

Minutes

BASEHOR CITY COUNCIL

March 17, 2008

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, Gene Myracle, Dustin Smith, Lloyd Martley, Patrick Reavey

Newspaper: Lara Hastings, Basehor Sentinel

WORK SESSION – 6:00 p.m.

The work session was called to order with all members present with the exception of Councilmember Sifford (arrived at 6:10 p.m.). The city attorney was in attendance.

Discussion regarding agenda items.

a. Consider approval of an Interlocal Agreement between the City of Basehor and other U.S. Highway 24-40 Corridor partners

Mr. Slaugh provided Council with the updated 24-40 Corridor Agreement and Management Plan. Seven copies of the agreement are to be signed and then forward to the City of Tonganoxie for signature. KDOT added a provision to leave 155th Street as a fully signalize intersection [consider removal at a future date] and changed 174th to 178th as a signalized intersection.

Councilmember Washington asked if language recommended by Mr. Gurss on March 6 made it into the changes. Mr. Slaugh read the changes on page 7-14 and 10-6. (Councilmember Sifford arrived at 6:10 p.m.) Councilmember Sifford felt the language regarding the signal at 155th Street should be stricken from the proposal since it would be open to interpretation in the future. Mr. Slaugh noted the wording was somewhat vague; however, KDOT has the authority to review intersections at any time. He reported he had suggested to KDOT that the wording be removed, but KDOT felt it was necessary to explain why the signal was left since it did not meet the one-mile spacing criteria.

Councilmember Washington noted on page 1-9 was the first time the language referencing 155th Street has been mentioned over the last year and felt it was a compromise on KDOT's part to work with the City. Councilmember Hill noted KDOT noted in the agreement that the light at 155th Street would be reviewed for safety issues, not one-mile spacing. Council agreed if there was a safety issue the light should be removed.

Councilmember Sifford noted, as a matter of record, he requested the wording be stricken and to protect the City's interest, the wording should be given more detail. Councilmember Dysart asked once the frontage road at 158th Street was constructed, would the safety issue diminish. Councilmember Sifford felt the frontage road would help.

Jim Pickitt and Dave Gurs, KDOT were present to answer questions.

b. Consider approval to apply for corridor matching funds for the 150th Street project from Craig Road north to Parallel Road.

Mr. Slaugh provided an updated Capital Improvement Plan (CIP) showing five new projects for KDOT Corridor funding. He explained he was informed by KDOT that if the City wanted to submit a project for FY2009 funding, the project needed to be submitted by the end of March. The five projects are tied to the 150th Street and intersection project. Design work and project cost would need to be done.

Councilmember Dysart asked when the City would be advised of the award. Mr. Slaugh noted an exact date has not been given to him as of this date. He reported developer Ed McIntosh was anxious to hear if KDOT would allow a right-in/right-out on 24-40 Highway at 153rd into Wolf Creek Junction.

Councilmember Washington asked where Basehor Blvd would intersect 150th Street. Mr. Slaugh explained the boulevard would intersect at the curve. Mr. McIntosh explained the entrance to his development depended on where the curve ended up off of 150th Street. It was his hope that his project be incorporated into the 150th Street project. He explained he had been working since August 2007 to get an answer from KDOT to see if he would receive his right-in/right-out to his development. Councilmember Washington asked what level of engineering design needed to be provided for submission. Mr. Slaugh reported generally a one-page design. Mr. Lutgen stated he could put together a rough schematic of the area.

c. Consider a request from Basehor Field of Dreams to connect to the Basehor sanitary sewer system and a possible voluntary annexation petition.

Mr. Slaugh reported KDHE has mandated Field of Dreams close their lagoon and connect to the City's sewer system. Field of Dreams has submitted a request for annexation and a check for \$2950 for the sewer connection fee.

President Thomas asked if the complex would need to be rezoned. Mr. Smith explained the City would annex in at the lowest zoning classification, R-O Rural Residential. Councilmember Hill was concerned that Field of Dreams had already been through the zoning process with Leavenworth County and felt it was an unnecessary step to make them go through a rezoning. The city attorney, Patrick Reavey, reported the Supreme Court said the best way to deal with this type of situation was to bring the property in at the existing zoning classification, using the County's zoning district for regulation purposes.

President Thomas asked if Field of Dreams wanted the City to take over their operation. Field of Dreams board member Steve Henley stated it was not their intent to have the City take over the operations at this time. Another board member questioned why Field of Dreams would need to annex. President Thomas explained anyone connecting to the City's sanitary sewer they are required to annex into the City.

Councilmember Dysart asked if Field of Dreams connection fees should be structured the same as a school district. City Superintendent reported the connection fees are based on flows. He explained since the complex is closed during the winter months, the flow would be monitored and assessed similar to swimming pools.

President Thomas asked what the connection and maintenance fees should be if they connected today and were not annexed. Mr. Slauch stated "outside the City" fees could be charged until they formally annexed into the City. He explained he had Field of Dreams pay \$2950 since they started the annexation process.

5 minute break (7:00 p.m.)

REGULAR MEETING – 7:00 p.m.

Roll Call by Mayor Chris Garcia and Pledge of Allegiance

All members were present. The city attorney was also present.

Mayor Garcia introduced foreign exchange student Ha

Consent Agenda (Tape 1, Side B)

(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. March 3, 2008 Work Session and Regular Meeting
 2. March 5 & 6, 2008 Ultraline Presentation (Matter of Record Only)

3. March 10, 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 Sifford to approve the Consent Agenda as presented. *(Tape 1, Side B)* Mayor Garcia asked that the March Calendar of Events show the Citizen Forum on March 27th. 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

George Smith (14923 Parallel) agreed with keeping 155th Street intersection signalized and concurred that the language in the agreement referencing removal at a later date should be deleted.

John Flower (15515 Cedar Lane) addressed page 3, items 5 and 6 of the 24-40 Corridor Management Agreement. He noted the agreement states the City agrees to cooperate with the parties regarding access points and reach a mutual agreement on proactive closing of those access points. He suggested striking the wording or include a better definition. Item 6 referenced a "good faith effort" of which he hoped KDOT would put forth more than just a good effort. Under non-KDOT parties states the City would be required to give KDOT notice of pending development, and if adopted, the City would need to modify the planning and zoning process since the City does not currently use that process to notify the parties. Item 6 states the City would be required to "confer" with KDOT prior to approving a Preliminary Plat and did not understand why the City would need to negotiate with KDOT on items that are within the City's domain. The document states the City was not giving up any of their rights as a city by adopting the agreement.

Steve Henley (15301 Landauer), Field of Dreams board member, reported Field of Dreams needed sewer connection approval tonight because the high school plays their first game on April 1. They would be willing to discuss fees and annexation at a later date if necessary.

Ed McIntosh (15305 Briar Road) asked that the City look at the Corridor funding possibilities and apply for what they feel would qualify. Mr. McIntosh stated he would be willing to assist staff by providing the necessary paperwork to submit his project for Corridor funding. He explained he could not move forward with his project until he knew where the frontage road was going.

Public portion of the meeting closed.

SCHEDULED DISCUSSION ITEMS

a. LCDC Quarterly Report by Steve Jack, Executive Director

Executive Director Steve Jack gave an update of projects and meetings held in the first quarter of 2008. He reported LCDC was highlighted in several magazines featuring Leavenworth County in an effort to attract businesses and jobs. LCDC staff spoke at various leadership groups and networked with other States regarding economic development. LCDC worked 55 leads in 2007 and is currently working 8 leads. He explained businesses were not considering Leavenworth County due to the lack of building space and large tract of land availability.

BUSINESS

a. Consider approval of an Interlocal Agreement between the City of Basehor and other U.S. Highway 24-40 Corridor partners

A motion was made by President Thomas and seconded by Councilmember Hill to approve the Interlocal Agreement between the City of Basehor and other U.S. Highway 24-40 Corridor partners in accordance with staff recommendations as stipulated in staff report. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

b. Consider approval to apply for corridor matching funds for the 150th Street project from Craig Road north to Parallel Road.

A motion was made by Councilmember Washington and seconded by President Thomas to approve the application for corridor matching funds for the 150th Street project from Craig Road north to Parallel Road as submitted. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

c. Consider a request from Basehor Field of Dreams to connect to the Basehor sanitary sewer system and a possible voluntary annexation petition.

A motion was made by Councilmember Sifford and seconded by President Thomas to approve the request from Basehor Field of Dreams to connect to the Basehor sanitary sewer as recommended in the staff report contingent on voluntary annexation. Discussion followed. President Thomas wanted some kind of assurance that Field of Dreams was in the annexation process. Mr. Slauch reported the organization has turned in an application for voluntary annexation. The next step would be to submit the request to the Board of County Commissioners for approval. Council discussed if the organization should be charged "inside city limit" or "outside city limit" connection and maintenance fees. Councilmember Sifford stated his motion was based on information included in the city administrator's staff report that referenced payment of a \$2950 sewer

connection fee. President Thomas stated he assumed Council would follow city policy by charging Field of Dreams the "outside the city" fee of 150%. Council members had a difference of opinion as to what rates should be charged prior to formal annexation. President Thomas withdrew his second motion. Councilmember Hill seconded the motion. A roll call vote was taken with members Sifford, Hill, and Washington voting in favor. Members Thomas and Washington voted against the motion. Motion passed 3-2.

d. Consider approval for purchase of weapons for the police department to standardize the type of weapon and make the weapon city property.

A motion was made by Councilmember Sifford to approve the purchase of weapons for the police department to standardize the type of weapon and make the weapon city property as recommended by the police chief. Discussion followed. Councilmember Washington had a problem with eight officers using their own Glock weapons and felt the City should purchase weapons for all officers. Chief Martley noted his problem was budgeting. The original budget would not support purchasing weapons for 22 officers. He also felt it was a savings to the City to use personal weapons. Councilmember Washington stated he would be in favor of amending the budget line item to make sure that all officers carried city-owned weapons. Councilmember Sifford asked the city attorney if there was an issue with officers carrying their own weapons. The city attorney stated he was not aware of any legal reasons an officer could not carry personal weapons and recommended the City check with their insurance carrier. Councilmember Sifford supported the officers using their own weapons. After further discussion, Councilmember Sifford withdrew his motion.

A motion was made by Councilmember Washington and seconded by President Thomas to approve the purchase of weapons for each individual officer and to not exceed \$16,500. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

e. Consider authorizing administrative staff to proceed with notifying delinquent sewer and solid waste accounts of delinquent amount and possible tax assessment.

Councilmember Washington reported the new State Law requires that renters be charged for utility bills rather than the landlord. The city attorney was directed to research the State Statute (HB2592) and city clerk was asked to review the list to see how many landlords should not be charged. The city clerk questioned the enforcement of the current ordinance that requires the billing staff to bill the landlord. Mr. Reavey noted if the landlord signed the contract or agreement that would supercede the statute.

A motion was made by President Thomas and seconded by Councilmember Washington to authorize administrative staff to proceed with notifying delinquent sewer and solid waste accounts of delinquent amount and possible tax assessment. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

f. Resolution setting the Public Hearing for the annexation of the Breuer property

located at 16101 Parallel Road.

Councilmember Washington requested Section 3 of the resolution state the time of the public hearing. Mr. Smith noted the hearing would be held at 7:00 p.m. on May 19. The city attorney recommended Council accept the annexation report that was attached to the resolution prior to adopting the resolution.

Mr. Ray Breuer stated he would like to make changes to his residence prior to annexation and requested Council defer annexation for two years to allow him to complete the work. Mr. Breuer stated if the City would allow him additional time, he would voluntarily annex his property.

A motion was made by Councilmember Washington and seconded by President Thomas to approve the annexation report dated March 10 for the Breuer property located at 16101 Parallel Road as submitted by planning director Dustin Smith. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

A motion was made by President Thomas and seconded by Councilmember Washington to approve the resolution setting the public hearing for May 19 at 7:00 p.m. in the meeting room of Basehor City Hall. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

g. Resolution setting the Public Hearing for the annexation of the Bryant property located at 19249 N. 158 Street.

A motion was made by President Thomas and seconded by Councilmember Sifford to accept the annexation report dated March 10th for the Bryant Property located at 19249 N. 158th Street as submitted by planning director Dustin Smith. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the resolution setting the public hearing for May 19th at 7:00 p.m. in the meeting room of Basehor City Hall. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

h. Consider approval of the final plat for Pebblebrooke Phase I, submitted by Pebblebrooke, LLC.

President Thomas questioned why Council was being asked to approve the final plat for Pebblebrooke Phase I when the subdivision was already established. Mr. Smith explained when Pebblebrooke Phase II was approved, the developer asked that the streets in Phase I be included and become city owned. President Thomas asked if there was a report from staff regarding street conditions. The city superintendent stated the streets were built to city standards and were in good condition.

Mr. Smith reported the 11x17 map included in the packet was not a correct version noting the Council should reference the map shown on the 8x11 paper. Mr. Smith explained the larger map showed that the City would assume ownership of the parking area; however, that was not what was approved by the planning commission. Mr. Lutgen noted if Council approved the cul-de-sac the City would be accepting the parking area as right-of-way and would be liable for future maintenance. The city superintendent showed the direction he would plow snow. He explained once the Final Plat was accepted, the streets would be striped to show the street and right-of-way.

A motion was made by President Thomas and seconded by Councilmember Washington to approve the Final Plat for Pebblebrooke Phase I as submitted and require developer to stripe the street as discussed. A roll call vote was made with all members voting in favor. Motion passed 5-0.

i. Consider approval for a special audit of excise tax records.

Mr. Slaugh reported the auditors would charge \$126 per hour (estimated cost of \$3500) to audit excise tax records from 2002 to present. He noted there would also be staff time involved to perform the preliminary work. Councilmember Sifford asked how much staff time would be involved. The city clerk reported it was staff's intent to take the audit a step further by compiling a spreadsheet of all the lots within a subdivision and list the fees and when the building permit was issued and fees paid. She thought it would take approximately 45 days to complete. Administrative and planning department staff would work on the report jointly.

Staff was directed to compile the information and provide a report at the May 12 work session. Based on that information, Council may or may not request a formal audit be performed.

A motion was made by President Thomas and seconded by Councilmember Sifford to delete Business Item "i" from agenda. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

j. Consider approval of an agreement to obtain utility easements and temporary construction easements for the Chestnut Lift Station deactivation project.

Mr. Slaugh reported some of the issues regarding the agenda item should be discussed in Executive Session. He explained the City has not acquired easements across the Miles property since the plat was never recorded. It had been over eighteen months since the plat was approved; therefore, according to City regulations the plat has expired. The plat included provisions for the easements.

Council delayed action until after the Executive Session.

CITY ADMINISTRATOR REPORT

a. Follow-up report on sanitary sewer utility billing practices

Mr. Slauch reported the sewer fee presently used as a base rate was not in accordance with the ordinance. According to the city clerk the current rate was set by the previous city treasurer to meet KDHE requirements to pay back the State Revolving Loan. The city clerk explained the ordinance calls for the base rate to be assessed on average gallon rate of 6350. If the City used the gallon method, the base rate would be \$46.86 which was higher than the current method that would charge \$38.81 as of May 1, 2008.

Mr. Slauch explained Mr. Kleidosty faxed staff his contract so his comment that he never received a welcome packet would be true. Mr. Slauch felt the staff was being consistent in their practice; however, the new service contract was recently established when the State Setoff Program was adopted.

b. Update on Sewer District No. 3

Mr. Slauch reported he met with Leavenworth County staff today to go over the decommissioning of Sewer District No. 3. KDHE has given the County a schedule to meet; however, he was not sure if the County would meet that schedule.

MAYOR'S REPORT

Mayor Garcia announced he would hold a Citizen Forum – March 27 at 7:00 p.m.

COUNCIL MEMBER REPORTS

There were no reports at this time.

EXECUTIVE SESSION

a. City Administrator annual performance review

A motion was made by Councilmember Sifford and seconded by President Thomas to convene into Executive Session for up to ten minutes to discuss attorney-client privileged matter. A roll call vote was taken with all members voting in favor. Motion passed 5-0. The city attorney and city attorney administrator (*amended 4/07/08*) attended the session. (8:39 p.m.)

Mayor Garcia called the regular meeting back to order at 8:46 p.m.

j. Consider approval of an agreement to obtain utility easements and temporary construction easements for the Chestnut Lift Station deactivation project.

A motion was made by President Thomas and seconded by Councilmember Sifford to deny the easement due to developer failing to file final plat. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

ADJOURNMENT

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to adjourn the meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 8:48 p.m.

Submitted for Council approval with/without corrections or additions this 7th day of April, 2008.





Mayor Chris Garcia

Attest:



Mary A. Mogle, CMC, City Clerk