementation of the Road Map will be shared with the stakeholders/members and the EDC will be obtaining feedback from them. She said the EDC will be measuring their results for this road map. She said she would like to have the Council's input. She said De Soto has been on the short list for several projects, so the EDC will continue to market De Soto and this type of project.

Mayor Walker and Council members said they would like a quick quarterly update on the EDC's efforts in the coming year. Mrs. Ritter said the EDC will be happy to report back.

- b. Consider Bids for Pool Painting. Administrator Brungardt said during the 2017 budget cycle there were discussions concerning the ongoing maintenance items for the pool floor, wall, gutter surface, spray features, basketball goal and the diving board stands. He explained the new OSHA rules concerning the sandblasting and silica guidelines that reflect the 'bump up' in the cost. The low bidder for this project did the work in 2010 and staff was satisfied with their workmanship. Council member asked how often this work gets done. Discussion by Administrator Brungardt that this project is the first since the pool was opened in 2006.

Motion by Council member Murdock to accept the low bid for the De Soto Aquatic Center Pool Painting Project from JF McGivern, Inc. in the amount of \$74,690, and authorize an additional \$2,500.00 in contingency funding for crack repair; second by Ritter.

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

Motion carried.

- c. Consider Ordinance Annexing 36.3-acre Parcel of land at the Southwest Corner of 95th and Waverly. Planner Brad Weisenburger said the request for annexation by the applicant was made on October 4, 2017. The property will enter the City with its current Johnson County Zoning of RUR. The applicant has submitted a rezoning request to change the zoning to Rural Suburban (RO) pending approval of the annexation by the Council. Staff has evaluated the tract with the City's current Subdivision Regulations. Staff recommends annexation of the 36.3 acres at the SW Corner of 95th Street and Waverly Road, known as Lot 4, Kill Creek Farms. Staff understands there are some discussions concerning future

broadband service to this area; however, Staff's recommendation is based upon the Subdivision Regulations of the City in place now.

Council member Honomichl spoke to the concerns about the broadband service deficiencies in the community. He said the committee has been active for over a year now; there was a very productive meeting on Friday. His concern is that whatever we do, the City is going to have to make up some lost ground with broadband access. Bringing more land into the City is only going to compound that problem immediately; not that it's not something we can't overcome. He thinks there should be some more discussion with the applicant land owner and Council on the broadband issues. Council member Honomichl said his concern is that doing an annexation tonight does lock in where we are with the City expectations for infrastructure at a time we know is really dynamic. His thought is the City needs to discuss fixing the broadband situation before locking in more property. He would like to table this annexation to the next meeting and have some discussion with the applicant as providing broadband access is going to cost the City some money.

Council member Honomichl also stated we need to think about the pedestrian activity in this area and Waverly is a connecting path for a lot of pedestrian activity. The Council needs to talk about pedestrian activity in Cherished Oaks and on Waverly. Council needs to talk about this since trails were an item in the Strategic Plan. There are some real issues concerning the broadband needs. He would like to table this item and talk with the applicant more about the infrastructure for broadband needs.

Discussion ensued among the Council members concerning the broadband service that would be needed for a subdivision, and considered a part of the City's basic utility services provided for its residents. Discussion continued concerning the City being able to provide urban services in all areas of the City. Council member Honomichl said there is a proposition that could be discussed. Planner Weisenburger commented on the rezoning application that is going to be presented to the Planning Commission. Council member Honomichl said he is not at all against the annexation; he would like to discuss the services and broadband issue further before more land is brought in. We don't need to grow the City's boundary if urban services can't be provided in all areas. He is not at all opposed to the annexation.

Steve Wagner, Renaissance Infrastructure Consulting, 5015 NW Canal Street, Riverside, Missouri, said he is here on behalf of the applicant. He said there was some discussion with City Staff concerning the possibility of helping with the broadband concerns. He commented the applicant does want to go forward tonight with the annexation decision so they know if they can go forward with the project. Mr. Wagner stated they understand the broadband concerns and have been talking with the City concerning that. He said the preliminary plat and final plat discussions are where the conditions can be discussed and negotiation agreements for broadband and other items within the Subdivision Regulations.

Council member Honomichl said he can offer some infrastructure alternative that would probably mitigate the situation. If the applicant is willing to install three, two-inch conduits 30" deep with hand holes at the appropriate access points to reach the homes in the subdivision and then grant those conduits back to the City.

Mr. Wagner said he is certainly willing to sit down and discuss that, but they need to know if the annexation is going to be approved and whether or not they need to continue spending money on this. They are open to discussions, but total costs are a factor in whether or not to keep spending the money on this development.

Council member Lane commented. Mayor Walker said he doesn't know if Council can require conditions that are not currently within the Subdivision Regulations. He said Council and the applicant could come to a voluntary agreement, but he doesn't think we can make

stipulations for something that isn't currently in our Subdivision Regulations. Mayor Walker stated he understands the concerns and he would definitely like to see this property annexed into the City as it is a part of the natural boundary. He commented on the conduits that would be necessary for the broadband services.

Council discussion continued concerning the funding for this mechanism and whether the applicant would be willing to come up with a proposal. A discussion ensued among Council members with Administrator Brungardt concerning the annexation and the subdivision requirements as set out in the current Zoning Regulations of the City. Council member Ritter said we need development in the City. Council member Murdock said the City knows there are some changes that will be necessary for the broadband. She is concerned there will not be a decision or a solution on the broadband in the next two weeks. Council member Honomichl said the two weeks would give Council time to sit down and discuss this with the applicant.

Motion by Councilmember Honomichl to table the annexation to the next Council meeting for an opportunity to talk to the developer about some concerns; second by Lane.

A discussion ensued between Council member Honomichl and Council member Daniels on whether the applicant had been made aware of the broadband concerns. Council member Daniels said the applicant has been working with the City in good faith on the Subdivision Regulations currently in place with no knowledge of the broadband committee. He said Council hasn't had knowledge of the broadband committee's activities. He doesn't feel it is fair to push it off on speculation when the applicant has been working with Staff on what is known.

Mr. Bill Vielhauer, Shawnee, Kansas, came forward to address the Council. He is the property owner and he and his sisters want to get going on the development of the property. He said if it comes down to him paying for putting in the conduit in order to get the annexation approved tonight, he will do that.

Council member Honomichl and Mr. Vielhauer discussed the broadband conduit and agreed on the installation.

Councilmembers Honomichl and Lane withdrew the motion and the second.

Motion by Council member Murdock to approve Ordinance No. 2438 Granting Annexation for Specific Land to the City of De Soto, Kansas, Pursuant K.S.A. 12-520(a)(7); second by Daniels.

Councilmember Honomichl requested the motion by amended to reflect the applicant's comments. Discussion ensued between Attorney Reavey and Council member Honomichl.

Council member Ritter and Council member Honomichl commented on the size of the conduit to be installed.

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

Motion carried.

A discussion ensued between Council members Honomichl and Ritter concerning the installation of conduit.

d. Approve Resolution Adopting Five Year Capital Improvement Plan. Administrator Brungardt

stated the latest change made was the removal of the yearly road maintenance program from the CIP in 2019 through 2022. This reduces the overall scope of the plan by about \$1.35 Million. He said if Council is comfortable with the CIP as presented, he asked they formally adopt it by resolution.

Council member Murdock asked about the 2019 budget for the CIP, she asked about the 95th Street construction and relying on big grant money funding. Administrator Brungardt said about half of that would be coming from the Johnson County CARS funding, and we should know by July whether or not those funds will be received. If they don't come in, then the project would have to be reassessed at that time. Discussion on budgeting the allocation and the expenditure.

Motion by Council member Murdock to approve Resolution No. 993 Adopting a Multi-Year Capital Improvement Plan titled "De Soto, Kansas FY 2018-2022 Capital Improvement Plan"; second by Honomichl.

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

Motion carried.

Council member Murdock said she is excited about this because the Council has worked hard on this and she appreciates all the work Administrator Brungardt has put into this plan. She said there have been a lot of great planning activities since Administrator Brungardt has taken this position. She asked that he give a presentation to Council on what has been accomplished the past year or so.

- e. Discuss Strategic Plan Update. Administrator Brungardt provided the Council with an abbreviated, red-line format reflecting the changes and updates since the plan was first discussed six months ago. He included a new section at the end to outline the completed or ongoing efforts on pages 24-25. Council member Honomichl asked about infrastructure on page 11 between Item 6 and Item 7. Administrator Brungardt said Item 7 is a duplicate and will need to come out. Council member Murdock asked about the broadband discussion and working with the Planning Commission in future on infrastructure regulations. Planner Weisenburger said this will be a topic on the next Planning Commission agenda. Council member Honomichl said it is a good document and the big thing now is that we start digging into these big items one at a time and make sure everyone is on the same page. He said businesses in town need to get fiber into their businesses. We need to have some workshops with the community members. Administrator Brungardt said these are one-minute sound bites and these all need to be drilled into. The comp plan review and update will be a good way to start these discussions.
- f. Authorize 2018 Mowing Contract with Kansas Land Management. Attorney Reavey said it is that time of the year to plan the mowing services. Ron Creason and Jay Garvin are the point people who monitor compliance with the contract. They are very happy with Mr. Fletcher's mowing services and have recommended renewing the contract with Kansas Land Management, and have agreed to add 2% of the 2016 rates. This is a service that Staff feels is somewhat specialized and it seems unlikely that a lower bid will be received from a new contractor.

Mayor Walker asked if there were any restrictions on how many renewals could be done. Discussion ensued that the contract was bid in 2016.

Motion by Councilmember Daniels to authorize the Mayor to execute the "Second Addendum to

2016 Mowing Contract” with Kansas Land Management LLC with the 2% rate increase; second by Murdock.

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, provided Council with a 2019 Budget Timeline schedule for the Council. The new budget process for Council will begin in April. Staff will begin this month on getting department requests and projecting five-year forecasts. Sometime in June, the City will have to make a decision on whether to call for the public vote.

Administrator Brungardt said he had a meeting this week with Johnson County Appraiser Welcome, concerning the Dark Store property, and there is now a case in Sedgwick County and it ruled in favor of the business owner. This is a shift of the tax burden from commercial to residential. The County has done some analysis on potential revenue loss. For De Soto, it would be about \$189,000 or 10% of the City's property tax levy. Our property tax funds about a third of the City. The County is monitoring this and will likely be in the courts for several years. He discussed what could happen in future. Council member Lane asked about residential going right behind this. Council member Daniels asked what kind of buildings were going toward this. Administrator Brungardt said it has been the large businesses. Council discussion ensued and Mayor Walker said it will eventually work itself out. Administrator Brungardt stated he will also engage Columbia Capital on this.

Administrator Brungardt stated tomorrow he will be getting out a new five-year projection update. The sales tax revenue has exceeded the expectations and the City is looking at around a 20% increase in sales tax the past year. He said the on-line retailers are getting more serious about collecting sales tax, i.e. Amazon, eBay, etc. Council discussion.

- b. City Attorney, Patrick Reavey, said he emailed Council this afternoon concerning the revised Resolution for the dumpster rates for the revised administration fee.

Motion by Council member Murdock to approve Resolution No. 994 Establishing Fees and Rates for Permits, Licenses and Services Within the City of De Soto; second by Ritter.

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

Motion carried.

Attorney Reavey said he has received a call from Mr. Garrett, the gentleman who submitted a contract to Ms. Thompson concerning purchasing Cherokee Woods. Mr. Garrett is now concerned Mrs. Thompson is not going to sign the contract as she has had it for a while. Council discussion ensued and Attorney Reavey stated the County is aware the City wants to move forward with this. The sale was originally to be held in January, and now it is scheduled for February.

- c. City Planner, Brad Weisenburger, said the bid specs are going out for the Parks & Recreation Plan consultant on the 15th of February. He explained Staff is looking at re-

evaluating the parks plan and looking for other activities that could be utilized. He asked for Council volunteers to help evaluate the submittals received from the consultants and explained the process. He would like to have the top two recommendations in a couple of weeks. Discussion among Council members. Council members Ritter and Honomichl volunteered.

d. City Clerk, Lana McPherson, no report.

7. Council & Mayor Comments:

Councilmember Lane didn't have comments.

Councilmember Ritter said the lights at the exit of Lexington and K-10 westbound don't trigger in the early morning when he travels the road. He said traffic has to wait for someone to come out of Commerce Park to trigger the light. Staff will check into this.

Council member Daniels asked if there was any update on the property being looked at for the public works. Administrator Brungardt said he has left a voice mail for the owner today.

Council members Daniels commented on the Strategic Plan requiring development of broadband service. If it is in the Strategic Plan, then we need to move forward with it. But, requiring somebody to address that when Council is not aware of discussions that have gone on in the committee and the applicant has been acting in good faith working with the City and without prior knowledge of this, he doesn't think it was completely fair to them. So, if this is something that is going to be required of applicants for annexation or developers, and they need to be made aware of it, then let's address it as a Council so that it is a known quantity or item everyone is aware of it beforehand.

Council member Honomichl said he said he agrees if this is property is already within the City. This is a bit of timing issues that happened just last Friday. Council member Daniels said this is something the Council needs to work on and make people aware of the broadband requirements and be fair upfront, and play by the rules that on the books now.

Discussion ensued between Council members Daniels and Honomichl on the broadband issue being discussed prior to an annexation application so a developer isn't blind-sighted at the last minute. Council member Honomichl stated that Staff needs to advise them of that. Discussion continued among Council members.

Attorney Reavey said this was something the applicant was completely unaware of any broadband discussions during the preparation of the annexation documents.

Council member Murdock and Administrator Brungardt discussed the joint study with the County concerning the soccer fields. There is now a consultant working on this and there may be a draft around May or June. For the City, there will be soccer at Riverfest Park for this year and likely next year.

No further comments from Council member Honomichl.

Mayor Walker said with his election to Mayor, there is a vacancy on the EDC board. He said with Council member Honomichl's experience with other EDC boards, he feels Kevin would be a good fit for this position. Council member Honomichl said he would really like to become involved with the EDC here. There are two Council members who sit on our EDC.

Council member Lane asked about a Park Board. Mayor Walker said he and Administrator Brungardt have discussed this, and they are hoping to let the study run its' course and then

seek volunteers from the community to fill the Park Board once the consultant's study helps define what that Park Board would be.

Council member Lane also talked about when the Mayor will appoint members to the Planning Commission. Attorney Reavey said if someone is in the position, then they continue and finish their term. Mayor Walker said he wants to talk to each member on the Planning Commission and visit with them before he makes any decisions on appointments.

Council member Daniels said he supports Council member Kevin Honomichl for the EDC Board because of his experience. All Council members agreed. Mayor Walker said Council member Honomichl will take that seat.

Council member Daniels asked about the appointments to the Fire District Board. A discussion ensued among Council on how the three-year terms rotate. Council member Honomichl and Attorney Reavey discussed the Fire District Board and how that board was created by the State of Kansas and the County resolution. Attorney Reavey said the fire districts are their own entity. There are state statutes that set out the regulations.

No further comments from Council members or Mayor Walker.

Motion by Council member Murdock to adjourn at 9:05 p.m.; second by Daniels.

All Council approved by "ayes."

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk