

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 Walker led the Pledge of Allegiance. Citizens signed the book on page 85.

PUBLIC HEARING: Consider proposed issuance by the City of \$7,000,000 Industrial Revenue Bonds, and a 10-year 50% property tax abatement, for a proposed 56-unit apartment project at 34000 West 91st Terrace.

Mr. Kevin Wempe, Gilmore & Bell, City Bond Counsel, said this is the second phase of the KTen Place Apartments. He said this is a two-step process with a public hearing, cost benefit analysis, published notice of the hearing, and a Resolution to issue the Industrial Revenue Bonds for a maximum of ten (10) years. There is no obligation of the City to pay the bonds.

Mr. Matt Gough, representing KTen Place Apartments, Phase 2 and will be a 56-unit complex. He spoke of the cost estimates coming in about 20% higher than the costs for the first phase. Therefore, the project is requesting an abatement of 50%. He said the City received letters of support of this project from surrounding businesses.

Mayor Walker opened the Public Hearing for comment.

Mrs. Sara Ritter, on behalf of Dustin Baker, Chair of the De Soto Economic Development Advisory Committee. She commented on the housing situation in De Soto, and said the local businesses do have employees now residing in the KTen Place Apartments, Phase 1.

Jeff White, Columbia Capital, the City's Financial Advisors, stated the cost benefit analysis reflects positive net benefits over the life of the tax abatement. He commented on the 2017 Legislature changes as they pertained to school districts. He said there will be additional benefits to the community with the people coming into the city.

Mayor Walker closed the Public Hearing as there were no further comments.

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 on February 20, 2020.
 - b. Approve Pay Ordinance No. 873.
 - c. Approve Farm Lease Agreement with Thane Palmberg.

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

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: None

4. New Business:

- a. Consider Resolution of Intent for Issuance by the City of \$7,000,000 Industrial Revenue Bonds, and a 10-year 50% property tax abatement, for a proposed 56-unit apartment project at 34000 West 91st Terrace. Administrator Brungardt commented on the PILOT Agreement and stated the Council will see the site plan of the next phase of the project, which is a little different than a regular project.

Motion by Council member Daniels to approve Resolution No. 1027 of Intent for Issuance by the City of \$7,000,000 Industrial Revenue Bonds, and a 10-year 50% property tax abatement, for a proposed 56-unit apartment project at 34000 West 91st Terrace, and authorize the Mayor to sign the PILOT Agreement; second by Murdock.

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

Motion carried.

- b. Discuss Codes Enforcement Policy for Downtown. Administrator Brungardt stated the matter of codes enforcement has been discussed for the past several years and the enforcement of the codes. He said enforcement has always been a judgmental call. He said Planning Commissioner Linda Lane has requested the enforcement of the City Code. Administrator Brungardt commented on the 2017 Resolution that was approved and this proposed revision will focus more on the Downtown district and focus on dilapidated and unsightly exterior conditions.

Council member Honomichl commented on the ‘ten’ properties that are continually changing and code enforcement being enacted. The City wants to ensure the properties that are visually obvious are on the list to be improved.

Motion by Council member Murdock to adopt Resolution No. 1028 Adopting the “2020 Codes Enforcement Policy; second by Lane.

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

Motion carried.

- c. Consider Design Services with Indigo Design for Riverfest Band Shell. Administrator Brungardt said after the past Council discussions on the design, he has worked with Doug Pickert to provide a scope and fee proposal for the planning, cost estimates, and concepts for a more permanent structure.

Motion by Council member Lane to accept the scope and fee proposal from Indigo Design for the Riverfest stage cover concept design in an amount not to exceed \$7,900.00 and authorize the City Administrator to enter into a professional services contract after review by the City Attorney; second by Murdock.

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

Motion carried.

- d. Consider Bid for City Hall Asbestos Abatement Project. Administrator Brungardt commented on the safety upgrades for the main level and the removal of the remaining asbestos in the building. He provided Council with a floor plan depicting the upper level of City Hall that contains floor tile with asbestos, along with disposal of asbestos pipe insulation in designated areas in the building.

Council member Ritter asked the testing that was conducted. Parks & Recreation Director Jay Garvin said there was testing done and Steve Chick, Sr., Building Official, went through the building with the contractor doing the testing. There were seven (7) bids received for this project.

Motion by Council member Lane to award the City Hall Asbestos Abatement Project to Major Abatement and Demolition, Inc. of Blue Spring, Missouri, in an amount not to exceed \$12,380.00; second by Murdock.

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

Motion carried.

- e. Consider Bid for Epoxy Flooring. Parks & Recreation Director Jay Garvin said there are two areas that need replacement flooring installed once the asbestos floor tile is removed. He said the epoxy flooring will match the adjacent stairwells to the landings. The Water Department office flooring will also be replaced with the epoxy flooring.

Motion by Council member Murdock to accept the bid proposal from Epoxy Floors by SealKC in the amount of \$5,553.00; second by Daniels.

Council member Ritter commented on the previous epoxy floor installer not bidding on the project. Mr. Garvin commented on the epoxy flooring that was previously installed in City Hall. He stated there had been some chipping in the flooring.

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

Motion carried.

- f. Consider Ordinance No. 2486 Approving Amendment of Subdivision Regulations Regarding Public Improvements. Administrator Brungardt said Staff has been working with the Planning Commission on this amendment for several months. This amendment codifies and aligns the current standard practices that are completed by City Staff. He provided some background on the reasoning of this 'delayed improvements' the amendment will codify.

City Attorney Patrick Reavey commented on the required public improvements that will need to be shown on the face of the plat and the applicant will be agreeing that if those improvements are not in place within a five-year recording of the plat, then the City could install the public improvements and charge the developer for the public improvements. Attorney Reavey commented on the term of five years and the reasoning for the five-year time period.

Council member Honomichl commented on the late sidewalk in Oak Country 8 Estates. He asked how the City addresses the installment of sidewalks and public improvements. Discussion ensued that the sidewalks are clearly the responsibility of the applicant. "Delayed Improvements" are

determined by the City Engineer on public items that could be jeopardized by future construction. A discussion ensued between Mayor Walker and Council member Honomichl on the installation of the sidewalk in front of a residence. The sidewalk is tied to the building permit. Council member Honomichl asked if the notes and covenant agreements are going to show up in a title report. A lengthy discussion ensued among Council member Honomichl, Attorney Reavey and Mayor Walker that the title insurance company will see these notes that are placed on the face of the plat. Council member Murdock and Mayor Walker discussed who pays for the sidewalk when the home is built. Council member Daniels also commented.

Council member Honomichl commented on Section 7.01 and Section 7.02. Attorney Reavey explained the difference between the 'delayed improvements' determined by the City Engineer and the 'deferral of required improvements' would have to be approved the City Council for any future construction of the 'deferred improvements'. Administrator Brungardt commented on the Oak Country 8 agreement that was approved by the City Council.

Council member Honomichl commented on Section 7.03 and asked what determines 'qualified' and whether that should be handled by a third-party rather than City Staff. He also commented on Section 7.05 language relating to building permit also apply to Section 7.02. Attorney Reavey said his thought is 'no' as a deferment would not be granted until there is assurance that improvement is going to be installed. Discussion continued on the language of Section 7.03 to strike "*the applicant shall provide qualified resident construction observation services*" from paragraph A.

Motion by Council member Honomichl to adopt Ordinance No. 2486 adopting the Planning Commission's Recommendations to Revise Article 7 of the De Soto Subdivision Regulations, with the exception of striking the last sentence of Section 7.03 A; second by Murdock.

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

Motion carried.

- g. Consider Road Use and Maintenance Fee Agreement with Martin Marietta. Administrator Brungardt said the Johnson County BOCC approved a Conditional Use Permit for Martin Marietta to continue and expand their operations at the Sunflower quarry. One of the approval conditions is for Martin Marietta to enter into a road use and maintenance fee agreement with De Soto relating to their haul route. He explained the history of the previous road maintenance agreement and the reason to now have an agreement with a Road Use and \$14,000 Annual Fee to be paid to the City.

Council member Lane asked if the quarry has a five-year renewal permit. Discussion if the fee agreement should be reviewed in the same time frame as the County's permit. The County has a five-year review process of the permit. A lengthy discussion ensued among Council members, Attorney Reavey and Administrator Brungardt.

Motion by Council member Honomichl to authorize the Mayor to execute the Road Use and Maintenance Fee Agreement with Martin Marietta, and include language at the end of paragraph 3, as indicated by the City Attorney to read: *and Martin Marietta remains in compliance with its' County Conditional Use Permit*; second by Ritter.

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

Motion carried.

- h. Consider Ordinance No. 2487 Allowing Poultry or Fowl on Lots Less Than One Acre. City Attorney Reavey said this matter has been discussed and reviewed at length by the Planning Commission.

The change is allowing the keeping of poultry and fowl on land that is less than one (1) acre. There are stringent requirements and a permit must be issued by the City for this.

Motion by Council member Murdock to approve Ordinance No. 2487 Allowing Poultry or Fowl on Lots Less Than One Acre; second by Lane.

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

Motion carried.

5. Executive Session: None

6. Advisory Reports:

- a. City Administrator, Mike Brungardt, said Johnson County is performing a county-wide housing study. They have hired RDG Planning to assist with the housing inventory. They are asking each community to have one Planning Commission member and one Council member attend a session on April 1st. Mayor Walker said he thinks the Lane's are a good fit for this meeting. Council member Lane and Planning Commissioner Lane said they would attend.
- b. City Attorney, Patrick Reavey, no report.
- c. City Planner, Brad Weisenburger, was not present.
- d. City Clerk, Lana McPherson, said she will be traveling to Missouri next week for the IIMC.

7. Council & Mayor Comments:

Council member Daniels commented on the Water One project down 83rd Street and asked when they are going to repair the driveway into Ravenswood. Administrator Brungardt said he will follow up with them on the restoration.

Council member Lane thanked Administrator Brungardt for repairing the speakers in the Council Chamber.

Mayor Walker asked Council members who wants to attend the State of the County Address on March 24, 2020. The State of the City Address will be on Tuesday, March 12th at noon at City Hall.

Mayor Walker commented about his hosting the Council of Mayors' dinner meeting last Wednesday evening. He said Staff is currently working on an application for a cost-share grant on the trails system with the state. Mayor Walker said he bragged on the City storm shelter installed here at City Hall.

Mayor Walker said he would like to appoint Ryan Johnson, the Athletic Director at DHS, to the De Soto Parks Board. Mr. Johnson is completing construction of a new home in De Soto and will be moving to the community. With his background he would be a good member for the Parks Board.

Motion by Honomichl to accept Mayor Walker's appointment of Ryan Johnson to the Parks Board; second by Murdock.

All Council approved by "ayes.

No further comments.

Motion by Council member Murdock to adjourn at 8:32p.m.; second by

All Council approved by “ayes.”

Motion carried.

Respectfully submitted:

Lana R. McPherson, MMC, City Clerk