

Minutes

BASEHOR CITY COUNCIL

August 18, 2008

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

**Members Present: Pres. Iris Dysart, Terry Hill, Roger McDowell, Keith Sifford,
and Jim Washington**

Members Absent: None

**Staff Present: Carl Slaugh, Lloyd Martley, Mary Mogle, Gene Myracle, Dustin
Smith, Dave Lutgen, (Patrick Reavey not in attendance)**

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.

Zoning Regulations

Planning Director Dustin Smith highlighted changes to the proposed Zoning Regulations. He explained most of the changes address high-density classification requirements.

- Outline planning commission positions and duties.
- List of zoning districts – reduced number of zoning districts within the City. And remain with a minimum lot size of 10,000 sq. ft. in R-1 zoning.
- Zoning for Annexed properties – change to allow zoning to be changed to the district within the city that was most similar to what it was in the County.
- Definitions – made changes to definitions and added more definitions. Councilmember Washington supported moving utilities to the rear of properties rather than in front yards.
- Added regulations for wind energy conversion systems under Conditional Use Section.
- Designed a point system for new developments based on amenities (i.e. bike and nature trails, landscaping, swimming pool, etc.). President Dysart did not support allowing a higher density per acres. Mayor Garcia suggested adding a timetable for completion of amenities.

- Application and Procedures allows for a more descriptive text of the development process for all applications such as zoning change, preliminary and final development plan, conditional uses, etc. It provides for preliminary and final development plan procedures and eliminated procedures for site plans.
- Non-Conforming Use – clarified how they would be handled
- Completions of restoration of buildings – section deleted.
- Prohibited Uses – moved to General Provisions.
- Building Permits and Board of Zoning Appeals – moved to Administration section.
- Rules of Procedure for Rezoning – moved to Applications and Procedures.
- Supplementary District Regulations – clarified language, expanded on home occupation requirements, number of structures on a zoning lot, addresses outside storage, and did not allow slatted chain link for screening.
- Utilities – moved to General Provisions section and expanded language.
- Parking and Loading – clarified parking spaces, surface requirements, on and off street parking. Limits school bus parking in residential areas.
- Minor changes to correct typographic errors, statute references, and

Cheryl Blackburn, bus company coordinator, explained it was an advantage for school bus drivers to take their buses home since they may have several routes per day. She explained five buses are parked at home and two are parked at the school.

Mr. Smith explained the language could be changed to address buses remaining at home over night. Police Chief Martley explained the large buses are an eyesore in residential neighborhoods and blocking right-of-way.

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

Wastewater Treatment Plant EIMCO Equipment

Due to lack of time, this item was not discussed during the work session.

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

The work session 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. August 4, 2008 Work Session & Regular Meeting
2. August 11, 2008 Work Session (no meeting due to lack of quorum)
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve the Consent Agenda as presented. A show of hands 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. Jack Taylor (1901 159th Terr)

Re: Complaint regarding work performed in easement by Westland Construction (Suburban Water District)

Mr. Taylor explained last Tuesday Westland Construction came onto his property, without notice, and commenced digging for a water line connection for a new home across the street owned by Jeremy Ressler. He explained he contacted Kansas On-Call and was advised that no locates were performed. (*Tape 1, Side B*) Mr. Taylor explained he was treated poorly by Suburban Water Company and Westland Construction. He explained current ordinances do not protect property owners and should be addressed immediately.

Carole Washington (1905 159th Terr) finished reading Mr. Taylor's letter after five-minute time elapsed. The remainder of the letter stated that the citizens expect ordinances to be enforced and the Council should address the issues. Mrs. Washington reiterated that rules should be enforced to protect neighborhoods.

Victor Capper (1900 159th Terr) stated the same thing has happened to his property as well. Utility companies have failed to restore his property back to the state it was in prior to the construction. He supports Mr. Taylor in his quest to get his property restored.

City Superintendent Gene Myracle explained he and the building inspector visited Mr. Taylor's residence after receiving a call. An inspection was made and it was verified that the work was being performed within the utility easement. Mr. Slauch stated the trench did extend onto Mr. Taylor's lot approximately ten feet but was within the utility easement.

Councilmember Washington stated he called Kansas One-Call and was advised that the contractor did not receive a utility line locate. He advised the Council he contacted the

city attorney and directed him to draft an ordinance requiring the excavator to perform locates, notify residents of work prior to construction, and to meet state statute guidelines.

Council consensus that an ordinance should be put in place as previously stated by Councilmember Washington.

Councilmember Sifford stated he took offense to Mr. Taylor's statement regarding "small town politics" since the Council was on his side to get his problem rectified.

Mr. Myracle asked if the new ordinance would address changes to franchise agreements since none of the agreements address the proposed changes. The clerk stated in the past a letter and a copy of the ordinance was sent to utility companies via U.S. Mail with a return receipt.

George Smith (14923 Parallel) addressed Item "e". He asked if the agreement allows for funds designated for 150th Street project to be used on the Wolf Creek entrance. Councilmember Washington stated there were some issues with the agreement that he would address later in the meeting. Mr. Smith was anxious for the 150th Street project to move forward and thought the Council should draft an agreement with a stipulation that the project be completed by a certain date.

The resident expressed concern with the new zoning regulations stating he did not support elimination of the R-O zoning, require pads for motor homes and boats, shared parking would eventually become an issue.

Sandra Grimes (15402 Crimson, Bonner Springs) thanked Councilmember Washington for his comments on utility easements being located in rear yards. Walking trails become a issue when people want to drive ATV's on trails and suggested regulations be put in place prohibiting ATV's and bicycles on trails. She would also like to see regulations requiring lighting in parking lots whether they are public or private property.

John Flower (15515 Cedar Lane, Bonner Springs) explained the developer of Wolf Creek Junction has been waiting for KDOT to finalize right-of-way issues.

Councilmember Washington stated it was his estimation that there was not going to be a 153rd Street right-in/right-out and did not feel the development of the property depended on the ROW access. Mr. Flower agreed that the 153rd street access did not hinge on the success of the project

Twila Heinen (3303 N. 154th Terr) asked if the repairs in Pin Oak Subdivision would be addressed in 2008 or 2009. Mayor Garcia stated the proposal is to spend approximately \$7,000 to make repairs to certain curb and gutter. She asked if it was spot repair or continuous repair. Mayor Garcia stated it was spot repair at this point since funds were not available at this time for complete replacement.

Public portion of the meeting closed.

SCHEDULED DISCUSSION ITEMS

None

BUSINESS

a. Consider resolution authorizing the offering for sale of General Obligation Temporary Notes, Series 2008, for 155th Street and Basehor Boulevard Improvement Benefit Districts.

Gina Riekhof, Gilmore and Bell, stated the resolution would approve the sale of General Obligation Temporary Notes in the amount \$3,760,000. The resolution would allow Piper Jaffray to prepare the necessary paperwork and authorize the mayor to confirm the sale of such temporary notes, if necessary, prior to the next meeting of the governing body. The notes would be for a period of two years with an option for an early payoff after twelve months with no prepayment penalty.

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to approve resolution 2008-12 as presented. A show of hands was taken with all members voting in favor. Motion passed 5-0.

RES 2008-12. RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2008, OF THE CITY OF BASEHOR, KANSAS.

b. Consider ordinances adopting 2008 edition of the State of Kansas Standard Traffic Ordinance and Uniform Public Offense Code

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the ordinances adopting 2008 edition of the State of Kansas Standard Traffic Ordinance and Uniform Public Offense Code as presented. A show of hands was taken with all members voting in favor. Motion passed 5-0.

ORD 539. AN ORDINANCE AMENDING CHAPTER XI, PUBLIC OFFENSES, ARTICLE 11-101 OF THE CODE OF THE CITY OF BASEHOR, KANSAS.

ORD 540. AN ORDINANCE AMENDING CHAPTER XIV, TRAFFIC ARTICLE 14-101, OF THE CODE OF THE CITY OF BASEHOR, KANSAS

c. Consider a change in price quote from EIMCO for equipment for the wastewater treatment plant expansion.

Mr. Slauch stated there was very little information available comparing EIMCO EMU and Flygt equipment. Councilmember Washington stated he still wanted justification for

spending an additional \$27,000. Mr. Myracle stated he contacted representatives and received little information.

Councilmember Washington provide information regarding the difference between EIMCO and Flygt equipment and stated he still did not find justification to spend an additional \$27,000 for Flygt equipment. *(Tape 2, Side A)*

A motion was made by Councilmember Washington and seconded by President Dysart to deny the request for a change in price quote from EIMCO for Flygt mixer equipment for the wastewater treatment plant expansion and remain with EMU mixers. A show of hands was taken with members McDowell, Dysart, and Washington voting in favor. Members Hill and Sifford voted against the motion. Motion passed 3-2.

Mr. Slaugh wanted to clarify that he had staff [city administrator intern] research information on the Internet and found nothing other than sales information.

d. Consider approval of authorization No. 3 for professional engineering services (resident observer) to Burns & McDonnell Engineering Company, Inc.

Mr. Slaugh explained at the last meeting the Council voted to extend the resident observer contract to Burns & McDonnell in the amount of \$204,700. Mayor Garcia stated he would like justification as to why the Council voted to spend the additional \$47,667 when the same person was willing to do the same job for less money.

Councilmember Sifford stated he was glad this item came back up on the agenda because he did not realize when he made the vote that there was a \$47,667 difference in the bids and did not feel the Council could justify spending the additional money when the City would receive the same service for less money with MHS Engineering or a private contract.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve the authorization No. 3 for professional engineering services (resident observer) to Burns & McDonnell Engineering Company. Councilmember Washington called for a point of order reminding the governing body that the Council voted 3-1 at the last meeting to approve the contract with Burns & McDonnell at the last meeting and could not legally go back on the vote. He suggested tabling the agenda item until the city attorney was present.

Council member's Sifford and Hill agreed to withdraw their motion in order to table action for city attorney review.

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to table action until September 4. A show of hands was taken with members Washington, McDowell, and Hill voting in favor. Members Dysart and Sifford voting against the motion. Motion passed 3-2.

e. Approval of an agreement with KDOT for receipt of corridor management funds.

A motion was made by Councilmember Washington and seconded by President Dysart to table action. Discussion. Councilmember Washington explained the description of the project includes language for both projects and should be sent back to KDOT for revisions. The city administrator reported KDOT's attorney was reviewing his questions and requested action be deferred until a response was received. A show of hands was taken with all members voting in favor. Motion passed 5-0.

f. Consider authorizing funds for Pin Oak subdivision street repairs.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to authorize repair of 250 lineal feet of curb and gutter not to exceed \$7,312.50. A show of hands was taken with all members voting in favor. Motion passed 5-0.

Mr. Slauch wanted to make sure Council understood that only the worst areas in Pin Oak would be repaired at this point. Council indicated they understood the proposed repairs.

g. Consider adopting a charter ordinance repealing Charter Ordinance 7 pertaining to the number of council members needed to constitute a quorum to conduct business.

Councilmember Washington explained State statute [Kansas Open Meetings Act] changed from a majority of quorum to quorum only. This change would allow two council members to discuss an agenda item outside of a regular meeting; therefore, a quorum of four was no longer necessary.

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to approve the charter ordinance repealing Charter Ordinance 7 changing the council quorum from four back to three. A show of hands was taken with all members voting in favor. Motion passed 5-0.

h. Consider waiving building permit fees for the USD 458 building construction projects.

Due to lack of motion this item was not added to the agenda.

USD 458 requested that the city waive the building permit fees. Councilmember Washington requested the city administrator contact the city attorney to determine if the city had authority to provide inspection or waive building permit and excise tax fees. He also suggested the city administrator check with other cities to see how they handle fees with their local school districts and come back with recommendation that keeps the City clean and the school happy.

CITY ADMINISTRATOR REPORT

- a. **Buffalo Bill bike ride Sept. 28** - Chief Martley stated he received several complaints about the bike ride that came through town last weekend because they were impeding traffic and running stop signs. He contacted the coordinator for the Buffalo Bill ride regarding these issues and was advised by Mr. Powell that would not occur with the Buffalo Bill Century Ride.
- b. **Cedar Lakes Open House** – An informal meeting would be held on August 25 at Glenwood Ridge Elementary from 6-8 p.m. allowing residents of Cedar Lake Estates the opportunity to pose questions to staff regarding the proposed annexation.
- c. **150th Street Improvements** – Staff will hold a meeting with 150th Street residents on August 28th at 6:00 p.m., City Hall to discuss the future improvements and easement acquisition.
- d. **Zip Code Change** – Bonner Springs sent a letter opposing the zip code change. The next step will be to meet with Leavenworth County Commissioners for endorsement.
- e. **Pinehurst Re-platting** – Mr. Smith explained six lots in Pinehurst South need to be re-platted. He surveyor has agreed to perform the work for \$2,000. The developer and some residents have not agreed to pay their share. Councilmember Washington stated he thought the mayor had already authorized the work. Mayor Garcia stated Council agreed to pay half the cost with the developer and property owners paying the difference. Council supported moving forward with the re-platting. The mayor directed the planning director to move forward with the re-platting.
- f. **September 1st Meeting** – Due to the Labor Day holiday, the September 1st meeting would be moved to September 4th.
- g. **Zoning Regulations** – Mr. Smith reported the planning commission would address additional changes on September 2 and then come back to the City Council for approval on September 15th. At that point, the Council could accept the changes or send back to the Planning Commission for further review.
- h. **Street Repair Plan** – MHS Solutions has completed the street plan and would be placed on the September 4th agenda.

MAYOR'S REPORT

Mayor Garcia expressed his condolences to John Flower and family whom recently lost their son-in-law who was killed in a hiking accident.

COUNCIL MEMBER REPORTS

Iris Dysart

President Dysart stated past minutes reflect that 150th Street was made a priority in KDOT funding of \$100,000 and \$500,000 toward Wolf Creek Junction project. Mr. Slaugh reported the legal documents for easements and right-of-way have been prepared and mailed to residents. The meeting next week will give the residents an opportunity to ask questions. He anticipates the easement acquisition process to take three to four months.

President Dysart stated the KDOT agreement pointed out the Secretary of State would not be responsible for engineering and right-of-way relocation. Mr. Lutgen stated there are limitations on what the funds could be used for. She asked if additional funds could be applied for in 2010. Mr. Slaugh explained KDOT informed the cities that those funds have already been expended. There was discussion regarding setting a time limit on how long the \$500,000 would be held for the Wolf Creek Junction project and if the money could be released for other projects. Mayor Garcia suggested scheduling a meeting with KDOT regarding the 150th Street intersection and 153rd Street access.

147th Street – President Dysart would like to see the Record News property located at the corner of 147th and Parallel cleaned up and see that the mud on the street was cleaned up on an ongoing basis. Mr. Slaugh stated when the project was first designed, the City Council chose not to haul dirt in and only require seeding. He explained the soil was poor and a decision would need to be made how much money should be spent on each project to see that grass is established. The city administrator stated public works crew has started working on cleaning out the silted area. She asked when Record News was going to clean up his property. Mr. Slaugh stated he had spoken with him in the past and would make contact again.

Keith Sifford

Councilmember Sifford commended the city superintendent and public works crew on the work performed on David Brown's property. He also commended the police department for a smoothly run first day of school adding that he heard several favorable comments.

EXECUTIVE SESSION

A motion was made by Councilmember Washington and seconded by President Dysart to requested a fifteen minute Executive Session to discuss non-elected personnel and requested the city administrator attend the session. A show of hands was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1. (9:04 p.m.)

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Hill and seconded by President Dysart to adjourn the meeting. A show of hands was taken with all members voting in favor. Motion passed 5-0. (9:19 p.m.)

Submitted for Council approval with/without additions or corrections this 4th day of September, 2008.



Mayor Chris Garcia

Attested by:



Mary A. Mogle, CMC, City Clerk

2 audio tapes
20080818 CC digital recording