

Minutes

BASEHOR CITY COUNCIL

March 16, 2009

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, Mary Mogle, Gene Myracle, Dustin Smith, Lloyd
Martley, Joe McAfee**

Newspaper: Kaitlyn Syring, *Basehor Sentinel*

WORK SESSION - 6:00 p.m.

The work session was called to order with all members present with the exception of Councilmember McDowell. The city attorney was not in attendance.

Discussion of agenda items.

b. Transportation Enhancement grant application for trail project.

Mr. Slaugh reported the proposed trail project was targeted to run from Chestnut St. west along the creek to 158th Street. The trail would have the potential to tie into the library sidewalk and eventually tie into the Prairie Gardens sidewalks. If for some reason, an agreement was unattainable from the developer, a trail could be run along the school property, west on Parallel to 158th Street.

President Dysart asked for clarification on the location. Mr. Slaugh stated the first option was to run along the creek on the Miles property and the second option would be to run the trail west on Parallel. (*Councilmember McDowell arrived at 6:07 p.m.*) Council discussed projects that were applied for in past years. President Dysart asked if it would eliminate the library's sidewalk. Mr. Slaugh stated the library would be requested to chip in their \$8,000 toward the construction. Councilmember Washington asked if this was discussed at the last work session. Mr. Slaugh stated Mr. Miles offered right-of-way in lieu of his Tomahawk Valley plat being approved. Councilmember Washington stated if Mr. Miles offered right-of-way for the trail and easement for the lift station in lieu of his plat being extended that was a win win situation.

Mr. Slaugh said he asked Mr. Miles if he would sign a document granting the easement and he indicated he would not.

Councilmember Sifford stated there would be a good chance that the planning commission would not pass the plat in its existing format then the City Council does not have the authority to override the planning commission. Mr. Slaugh said if the original plat had been recorded, the easement would not be an issue. Mr. Smith noted if the plan goes back to the planning commission, they will consider it on the merits of the plan and would not consider the financial aspect to the City. City's estimated project cost - \$215,334.00.

Councilmember Washington stated he ~~did not feel that~~ *felt that (amended 4/06/09)* staff should recommend approval without changes. President Dysart asked if Mr. Smith had reviewed the minutes in 2005. Mr. Smith stated he did not see where the double frontage roads were discussed. Mr. McAfee stated he could research his records. President Dysart stated her notes show that Mr. Miles traded the easement in lieu of putting 156th Street south.

Jane Breuer, sister to Steve Miles, asked if it mattered what was agreed to back in 2005. President Dysart said it was her understanding that there was not going to be any changes to his original plat. Mr. McAfee stated Mr. Miles was required to put in a trail when he developed the ground.

Mr. Slaugh showed a plan that depicted where trails would go on the original plat. A resolution needed to be approved supporting the project and commit to the funding prior to the March 18th deadline. Councilmember Sifford thought running the trail down Parallel was a viable option and did not feel Mr. Miles would develop his property "in his life time". Mr. Slaugh said it [stimulus grant] would "bring tax dollars back to the community". Councilmember Washington asked if anyone saw the listing of the approved stimulus projects. Mr. McAfee explained the process noting there were other rounds of stimulus money coming available in the near future.

Mrs. Breuer stated her brother had every intention of developing the property and has invested thousands of dollars in the design and did not want to put more money out if the plan would not be approved.

c. Economic stimulus project submittal proposal.

Mr. Slaugh reported this project would allow for turn lanes in all directions at the intersection of 155th Street & Parallel Rd. Mr. McAfee explained the project has some serious limitations because of the right-of-way on the north lane and southwest corner. It would allow traffic to slow down and could be treated as the entrance to the downtown.

e. Consider Final Plat for Southside Villas, requested by Benchmark Management, Inc.

Mr. McAfee reported his engineering firm performed calculations that would include a little over 160 acres located in the Wolf Creek drainage basin. Future development could connect into a lift station along the creek allowing sewers to gravity flow. The property currently being discussed encompasses 38 acres.

Break – 6:55 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. 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. Feb. 9 Cedar Lake Estates Annexation Public Hearing (distributed March 2nd)
 2. Feb. 17 Work Session and Minutes (distributed March 2nd)
 3. Mar. 2 Work Session and Minutes (to be distributed later)
- 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 President Dysart to approve the Consent Agenda as printed with the exception of the March 2, 2009 minutes. 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. *Citizen request regarding municipal code restrictions on cats and a leash requirement.*

Mrs. Jane Russell (2605 N. 157th Street) suggested Council consider an amendment to the Animal Control ordinance. She explained it was difficult to put cats on leashes or keep them confined.

Chief Martley stated the animal control officer had met with Mrs. Russell regarding her cat and provided statistics of cats picked up by the City and the expenses. Although he

did agree that it was difficult to put a leash on a cat, they do create a problem for neighborhoods and creates an expense to the City when they have to be picked up.

<u>Year</u>	<u>Cats Picked Up</u>
2007	103
2008	70
2009	26

He did not recommend removing cats from the leash laws. Mrs. Russell provided information and requested they become part of the official record.

b. Melanie Morris, Basehor Dairy Days Association, request for funding for 4th Annual Dairy Days festival and allow overnight stay at park for certain vendors.

Melanie Morris, chairman of Basehor Dairy Days, explained the school district suggested Dairy Days not be held on school property this year since they were planning to construct a wellness center in the area where the festival is held. She asked the city to authorize funding [\$5,000] and allow overnight stay for certain vendors. She explained since the park was not as secure as the school property, that some vendors were willing to stay over night to oversee the grounds.

Mr. Myracle stated he thought there was ample power to handle the event as well as parking. Improvements to the west entrance would also be made prior to the event.

SCHEDULED DISCUSSION ITEMS

a. Recycling options within the City. (Chuck Wilderson report followed by discussion)

Mr. Wilderson (14800 Parallel) reported Basehor has had recycling in the area for over twelve years. The City started with aluminum can recycling that helps to fund park projects. About ten years ago, the County started a recycling program in Basehor the first Saturday of every month. Recently, the City was advised that the County they would no longer provide recycling bins; therefore, the area did not have any other options available to them for recycling other than taking their items to the county transfer station. Mr. Wilderson suggested the City have Deffenbaugh provide curbside recycling (Deffenbaugh would provide bins to each household). It was his opinion that 75% of the Basehor residents would be in favor of curbside recycling.

Mrs. Washington asked if it would impact Basehor Historical Society bins. Mr. Wilderson stated it would not impact newspaper and can recycling bins.

Julian Espinoza (3695 N. 154th St.) favored initiating curbside recycling. He asked when the college did the survey less than 10% of the population was surveyed and wondered if that was a fair number to use. The downside would be the additional cost of \$3.00 per

month. He spoke with Deffenbaugh and he was told they would be willing to make a donation back to the civic organizations that would be hurt.

Councilmember Washington felt the survey was very well done. Mr. Slaugh stated the Council could decide to move forward or wait until Deffenbaugh mandated recycling. Councilmember Sifford said he had a problem with the City requiring recycling and would cause a 33% increase in residential trash bills. Councilmember Hill asked when Johnson County was going to mandate the recycling and hoped the City would be given ample time to implement. Mr. Slaugh stated it was primarily a volume issue and that no specific time frame had been given.

BUSINESS

A motion was made by Councilmember Washington and seconded by President Dysart to add Item "j" the Business agenda directing staff to obtain quotes from Deffenbaugh and to bring to Council on the earliest available agenda. A show of hands was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

Mayor Garcia requested a motion to add item "k" to the agenda consider an amendment to the 24/40 Hwy & 150th Street agreement.

A motion was made by Councilmember Hill and seconded by Councilmember Sifford to add Business item "k" to the agenda considering an amendment 24/40 and 150th Street agreement. A show of hands was taken with all members voting in favor. Motion passed 5-0.

a. Change order request from Burns & McDonnell engineering for design change on wastewater treatment plan expansion.

No representatives from Burns and McDonnell were present. Councilmember Washington ask to clarify that this request would reduce the size of the generator and redesign the electrical system due to the fact that a significant portion of flow would be converted to gravity. Mr. Slaugh answered yes.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the change order request from Burns & McDonnell Engineering for redesign of the electrical system at the 163rd Street lift station in an amount not to exceed \$4,200. A show of hands was taken with all members voting in favor. Motion passed 5-0.

b. Transportation Enhancement grant application for trail project.

Mr. Slaugh reported the grant application deadline has been changed to March 18th. The City would need to adopt a resolution, authorize funding for engineering design and approve acquisition of right of way. He recommended submitting this project as trail

project from 155th Street west through the Tomahawk Valley property to the library property. The project cost would be \$597,376 with the City share being \$119,475. He explained design costs (\$47,000) could not be included in the application and had to be paid by the city.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to direct the city administrator to compose and send a letter to Steve Miles to encourage him to resubmit the Tomahawk Valley project as finally approved in 2005. A show of hands was taken with all members voting in favor. Motion passed 5-0.

A motion was made by Councilmember Washington and seconded by President Dysart to approve the application to KDOT for Tomahawk Trail and approve resolution of support as presented. A show of hands was taken with all members voting in favor. Motion passed 5-0.

A motion was made by Councilmember Washington and seconded by President Dysart to approve the proposal for design work from MHS Solutions not to exceed \$49,000 [and total with reimbursable expenses and construction observation of \$86,994.05]. A show of hands was taken with all members voting in favor. Motion passed 5-0.

c. Economic stimulus project submittal proposal.

Mr. Slauch reported staff submitted the Economic stimulus proposal for improvements to the intersection of 155th Street & Parallel on Friday, March 13th. It was his understanding the grants would not be awarded until May. No action was necessary.

d. Consider award of bid for liability insurance package from 4/01/09 – 3/31/10

J.R. Reilly, Reilly & Sons Insurance, provided a bid in the amount of \$40,027. The premium decreased around \$1,700 from 2008. EMC Insurance was the only company that opted to bid.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the bid submitted by Reilly & Sons insurance company [in the amount of \$40,027]. A show of hands was taken with all members voting in favor. Motion passed 5-0.

e. Consider Final Plat for Southside Village, requested by Benchmark Management, Inc.

Mr. McIntosh, 15395 Briar Rd reported he had been working with the four business owners on Briar Rd who were interested in annexing into the city of Basehor and connecting to the city sanitary sewer system but were not interested in curb & gutter streets due to the additional expense. He reported the plat was in order and he would be able to extend the sewer lines without the benefit district if necessary.

A motion was made by Councilmember Sifford and seconded by Councilmember McDowell to approve the final plat as recommended by the staff and Planning Commission. President Dysart did not feel the final plat should be approved since the City did not have construction plans, Subdivision Improvements Agreement, Development Plan, and sewer drawings. **Mr. Smith shook his head in agreement. (amended 4/06/09)** She felt approval would be in conflict with the City's regulations. Mr. Smith explained **the Development Plan (amended 4/06/09)** was not required at this point and the Subdivision Improvements Agreement could not be drafted until the Council made a decision regarding the benefit district. President Dysart asked if the Planning Commission addressed the variance. Mr. Smith stated the variance ~~was not sent to reviewed by~~ **(amended 4/06/09)** the Planning Commission. He also noted, based on previous discussion, it was his understanding the final plat was to move forward. Councilmember Washington asked the city attorney **engineer (amended 4/06/09)** if the City would give away their right to approve the Subdivision Improvements Agreement if they approve the Final Plat. Mr. McAfee said MHS Solutions would agree with approval the Final Plat as long as city staff reviewed and approved the construction drawings and that the final plat not be filed until all documents were approved by staff.

A show of hands was taken with all members voting in favor with the exception of council member's Washington and Dysart. Motion passed 3-2.

Consider construction of maintenance building for Public Works department.

Mr. Myracle provided Council with a cost estimate for a 60' x 80' public works building. He went over the various warranties offered. Total amount requested was \$122,000.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve [\$122,000] construction of maintenance building as presented. Councilmember Hill questioned if the money was available in the Capital Improvement Fund. Mr. Slaugh reported the building was initially budgeted for \$150,000. Councilmember Washington questioned the 29 gauge siding quoted from Worldwide Steel Buildings and expressed his concern that the gauge was not adequate and felt more information was needed before taking action. Councilmember Sifford felt Mr. Myracle performed due diligence in obtaining bids. President Dysart stated it was a high dollar item and the City needed to make sure the City got the best product for the money and felt the Council should have had copies of the brochures in advance. Mayor Garcia stated council members should have contacted Mr. Myracle prior to the meeting regarding their concerns. Councilmember Washington said he worked in this type of business for five years and did not think the warranty on the paint was sufficient unless it had a coating. Councilmember Hill stated as a general rule council should not delve into the details of a request and thought questions should be asked before council meeting. Mr. Myracle expressed his frustration that whatever he brought before the council did not meet certain council member's expectations. He commented he always puts his contact numbers on his reports and called each member this time to see if they had any questions. President Dysart said she was sorry for the way Mr. Myracle felt and noted she did not receive the packet until Thursday and did not have time to review the packet until today. She wished

the words “micro managing” and “nitpicking” were not used because Council has the right to ask questions when council members were knowledgeable about the product. A show of hands was taken with all members voting in favor with the exception of council member’s Washington and Dysart. Motion passed 3-2.

f. Approval to go to bid on the 150th Street project from Craig Road north to Parallel Road. (item deferred to April 6 for more preparation)

Mr. Slauch reported he still needed one property owner to sign an easement agreement . Once the easement was obtain the project could be let for bid. Item deferred until the April 6 meeting.

g. Consider allocating funds for Basehor Dairy Days and allow overnight stay the evening of June 5 at Basehor City Park.

A motion was made by Councilmember Sifford and seconded by President Dysart to allocate \$5,000 for Basehor Dairy Days and allow overnight stay the evening of June 5th at Basehor City Park. A show of hands was taken with all members voting in favor. Motion passed 5-0.

h. Consider allocating funds to PRIDE for Fourth of July fireworks display.

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to authorize funding in the amount of \$3,500 to PRIDE for Fourth of July fireworks. A show of hands was taken with all members voting in favor. Motion passed 5-0.

j. Consider directing staff to obtain quotes from Deffenbaugh and bring back at next available meeting.

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to direct staff to check into recycling with Deffenbaugh and report back at the first available meeting. A show of hands was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

k. Consider approval of a revision to Agreement 331-08 regarding payment of costs for acquisition of property for the 150th Intersection project.

Mr. Slauch reported KDOT staff reviewed and prepared an amendment to Agreement 331-08. The amount of funds would not change only reallocate funds from the right of way funding and take from the engineering line item. Councilmember Washington felt the language was not clear and felt 1(3)(b) needed to be rewritten.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to approve the revision subject to city attorney approval. A show of hands was taken with all members voting in favor. Motion passed 5-0.

CITY ADMINISTRATOR REPORT

April 7 – General Election

April 13 – Volunteer Recognition, VFW Hall

April 20 – Newly elected officials will take office.

24-40 Corridor Meeting - committee discussed making 147th Street as a full signalized intersection. KDOT will perform a review; however, no time line has been provided.

Councilmember Washington commended the city administrator for wrapping up the easement acquisition on 150th Street.

MAYOR'S REPORT

Mayor Garcia extended his congratulations to the Basehor-Linwood High School Boys for their recent sports accomplishments. The Boys basketball team were the Class 4A Champions, Girls Power Lifting team were the State Champions, and the Boys were second in State Power Lifting.

Mayor Garcia read Letter to the Editor that he prepared for the newspaper and asked that it become a part of the record.

COUNCIL MEMBER REPORTS**Keith Sifford**

Councilmember Sifford congratulated the Basehor-Linwood Bobcats and suggested setting a day of recognition.

Iris Dysart

President Dysart noted Mr. Treff was in the audience and asked if there was an update regarding the issues with High Point Downs. The city engineer reported he looked at three items 1) cul-de-sac (north end of 153rd St), cul-de-sac (end of Belmont Ct), and drainage issue on southeast corner of Phase I. The engineer explained Mr. Treff was building a water way that was directed at the city street. Mr. Treff stated the pipe was on his property so he buried it. The city would need to remove part of the pipe and put in an inlet. Mr. Treff did not want to participate in the cost (est. \$3,335).

Mr. McAfee reported it was his opinion the cul-de-sac was in the right of way; however, Mr. Treff's lawyer said it was outside the right of way. A meeting has been scheduled for Monday, March 23 with Mr. Treff's lawyer and the item would be placed on the April 6th agenda for consideration.

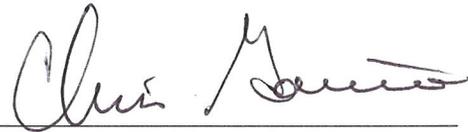
EXECUTIVE SESSION

None

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Sifford and seconded by President Dysart to adjourn the March 16, 2009 regular meeting. A show of hands was taken with all members voting in favor. Motion passed 5-0. (8:36 p.m.)

Submitted for Council approval with/without corrections or additions this 6th day of April, 2009.



Chris Garcia, Mayor



Attest:


Mary A. Mogle, City Clerk