

**Minutes
BASEHOR CITY COUNCIL
September 10, 2009
6:00 p.m.
Basehor City Hall**

Official Presiding: Mayor Terry L. Hill

Members Present: Pres. Jim Washington (*arrived at 6:35 p.m.*), David Breuer,
Iris Dysart, Dennis Mertz, Bill Moyer

Members Absent: None

Staff Present: Mark Loughry, Mary Mogle, Gene Myracle, Mark Lee, Joe McAfee

Newspaper: Kaitlyn Syring, *Basehor Sentinel*

WORK SESSION - 6:00 p.m.

The work session was called to order at 6:00 p.m. by Mayor Hill. All members were present with the exception of President Washington. The city attorney was not in attendance.

Discussion of agenda items

5. NEIGHBORHOOD REVITALIZATION PLAN: Consider adoption of Resolution 2009-14 designating certain areas of the City of Basehor, Kansas as Neighborhood Revitalization areas as presented.

Mayor Hill commented that Councilmember Dysart asked what would happen when the old Neighborhood Revitalization Plan (NRP) expired in 2010. Mr. Loughry reported there was no need to take action on the existing resolution since the new resolution would supercede the existing resolution. The city administrator was asked by the city attorney to pass along that there was no legal reason to keep the Council from enacting the NRP retroactive; however, if the City does make it retroactive there was potential to expose the City to other legal action. By adopting the NRP, the City was legislating that the designated areas needed revitalizing and this was an effort to spur the revitalization.

Mayor Hill clarified if the city used today's date, from this date forward that it takes effect; the city would have a legitimate date to enact the resolution. If Council chose another date, it would be difficult to defend another date in court. Mr. Loughry agreed.

Councilmember Dysart 2009-15 expires December 31, 2012 and 2009-14 expires December 31, 2014. Mr. Loughry stated he could not answer that. If Council had further



questions, they could adopt contingent of receiving satisfactory answers to questions. Councilmember Mertz explained he thought the difference in dates, the resolution expiring in 2014 was for the existing one that would continue for five years and the other was a "3-3-3 plan" running for three years at 100% and the second three years were 50% one was for three years which made it 2012. Mark Lee explained Resolution 2009-14 designated the area included in the NRP and Resolution 2009-15 repealed the existing Plan (adopted in Res. 2005-06) and adopted the new plan.

Councilmember Dysart asked what would happen if one entity chose not to participate. Mr. Loughry reported if an entity did not want to participate, then it would be null and void for all.

Commissioner Flower noted the resolution tonight was only for Basehor and each entity would have to adopt their own resolutions. Mr. Lee reported representatives from all taxing entities met at a previous meeting and were in agreement that it would be all or none and if changes were needed, it would be brought back. Councilmember Breuer reported as soon as the Council adopts the resolutions, he would make arrangements to appear at the other entities board meetings.

Councilmember Mertz pointed out Exhibit B (page 12) states "only new" for Existing Plan 2(a), and Plan No. 2(a), should be in the Plan 2 only. He suggested removing "only new" from Existing Plan since it is for additions or renovations to existing structures as well as new ones. (*President Washington arrived at 6:35 p.m.*)

Council discussed possible dates to enact the Plan. Councilmember Breuer said he would not be at the September 21st meeting and would like to be present for the vote and preferred to vote at this meeting.

Mayor Hill explained for the benefit of the taxpayers there was a potential that the City would be picking up the tab for the entities that did not want to participate. He did not think it would be an issue to take action at the September 21st meeting.

President Washington noted each entity had control over their levies. Councilmember Moyer asked if the existing Plan could be amended at this meeting to read that the City would rebate 100% of their mill levy and not commit the other entities. Councilmember Breuer stated he thought the Council needed to trust the other entities that they would commit as previous stated in past meetings.

Councilmember Breuer suggested the City commit their mill levy and take the NRP and interlocal agreements to other entities and hopefully they would commit their mill levy. Commissioner Flower stated in concept it was a great idea and thought everyone would be on board with adopting the plan and committing their mill levy.

Councilmember Dysart asked why Basehor Town Center was not included. Mr. Loughry said the city attorney informed him it was included. Mr. Lee stated it was not

included because it was zoned commercial. Currently there are 560 empty platted single family lots that are included in the plan.

Work Session adjourned at 6:52 p.m.

REGULAR MEETING – 7:00 p.m.

1. CALL TO ORDER BY MAYOR TERRY HILL AND PLEDGE OF ALLEGIANCE

The regular meeting was called to order at 6:00 p.m. with all members present. The city attorney was not in attendance.

- 2. 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 3, 2009 Regular Meeting
 2. August 17, 2009 Regular Meeting
 - b. Approve Treasurer's Report & Vendor Payments
 - c. Approve investment recommendations (*none at this time*)
 - d. Approve calendar of events

A motion was made by President Washington and seconded by Councilmember Mertz to approve the Consent Agenda with corrections to the August 17th minutes as provided in writing to the city clerk [by President Washington]. Motion passed 5-0.

Correction:

Council Member Reports

Jim Washington

“President Washington reported that he occasionally corresponds with Senator Pat Roberts office. Recently he was asked by the Senator’s state director, Chad Tenpenny, how things were going in Basehor. President Washington responded to him that things were going extremely well, that when he first got involved in city government his objective was to bring Basehor into the 20th Century; however he felt that with the new governing body that took office four months ago, he felt that the city has moved into the 21st Century, and with the hiring of Mark Loughery and the excellent collaboration of the governing body, this city will be the cutting edge community of the Kansas City metro by the time the next governing body is elected.”

- 3. 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. Fred Box & Ed Bush – VFW to request Council participation at Thanksgiving Dinner.

VFW Post Commander Fred Box invite the Governing Body and city staff to participate in their Thanksgiving dinner to be held on November 21st at 5:00 p.m. He noted the members could assist with the dinner by waiting on tables or just come to meet their constituents. Mr. Box reported over 250 people attended the dinner last year. President Washington reported he and his wife, as well as Councilmember Dysart attended last year's dinner and enjoyed it and would be present again this year. Mr. Box reported there were several events happening in the next couple of months and invited the governing body and staff to participate.

UNFINISHED BUSINESS
(No business to review)

NEW BUSINESS

4. PUBLIC HEARING: Amendment of existing Neighborhood Revitalization Plan, and adoption of Neighborhood Revitalization Plan No. 2 (Vote to open public hearing, request public comment, vote to close public hearing.)

A motion was made by President Washington and seconded by Councilmember Moyer to open the public hearing to consider the amendment of the existing Neighborhood Revitalization Plan and adoption of Neighborhood Revitalization Plan No. 2. Motion passed 5-0.

Mayor Hill asked for comments from the public. There being none, he entertained a motion to close the public hearing.

A motion was made by President Washington and seconded by Councilmember Moyer to close the public hearing. Motion passed 5-0.

5. NEIGHBORHOOD REVITALIZATION PLAN: Consider adoption of Resolution 2009-14 designating certain areas of the City of Basehor, Kansas as Neighborhood Revitalization areas as presented.

A motion was made by President Washington to make two changes to Exhibit B, Page 12, strike in Plan 2(a) second line "only new". Councilmember Mertz pointed out it should be in "Existing Plan". President Washington withdrew his motion.

A motion was made by President Washington and seconded by Councilmember Dysart to amend Exhibit B, Page 12, 2(a) Existing Plan a strike the words "only new". Motion passed 5-0.

A motion was made by President Washington and seconded by Councilmember Mertz to amend Exhibit B, Page 8, Tax Levy Schedule under Tax Jurisdiction to delete lines 1, 3, 4, and 5 and change the numbers opposite City of Basehor levy to 100%. Motion passed 5-0.

A motion was made by President Washington and seconded by Councilmember Mertz to approve Resolution 2009-14 as presented. Motion passed 5-0.

Consider approval of Resolution 2009-15 repealing Resolution 2005-06 and adopting amendments to the existing Basehor Neighborhood Revitalization Plan and adopting Basehor Neighborhood Revitalization Plan No. 2 providing for property tax rebates and designating certain areas of the City of Basehor as Neighborhood Revitalization areas and further authorize mayor to sign Interlocal Agreement with other taxing entities as presented.

A motion was made by President Washington and seconded by Councilmember Mertz to approve Resolution 2009-15 repealing Resolution 2005-06 and adopting amendments to the existing Basehor Neighborhood Revitalization Plan and adopting Basehor Neighborhood Revitalization Plan No. 2 providing for property tax rebates and designating certain areas of the city of Basehor as Neighborhood Revitalization areas and further authorize mayor to sign Interlocal Agreement with other taxing entities as presented. Motion passed 5-0.

Mayor Hill reported the city attorney suggested the council use tonight's date as the enactment date. Councilmember Mertz pointed out the resolution states it come into effect at the adoption of the resolution. Council discussed the intent of the resolution and what date should be used as a beginning date and decided that July 1 should be the enactment date.

6. WASTEWATER TREATMENT PLANT EXPANSION CONTRACT: Hear a report from Burns & McDonnell Engineering updating status of Wastewater Treatment Plant Expansion project.

Jeff Keller, Burns & McDonnell gave a monthly update on the Wastewater Treatment Plant expansion project. He reported currently the project was \$60,000 below original contract price and the resident inspector costs were at 78%. The majority of the project completed early; however, some existing issues were 1) last basin conflicted with existing piping, 2) seeding not appropriate in late fall, and 3) asphalt not appropriate in late fall. The new anoxic basin could not be constructed without draining the existing basin to make tie ins. Allowing the extension will allow operations of the facility to run on the new train and keep in compliance with all State permit limits while construction

takes place. Another issue was the State requires the resident inspector to be onsite during construction. The State has agreed to work with the City to help reduce the cost of the resident inspector. The contractor has agreed to pick up any additional costs of the inspector. Councilmember Breuer stated if it was not within the contractor's control, they should not be liable for the costs.

Mr. Keller reported the original plant plans for electrical equipment was poorly documented and would result in change orders. He also anticipated another "deduct" change order.

President Washington asked if the original plant plans were poorly documented, what would Burns & McDonnell provide to the city when they were finished with the project. Mr. Keller said he hoped to provide the City with a better set of plans. Councilmember Mertz asked if the City would be provided with a new set of "redlines". Mr. Keller stated yes and the project had been photographed in detail from day one by everyone involved in the project.

Mr. Keller explained the reason for the extension request was to drain a basin so pipe could be exposed. Mr. Hafling reported there was no room to move the basin due to the location of the existing pipes. The city superintendent explained pipes from the original plant construction were about 60 ft. off from what the drawings showed.

President Washington asked what kind of extension other than seeding and asphalt would be needed. Mr. Hafling said he thought by December 31 they would be complete with everything except seeding and asphalt. His intention was to put rye or wheat down to stabilize the top soil until seed could be sowed in the spring. Mr. Keller suggested Council consider laying additional asphalt with the money they saved on previous deductions. He thought thicker asphalt would be advantageous since heavy trucks would be using the driveway.

Mr. Loughry recommended Council approve the extension as requested and asked that staff make the decision on what date would be considered "substantial completion".

7. TIME EXTENSION ON WASTEWATER TREATMENT PLANT EXPANSION
CONTRACT: Consider authorizing time extension to CAS Construction on
Wastewater Treatment Plant Expansion project.

President Washington asked the city administrator how he thought the motion should be phrased. Mr. Loughry stated it was his recommendation to grant the extension as requested.

A motion was made by President Washington and seconded by Councilmember Mertz that CAS Construction be granted an extension as requested in their letter dated September 4, 2009. Motion passed 5-0.

8. K-7 & DONAHOO INTERSECTON IMPROVEMENTS-KDOT K-7 CORRIDOR FUNDING: Consider authorization to submit application requesting funds from KDOT for K-7 & Donahoo intersection improvements.

Mr. Loughry reported the Unified Government of Wyandotte County, as part of their 435 Interchange project, would like to improve the intersection at K-7 & Donahoo. They have requested the City sign a joint letter from the City of Basehor, Leavenworth County and the Unified Government of Wyandotte County to the Kansas Department of Transportation for K-7 Corridor funds in the amount of \$213,572 for the purpose of improving the intersection. This request does not obligate the City of Basehor to the project, just simply requests funding from KDOT. A formal request for funding will be submitted at a later date.

President Washington was adamant that deceleration and acceleration lanes be constructed. Mayor Hill felt a deceleration lane was not as important to residents of Falcon Lakes as an acceleration lane. Mr. Loughry did not anticipate a change in design other than minor "tweaking".

A motion was made by Councilmember Moyer and seconded by Councilmember Breuer to authorize the Mayor to sign the joint request from the city of Basehor, Leavenworth County and the Unified Government of Wyandotte County to the Kansas Department of Transportation for K-7 corridor funds in the amount of \$213,572 to be used on the K-7 Donahoo road intersection improvements. Councilmember Breuer asked Commissioner Flower if Leavenworth County committed to the project. Commissioner Flower responded "yes". Motion passed 5-0.

Councilmember Dysart asked if an application had been submitted yet. Mr. Loughry reported that was part of this process.

9. RESOLUTIONS AUTHORIZING ADMINISTRATIVE STAFF TO TRANSACT BUSINESS WITH FIRST STATE BANK & TRUST: Consider adoption of Res. 2009-13, 2009-16, 2009-17, and 2009-18 authorizing the mayor, city administrator, city clerk, and city treasurer to sign checks and transact business with First State Bank & Trust.

President Washington asked the city administrator if it was standard to require three signatures on a check and if there should be five people on the signature card. Mr. Loughry said he was not aware that it was standard but was not uncomfortable with three signatures. Mr. Loughry explained currently four people are authorized to sign checks (i.e. mayor, city administrator, city clerk, and city treasurer) and noted the bank required resolutions be adopted.

A motion was made by President Washington and seconded by Councilmember Moyer to approve Resolution 2009-13 as presented. Motion passed 5-0.

A motion was made by President Washington and seconded by Councilmember Moyer to approve Resolution 2009-16 as presented. Motion passed 5-0.

A motion was made by President Washington and seconded by Councilmember Moyer to approve Resolution 2009-17 as presented. Motion passed 5-0.

A motion was made by President Washington and seconded by Councilmember Moyer to approve Resolution 2009-18 as presented. Motion passed 5-0.

10. FUNDBALANCE SOFTWARE ANNUAL MAINTENANCE RENEWAL: Consider authorizing the city administrator to execute the agreement of intent renewing FundBalance accounting software annual maintenance contract with Tyler Technologies in the amount of \$3,188.00.

President Washington noted the City had been using FundBalance since 1992 and felt the amount was small enough and as a recommendation and after doing some research, he thought FundBalance was outdated and thought the City should consider another package and possibly get something that works with the planning department and thought it would cost about \$30,000. The city administrator agreed that there was a need; however, he thought \$30,000 conservative explaining that the City of Hays paid about \$225,000 for similar software.

A motion was made by President Washington and seconded by Councilmember Mertz to authorize the city administrator to execute the agreement of intent renewing fundBalance accounting software annual maintenance contract with Tyler Technologies in the amount of \$3,188. Motion passed 5-0.

11. FILEBOUND SOFTWARE PURCHASE: Consider purchase of Capture Pro OCR/PDF and Importer Lite software and costs associated with installation and training.

Mr. Loughry explained FileBound allowed the City to scan documents; however, it was difficult for staff to retrieve documents. The new software would allow staff to perform a full text search. The Importer Lite software would allow documents in designated folders to be filed automatically.

Mayor Hill asked the city administrator if he had experience with Capture Pro software because he has found that some software was not adequate. Mr. Loughry reported Capture Pro was recommended by the FileBound vendor and thought it was good software. President Washington reported he sat in on the presentation and felt the vendor new his product very well and was comfortable with his recommendation. Councilmember Mertz felt the monthly storage rate of \$50 per GB was too much. Mayor Hill explained it was not just storage, but live access to scanned documents.

A motion was made by President Washington and seconded by Councilmember Dysart to approve the purchase of Capture Pro OCR/PDF and Importer Lite software and costs associated with installation and training. Motion passed 5-0.

12. CITY ADMINISTRATOR REPORT: Proposed purchasing policy

- Mr. Loughry reported the proposed purchasing policy included in their agenda packet would be discussed in depth at next week's work session.
- Memorandum from city superintendent regarding an force main break on 163rd Street that required an emergency repair in the amount of \$4,419.99 for equipment, material, hauling labor, and rock.
- Park & Tree Advisory board minutes included as well. In the future, all committee and board minutes will be included in the city administrator's report.

13. MAYOR'S REPORT

Mayor Hill thanked Mark and staff for the new agenda format and how it was presented and bedded by the staff and as the Mayor it was easier to conduct the meeting and review materials.

14. COUNCIL MEMBER REPORTS

Dennis Mertz

Councilmember Mertz reported he visited the sewer main break site and complimented the city superintendent and staff for their quick response and felt it was an organized effort. It was nice to see cooperation with Westland Construction as well.

Bill Moyer

Councilmember Moyer requested an update on Wolf Creek Parkway – Mr. McAfee reported the cost to move the sewer main was too expensive so he instructed the engineer to redesign the line in an effort to reduce the cost. Contractors do not have plans yet and hoped to have a re-submittal next Tuesday or Wednesday. The matter should be brought back at the September 21 meeting.

Councilmember Moyer noted about 3 weeks ago, he asked for a timeline on the project. Mr. McAfee stated it may still be around November 1 to November 15; however, the road cannot be cut down until the water line is moved.

Jim Washington

President Washington would like to see all progress reports on issues where the city has a substantial cost presented in the same format as provided by Burns & McDonnell. He felt

the 150th Street from Craig to Parallel had extended what he thought would take to complete the road construction. The City has not been provided reports on 150th Street or across the street [Basehor Town Center project]. He thought the city administrator should make it clear to contractors that want to do work for the City the level of updates expected.

Mr. McAfee reported he met with the city superintendent last week about President Washington's comments and took some time this week to put together a construction schedule. Engineers for Basehor Town Center and Wolf Creek Parkway (MKEC) have been contacted about making reports on their projects as well. Mr. McAfee stated he would be willing to provide updates like Burns & McDonnell for all projects he was just trying to keep costs down.

President Washington said the initial bid may be more but things that have fallen through the cracks in the past that would offset the additional cost using the 147th Street project as an example. Mr. McAfee reported a resolution was brought to Council on the 147th St and was voted down due to the expense. President Washington did not feel 147th Street was taken care of correctly.

Councilmember Mertz asked about a report on the 2009 Pavement Management project. Mr. McAfee stated he did not provide a report because he was trying to keep costs down. President Washington stated that was not the kind of project he was talking about. He felt projects six figures or more should be reported on a routine basis.

Mayor Hill reported the city administrator has some ideas and will present those to the council at a later time.

Iris Dysart

Councilmember Dysart complimented the city administrator on the new agenda format.

David Breuer

Councilmember Breuer thanked building inspector Mark Lee for the work he performed on the Neighborhood Revitalization Plan. He also thanked Commissioner Flower for his participation in having county staff prepare maps.

15. EXECUTIVE SESSION (if required)

A motion was made by President Washington and seconded by Councilmember Mertz to convene into Executive Session not to exceed 10 minutes to discuss non-elected personnel and to include Mayor and Council only. Motion passed 5-0. (8:30 p.m.)

The mayor called the regular meeting back to order at 8:40 p.m.

16. ADJOURNMENT

There being no further business to conduct, a motion was made by President Washington and seconded by Councilmember Moyer to adjourn the September 10, 2009 regular meeting. Motion passed 5-0. Meeting adjourned at 8:41 p.m.

Submitted for Council approval with/without corrections or additions this 21st day of September 2009.





Mayor Terry L. Hill 9-23-09

Attest:



Mary A. Mogle, City Clerk