

**Minutes**

**BASEHOR CITY COUNCIL**

**May 5, 2008**

**6:00 p.m.**

**Basehor City Hall**

**Official Presiding: Terry Thomas, Council President**

**Members Present: Iris Dysart, Terry Hill, Keith Sifford, Jim Washington**

**Members Absent: Mayor Chris Garcia**

**Staff Present: Carl Slaugh, Mary Mogle,**

**Newspaper: Lara Hastings, *Basehor Sentinel***

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**WORK SESSION - 6:00 p.m.**

The work session was called to order by President Thomas. The city attorney was in attendance.

**1. Discussion regarding agenda items.**

***d. Consider an agreement between the city of Basehor, Kansas, and Sewer District No. 3 (Glenwood) of Leavenworth County, Kansas, providing for the treatment of wastewater.***

President Thomas questioned the connection and maintenance fees for Glenwood Middle School. Project Engineer David Lutgen explained the flow analysis for the elementary school would be five times and middle school would be twelve times the rate of a residential connection fee. The monthly maintenance fee would be based on water consumption. Mr. Slaugh explained if the school does not annex the property, they would be charged a rate of 150%. Councilmember Dysart pointed out the connection fee should be at the rate of \$2950 rather than \$2900 as shown in the document. She also questioned the number of lots listed. Mr. Slaugh noted there are 97 lots in Glenwood Estates; the schools are listed separately in Exhibit 2. Mr. Slaugh reported the remaining balance from the County's maintenance fund would be transferred to the City (current balance of \$28,869.04). The residential lots would pay \$250 per year per lot for grinder pump maintenance. The school would pay \$1250 a year per facility.

President Thomas asked if a maintenance bond would be posted upon completion. Mr. Slaugh reported there would be a maintenance bond to draw against if there were any future problems.

Councilmember Dysart asked if the County would be applying for a loan from KDHE and if so, why doesn't it include decommissioning of the lagoon. Mr. Slaugh reported the loan does include the decommissioning as shown in Item 12 in the amount of \$80,000. Councilmember Washington stated Item 14 states the decommissioning of the lagoon is the responsibility of the County.

Councilmember Sifford felt the document should have stronger annexation language. President Thomas reported the document refers to as "may" which gives Council flexibility. Mr. Slaugh suggested starting the annexation process so it would take effect at the time the subdivision connects to city sanitary sewers. Council consensus was to start the process for a voluntary annexation. Mr. Slaugh suggested passing an ordinance requiring properties to annex if they connect to the City's sewer system. He suggested Council include in their motion a statement that the Council intended to move forward on annexation of Glenwood Estates. The city attorney reported there was no problem included the statement in the motion.

Councilmember Dysart pointed out the estimate from Ponzer-Youngquist Engineering firm for decommissioning of the lagoons were different than the amount shown in the interlocal agreement. Mr. Slaugh reported the design was different than originally proposed and the figures from 2006 were updated by Leavenworth County staff. Mr. Slaugh reported the county commissioners were in the process of expanding Sewer District No. 3 to include the middle school property and the county has already been put on notice the City intends to annex Glenwood Estates.

Work Session adjourned 6:45 p.m.

President Thomas announced he was relocating to Arkansas; therefore, it was necessary to tenure his resignation effective May 6, 2008. A reception was given in his honor.

### **REGULAR MEETING – 7:00 p.m.**

#### **ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE**

The regular meeting was called to order by President Thomas. All members 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 14, 2008 Work Session
  2. April 21, 2008 Regular Meeting & Work Session
- b. Approve Treasurer's Report & Vendor Payments

- c. Approve investment recommendations
- d. Approve calendar of events

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the Consent Agenda as presented. 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***

**Richard Valenta, (17667 157<sup>th</sup> Terr, Bonner Springs, KS)** stated he was a resident of Glenwood Estates and was concerned with the recent storm that caused some issues with the grinder pumps. He explained his subdivision was going to be forced to pay additional costs [to connect to the City of Basehor's sanitary sewer system] and felt it was unjust to pay \$7,000. He requested Council deny the counties proposal to connect.

President Thomas explained the State mandated that Leavenworth County connect the subdivision to Basehor's sanitary sewer system. Councilmember Sifford gave the residents of Glenwood a history of the project. President Thomas explained the City would not be associated with any of the costs pertaining to construction. Councilmember Washington explained designs were addressed in an effort to eliminate grinder pumps; however, the County did not support the plan, also it was cost prohibitive to residents of Glenwood.

**David Freeman (17755 157 Street, Bonner Springs, KS )** reported it was his understanding the City was extending funding. President Thomas explained the plant expansion had to take into consideration the connection of Glenwood Estates. He did not understand why it was Glenwood Estates. He explained the residents wanted a "win win" situation with the Understanding that their subdivision would eventually be in the City of Basehor; however, there were unanswered questions.

**Sabrina Valenta (17667 157 Terr.)** asked who was to say the City was not going to want more money from Glenwood resident later down the road when they have already paid money to the County.

President Thomas said he was unable to answer her question. Councilmember Sifford explained the State was going to decommission the Glenwood lagoon regardless if the school was built or not.

Mr. Slaugh reported, based on a letter from KDHE, the decommissioning of the lagoon was planned because of overloading of the lagoon and offensive odors. He reported each lot was anticipated to pay \$6,670.31 and would be amortized over 20 years and placed on the residents property taxes.

**Vernon Laffere (17662 157 Terr.)** ) asked where the solid waste would pump to once connected. Mr. Lutgen explained grinder pumps would pump to the existing location and then pump north to the City's sanitary sewer system.

Glenwood residents felt they should pay one connection fee

**Linda Woodson (17655 157 Terr., Bonner Springs, KS)** asked when KDHE mandate the decommissioning of Glenwood lagoon. Mr. Slaugh noted the letter dated April 28, 2006 states even without the school, the lagoon was overloaded. She felt the school would produce more waste than a private residence. She also questioned if anyone else would be paying part of the costs. Mr. Slaugh reported Glenwood Ridge Elementary, Glenwood Middle School, vacant ground, and Glenwood Estates.

**John Flower (15515 Cedar Lane, Bonner Springs, KS)** president of Cedar Lakes Homes Association, explained Cedar Lakes recently went through the same process of their subdivision connecting to the City's sanitary sewer system. He explained it was not a connection charge, but Glenwood's share of maintenance of the wastewater facility.

Councilmember Hill added the connection fee was actually someone's right to put their wastewater in Basehor's sewer facility.

**Connie Durfey (17796 157<sup>th</sup> St, Bonner Springs, KS)** asked if all people in Glenwood Estates were included. Mr. Slaugh explained the residents on 158<sup>th</sup> Street would not be included since they were on septic systems. She asked if the residents could put in septic systems. Councilmember Washington explained there were State regulations that once a septic system failed the home would be required to connect to the sewer system. Mr. Slaugh reported the County requires two and one-half acres for a septic system. Mrs. Durfey asked why Bonner Springs wasn't talking to them since they have a Bonner Springs address.

She questioned the school's connection fee. Councilmember Washington reported ordinance's restrict Basehor from charging more for a connection; however, it was their intent to readdress the ordinance in the near future.

**Darlene Laffere (17662 157 Terr., Bonner Springs, KS)** asked who was to be contacted when their grinder pumps fail. Mr. Myracle reported residents would call Haynes Equipment Company. Residents would be mailed a notice with the new contact information and all bills would be sent to the city. She asked if they would continue to pay fees for maintenance of grinder pumps. Mr. Flower explained some fees would go away and some would be forwarded to the City.

**Mr. Valenta** asked if the City was willing to take on the problematic grinder pumps. President Thomas noted the City does not want the pumps, but the City has been required by the State to take wastewater from Glenwood.

Councilmember Sifford explained the only place Glenwood's sewer could go was to Basehor.

**Tim Pierce (17890 157)** asked if the permit was not renewed for health and environmental purposes. Mr. Myracle reported he should contact Mr. Spiecklemeyer with Leavenworth County. President Thomas reported Glenwood Estates could reduce their costs by annexing into the City of Basehor.

**Mrs. Valenta** asked what the monthly maintenance fee would be. President Thomas noted it would be based on water consumption with an average bill running \$40-\$50 per month.

**Sandra Grimes (15402 Crimson, Bonner Springs, KS)** explained her sewer bill was \$20.00; which included trash pickup. She explained the City was Glenwood's only resort in solving their sewerage problems and suggested they form a committee to meet with City staff to get answers to their questions.

Councilmember Washington stated the City was ~~drugged~~ **dragged (amended 5/19/08)** into taking sewage from Glenwood and realized sewage treatment in the County was a problem, but felt connection would be cheaper now than in the future.

Councilmember Sifford explained if the previous Council had not had the foresight to see the necessity of upgrading the Wastewater Treatment facility, the City would not be able to take Glenwood's sewage.

**Ed McIntosh (15315 Briar Rd)** provided the Council with a letter he drafted addressing the 153<sup>rd</sup> Street right-in/right-out access. Mr. McIntosh requested all council members sign the letter and then forward to KDOT.

Public portion of the meeting closed.

#### **SCHEDULED DISCUSSION ITEMS**

- a. Update on the design of the Wastewater Treatment Facility expansion and a public meeting to discuss alternatives as required for the Kansas Water Pollution Control Revolving Loan Fund and K.A.R. 28-16-136.***

Jeff Keller, Burns & McDonnell Engineering, gave a PowerPoint presentation on design of the Wastewater Treatment Facility expansion project explaining KDHE requires it as part of the State Revolving Loan. A public meeting must be held informing the public of the expansion project.

***b. Basehor Town Center, presented by John Flower***

Mr. Flower gave a PowerPoint presentation. He started out by stating he was accused of not being in favor of Basehor Town Center and the new school. Mr. Flower stated he voted for the new school and was in favor of Basehor Town Center as long as it was done right. He showed pictures of various Affinity Development projects and lack of upkeep. He questioned Basehor Town Center LLC financial stability and why they did not wish to have a public hearing regarding the benefit districts. He noted Section 6.02 A obligates the entire City of Basehor to the pay the bonds.

Councilmember Dysart stated she was not informed that this presentation would be on the agenda and felt the developer should have been informed and given an opportunity to rebut and felt it was a “stinky *sneaky (amended 5/19/08)* stinky deal”.

Five-minute recess (8:35 p.m.)

**BUSINESS**

***a. Issue a proclamation regarding Building Safety Week, May 5-12.***

Building Inspector Mark Lee explained Building Safety Week was implemented in 1980 sponsored by the Building Codes council. Mr. Lee reported an article regarding Building Safety Week appeared in the newspaper last week and this week and would be delivering a presentation to his daughter’s first grade class.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the proclamation as presented. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

***b. Police Week Proclamation May 15 Peace Officer’s Memorial Day***

Chief Martley reported May 11-17 would be Peace Officer Week. May 15<sup>th</sup> would be observed as Peace Officer’s Memorial Day. He requested the governing body and citizen recognize the Peace Officer serving their community.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to approve the Police Week Proclamation and observe May 15<sup>th</sup> day Peace Officer’s Memorial Day. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

***c. Consider petition for a benefit district to finance public improvements and Development Plan, as requested by Affinity Development, for Basehor Town Center.***

A motion was made by Councilmember Hill and seconded by Councilmember Sifford to table this item until the May 19<sup>th</sup> meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

***d. Consider an agreement between the city of Basehor, Kansas, and Sewer District No. 3(Glenwood) of Leavenworth County, Kansas, providing for the treatment of wastewater.***

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to approve the agreement with the addition of a new paragraph 15 indicating that the maintenance fund for grinder pumps be transferred to Basehor at the time of connection and renumbering paragraph 15 to 16. Exhibit 2 to be corrected in Project 1 to \$4425 (150%). Correct Project 4 to read \$2950 rather than \$2900 and include a sense of Council that the City desired annexation of Glenwood Estates on voluntary basis if possible and other consideration would be taken if not possible. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

***e. Consider financial support to jointly sponsor the Kansas Sampler Festival for Leavenworth County in 2010 and 2011.***

Mr. Slauch introduced Keyta Kelley, Leavenworth County Counselor and Bob Topping, Convention and Visitor's Bureau as key people involved in the Kansas Sampler. He explained the Kansas Sampler Festival was held once a year and hosted by a city for two years at a time. Leavenworth County has requested a desire to host in 2010 and 2011. An estimated cost of \$240,000 with Basehor being asked to pledge \$6,725.

Mr. Topping explained the Kansas Sampler Festival was started in an effort to preserve history and encourage people to visit the small towns of Kansas. Council asked where the festival would be held. Mr. Topping reported they have chosen the Ray Miller Park because it was central between Leavenworth and Lansing and hotels were available. The festival was an open-air atmosphere with all vendors hailing from Kansas. It will be held the first weekend in May 2010.

Mrs. Kelley noted the profit shown on the report was indicative of the big picture. The towns of Leavenworth County would reap sales tax and use of local hotels.

Councilmember Sifford stated he did not see where Basehor or Tonganoxie would receive a benefit. Mrs. Kelley reported Tonganoxie and Leavenworth has voted to support the festival. She also explained Basehor would reap a portion of the sales tax derived from the festival. The City would not lose any money. Mr. Toppings reported Holy-Field Winery would be participating in the festival in an effort to promote their winery and Basehor. President Thomas stated he thought the Council should think regional and support the funding request.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to give a commitment that Basehor would participate up to \$6,725 to secure the

festival for 2010 and 2011. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

***f. Consider an Erosion and Sediment Control ordinance (deferred from April 21).***

President Thomas stated he felt "Section G. Land Disturbance" was too broad and page 6 of 9, paragraph D stated "...established a healthy and growing stand with a density of at least 70 percent of undisturbed areas at the site" noting 70% was too low. Building Inspector Mark Lee stated he took this information from City of Overland Park in an effort to tighten up enforcement.

President Thomas asked why a mud bond was not included in the ordinance. Mr. Lee stated it became a logistical nightmare. He explained the city attorney recommended requiring a maintenance bond rather than cash. Mr. Lee explained he has only issued five building permits this year and did not feel builders would want to build in Basehor if costs became too high.

Councilmember Sifford appreciated the building inspector's comments; however, he wants to see a mud bond since that is what Council directed at the May 5 meeting. He reported High Point Downs was creating drainage issues especially with the recent storms.

President Thomas would like to see page 5, paragraph 5 "Contractors Responsibility" a stipulation that included "to adjacent properties". Mr. Reavey reminded Council there are also options for property owners to take civil action against the property owner causing the problem.

Councilmember Washington said he also wanted to see a mud bond included but would prefer to move ahead with adoption of this ordinance and address a mud bond at a later date.

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to table action until the end of the agenda this evening for necessary revisions and revisions have not been made, the item would be tabled to the May 19<sup>th</sup> council meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

***g. Consider a Substance Abuse Policy and Implementation of Employee Assistance Program (EAP).***

Councilmember Washington stated he did not have problem with the policy as long as it did not trigger progressive discipline and an employee could be terminated immediately. Mr. Reavey noted since employees were at at-will, the employee could be dismissed immediately since it was not a contract between the City and the employee.

Council agreed Section D (3) should be changed from four hours to two hours. Mr. Slaugh reported police officers and employees with DOT license would not be given a "Last Chance" opportunity.

Mr. Reavey stated the employees should be advised that this policy and implementation of EAP program would not constitute a guarantee of employment.

Chief Martley asked what would happen if an employee was in training and not able to meet the two hour requirement. Council stated the employee would be required to leave training.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the Substance Abuse Policy and implement an Employee Assistance Program with a change in Section G-3(c) changing four hours to "...two hours, after notification, to arrive at the designated testing laboratory and be tested". A roll call vote was taken with all members voting in favor. Motion passed 5-0.

***h. Consider city administrator contract changes in regards to vacation policy, sick leave and severance pay. (deferred from April 21)***

A motion was made by President Thomas and seconded by Councilmember Dysart to defer action until May 19<sup>th</sup> when the mayor returned. A roll call vote was taken with all members voting in favor with the exception of Councilmember Washington. Motion passed 4-1.

***i. Consider increase in funding for animal control vehicle not to exceed \$19,500.***

President Thomas reported the 4x4 could not be purchased for the \$14,000 as originally voted. A 4x4 truck and camper shell would cost approximately \$19,500.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to purchase a 4x4 animal control truck not to exceed \$19,500. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

**CITY ADMINISTRATOR REPORT**

***a. Reconsider purchase of 4X4 pickup for police department due to price differences.***

(Refer to Business Item "i")

- May 9-10 – LKM Governing Body Conference
- 163<sup>rd</sup> Lift Station Update – Mr. Myracle reported pipe had been installed and electricians should start work May 6<sup>th</sup> weather permitting.

- President Thomas commended public works staff on installation of the new City of Basehor signs.
- Councilmember Washington asked for a briefing on the 24-40 Corridor status. Mr. Slauch reported the City of Basehor signed off that they supported right-in/right-out access every half mile. The 153<sup>rd</sup> Street right-in/right-out does not meet the criteria and would be going against the agreement. KDOT's opinion was that the developer was not legally entitled for compensation for access on Landauer Street and there was a question regarding the access on Drysdale Street. KDOT would like endorsement from the City to support the 153<sup>rd</sup> Street access.

Councilmember Washington reported he spoke with Mr. McIntosh and did not see why the Council should revisit the issue and suggested moving forward with improvements to 150th Street. Councilmember Sifford asked if the City was making their position clear. Mr. Slauch stated he did not think KDOT wanted to put anything in writing and that Council did endorse the Corridor plan. Councilmember Washington stated the City has not rescinded the resolution originally passed and should be taken back to KDOT.

Mr. McIntosh stated he thought the question was if 153<sup>rd</sup> was viable to development or if KDOT would commit to a plan for funding toward improvements to 150<sup>th</sup> Street. He did not feel asking for a letter of denial was beneficial and felt it would take away the City's leverage for improvements.

Councilmember Sifford stated he wanted Wolfcreek Junction development to move forward and a resolution to be resolved. Mr. Slauch stated KDOT communicated to him that if the City wanted to hold them hostage they would hold up funding. He felt the second paragraph of the letter submitted by Mr. McIntosh stated what the City wanted.

***f. Consider an Erosion and Sediment Control ordinance (deferred from April 21).***

Mr. Lee submitted the revised ordinance for Council approval.

A motion was made Councilmember Washington and seconded by Councilmember Hill to approve Ordinance 528 with the proposed changes as presented. Councilmember Sifford was disappointed that a mud bond was not included in the ordinance. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

*ORD. 528 – AN ORDINANCE RELATING TO EROSION AND SEDIMENT CONTROL IN THE CITY OF BASEHOR, KANSAS ADDING NEW ARTICLE 12 TO CHAPTER IV; BUILDING AND CONSTRUCTION.*

**MAYOR'S REPORT**

None

**COUNCIL MEMBER REPORTS****Jim Washington**

Councilmember Washington announced he visited the new library last week and commended the library board for their work on the new facility. He wished President Thomas luck in his new job in Bentonville, Arkansas.

**Terry Thomas**

President Thomas said "It's been FUN!"

**Iris Dysart**

Councilmember Dysart commended President Thomas for his work as a council member and council president and wished him the best in his new job. She announced when President Thomas came on council he made a significant difference by taking Basehor to the next level.

**Keith Sifford**

Councilmember Sifford joking stated he thought President Thomas should commute back and forth from Arkansas in an effort not to disappoint his constituents that voted him in office.

**Terry Hill**

Councilmember Hill stated he was not only losing a fellow council member, but also a neighbor.

**EXECUTIVE SESSION - Personnel Issue****a. City Administrator Annual Evaluation and Contract Review**

(Tabled until May 19, 2008)

**ADJOURNMENT**

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to adjourn the May 5, 2008 Council meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 10:01 p.m.

Submitted for Council approval with/without corrections or additions this 19<sup>th</sup> day of May, 2008.



Chris Garcia, Mayor

Attest:



Mary A. Mogle, CMC, City Clerk



Digital Audio Recording #45 (1.15 minutes only)

Cassette Audio Recording – 2 tapes