

Minutes

BASEHOR CITY COUNCIL

May 18, 2009

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Terry L. Hill

**Members Present: Pres. Jim Washington, David Breuer, Iris Dysart, Dennis Mertz,
Bill Moyer**

Members Absent: none

**Staff Present: Carl Slauch, Lloyd Martley, Mary Mogle, Gene Myracle,
Dustin Smith, Patrick Reavey, Matt Henderson**

Newspaper: Kaitlyn Syring, *Basehor Sentinel* (7:00 p.m.)

WORK SESSION - 6:00 p.m.

The work session was called to order by Mayor Hill. All members were present.

Discussion of agenda items

d. 150th Street, Craig Road north to Parallel Road, water line relocation expense

Mike Fulkerson, Field Manager for Consolidated Rural Water District No. 1, was present to answer questions regarding the relocation of water line on 150th street. Mr. Fulkerson gave a history of the water line location on 150th. Right-of-way has been purchased for improvements to 150th Street and now the water line needs to be moved. The water department does not locate their water lines within the city right-of-ways and are normally located in private easements. Mr. Slauch explained part of the cost being charged by CRWD #1 was for the water department to purchase additional easements outside the City's right-of-way.

The city attorney did not feel the city was obligated to pay for the water department to purchase additional easements. Mr. Slauch displayed a drawing on PowerPoint of the area in question that showed where part of the water line was inside the easement. Mr. Fulkerson noted it was imperative that the water line extended 3 ft. below ground and stay as far away from other utility lines as possible to eliminate contamination noting he

had no problem staying in the City's utility easement. Mr. Slaugh reported the City did not acquire additional utility easements, only right-of-way. The north side had dedicated right of way; whereas, on the south side from chestnut to Craig Street had a dedicated utility easement already. The water district has asked for reimbursement for 77% of the engineering design. The City's share of the construction project would be \$105,812 if the existing water lines remained in existing right-of-way. If the line has to be moved again, it would be at the City's cost. Mr. Fulkerson would start working on the project immediately if approved by Council at this meeting.

The water district will be replacing the 2" and 4" water lines with an 8" water line and bear the cost of the difference in pipe size.

c. KDOT transportation revolving fund loan for Wolf Creek Parkway and 150th /24-40 Intersection

Mr. Slaugh reported KDOT wrote the loans in two different document; TRF-0125 and TRF-0126 with the first payment scheduled for February 2011. Wolf Creek Parkway loan was set at \$1,500,000 and \$1,200,000 for 150th Street Intersection improvements. Mr. Slaugh reported if the Council were willing to use all the sales tax from the grocery store, it would require an amendment to the TDD agreement. Mayor Hill noted this project was predicted to have a shortfall from day one and felt it was a conservative limitation based on the demographics of the area that would use the grocery store. Mr. Slaugh stated the grocery store was projected to bring in \$17,000,000 the first year. If the City escrowed the \$500,000 grant, it was anticipated to pay approximately five years of interest. Councilmember Dysart did not feel the grocery store would bring in the amount of revenue projected and felt it was a risk for the City to borrow \$2.7. She was concerned about the value to debt ratio and provided calculations. Mr. Slaugh explained past Council granted an incentive program because they felt it was important to bring a grocery store into the community. Since then, the City has approved TDD improvements and agreements with KDOT for street improvements.

Councilmember Mertz stated he had no problem with the Wolf Creek loan (TRF-0125); however, he was concerned with the 150th Street project (TRF-0126) since right-of-way had not been deeded to the City and asked what would be the last possible date of approving the loans. Mr. Reavey reported the loan states the City has 30 days to let bids after signing contracts. The project was still in design and would not meet the date requirement.

President Washington reported the population had grown since sales projections were provided in 2006 and suggested asking the principals of the Wolf Creek project if they would be willing to amend their agreement of \$500,000 noting that money could possibly be directed toward a different capital improvement project. Mr. McIntosh stated the \$500,000 had already been committed and did not feel his bank would allow him to close his loan without the guaranteed \$500,000 commitment.

Councilmember Mertz asked what happens with the \$325,000 that had already been agreed upon. Mr. McIntosh stated the \$325,000 grant was in conjunction with loan TRF-0126.

Mr. Reavey referred to an agreement where it stated the loan had to be secured before June 1, 2009 or the loan went to another project.

Five-minute recess. (7:05 p.m.)

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR TERRY L. HILL AND PLEDGE OF ALLEGIANCE

The regular meeting was called to order by Mayor Hill. 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. May 4, 2009 Regular Meeting
 2. May 11, 2009 Work Session
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events
- e. Proclamation – Public Works Week, May 17 – 23, 2009

A motion was made by President Washington and seconded by Councilmember Moyer to approve the Consent Agenda as printed. 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).

Citizen Comments Regarding Agenda Items.

George Smith (14923 Parallel) agreed with Councilmember Dysart regarding Business Item "c". He did not feel the economy could support the additional debt of \$1.2 million and would like to see the City concentrate on additional infrastructure elsewhere in the City. He also requested Council support the water line relocation funding since it affected him directly.

Kevin Barclay (4301 N. 141st Ct) reported the City has hashed over the issues with the grocery store on numerous occasions. Benchmark Management has gone to KDOT to find ways to make the project happen and request Council approve both loan agreements.

Sandra Grimes (15402 Crimson) reported she felt people from Piper would support the new grocery store and felt once the economy turns around; people will look for a grocery store when deciding to move to town.

John Flower (15515 Cedar Lane) reported past council members had a desire to bring in an anchor store such as the grocery store and felt once the store opened; other stores would come to help pay the debt incurred by the City. Mr. Flower pointed out not all debt goes against the City's debt limit and felt Price Chopper was making improvements to their store because they were concerned about the new store opening.

SCHEDULED DISCUSSION ITEMS (none)

BUSINESS

A motion was made by Councilmember Mertz and seconded by Councilmember Dysart to separate Business Item "c" into two items "c(1)" and "c(2)". Motion passed 5-0.

a. Appointment of City Prosecutor

Chief Martley introduced KiAnn McBratney and supported the mayor's appointment as city prosecutor. President Washington reported he participated in the interview and was impressed with her background.

Councilmember Moyer asked Ms. McBratney what her comments were regarding first time DWI offenders. Mrs. McBratney reported there was several options afforded by law and would follow the guidelines of the City. Councilmember Moyer urged her to be as tough as possible on first time DWI offenders.

A motion was made by President Washington and seconded by Councilmember Breuer to approve the mayor's appointment of KiAnn McBratney as city prosecutor for the City of Basehor. Motion passed 5-0.

Recognition:

Chief Martley reported two of his officers received commendations at the Leavenworth County Officer's Award banquet. Officer Erik Lynnes received "Officer of the Year" for the City of Basehor and Sgt. Greg Hallgrimson received Police Officer of the Year for Leavenworth County.

b. Consider approval of concept plans for 155th and Parallel Road intersection project.

Matt Henderson, MHS Engineers, reported they have reviewed and considered improvements to the intersection at 155th and Parallel Road intersection. Mr. Henderson described the different scenario's noting their final recommendation would be to construct a round-about on 155th Street and explained the reasoning for selecting a round-about verses a signalized intersection. Round-about's have a proven safety record as well.

President Washington asked if staff had contacted school district staff regarding the proposed changes to the intersection. Mr. Slauch reported he met with the school district about two months ago and met with them again today to update them on the status. They did have some concerns that they would loose parking at the Board of Education building. Mr. Slauch informed them they would loose the entrance, not parking.

Mr. Henderson reported it would also provide a landscaping addition to the downtown area. Councilmember Breuer wanted to make sure the round-about was built big enough to handle truck traffic. Mr. Henderson noted he thought this one was larger than the one located in Pinehurst development.

Mr. Slauch reported the goal was to acquire necessary easements in an effort to be ready if grant money became available at a later date.

A motion was made by President Washington and seconded by Councilmember Dysart to approve the post design concept for the 155th and Parallel Intersection project. Motion passed 5-0.

EXECUTIVE SESSION

A motion was made by President Washington and seconded by Councilmember Dysart to convene into Executive Session for up to fifteen minutes for attorney-client privilege matter. Motion passed 5-0. The city attorney and city administrator attended the session. (7:47 p.m.)

At 8:05 p.m. the regular meeting was called back to order.

c. KDOT transportation revolving fund loan for Wolf Creek Parkway and 150th /24-40 Intersection

(1) Consider KDOT Loan Agreement TRF-0125 for Wolf Creek Parkway in the amount of \$1,500,000 and approve Ordinance 554.

A motion was made by Councilmember Breuer and seconded by Councilmember Moyer to enter into loan agreement TRF-0125 with KDOT and adopt Ordinance 554. Motion passed 3-2 with council members Washington and Dysart voting no.

ORD 554. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF BASEHOR, KANSAS AND

THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS TRANSPORTATION REVOLVING FUND TO FINANCE A QUALIFIED TRANSPORTATION PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

(2) Consider approval of KDOT Loan Agreement TRF-0126 for \$1,200,000 for 150th Street Intersection improvements.

A motion was made by President Washington and seconded by Councilmember Mertz to table action and direct staff and city attorney to perform a legal analysis and de-confliction of all documents involved and direct staff to send proper communications to State for an extension for the project. Motion passed 5-0.

d. 150th Street, Craig Road north to Parallel Road, water line relocation expense

A motion was made by President Washington and seconded by Councilmember Mertz to approve the relocation expense for water line on 150th street not to exceed \$106,000. Motion passed 5-0.

e. Consider Charter Ordinance repealing Charter Ordinances 6 and 18.

A motion was made by President Washington and seconded by Councilmember Moyer to approve Charter Ordinance No. 24. Motion passed 5-0.

CHAR. ORD. 24. A CHARTER ORDINANCE REPEALING CHARTER ORDINANCES 6 AND 18 AS THEY HAVE BEEN SUPERSEDED BY CHARTER ORDINANCE NO. 22.

f. Consider 3% rate increase imposed by Deffenbaugh Industries for solid waste services effective July 1, 2009.

Mr. Slauch reported the City has a five year contract with a provision that allows Deffenbaugh to make an annual increase based on the market; however, they have not increased their rates until now. The 3% rate increase constituted a twenty-nine cent increase per household from \$9.70 to \$9.99.

Deffenbaugh representative Jim Steele was present to address questions.

A motion was made by Councilmember Washington and seconded by Councilmember Breuer to approve Ordinance 553 implementing a 3% increase for solid waste [effective July 1, 2009]. Motion passed 5-0.

g. Consider setting public hearing date for delinquent sewer and solid waste accounts.

City Clerk Mary Mogle reported this was the final step before assessing delinquent utility accounts to resident's property taxes. She requested Council set the hearing date for June 15 at 7:00 p.m. Notices would be mailed certified with return receipt.

A motion was made by President Washington and seconded by Councilmember Mertz to set a public hearing for June 15, 2009 at 7:00 to allow debtors to voice their concerns about their utility assessments. Motion passed 5-0.

h. Health and dental insurance plan renewal.

The city clerk gave a presentation regarding proposed health, dental, life, and vision insurance bids.

Councilmember Moyer suggested going with the \$25 copay VSP Vision Plan C. President Washington stated there was a difference in structuring employee benefits and suggested discussing the coverage

A motion was made by Councilmember Mertz and seconded by President Washington to separate health, dental, and life insurance as one motion referenced as Business Item h(1) and VSP vision as H(2). Motion passed 4-1 with Councilmember Moyer casting a no vote.

(1) Consider health, dental, and life insurance bids for city employees.

A motion was made by President Washington and seconded by Councilmember Mertz to accept the city clerk's recommendation for BlueCross BlueShield of Kansas for health, life, and dental insurance. Motion passed 5-0.

(2) Consider Vision insurance bids for city employees.

A motion was made by President Washington and seconded by Councilmember Moyer to add an employee benefit of Vision service Plan C with a \$25 deductible. Motion passed 5-0.

i. Consider appointment of staff member as MARCIT representative

A motion was made by President Washington and seconded by Councilmember Dysart to appoint the city clerk to representative. Motion passed 5-0.

j. Appointment to planning commission to fill vacancy

Mayor Hill reported the documentation showed May; however, appointments do not come until July so he would delay appointments until the second meeting in June.

A motion was made by President Washington and seconded by Councilmember Mertz to table the appointment of a planning commission member to the vacant position until the June meeting. Motion passed 5-0.

k. Appointment of City Administrator

A motion was by President Washington and seconded by Councilmember Dysart to amend the agenda and table item "k" until after item 9 [Executive Session] on the agenda. Motion passed 5-0.

CITY ADMINISTRATOR REPORT

Nothing to report at this time.

MAYOR TERRY L. HILL REPORT

Due to time constraints with council members, the mini strategic planning session will be deferred until future date.

Mayor Hill attended the VFW celebration and was fortunate enough to read a proclamation for Loyalty Day, participated in a 21 gun salute, heard testimonies from veterans, and witnessed a ceremony for a fallen soldier. He encouraged others to attend next years event.

President Washington asked Mayor Hill to update the Council on his meeting with Clausie Smith, Mayor of Bonner Springs and hoped that some repair had taken place. Mayor Hill reported he and Mayor Smith will meet for lunch in the near future to discuss K-7 Corridor issues.

COUNCIL MEMBER REPORTS

Jim Washington

President Washington reported he was working on one project and would provide a report at a later date.

Bill Moyer

Councilmember Moyer reported he contacted the owner of Snap Fitness and planned to meet with them in a couple of weeks to see what the City could do to welcome them and asked Mr. McIntosh to give him a tour of the Wolf Creek to help him understand plans for the development.

Councilmember Moyer wanted to make sure that employees had the opportunity to cover their families under the VSP vision plan. President Washington explained the City would pay 100% of coverage for the employee and the employee would pay the difference

between the single plan and the family plan. President Washington thought this was one of those items that should be discussed in a work session in the future.

In closing Councilmember Moyer thanked the city superintendent for getting the flag poles at Basehor Brothers memorial repaired..

Dennis Mertz

Councilmember Mertz reported he met with the mayor of Bonner Springs as well and hoped the two cities worked together in the future. He also met with the city administrator today to go over Pinehurst South sidewalk issue and hoped to come to some kind of resolution to bring to council.

David Breuer

Councilmember Breuer noted that council member's Dysart and Washington were unable to attend the May 11 work session and hoped they read the proposal. He felt the proposals had merit and hoped the City moved forward with the program [Tax Rebate Program]

Other Topics

Mayor Hill announced over the last several weeks, the council had expressed a willingness to work together and showed enthusiasm to work on special projects.

The city attorney reported the mayor should have voted on adoption of the charter ordinance and asked that another motion be made to include the mayor's vote.

A motion was made by President Washington and seconded by Councilmember Dysart to move for reconsideration of Business Item "e". Motion passed 5-0.

A motion was made by President Washington and seconded by Councilmember Moyer to approve Charter Ordinance 24. Motion passed 6-0. (Mayor voted.)

EXECUTIVE SESSION

A motion was made by President Washington and seconded by Councilmember Dysart to convene into Executive Session not to exceed twenty-five minutes for non-elected personnel and attorney client privilege. The first part of the session to include city attorney only. Motion passed 5-0. (8:47 p.m.) Note: the city administrator did not attend this session at any time.

The regular meeting was called back to order at 9:20 p.m.

A motion was made by President Washington and seconded by Councilmember Breuer to convene into Executive Session not to exceed fifteen minutes for non-elected

personnel and attorney client privilege. The first part of the session to include city attorney only. Motion passed 5-0. (9:20 p.m.) The city administrator was asked into the Executive Session at 9:30 p.m.

The regular meeting was called back to order at 9:35 p.m.

k. Appointment of City Administrator

No action taken due to lack of motion.

OTHER BUSINESS

Mr. Reavey reported his review of Mr. Treff issue was this is not the city's responsibility and it was up to the developer to make amends with Mr. Treff and wanted to make sure the Council was on board with his recommendation.

Councilmember Breuer stated it was going to be impossible for his property not to be damaged and wanted to make sure the city did not have a safety issue.

Mr. Reavey said his recommendation would be that no building permits be issued on the entire plat since he deemed the plat as defective. Mr. Myracle suggested the City require the developer use one lot for a "bulkhead" turn around similar to the same situation in Metzger Meadows Phase II.

Councilmember Dysart asked what would happen if someone drives off the end of the Road and gets hurt. Mr. Myracle stated delineators would be installed after the cul de sac was removed..

Mayor Hill directed the planning director to not issue building permits until Council addressed the issue in the future.

Mayor Hill reported non renewal of city administrator contract was important and asked that staff and council members not make statements to the newspaper. He would issue all statements.

ADJOURNMENT

There being no further business to discuss, a motion was made by President Washington and seconded by Councilmember Mertz to adjourn the May 18th regular meeting. Motion passed 5-0. (9:40 p.m.)

SCANNED

6-10-09
CD

Proclamation

PUBLIC WORKS WEEK

Whereas, public works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

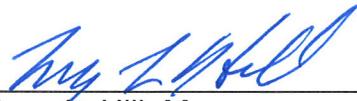
Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

Now, therefore, I, Terry L. Hill, Mayor of the City of Basehor, do hereby proclaim the week of May 17 – 23, 2009 as

“National Public Works Week”

in the City of Basehor, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Given under my hand and Seal of the City of Basehor this 18th day of May, 2009.



Terry L. Hill, Mayor

Submitted for Council approval with/without corrections or additions this 1st day of June, 2009.



Attest:


Terry L. Hill, Mayor


Mary A. Mogle, City Clerk