Minutes

BASEHOR CITY COUNCIL
February 21, 2008
(moved from February 18, 2008 due to holiday)
6:00 p.m.
Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Pres. Terry Thomas, Iris Dysart, Terry Hill, Keith Sifford, and Jim Washington
Members Absent:

Staff Present: Carl Slaugh, Mary Mogle, Dustin Smith, Gene Myracle, Lloyd Martley

Newspaper: Lara Hastings, *Basehor Sentinel*

WORK SESSION – 6:00 p.m.

The work session was called to order with all members present. The city attorney was not in attendance.

Discussion regarding agenda items.

b. Consider Glenwood Estates lagoon, Sewer District #3, decommissioning proposal by Leavenworth County.

City Administrator Carl Slaugh reported the city engineer had proposed an agreement with Leavenworth County regarding the alignment of the sewer line for the Glenwood Estates and the new middle school. The purpose of having discussion on the agenda; was to receive approval from the Council to move forward with a formal agreement. Councilmember Dysart asked if past financial matters had been resolved. Mr. Slaugh explained the Cedar Falls pumping station fees have been paid. She questioned the unpaid balance of $46,000 and read a portion of the signed [Sewer District No. 7] interlocal agreement with the County. Mr. Slaugh reported the agreement was based on a projected balance of $95,000 and actual balance of the time of the agreement was $22,000. Mr. Flower reported he personally checked the County ledgers and verified they only had approximately $22,000 in the fund and explained the agreement stated any "unencumbered" balance would be forwarded to the city; that amount was forwarded. Mr. Slaugh reported he met with the county clerk to go over the ledgers as well. During that meeting, they reviewed the agreement and agreed the initial amount stated in document included projected revenue rather than actual revenue. President Thomas and Councilmember Sifford stated they were not satisfied with the outcome, but felt the

matter had been resolved. Council discussed at what point the County should pay for connection of the Glenwood Estates sewer line and when fees would commence.

Mr. Slaugh reported KDHE has mandated the Glenwood Estate lagoon [Sewer District No. 3] be decommissioned. He explained it was necessary to move forward on construction of the sewer main since the school district needs to move forward with the school project.

Mickey Schwartzkopf, Assistant Leavenworth County Public Works Director, reported he was willing to work with city staff [on the design of the Glenwood Estates sewer alignment]. Councilmember Sifford asked if there was ample wastewater capacity. Mr. Slaugh reported there was enough capacity for the school at this time as long as the City continued to move forward with the wastewater treatment plant expansion.

Councilmember Washington asked engineer David Lutgen if Glenwood Estates would stay on grinder pumps forever. Mr. Lutgen answered yes, adding it would be too expensive for the County to re-route the entire subdivision. Councilmember Washington felt the City should place a condition on KDHE and Leavenworth County to make the sewer line gravity flow before we allow them to connect to the city system. Mr. Lutgen reported MHS Solutions has recommended running the sewer line gravity from the pumping station north. This solution would spread the cost out among more property owners. Councilmember Dysart questioned (paragraph 6 of the staff report) if a line would access onto the Evans property. Mr. Slaugh noted the sewer line would cross through the Evans property. He reported a developer was interested in purchasing land in this area and expressed interest in working with the city to route the line through the property.

Mr. Slaugh reported he would like to coordinate this project in conjunction with the building of the new middle school. Council agreed staff could move forward with negotiations with the County to draft an agreement. Councilmember Sifford questioned if annexation of Glenwood Estates would be a condition. Mr. Slaugh stated annexation would be one of the issues, but did not feel it would be to the City's advantage to annex the area until after the sewer line was constructed.

d. Update on design of 150th Street by MHS engineers and approval to move ahead with easement and right of way acquisition.

David Lutgen gave an update on the 150th Street project. He reported the west side of 150th Street had been platted with varied rights-of-way. The east side has a 40 ft. right-of-way. The [Norman and Susan] Guy property line starts 40 ft. east of the section line and would require further research. It appeared the Guy home was less than 5 ft. from the right-of-way. The design calls for the center of the road to be put back on the section line with driveways being restored within the right-of-way. The Jeff Scherer property might need a wall constructed.

Councilmember Dysart questioned the Carbaugh property. Mr. Lutgen reported the plat on the Carbaugh property shows a restricted access area. Resident Jeff Scherer explained Carbaugh was given restricted access by the Planning Commission. Originally the property was split twice, and then split a third time. However, currently the property has four driveway entrances. Mr. Lutgen did not see an issue with leaving the driveways as is.

Mr. Slaugh explained the next step was to negotiate with the property owners for easements and right-of-way. A decision needed to be made whether the City would pay for right-of-way or expect the property owner to donate the property. Council felt the upgrade to 150th was an asset and the property owners should be willing to donate the land without compensation.

e. Consider approval to submit a portion of the 155th Street project for funding through the Transportation, Community, and System Preservation (TCSP) program.

Mr. Slaugh reported the City has an opportunity to apply for a grant through the Transportation, Community, and System Preservation (TCSP) program for improvements to 155th Street. Improvements to the 155th Street and Parallel Street intersection would qualify for this type of grant and requested Council authorize the city engineer to move forward with compiling costs and drawings, using information from the MARC project submittal, and submit the grant prior to the February 29th deadline. The city administrator reported the City was not awarded the MARC grant. South of Parallel may qualify for Corridor funding. Council discussed cost of a stoplight at 155th Street & Parallel. Councilmember Washington thought the traffic light would support changing the speed limit on 155th Street. Council felt this should be a high priority project.

Break (6:53 p.m.)

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIENCE

Moment of silence in remembrance of incident at City Hall, Kirkwood, Missouri and in memory of former Councilmember Jim Cook who recently passed away.

The regular meeting was called to order with all members present. The city attorney was not in attendance.

CONSENT AGENDA

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

a. Approve Minutes
   1. February 4, 2008 Work Session and Regular Meeting
   2. February 11, 2008 Work Session
b. Approve Treasurer's Report & Vendor Payments
c. Approve investment recommendations
d. Approve calendar of events

A motion was made by President Thomas and seconded by Councilmember Dysart to approve the Consent Agenda. Discussion followed. Councilmember Dysart pointed out there was no audio tape of the last meeting and should be noted on the February 4th minutes. She also noted that Councilmember Washington's statements regarding the ZIP Code change was not reflected in the minutes. She also requested the minutes be amended to show that she seconded the motion (page 11, Business Item "j") rather than President Thomas. Councilmember Washington asked that Business Item "g" include the word "Preliminary" Plat. President Thomas pointed out the Revenue/Expenditure report showed the date of February 29, 2008; which had yet to occur. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

CALL TO PUBLIC
Members of the public are welcome to use this time to comment about any matter relating to City business that is 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 five-minute time limit. (Please wait to be recognized by the mayor then proceed to the podium; state your name and address).

a. Citizen Comments Regarding Agenda Items

Dr. Robert Albers, Superintendent for USD #458, appeared to request Council expedite their process in an agreement with Leavenworth County [Sewer District No. 3]. The school districts critical date was the beginning of construction rather than completion as previously reported. Mr. Albers reported they project to go out for bid in early summer. They hope to open the new middle school in August 2009.

Council discussed when the school district could tie into Basehor's wastewater system. Mr. Slaugh reported it was up to KDHE when the school district would connect to Basehor's sewer system.

Jeff Scherer (1707 N. 150th St.) questioned if the City would receive sewer connection fees and maintenance fees from the County when Glenwood Estates connected to city sewers. Mr. Myracle reported the County would receive the equivalent of one connection fee per resident.

Mr. Scherer asked if repairs were going to be made to 150th Street prior to the rehabilitation of 150th Street. Mr. Myracle stated he has not been able to purchase asphalt due to the weather.

Mr. Scherer also questioned where the sidewalk would be placed on 150th Street. Mr. Slaugh stated the sidewalk would be 5 ft. off the curb. He questioned the funding for the project.

John Flower (15515 Cedar Lane) wanted to continue to push the State for an agreement on the 24/40 Corridor; which would help with the 150th Street and 155th Street projects.

Susan Guy (1713 N. 150th St.) encouraged Council to move forward with the 150th Street project and requested consideration on their property since the road would be so close to their front door. She also requested potholes on 150th Street be addressed.

Aaron Gaspers (2909 Kinsington, Lawrence, KS), engineer for Holy Angels Church asked if there were any questions regarding their project. Council had no questions at this time.

George Smith (14923 Parallel) suggested rewording Business Item "b". It sounded like the City was voting to decommission the lagoons; which they had no authority to do. He supported the City waiting to receive an agreement from the County, rather than city staff draft the agreement. He supported the 150th Street project, although it would take his trees, fence, and possibly the lamppost. He requested the City replace his fence back on the right of way line.

Public portion of the meeting closed.

SCHEDULED DISCUSSION ITEMS

a. Progress report from Burns and McDonnell on Wastewater Treatment Plant design (30% design complete).

Jeff Keller, Burns & McDonnell, gave an update on the Wastewater Treatment Plant Expansion. He explained upgrades that would take place at the l63rd Street lift station and wastewater treatment plant. Mr. Keller went over the method of bidding and recommended bidding equipment separately. This would allow equipment to be designed to fit Basehor's plant and allow the City to negotiate price and performance. Mr. Keller was excited to report KDHE has agreed allow Basehor to design the wastewater plant expansion with a Treatment Level A: 8 mg/1total Nitrogen, 1.5 mg/1 total Phosphorus as long as the City designed the expansion to include provisions for more stringent requirements in the future. He anticipated in a month all drawings would be ready for review and by May or June, the project would be ready for bid. Probable construction costs is anticipated to be $3.9 million.

President Thomas asked when the City would start construction. Mr. Keller reported approximately June or July.

BUSINESS

a. Consider Final Plat for Holy Angels Catholic Church and waive of excise tax, as requested by the Catholic Archdiocese, Kansas City

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the Final Plat for Holy Angels Catholic Church and waive collection of excise tax. Discussion followed. Councilmember Washington questioned if the item should be handled in two separate motions. The city clerk commented the item could be handled in one motion; however, if for some reason it appeared that one item would not pass, it would be best to have two separate motions. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

b. Consider Glenwood Estates lagoon, Sewer District #3, decommissioning proposal by Leavenworth County.

Mr. Slaugh clarified that Council was being asked to move forward with the alignment of the proposed sewer line for Glenwood Estates. Mr. Myracle explained Glenwood Estates subdivision and Glenwood Elementary School are on grinder pumps. With the new alignment, the subdivision and school would pump to a lift station and then flow into a gravity feed line.

A motion was made by President Thomas and seconded by Councilmember Sifford to have Leavenworth County draft an interlocal agreement regarding alignment and fees pertaining to Sewer District #3. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

c. Consider adjustment of review fees, penalties, and late fees, as requested by Rusty West (contractor for Basehor Post Office).

Mr. Slaugh reported Rusty West was the contractor for the new post office and explained the process Mr. West went through during the permit process. Mr. West informed the city administrator he paid all his fees up front and did not owe additional fees. Mr. Slaugh explained the fees did not include engineering review fees that accrued after the initial issuance of the building permit. To date, Mr. West owes $1,626.00 (including penalties and interest). Mr. West proposes he paid half of the initial fee of $682.50. Mr. Slaugh reported this was an out-of-state company; therefore, the City was limited on options of collection. The property has since been sold to another owner. Councilmember's Sifford and Washington suggested collecting the original amount and waive penalties and fees. President Thomas suggested collecting half of the total amount, including penalties and interest.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to require payment in the amount of $682.50 and waive penalties and interest. A roll call vote was taken with all members voting in favor with the exception of President Thomas. Motion passed 4-1.

d. Update on design of 150th Street by MHS engineers and approval to move ahead with easement and right of way acquisition.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to approve the design of 150th Street and authorize staff to move forward with easement and right of way acquisition. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

e. Consider approval to submit a portion of the 155th Street project for funding through the Transportation, Community, and System Preservation (TCSP) program.

President Thomas asked if Council had to take action or if the city administrator could move forward on his own accord. Mr. Slaugh reported normally the City must show some type of financial commitment that would need to be voted on by the City Council.

A motion was made by President Thomas and seconded by Councilmember Sifford to authorize staff to submit a portion of the 155th Street project for funding through the Transportation, Community, and System Preservation (TCSP) program. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

CITY ADMINISTRATOR REPORT

- Reminded the Governing Body that a Strategic Planning Session would be held on March 1, 2008 from 8:00 a.m. to noon at City Hall. He requested council members return the survey, distributed earlier, by February 25th. The surveys would assist in prioritizing departmental goals.

- Reported the K-7 & 24/40 Interchange was scheduled to close in March depending on weather. The clover leaf will close until late 2008.

- Reported the I-70 & K-7 Interchange would begin design in 2009. It is anticipated the trafficway would begin construction in about four years. Reverse frontage roads will also be constructed at the same time. KDOT estimates the project to cost $150 million. A brochure regarding the project could be viewed at on KDOT's website www.ksdot.org/projects.

MAYOR'S REPORT

None

COUNCIL MEMBER REPORTS

Councilmember Washington reported he attended the exposition of the Leavenworth County Comprehensive Plan and concurred with most of the plan.

EXECUTIVE SESSION

None

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Sifford and seconded by Councilmember Washington to adjourn the meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 8:15 p.m.

Submitted for Council approval with/without additions or corrections this 3rd day of March, 2008.

Chris Garcia, Mayor

Attest:

Mary A. Mogle, CMC, City Clerk

Note: Due to equipment failure, there is no audio tape of this meeting.