

SCANNED

2-18-09
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Minutes

BASEHOR CITY COUNCIL

January 22, 2009

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Pres. Iris Dysart, Terry Hill, Roger McDowell, Keith Safford, and Jim Washington (7:35 p.m. via telephone & arrived in person at 8:01 p.m.)

Members Absent: None

Staff Present: Carl Slaugh, Kathy Renn, Dustin Smith

Newspaper: Kaitlyn Syring, Basehor Sentinel (present at regular meeting)

WORK SESSION - 6:00 p.m.

The work session was called to order by Mayor Chris Garcia. All members were present with the exception of Councilmember Washington. The city attorney was not present.

Discussion of agenda items

b. Consider approval of an interlocal agreement with Leavenworth County for Sewer District #3 Glenwood Estates dealing with decommissioning of the sewer lagoons.

City Administrator Carl Slaugh reported, based on council comments from the last meeting, Board of County Commissioners agreed to include the requested language changes to the proposed interlocal agreement, except they did not agree to pay the 2009 sewer connection fee rate and only agreed to pay the 2008 fee as originally stipulated. The Glenwood lagoon will be decommissioned and explained the route the new 10" sewer line would take, noting it would cross vacant ground owned by J. R. Evans then pump by force main to a new lift station in Cedar Falls and from there pumped to the Pinhurst lift station.

President Dysart asked if it would be cheaper to gravity flow Glenwood Subdivision now rather than continue to pay maintenance on the grinder pumps. Councilmember Sifford questioned if there would ever be a situation that would allow the grinder pumps to be eliminated. Mr. Slaugh reported the cost of replacing all the grinder pumps in the

subdivision would be about four times the cost of the current proposal and that each home would need to run new sewer lines from their homes to the main; a decision the homeowners would need to weigh in on.

Mr. Slaugh went over estimated construction costs (\$1,039,714.23) and projected loan amount (\$1,681,729). President Dysart questioned who would be responsible for the assessment on the vacant ground. Mr. Slaugh thought the property owners of Glenwood Estates would pay the assessments until the ground was developed. President Dysart was concerned that the property owners would be paying their own assessment, an assessment for the vacant ground, and a grinder pump assessment. Councilmember Sifford wanted to clarify that Council was merely acting on the interlocal agreement at this meeting. Mr. Slaugh stated that was correct.

President Dysart pointed out the sewer connection fee calculations shown in Exhibit 5 of the agreement should be recalculated at \$2950.00 (91 homes, 2 schools) and reflected in the new agreement. She pointed out the city paid \$46,815.37 in Pinehurst upsizing fee; to date the city received \$11,095 for Cedar Falls and Cedar Lake, leaving a balance of \$35,720. If the city charged Glenwood Estates \$42,180 (Exhibit 4) the city would be overcharging for the lift station and the lift station upsizing would be overpaid.

Council discussed changes in construction costs, maintenance fund, and design. Mayor Garcia reminded the Council that everything up to this point has been estimates until finalized with the County and State.

Exact changes in agreement:

Paragraph 15 – removed

Paragraph 10 – added "...for the operation of any grinder pump systems or such other assessments as may be required in order to effect the treatment of wastewater generated within the District."

Paragraph 14 – added "...expected when the completed sanitary sewer system connects to the City system."

Break (6:56 p.m.)

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

The regular meeting was called to order with all members present with the exception of Councilmember Washington. The city attorney was not present.

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. January 5, 2009 Work Session & Regular Meeting
 2. January 12, 2009 Work Session
- 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 President Dysart to approve the Consent Agenda as printed. A show of hands was taken with all members voting in favor. Motion passed 4-0.

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).

Sandra Grimes (15402 Crimson, Pinehurst South) brought her neighbor RoJean Mustain with her. Mrs. Grimes explained Mrs. Mustain noticed when she closed on her home that there was an issue with her lot [homes not placed correctly on lots]. She asked if something was being done to prevent this situation from happening again. The affected property owners are thankful to the city council for addressing the situation.

Twila Heinen (3303 N.154th Terr) spoke regarding Business Item "e". Mrs. Heinen questioned if KDOT was loaning the money to the city, if General Obligation (G.O.) bonds had to be issued, and cost projections. Mr. Slauch explained it would not be necessary to issue G.O. bonds since the project would be processed through the Transportation Development District (TDD). Mr. Slauch responded there were two projects, \$1.5 million each. The three-quarter cent sales tax collected within the TDD will pay associated costs.

Mrs. Heinen questioned where the shortfall would come from if the costs exceeded the revenues within the District. Mr. Slauch stated any shortfall for the first few years would be made up from the State Corridor Management funding.

Mayor Garcia explained the only thing the city could work from was a projection only. Councilmember Sifford commented since he had served on the council the number one request from residents was a grocery store. He felt now that a grocery store was coming he hoped everyone would patronize it.

Public portion of the meeting closed. (7:15 p.m.)

SCHEDULED DISCUSSION ITEMS

a. Steve Jack, Executive Director - LCDC Quarterly Update

Mr. Jack introduced LCDC President Chuck Peterson. Mr. Peterson gave an update regarding quarterly projects and highlighted the organization's work for 2008.

- In February 2008, Leavenworth County delegation met with two area senators and acted on Basehor's behalf.
- LCDC developed and implemented a new strategic plan for the Leavenworth County Air & Business Park committee.
- Mr. Jack participated in a round table discussion in Kansas City, Missouri sponsored by Ingram's Magazine.
- Marketing – attended recruitment events.
- Port Authority – invested over \$300,000 in road and storm sewer improvements throughout the county.
- Kelly Williams LLC will be building three 9,000 sq. ft. flex buildings in the Gary Carlson Business Park.
- Prospects are still looking for large tracts of land (30-50 acre) and/or move-in ready buildings suited for manufacturing.

Victoria Rowley, LCDC director, gave a report on local businesses she met with and the goals and needs of the organization.

BUSINESS

a. Consider waiving certain fees and requirements for USD 458 for the proposed Wellness and Fitness Center.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve waiving excise tax, and PILOC for sidewalks, accepting a letter of commitment for construction of the sidewalks when the streets are reconstructed. *(Councilmember Washington attended the meeting via speaker phone at 7:35 p.m.)* The planning director expressed concerns that the school district may fail to budget the \$60,000 for sidewalks every year until the project was completed. The school district has also requested they be allowed to hire their own contractor. Mr. Smith stated he informed the school district that would most likely not be allowed. Council felt since this was a government entity a letter of commitment and annual budgeting would suffice. A show of hands was taken with all members voting in favor. Motion passed 5-0.

b. Consider approval of an interlocal agreement with Leavenworth County for Sewer District #3 Glenwood Estates dealing with decommissioning of the sewer lagoons.

A motion was made by Councilmember Washington and seconded by President Dysart to approve the interlocal agreement with Leavenworth County for Sewer District #3 Glenwood Estates. Councilmember Washington stated the amended agreement did not address any funds that may exist and should be transferred to Basehor. Mayor Garcia noted Sewer District #3 was not set up the same as Cedar Lake [SD #7] where it had

money set aside for maintenance. Councilmember Sifford asked if the motion should include a reference to the 2008 sewer connection fees (Exhibit 5). Councilmember Washington asked if the original document was going to be amended reducing the connection fee to \$4475. Councilmember Washington amended his motion to approve the document as it came out of the work session. President Dysart seconded the motion. A show of hands was taken with all members voting in favor. Motion passed 5-0.

c. Consider recommendations from the planning commission on the Pinehurst South Replat

Homes located on Lots 29-33 (excluding Lot 28) of Pinehurst South were placed within the side-yard setbacks on the north side of the lots; therefore, making it necessary to replat the area.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve the recommendations from the planning commission to approve the re-platting of Lots 29-33, Pinehurst South subdivision. A show of hands was taken with all members voting in favor. Motion passed 5-0.

d. Review requirements for a conditional use permit for JED Installation.

Planning Director Dustin Smith reported he and the city administrator met with Mr. Mertz regarding the outstanding items pending with his Conditional Use Permit (CUP) for property located at 2722 N. 155th Street which expired on December 31, 2008. Mr. Smith recommended extending the CUP landscaping requirement to April 20th and showed a plan for trees (6) and planter and Mr. Mertz has requested an additional year for complete the exterior requirements.

Mr. Mertz asked that any motion made be preceded by previous council's motion of landscaping cost of \$500 and contingent on site lines. He expressed reservations about sight distance at the corner and the location since there was a dispute regarding the actual property line. Mayor Garcia felt a year's extension was too long while Councilmember Hill respected the planning director's recommendation but would like to see a phased plan. Mr. Mertz stated he hoped to have retail move in at a later date and move his business back to the industrial park. ~~Councilmember Washington (arrived at 8:01 p.m.) asked if Mr. Mertz still needed a CUP since it appears that his business conforms with the CP1 district zoning classification.~~ Mr. Smith reported there was a section in the Zoning Regulations that referenced "provides a service". Councilmember Washington felt CP1 zoning was too restrictive. Mr. Smith reported the CP-2 district provided for a small retail business; however, the business would still need to conform to regulations. Mr. Mertz stated he hoped the regulation was changed in the future.

Discussion amended 2/02/09 – Councilmember Washington asked that his comments be restated as follows:

"I hold the position that the JED usage of the building in question is a conforming use. Designating it a non-conforming use is over-reading the ordinance."

President Dysart said the city has been generous with pending condemnations and thought granting a year's extension was reasonable.

Councilmember Washington felt stucco would be too expensive and recommended Mr. Mertz do some architectural improvements to the building (i.e. refinish with electrostatic finish). Mr. Smith did not feel the electrostatic finish met requirements. Discussion took place regarding the difference between CP1 and CP2 zoning and whether contractors could be included in both districts. Mayor Garcia stated previously Council agreed 5-0 to the conditions and Mr. Mertz also agreed to them and the timeline. Councilmember Sifford said on occasion it appears that the city is allowing the person with the permit to be in control.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to grant a one-year extension for exterior requirements and an extension to April 20th for landscaping as recommended by staff. A show of hands was taken with all members voting in favor. Motion passed 5-0.

e. Consider the engineering and construction management procedures to be followed by the City and Benchmark Management as part of the Wolf Creek Junction street projects.

Mr. Slaugh reported KDOT Corridor Management requested the City adopt procedures that would be followed while overseeing the construction projects. Benchmark and KDOT jointly selected MKEC to perform the design work in accordance with KDOT standards. The City would need to issue a "Notice to Proceed" on engineering design work. Council discussed the procedures as presented. President Dysart stated Item #5 was incorrect and did not think the payment should be made directly to Benchmark Management. Councilmember Washington suggested the city attorney review and advise Council. Mr. McIntosh commented it was necessary to pay him the money so that the project could move forward.

A motion was made by Councilmember Washington and seconded by President Dysart to table ~~until they could receive a recommendation from the city attorney~~ *and that the recommendation as to what, if any, legislation was necessary be the joint recommendation of the city attorney and the city engineer (amended 2/02/09)*. A show of hands was taken with all members voting in favor. Motion passed 5-0.

f. Consider payment request #2 final from Holland Corp. for the 2008 street overlay program.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve payment request #2 final from Holland Corporation for the 2008 street

overlay program in the amount of \$14,508.72. A show of hands was taken with all members voting in favor. Motion passed 5-0.

CITY ADMINISTRATOR REPORT

- Deadline for filing for office is January 27th at noon. Mayor and two council positions are open.
- February 9, 6:00 p.m. – Cedar Lake Estates annexation public hearing, Glenwood Ridge Elementary School
- February 28 from 8:00 – Noon – Strategic Planning Session
- Funding for County projects – possibility of using the LCDC formula (population & valuation)
- 150th Street Project – still need six easements and survey of revised area at 150th and Parallel Rd.
- Submitted projects to be considered for Economic Stimulus Package funding –at this point unsure of projects that would be funded; working on 155th Street, trail, and sewer line rehab project.

MAYOR'S REPORT

Mayor Garcia extended his condolences to Chief Martley and his family on the recent death of his father-in-law Robert Eberth.

COUNCIL MEMBER REPORTS

None

EXECUTIVE SESSION

None

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Sifford and seconded by Councilmember Washington to adjourn the January 22, 2008 regular meeting. A show of hands was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 8:45 p.m.

Submitted for council approval with/without corrections or additions this 2nd day of February, 2009



Mayor Chris Garcia

Attest:


Mary A. Mogle, CMC, City Clerk



Note: Assistant City Clerk Kathy Renn attended the meeting. Minutes transcribed by Mary Mogle, City Clerk.