Minutes

BASEHOR CITY COUNCIL
April 7, 2008
6:00 p.m.
Basehor City Hall

Official Presiding: Mayor Chris Garcia

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

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

Newspaper Present: 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 Hill. The city attorney was not in attendance.

Discussion regarding agenda items.

Councilmember Sifford asked Council to consider scheduling another meeting later in the week to discuss Mr. McIntosh's topic [regarding improvements to 150th Street and 24-40 Highway corridor]. Mr. McIntosh noted his financial institution wants to know where the access points were going to be in conjunction with his development and 24-40 Highway. Council suggested adding the item to the April 14th work session agenda. Mr. Slaugh reported KDOT grant funding was in conjunction with Mr. McIntosh's plan and needed to provide
a ballpark figure of what each project would cost. Mr. Slaugh noted another issue was the right-in/right-out for 153rd Street. President Thomas suggested having KDOT put in writing that they refused the right-in/right-out access.

Councilmember Washington asked to defer items m, o, p, and q.

Mr. Slaugh reported in conjunction with agenda item "a" he would like to become a Tree City USA. K-State Forestry recommended planting a variety of trees rather than one species.

d. Consider resolution pledging support for PRIDE, waive of fireworks stand permit fee, and payment of funds for 4th of July fireworks display as budgeted.

Councilmember Washington thought the fireworks ordinance was incorrect and that the permit fee should be $500. The city clerk reported she would research the ordinance.

h. Consider change of zoning from R-0, Suburban Residential to R-3, Multi-Family Residential for the property located at 15251 State Avenue.

Mr. Slaugh reported the city attorney recommended that annexation and plats not be approved at the same time. Planning Director Dustin Smith explained annexations do not need to go to the planning commission and can be forwarded directly to the city council.

Councilmember Dysart questioned why the City would allow R-3 zoning when the Comprehensive Plan recommended doing away with the classification. Mr. Smith explained that was the zoning classification requested by the developer and explained he has suggested to the planning commission to have only two zoning districts R-1 and Planned Residential.

President Thomas said he would like to see all annexations go through the planning commission before coming before the city council. Mr. McIntosh noted current zonings do not allow commercial in residential areas. He explained his chose the R-3 zoning because it was the only zoning that would allow him to put a buffer between residential and commercial.

Councilmember Washington asked the city clerk and planning director if it was a statute or city policy to annex property in at the lowest classification and then require the property owner to rezone. Mr. Smith noted it was not a statue but city policy and that the city attorney has recommended annexing property in with a similar zoning classification as what they had prior to annexation.

i. Set a public meeting and a public hearing to discuss alternatives concerning the Wastewater Treatment Facility expansion and provide detailed information to the public regarding plant expansion and potential impact on the sewer user charges or other taxes which will fund the improvements.

Mr. Slaugh reported this item was a requirement of KDHE when applying for a State Revolving Loan.

j. Consider purchase of flashing indicator lights on 158th Street on 158th Street, north and south side approaching 24-40

Mr. Slaugh reported the flashing indicator lights recommended by the city superintendent were the same as the ones installed at the elementary school on Leavenworth Road.

President Thomas suggested installation of LED Stop Signs. He explained he had an opportunity to view the stop signs while on a trip and was impressed with their effectiveness. The city superintendent reported he have been unable to find a contractor willing to install rumble strips on 158th Street and explained KDOT informed him they would not be participating in any further work at the intersection of 158th and 24-40 Highway.

k. Consider payment for mechanical repairs on Kenworth dump truck

Mr. Myracle reported during the winter he started having problems with his Kenworth truck. Repairs to the truck have been made at the same place he purchased the truck. The truck has about 21,000 miles and is no longer covered under warranty.

Councilmember Washington asked where the funds would come from. Mr. Myracle reported the payment would come from both the street and sewer fund.

l. Consider purchase of 7 ft. sickle bar mower attachment for public works department

Mr. Myracle reported he was gaining more area to mow and running into difficulties mowing some right-of-way. He received a bid from Heritage Tractor for a Frontier sickle bar in the amount of $2895 and a bid from Brandt Fabricating in the amount of $365 for pickup, setup, and delivery. *(Tape 1, Side B)*

m. Consider a request from the Cedar Lakes Home Owner's Association to refund and transfer $18,375 from the Sewer Fund to the Cedar Lakes maintenance fund.

Councilmember Dysart reported when the City entered into an interlocal agreement with Leavenworth County for connection of Sewer District No. 7 to the City's sanitary sewer system, the 24-40 Interceptor benefit district had yet to be formed. It was her opinion the money should not be returned to Cedar Lakes.

Cedar Lakes resident John Flower disagreed with Councilmember Dysart and explained the City sent a bill to Leavenworth County for connection to the City's sanitary sewer system and as part of that bill there was a charge of $18,375 toward the 24-40 interceptor upgrade. Leavenworth County, as part of the KDHE revolving loan, paid the City $18,375 toward the interceptor project. That money was put in the City's account and later transferred out and felt Cedar Lakes homeowners paid $18,375 too much. The City could pay County back and in turn the County would pay the State back to reduce the KDHE loan. Mr. Flower noted Cedar Lakes was never hooked up to the 24-40 Interceptor project. Councilmember Dysart reported that was an agreement with the County prior to the creation of the 24-40 Interceptor project. Mr. Flower noted the Council reversed their decision to exclude Cedar Lakes in the benefit district.

Five- minute break (6:55 p.m.)

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

The meeting was called to order with all members present with the exception of Councilmember Hill. 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. March 17, 2008 Work Session and Regular Meeting
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. Discussion followed. President Thomas asked that page 9, of the March 17 minutes under Executive Session should read "city attorney and city administrator". A roll call vote was taken with all members voting in favor. Motion passed 4-0.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to table agenda items "g", "h", "m" pending city attorney's opinion, table agenda items "o", "p", "q" and agenda item "9 (a)" until the April 21 meeting. City Administrator Carl Slaugh requested agenda item "p" be discussed. Councilmember's Washington and Sifford with withdrew their motions.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to table agenda items "g", "h", "m", "o", "q" and "9(a)". A roll call vote was taken with all members voting in favor. Motion passed 4-0.

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).

l. George Smith, PRIDE, Resolution of Support, waive fireworks stand permit fee, clarification on annual donation.

Mr. Smith (14923 Parallel) requested Council adopt a resolution supporting PRIDE, waive fireworks stand permit fee, and a donation of $3,500 for purchase of fireworks.

Mr. Smith felt the Council should be concerned with road connectivity through Basehor and suggested Council consider the boulevard from 155th Street east to 147th Street, Basehor Town Center.

2. John Foley, 15015 Parallel, concerns regarding location of Sonic dumpster

Mr. Foley reported he has an issue with the location of the dumpster at Sonic. The dumpster created site-distance issues from several locations within the shopping center parking lot. Police Chief Lloyd Martley agreed with Mr. Foley noting it was difficult to see oncoming traffic. Chief Martley noted since the dumpster was located on private property, the City could not police the area. He suggested moving the dumpster to the same location as the other dumpsters used by the shopping center.

Mr. Smith explained the property was part of the same plat, but thought Sonic owned the property. President Thomas suggested someone talk to Sonic to see if they would consider moving the dumpster farther south, but did not feel the City could require them to move the dumpster if they did not want to. Councilmember Dysart wanted to see the dumpster painted and broken boards repaired as well. The planning director was directed to contact Sonic.

a. Citizen Comments Regarding Agenda Items

Ed McIntosh (15315 Briar Rd) requested his matter concerning the 150th Street intersection be added to the April 14th work session. He explained the agenda item "g" was the same process that he used in past projects and unless there was a better zoning classification, he requested the R-3 zoning be approved.

John Flower (15515 Cedar Lane) wanted to take the opportunity to apologize to the Council and specifically to Councilmember Dysart for his demonstration earlier regarding the Cedar Lakes issue.

Public portion of the meeting closed.

SCHEDULED DISCUSSION ITEMS

None

BUSINESS

a. Consider Tree City USA and Arbor Day Proclamation

A motion was made by President Thomas and seconded by Councilmember Dysart to approve the Tree City USA and Arbor Day Proclamation. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

b. Consider National Library Week Proclamation

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the National Library Week Proclamation as submitted. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

c. Consider Volunteer Appreciation Week Proclamation

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the Volunteer Appreciation Week Proclamation as submitted. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Mr. Slaugh reported a special recognition ceremony would be held on April 21st at 6:00 p.m

d. Consider resolution pledging support for PRIDE, waive of fireworks stand Permit fee, and payment of funds for 4th of July fireworks display as budgeted.

A motion was made by President Thomas and seconded by Councilmember Sifford to support the resolution as submitted, waive of fireworks stand permit fee, and authorize funds authorized in the budget [$3,500]. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

RES 2008-05 A RESOLUTION PLEDGING SUPPORT, ENDORSEMENT, AND COOPERATION FOR THE 2008-2009 KANSAS PRIDE PROGRAM

e. ***Consider payment of funds for Basehor Dairy Days as budgeted***

A motion was made by President Thomas and seconded by Councilmember Sifford to approve payment of funds for Basehor Dairy Days as budgeted [$5,000]. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

f. ***Consider annexation of property located at 15251 State Avenue***

A motion was made by Councilmember Dysart and seconded by President Thomas to approve the annexation of property located at 15251 State Avenue as presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

ORD. 531. AN ORDINANCE ANNEXING LAND LOCATED AT 15251 STATE AVENUE INTO THE CITY OF BASEHOR, KANSAS

g. ***Consider Future Land Use Amendment from Commercial to Medium-Density Residential for the Property located at 15251 State Avenue, as requested by Benchmark Management, LLC.***

(Tabled to April 21, 2008)

h. ***Consider change of zoning from R-0, Suburban Residential to R-3, Multi-Family Residential for the property located at 15251 State Avenue.***

(Tabled to April 21, 2008)

i. ***Set a public meeting and a public hearing to discuss alternatives concerning the Wastewater Treatment Facility expansion and provide detailed information to the public regarding plant expansion and potential impact on the sewer user charges or other taxes which will fund the improvements.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to set a public meeting on May 5th at 7:00 p.m. and the public hearing for June 2 at 7:00 p.m. to discuss alternatives concerning the Wastewater Treatment Facility expansion and provide detailed information to the public regarding plant expansion and potential impact on the sewer user charges or other taxes which will fund the improvements. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

j. ***Consider purchase of flashing indicator lights on 158th Street, north and south side approaching 24-40***

A motion was made by President Thomas and seconded by Councilmember Washington to approve the purchase of some type of flashing light not to exceed $7,000 for the intersection of 158th & 24-40 Highway. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

k. ***Consider payment for mechanical repairs on Kenworth dump truck***

A motion was made by Councilmember Sifford and seconded by President Thomas to approve payment [$4,376.38] for mechanical repairs on the T300 Kenworth truck. Discussion followed. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

l. ***Consider purchase of 7 ft. sickle bar mower attachment for public works department***

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the purchase of a 7 ft. sickle bar mower attachment for public works department. A roll call vote was taken with all members voting in favor. Motion

passed 4-0.

m. ***Consider a request from the Cedar Lakes Home Owner's Association to refund and transfer $18,375 from the Sewer Fund to the Cedar Lakes maintenance fund.***

(Tabled to April 21, 2008)

n. ***Consider approval of the five-year Capital Improvement Plan***

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the five-year Capital Improvement Plan (CIP) and presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

o. ***Consider priorities for funding requests through KDOT corridor management funds***

(Tabled to April 21, 2008)

p. ***Consider amendment to Ordinance 520, Standard Traffic Ordinance***

A motion was made by Councilmember Washington and seconded by President Thomas to amend the agenda to read Ordinance 532 based on an updated version provided by the city attorney. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Councilmember Washington noted generally he has a problem easing up on the standard traffic ordinance and requested the police chief explain the motive behind the change. Chief Martley explained the amendment was requested by Judge Pray explaining the amendment would allow a third offense "Driving while license canceled, suspended, or revoked" citation to be amended to a felony and forwarded to District Court. If the City chooses not to change the ordinance, the City could possibly end up paying about $6,000 in jail fees (90 day jail sentence).

A motion was made by President Thomas and seconded by Councilmember Washington to approve Ord. 532 as presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

ORD. 532 – AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 2 OF THE CODE OF THE CITY OF BASEHOR REGARDING INCORPORATION OF STANDARD TRAFFIC ORDINANCE.

q. ***Consider city administrator contract changes in regards to vacation policy, sick leave and severance pay***

(Tabled to April 21, 2008)

CITY ADMINISTRATOR REPORT

Follow-up report on sanitary sewer utility billing practices

Mr. Slaugh noted he did not uncover anything significant regarding the sanitary sewer billing practices. In regards to Mr. Joe Kleidosty he did not receive a welcome packet since he requested the contract via fax. Information regarding billing practices are included in the Welcome Packet and have also been scanned and available on the City's website. The city clerk reported she has researched the "landlord" policy with other cities and would work with the city attorney to draft a new ordinance for Council approval.

Update on Basehor Town Center project and proposed benefit district

Mr. Slaugh reported he met with Town Center Bond Counsel to review benefit district documents. Another meeting was scheduled for next week. Mr. Slaugh explained the school district was expected to pay about $300,000 and the City about $230,000 for infrastructure. The school and municipal facilities would benefit the developer by assisting him in developing the remaining portion of his development. He was in the process of obtaining answers to other questions and would provide those at April 21 Council meeting.

Mayor Garcia reported it was his understanding there would be a total of three benefit districts. Mr. Slaugh explained there would be one benefit district for Basehor Boulevard, a second benefit district to improve 155th Street, and the third benefit district for sanitary sewers. He also explained that a "letter of credit" could be required from the developer *(Tape 2, Side A)* for up to 20% of his development.

MAYOR'S REPORT

Mayor Garcia reminded Council a 6:00 p.m. work session would not be held on April 21st in lieu of Volunteer Recognition and reception.

COUNCIL MEMBER REPORTS

None

EXECUTIVE SESSION

a. City Administrator annual performance review

(Tabled to April 21, 2008)

ADJOURNMENT

A motion was made by President Thomas and seconded by Councilmember Sifford to adjourn the April 7, 2008 Council meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 7:39 p.m.

Submitted for Council approval with/without corrections or additions this 21st day of April, 2008.

Chris Garcia, Mayor

SEAL OF THE CITY OF BASEHOR, KANSAS
CORPORATE
SEAL

Attest:

Mary A. Mogle, CMC, City Clerk

Audio recording #39
2 audio cassette tapes