Minutes

BASEHOR CITY COUNCIL
April 21, 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: none

Staff Present: Carl Slaugh, Mary Mogle, Dustin Smith, Lloyd Martley, Patrick Reavey, Dave Lutgen

Newspaper: Lara Hastings, *Basehor Sentinel*

VOLUNTEER RECOGNITION RECEPTION - 6:00 p.m.

Mayor Garcia presented certificates to the following volunteers and volunteer organizations:

Friends of the Basehor Community Library, Inc., received by Lila White
Basehor Historical Museum Society, received by Lila White
Basehor Dairy Days Committee, received by Melanie Morris
Gold PRIDE, received by Aileen Seeman and Shirlene Pouppirt
Judy Goens, PRIDE
Edith Gravatt, Dreams Come True
Hank and Ann Nahrebeski, VFW
Basehor Lions Club, received by Tom Brown, Hans Lamprecht, (other unknown)
Boy Scout Troop 169, received by James Smith, Glen and Lee Maughmer, Alex Smith, and Ben Kamm,

A reception was held from 6:00-6:55 p.m.

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

All members were present including the city attorney.

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. April 7, 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 Dysart to approve the Consent Agenda as written. 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

Ed McIntosh (15315 Briar Rd) requested Council designate improvements to Wolfcreek Parkway reverse frontage road from 150th Street to 153rd Street as a priority since the work could be funded with KDOT and Transportation Development District (TDD) sales tax money. He also requested Council approve the rezoning for 15251 State Avenue and reserved the right to comment on the 150th Street project later in the meeting.

Public portion of the meeting closed.

SCHEDULED DISCUSSION ITEMS

a. Consider a request from Benchmark Management regarding funding for street projects under the Transportation Development District (TDD).

Mr. Slaugh noted this item was placed on the agenda to allow Mr. McIntosh additional time to present information regarding information on the TDD and 150th Street grant.

Mr. McIntosh asked if Council realized the City would be giving up full access at 147th Street for a full access intersection at 150th Street. Council reported they assumed everything would remain the same in accordance with previous discussion. President Thomas stated KDOT did not explain why 150th Street needed to be straightened out.

Mr. McIntosh reported KDOT explained the intersection in its current location was not functional for trucks.
Mr. Slaugh explained there were issues associated with 147th & 150th Street. He noted what was good for the north side of 24-40 Hwy was not desirable for the property owner on the south side. KDOT's plan would split Mr. Miles property; therefore, Mr. Miles has expressed he would expect monetary compensation if that occured. Councilmember Washington noted it was a possibility to construct a reverse frontage road from 150th east to 147th Street. Mr. Slaugh suggested an engineering study be performed to look at projected cost. Councilmember Washington suggested having an overall traffic flow design rendering done allowing Council to study the entire area. Councilmember Sifford stated as a member of the Council he would like to have someone show him how to fix the problems, rather than point out problems. Mr. Slaugh noted he tried to have that included in the Corridor Study; however, KDOT did not feel that was a viable solution due to cost.

Mr. Slaugh recommended keeping 150th Street in its current design and signalize when safety issues dictate changes and leave 147th Street right-in/right-out access for Miles Excavating.

BUSINESS

a. Consider a petition for creation of a benefit district, as requested by Affinity Development, for Basehor Town Center.

Mr. Slaugh reported bond counsel was in the process of reviewing the benefit district documents.

A motion was made by President Thomas and seconded by Councilmember Hill to table action until the May 5, 2008 Council meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

b. Consider priorities for funding requests through KDOT corridor management funds.

A motion was made by Councilmember Washington and seconded by President Thomas to approve priorities for funding requests through KDOT corridor management funds as presented. Councilmember Sifford reiterated that he would like projects #1 and #2 reversed and supported the [Wolfcreek reverse frontage road from 150th to 153 St.] TDD as a priority. Mr. Slaugh stated he was not sure what the reverse frontage road between 150th & 153rd would cost but was certain the cost would exceed the $600,000 KDOT non-competitive funding. If Council moved forward with project #2, it would delay improvements to Craig Street by one year. Council discussed splitting funds between projects #1 and #2 [Capital Improvement Priority List]. Mr. Lutgen noted easements and rights-of-way were already procured for project #2, not project #1. *(Tape 1, Side B)* Council agreed to put $100,000 to project #1 and $500,000 toward project #2.

Councilmember's Washington and Thomas withdrew their original motions.

A motion was made by Councilmember Washington and seconded by President Thomas to approve project list as presented and change amounts with $100,000 going toward 150th Craig to Parallel (Priority #1) and $500,000 to Wolfcreek Blvd reverse Frontage 150th-153rd (Priority #2). A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1

Mr. Slaugh asked for Council reconsideration on the Corridor Management Agreement. He reported City of Tonganoxie amended the agreement to allow two three-quarter turn accesses and requested Council approve Tonganoxie's changes. Boards of County Commissioners endorsed Tonganoxie's changes and were waiting for Basehor and Tonganoxie to sign an amended agreement.

A motion was made by President Thomas and seconded by Councilmember Hill to add "Consider amendment to Corridor Management Agreement" as Business agenda item "o". A roll call vote was taken with all members voting in favor. Motion passed 5-0.

c. 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.

Mr. Smith reported approval of this agenda item would change property at 15251 State Avenue to medium density allowing up to 14 units per acre.

Councilmember Dysart asked why the City would increase the number of units per acre when the Comprehensive Plan recommended removing the R-3 zoning as a classification and did not support the increase. Mr. Smith explained the only thing this agenda item was doing was allowing for zoning change. Mr. Reavey explained Council did have the authority to approve a change in the Future Land Use Map that was inconsistent with the zoning map. Mr. Slaugh reported R-3 zoning allows for Nursing homes, convalescent, and rest homes whereas, it would not be allowed in a commercial zoning. In a different zoning, it may require a special use permit. Mr. Reavey reminded Council the mayor would vote on this agenda item.

A motion was made by Councilmember Sifford and seconded by President Hill to approve Future Land use Amendment from commercial to Medium-Density Residential for the Property located at 15251 State Avenue as written. A roll call vote was taken with members Hill, Thomas, Sifford, and Mayor Garcia voted aye. Members Dysart and Washington voted no. Motion passed 4-2.

ORD. 533 AN ORDINANCE AMENDING THE CITY'S OFFICIAL FUTURE LAND USE MAP, WHICH IS A COMPONENT OF BUILDING BASEHOR –GROWING TOGETHER, A COMPREHENSIVE PLAN FOR THE CITY OF BASEHOR, KANSAS 2006, TO CHANGE THE

FUTURE LAND USE DESIGNATION OF PROPERTY LOCATED AT 15251 STATE AVENUE FROM LOW-DENSITY RESIDENTIAL TO MEDIUM-DENSITY RESIDENTIAL, AS REQUESTED BY BENCHMARK MANAGEMENT, LLC.

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

Mr. Smith reported this would allow, from a zoning standpoint in a conventional district 12 units per acre maximum since it was not a Planned District.

Councilmember Washington stated he would like to see this item referred back to the Planning Commission and brought back with a PR zoning.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve as written. Discussion followed. Councilmember Dysart noted an ordinance adopted May 7, 2007 stated as a condition of rezoning, high-density residential developments must submit a sewer plan. Mr. Smith stated the intent of the ordinance was for properties that did not want to connect to the City's sanitary sewer. Mr. Reavey explained the City could not place a condition on the rezoning. A roll call vote was taken with members Sifford, Thomas, Hill, and Mayor Garcia voting aye. Members Dysart and Washington voted no. Motion passed 4-2.

ORD. 534 - AN ORDINANCE AMENDING THE CITY'S OFFICIAL FUTURE LAND USE MAP, WHICH IS A COMPONENT OF BUILDING BASEHOR – GROWING TOGETHER, A COMPREHENSIVE PLAN FOR THE CITY OF BASEHOR, KANSAS 2006, TO CHANGE THE FUTURE LAND USE DESIGNATION OF PROPERTY LOCATED AT 15251 STATE AVENUE FROM LOW-DENSITY RESIDENTIAL TO MEDIUM-DENSITY RESIDENTIAL, AS REQUESTED BY BENCHMARK MANAGEMENT, LLC.

e. Consider ordinance for voluntary annexation of portions of the Cedar Falls Subdivision, less and except lots 1, 28 and 57.

Mr. Smith explained the property owners agreed to voluntarily annex and would receive the benefit of lower sewer connection and monthly maintenance fees. To date, lots 1, 28, and 57 have not agreed to voluntarily annex.

Mr. Reavey asked that the ordinance be amended to read 12-520(7)(a) and should be included in the contents of the motion.

A motion was made by Councilmember Washington and seconded by President Thomas to approve the ordinance for voluntary annexation of portions of Cedar Falls Subdivision, less and except lots 1, 28, and 57 and amend the ordinance to read K.S.A. 12-520 (7)(a). A roll call vote was taken with all members voting in favor. Motion passed 5-0.

ORD. 535 - AN ORDINANCE ANNEXING A PORTION OF THE CEDAR FALLS SUBDIVISION INTO THE CITY OF BASEHOR, KANSAS

f. Consider final plat for Fox Ridge 2nd Plat and Subdivision Improvement Agreement.

Mr. Smith reported the subdivision consists of thirty-eight lots. The developer had questions about maintenance bond being withheld for sidewalks. Garden Parkway will have sidewalks on both sides of the street with a sixty-foot right-of-way. *(Tape 2, Side A)*

Councilmember Washington stated he would like to see the master developer complete Prairie Gardens Parkway in Phase I before approving any future development. Mr. Smith noted Prairie Gardens Parkway would be completed with future developments.

Mr. Lutgen pointed out the developer does not want maintenance bonds withheld for uncompleted sidewalks. Mr. Reavey noted the developer would have a good case; it would be inappropriate for the City to withhold a maintenance bond. Other communities may withhold occupancy permits until sidewalks were constructed. President Thomas and Councilmember Washington supported having the developer put in all sidewalks prior to releasing the maintenance bond. If sidewalks were destroyed during construction, an occupancy permit would not be granted until the sidewalk was rebuilt. Mr. Reavey suggesting having the developer provide a letter of credit or put money in escrow to build future sidewalks.

A motion was made by Councilmember Washington and seconded by President Thomas to approve the final plat for Fox Ridge 2nd Plat and Subdivision Improvement Agreement as written. Discussion followed. Councilmember Dysart asked if Tract M would be ample green space for all three phases. Mr. Smith explained three phases of Fox Ridge showed that Tract M would be eliminated as open space developed. Mr. Lutgen noted the green space was actually higher now than originally presented. A roll call vote was taken with all members voting in favor. Motion passed 6-0.

g. Consider continuing membership in the Mid-America Regional Council and payment of annual membership dues.

A motion was made by President Thomas and seconded by Councilmember Sifford to approve local membership dues in the amount of $213 and Innovations Forum for $296 and exclude government training dues. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

h. Consider Park Advisory Board member resignations and appointments.

Mayor Garcia requested Council accept resignations from Park Advisory Board members Mary Ohler and Debbie Bonee.

A motion was made by President Thomas and seconded by Councilmember Sifford to accept the resignations of Park Advisory Board members Mary Ohler and Debbie Bonee. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

i. Consider purchase of a 2008 Ford Ranger 4x2 animal control vehicle.

Chief Martley requested purchase of 2008 Ford Ranger and camper shell for animal control officer. He reported he had an offer to purchase the old truck for $1,000. Councilmember Washington recommended purchasing a 4x4 rather than 4x2 truck. Mr. Slaugh reported purchase of the vehicle would come out of the Equipment Reserve Fund.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to approve purchase of a 4-wheel drive truck for the animal control officer not to exceed $14,000. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

j. Consider transfer of $244,000 from Sewer Fund to Bond & Interest Fund for KDHE State Revolving Loan payment.

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the transfer of $244,000 from the Sewer Fund to Bond & Interest Fund for KDHE State Revolving Loan payment. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

k. Consider setting public hearing for delinquent utility accounts (5/19/08, 7:00 p.m.).

A motion was made by President Thomas and seconded by Councilmember Sifford to set a public hearing for May 19, 2008 at 7:00 p.m. to consider collection of delinquent accounts. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

l. Consider passage of an ordinance relating to Erosion and Sediment Control, Chapter IV, Building and Construction.

Mr. Slaugh reported the proposed ordinance was an effort to put "more teeth" in enforcement. President Thomas felt the ordinance was too restrictive and section 4-1201 Administrative Authority should reference only one person or department charged with enforcement rather than several different departments. Councilmember Sifford reported erosion control has been the number one complaint he has received as a council member and would like to have a restrictive ordinance. Councilmember Washington agreed with President Thomas in designating one staff member responsible. Mr. Slaugh noted item F, page 2 of 9, should read "adopted by reference". Councilmember Sifford asked if the ordinance addressed the developer putting up a mud bond that would pay for the City to put up silt fence. Mr. Slaugh stated it was not addressed in the ordinance. Council agreed a clause should be added prior to adoption.

A motion was made by President Thomas and seconded by Councilmember Washington to table to the May 5th meeting for corrections to be added to the proposed ordinance. Discussion followed. Councilmember Hill felt the definition of "land disturbance" was open ended; however, under the General Provisions it clarified the definition and should be consistent throughout the policy. Mr. Reavey recommended not taking the bond in the form of cash or deposit otherwise the City would have to pay interest if they held the money for more than twelve months. Mr. Slaugh reported the code enforcement officer would be ultimately responsible. Mr. Reavey suggested adding "code enforcement officer or designated officer". A roll call vote was taken with all members voting in favor. Motion passed 5-0.

m. Consider changes to Maintenance Laborer-Level I (part-time seasonal) job description.

Mr. Slaugh reported the primary reason to amend the job description was to change the age from 18 to 16 so that the City could hire high school students. In the past, the City has had a difficult time hiring seasonal help.

A motion was made by President Thomas and seconded by Councilmember Sifford to approve changes to the Maintenance Laborer-Level I job description as presented. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

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

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to consider this item in Executive Session under personnel and attorney client privilege not to exceed thirty minutes during which the city administrator may be part of the discussion. A roll call vote was taken with all members voting in favor. Motion passed 5-0. (Note: City Administrator did not attend the Executive Session.)

0. Consider authorizing the mayor to sign the amended 24-40 Corridor Agreement

A motion was made by President Thomas and seconded by Councilmember Sifford to authorize the mayor to sign the amended 24-40 Corridor Agreement as presented. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

CITY ADMINISTRATOR REPORT

- League of Kansas Municipalities Leadership Summit will be held on May 9-10 at the Great Wolf Lodge.
- PRIDE will sponsor city-wide clean-up on April 26th. Volunteers are to meet at the VFW Hall at 9:00 a.m.

MAYOR'S REPORT

- Mayor Garcia received a call from resident Don Wilson applauding public works staff for the professional way they handled debris clean-up from the recent storm.

- In the absence of Mayor Garcia, President Thomas will preside over the May 5th Council meeting.

- Mr. Slaugh reported over the weekend, a forcemain broke underneath the lift station pad on 163rd Street. The stream has been tested and would be tested again later in the week. Mr. Slaugh explained the process the city crew would go through to repair the broken pipe and that the pipe was designed and bid to be ductile iron; however, it was constructed with PVC pipe. Council directed the city administrator to research the design plans and installation deficiency.

COUNCIL MEMBER REPORTS

Jim Washington

Councilmember Washington asked if all items tabled from the April 7th Council meeting had been addressed. He noted the Cedar Lakes Sewer Fund money had yet to be addressed. Mr. Slaugh reported the item was being studied further and anticipated having it on the May 5 agenda.

Iris Dysart

Councilmember Dysart questioned if the excise tax audit was ready. The city clerk reported staff was working on the audit and would have it ready for the May 12th work session as promised. She also questioned if the Fox Ridge application was invalid since it was not signed by the applicant. Mr. Smith assured her the applicant had paid his filing fee and did not see any problems with the application not being signed.

EXECUTIVE SESSION

1. Personnel and Attorney-Client Privileged Matters

Council convened into Executive Session at 9:31 p.m. (Refer to Business Item "n" for formal motion.)

At 9:51 p.m., Mayor Garcia called the regular meeting back to order with the following action being taken.

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

A motion was made by President Thomas and seconded by Councilmember Washington to table Business Item "n" until May 5, 2008 at which time the city attorney will provide

Council with an analysis. A roll call vote was taken with all members voting in favor Motion passed 5-0.

ADJOURNMENT

There being no further business to discuss, a motion was made by Sifford and seconded by President Thomas to adjourn the April 21, 3008 Council meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

Submitted for Council approval with/without corrections or additions this 5th day of May, 2008.

Chris Garcia, Mayor

Attest:

Mary A. Mogle, CMC, City Clerk

Audio Recording #44