

**Minutes**

**BASEHOR CITY COUNCIL MEETING**

**February 5, 2007**

**6:00 p.m.**

**Basehor City Hall**

**Official Present: Mayor Chris Garcia**

**Members Present: Pres. John Bonee, Iris Dysart, Bill Hooker, Keith Sifford,  
and Terry Thomas**

**Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle, Dustin Smith,  
Terry Horner, John Thompson, Dave Lutgen**

**Newspaper: Lara Hastings, *Basehor Sentinel***

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**WORK SESSION – 6:00 p.m.**

The work session was called to order with all members present including the city attorney John Thompson.

***1. Discussion regarding agenda items.***

**Business Item “a” & “b”. Glenwood Estates**

City Administrator Carl Slaugh reported Leavenworth County has requested the City allow Glenwood Estates and Glenwood Ridge Elementary (Leavenworth County Sewer District No. 3) to connect to the City wastewater system. KDHE has given the County a mandate to deactivate their lagoon system and work with the City of Basehor to utilize the City’s wastewater system. Mr. Slaugh stated annexation needed to be addressed prior to making the decision to allow them to connect to the City’s system. He explained the City was close to reaching capacity with approximately 200-300 sewer connections available. Mr. Slaugh explained the county commissioners recently approved a final payment of around \$9,000 on Cedar Lakes maintenance fund. Council discussed the delay in payment of the \$45,000, as well as, the difference from \$9,000 verses the promised \$45,000 owed by Leavenworth County. Mr. Flower reported the County retained funds until the lagoons were deactivated. He thought there was \$55,000 in the fund. History of the Sewer District No. 7 project was discussed. Mike Spiekelmeyer, Leavenworth County, was present to answer questions.

Councilmember Dysart said the City should hold out for a written agreement from the County regarding Sewer District No. 3. Council agreed.

**Business Item “c”. Buehler Condemnation**

The city administrator reported he was waiting on a legal survey on the Baker property from the city engineer and the Council could move forward with condemnation on the Buehler property. He thought it would be possible to handle both in court at the same time. Planning Director Dustin Smith stated the survey was delayed on the Baker property because he was waiting on the developers engineer to provide a preliminary plat. He explained there may be an issue with temporary construction easements as well.

**Business Item “e”. Falcon Lakes Special Assessments Public Hearing**

The city administrator announced notices for the public hearing were ready for distribution once Council approved the assessment spreadsheet and set a hearing date.

Councilmember Thomas stated the document showed the developer being reimbursed for back special assessments and he thought developer Rustom Ferzandi stated at a previous meeting he would not pursue reimbursement of past taxes. Mr. Slaugh stated the amount included in the report was for all three years. Councilmember Hooker said he did not feel it was the City's problem to pay for an error made initially by the developer's engineer.

Mr. Slaugh reported Mr. Ferzandi said it was the City's fault because they did not catch the mistake and he did not notice the errors until he got his first year's tax assessments. City Attorney John Thompson said normally the City would be immune from a lawsuit when it comes to reviewing the information when the data came from the developer. President Bonee concurred noting the benefit district should not be liable for additional costs when it was the developer's engineer that provided inaccurate data.

Councilmember Dysart asked if the developer was made aware of the new spreadsheets. Mr. Slaugh said Mr. Ferzandi was made aware of the new data at a staff work session and seemed satisfied.

**Business Item “d”. Engineering firm for design of Wastewater Treatment Plant.**

Mr. Slaugh reported proposals were mailed to twelve engineering firms with nine firms providing proposals. He explained the matrix the committee used in order to rank each firm. He noted all firms were reputable and have permanent offices in the vicinity of Basehor. Councilmember Thomas commented the score sheet was inaccurate and would change the rankings. The planning director explained how he calculated the points and agreed there was an issue. He excused himself to recalculate the spreadsheet before the regular meeting.

Both Councilmember's Hooker and Dysart supported adding Larkin Group to the list of engineering firms to give a presentation at the February 12<sup>th</sup> work session.

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Councilmember Thomas supported the process the committee went through as long as the calculations were correct. The planning director returned with the corrected calculations, noting the rankings changed with Larkin Group moving up to the #3 slot and Burns and McDonnell moving down to #4 and supported interviewing the top four since there was only one point separating the third and fourth position.

Council agreed to interview the top four companies, PEC, Archer Engineers, Larkin Group, and Burns & McDonnell.

Work Session closed at 6:55 p.m.

### **REGULAR MEETING – 7:00 p.m.**

#### **ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE**

All present to include the city attorney John Thompson.

#### **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 8, 2007 Work Session*
  - 2. January 18, 2007 Work Session & Regular Meeting*
- b. Approve Treasurer's Report & Vendor Payments*
- c. Approve investment recommendations (none)*
- d. Approve calendar of events*

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve the Consent Agenda as presented. Roll call vote 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 Comments Regarding Agenda Items (Tape 1, Side B)*

**James Washington (1901 160<sup>th</sup> St.)** commented earlier in the meeting he witnessed an example of how important and emotional the wastewater project was and this was only the first step. The County finally provided the balance of the Cedar Lakes fund and maps. He thought it would be an opportunity to research a regional facility.

**George Smith (14923 Parallel)** addressed the Glenwood Estates issue. He felt in light of the issues with the County in the past, a written agreement was necessary.

**John Flower (15515 Cedar Lane)** would like to see the City and County cooperate with each other rather than be at odds.

Public portion of the meeting closed.

#### **SCHEDULED DISCUSSION ITEMS**

*a. Tony Kramer, President, LCDC  
Re: LCDC Quarterly Update*

Tony Kramer, President of Leavenworth County Development Corporation updated Council on the search for a new executive director explaining the search had been narrowed down to one and an offer had been made. He explained it was necessary to amend the 2007 budget by \$10,000 in order to make the offer of employment. It was anticipated the position would be filled in March.

Other items reported:

- Leavenworth County is one of 18 possible locations in United States (2 locations in Kansas, Manhattan and Leavenworth) to be chosen for a National Bio-Defense project. The business would be a level 4 laboratory. He explained the difference in the Manhattan location verses the Leavenworth location. The final decision would be made in 2008.
- Representatives from LCDC and Leavenworth County took a trip to Washington DC seeking funding for various projects in Leavenworth County such as County Road 1, Highway 73, and MOKAN infrastructure projects.
- Network meeting would be held at Falcon Lakes on February 22, 2007.

#### **BUSINESS**

- a. Consider a requirement for annexation of the Glenwood Estates subdivision into the City of Basehor as a prerequisite for connection to the sanitary sewer system for the City of Basehor.**

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to deny a requirement for annexation of the Glenwood Estates subdivision into the City of Basehor as a prerequisite for connection to the sanitary sewer system for the City of Basehor. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

- b. Consider a request by Leavenworth County to allow a sanitary sewer connection by the Glenwood Estates subdivision and the Glenwood Elementary school to the City of Basehor as soon as line construction is completed.**

A motion was made by Councilmember Hooker and seconded by Councilmember Dysart to deny a request from Leavenworth County to allow a sanitary sewer connection by the Glenwood Estates subdivision and the Glenwood Elementary school to the City of Basehor. Discussion followed. Councilmember Thomas felt there were a lot of things to work out before moving forward. He would like to see a regional facility put in by Leavenworth County. President Bonee stated he would like to table action to discuss the matter with Leavenworth County. Councilmember Dysart stated there were a lot of complicated issues and felt there was time to research further before taking action. A roll call vote was taken with Councilmember's Sifford, Thomas, and Bonee voting "nay" and members Hooker and Dysart casting an "aye" vote. Motion failed 3-2.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to table action for more information as deemed appropriate by the city administrator. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

Mr. Slaugh asked for clarification as to what they want him to research. President Bonee said he wanted to see a County Master Plan, time frame, and financial plan prior to taking formal action.

- c. Consider condemnation ordinance for Baker and Buehler Properties.**

Ordinance pertaining to the Baker property was not available at this time.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the ordinance authorizing condemnation of the Buehler property (located on 147<sup>th</sup> and Parallel). A roll call vote was taken with all members voting in favor. Motion passed 5-0.

***d. Consider selection of an engineering firm for design of Wastewater Treatment Plant.***

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to select the top four engineering firms, PEC, Archer Engineering, Larkin Group, and Burns & McDonnell to make presentations at the February 12<sup>th</sup> work session. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

***e. Consider approval to set a public hearing date for consideration of revised Falcon Lakes Special Assessments.***

The city administrator stated if approved the public hearing date would be set for February 22 at 7:00 p.m. Councilmember Thomas asked if by holding a public hearing, how it would affect the previous taxes paid by the property owners. He stated what was sent to the property owners should be the final figures. Mr. Slaugh felt the Council should agree on the documents before setting the public hearing date and if there were any questions at all, the public hearing should be postponed in order to have time to research their questions with bond counsel.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to table action until Council had more information from bond counsel. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

Mr. Slaugh asked if the issue was the payment of previous taxes. Councilmember Thomas stated the previous taxes paid for year 2005 and 2006 should not be included in the assessments and the City should not pay for the investigation of bond issue or other costs associated with the re-assessment. Mr. Slaugh stated the proposal does not have the City paying the costs, but the money would be tacked onto the property owner reassessments. Kivan Ferzandi, developer of Falcon Lakes, stated they had been overcharged on several parcels of land. He explained how the land was assessed in the past. Councilmember Thomas said the City was not disputing that issue. Mr. Ferzandi said the \$91,000 that was owed back to them was for the overcharge in assessments over the last three years. Councilmember Thomas said he recalled Kivan's father Rustom agreeing to forgo past fees. Mr. Ferzandi said his father agreed to forgo those fees only if the problem was rectified last year and that did not happen so he was requesting reimbursement.

The city administrator was directed to obtain information from bond counsel and place the matter for discussion on the February 12<sup>th</sup> agenda.

***f. Consider appointment of Planning Commission member.***

Mayor Garcia submitted the name of Roger McDowell for appointment to the Planning Commission.

A motion was made by President Bonee and seconded by Councilmember Sifford to appoint Roger McDowell to the Planning Commission (fill position of Steve Douglas). A roll call vote was taken with all members voting in favor. Motion passed 5-0.

**CITY ADMINISTRATOR REPORT**

• ***Cell phone policy***

The city administrator noted at a previous city council meeting the Council adopted a policy prohibiting personal phone calls on the City's cell phones. He explained, based on that action, the police department turned in six of their cell phones. He suggested adding verbiage to the policy that would allow for personal calls with the employee being liable for the expenses if they went over the allocated minutes.

Councilmember Sifford said he suggested the city administrator give the cell phones back to the police officers and tell them to use them in the manner in which they were issued and learn some self discipline.

• ***MARC Planning Grant Received***

The City of Basehor was awarded a grant from MARC which would allow the City to utilize two graduate students from the University of Kansas Urban Planning Department. The students would work with the planning department on two aspects of the zoning regulations.

• ***Cedar Lakes Phase V***

County reconsidered their position and decided they would maintain Evans Road that would border Cedar Lakes Phase V and agreed to the annexation. However, one other issue from the County was that the City had previously denied the final plat. He asked if the City would reconsider the final plat without the applicant paying additional fees. Council commented the only reason they denied the final plat was due to the fact that the County did not want to service that area of road and the City did not have road right-of-way.

The city administrator was directed to put the matter on the Feb. 22<sup>nd</sup> meeting for reconsideration.

Councilmember Dysart questioned items that were still unresolved regarding Cedar Lakes Phase V. The planning director stated some of the issues would be resolved with the developer and he would draft the necessary paperwork (i.e. Subdivision Improvements Agreement).

- Requested a ten minute Executive Session regarding personnel.
- Next meeting changed to Thursday, February 22<sup>nd</sup> due to the President's Day holiday.
- Encouraged governing body members to attend the Governing Body Institute May 4 & 5

### **MAYOR'S REPORT**

Nothing to report at this time.

### **COUNCIL MEMBER REPORTS**

#### ***Terry Thomas***

Councilmember Thomas reported the Strategic Planning session went well and thanked the city administrator for all his efforts and the clerk for cooking the breakfast.

#### ***Bill Hooker***

Councilmember Hooker requested a twenty minute Executive Session to discuss personnel and appointed position.

### **EXECUTIVE SESSION**

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to convene into Executive Session for thirty minutes. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1. The city administrator, city attorney, and police chief were in attendance. (7:48 p.m.) At 8:02 p.m. the city administrator, city attorney, and police chief exited the session.

At 8:19 p.m., Mayor Garcia called the regular meeting back to order.

### **ADJOURNMENT**

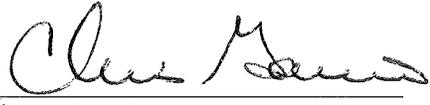
There being no further business to discuss, a motion was made by Councilmember Hooker and seconded by Councilmember Thomas to adjourn the February 5<sup>th</sup> Council meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

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Submitted for Council approval with/without corrections this 22<sup>nd</sup> day of February, 2007.



Chris Garcia, Mayor



Attest:



Mary A. Mogle, SMC, City Clerk