

Minutes

BASEHOR CITY COUNCIL MEETING

April 2, 2007

6:00 p.m.

Basehor City Hall

Official Presiding: 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

WORK SESSION – 6:00 p.m.

The work session was called to order at 6:03 p.m. by Mayor Garcia. All members were present including the city attorney John Thompson.

1. Discussion regarding agenda items.

f. Consider approval of a professional service agreement with Burns & McDonnell Engineering Company, Inc. for services in connection with design of Wastewater Treatment Plant Expansion.

John Mitchell, project engineer for Burns & McDonnell Engineering Company, was present to answer questions regarding the service agreement.

City Administrator Carl Slaugh reported the proposed agreement was the first phase of the design of the wastewater treatment facility expansion. By the end of the process there should be a good idea of the cost for recommended alternatives. The cost shall not exceed \$52,400 and take sixty days to complete. Mr. Slaugh noted the city attorney had recommended some language be changed in the agreement in sections 7.2, 7.6.2, and 7.10.2.

Councilmember Hooker felt Section 7.6.2 (1) stating "...plus all costs incurred to assemble and close Project files and documents." should be deleted. Mr. Mitchell agreed to place a period after the word "termination" and delete the remainder of the sentence as so stated.

Councilmember Thomas questioned 7.6.2 (2) "unavoidable down time in the reassignment of Project staff". Mr. Mitchell stated that clause was mainly for larger projects and agreed to delete from the agreement.

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Councilmember Thomas asked Mr. Mitchell to explain the third line in Section 7.16 "...and, ENGINEER shall have the ownership and property interest therein whether or not the Project is completed." Mr. Mitchell explained other engineers could not use documents for something other than expansion of this specific project without first verifying with the project engineer what was in the document. Councilmember Hooker asked if another engineer could use the plans. Mr. Mitchell reiterated they could; however, they would expect the new engineer to go back and verify that the information was accurate. Mr. Slaugh noted the clause limits Burn & McDonnells liability if someone else would take over the project.

City Attorney John Thompson said the City should look at the issue of limitation of liability insurance and thought it currently set at \$100,000 and may need to be increased. The contract provides for mediation if necessary. If mediation was not successful, then arbitration would be the next step. Arbitration is binding. The engineering firm was not in favor of arbitration, they would prefer to go to court. Mr. Thompson noted court proceedings were normally more favorable for both sides, arbitration keeps costs of disagreement to a minimum; however, the question is whether there would be a quality of review.

Mr. Slaugh commented the Council could delay action until April 16th in order for a revised agreement to be submitted.

Councilmember Hooker urged Council to take action at this meeting since the next meeting could possibly have three new council members.

Mr. Mitchell felt the proposed changes could be worked out without delaying action.

Councilmember Thomas questioned the proposed hour's verses the fee of \$52,400. Mr. Mitchell said there would be up to four employees working on the project at one time, including himself.

Mr. Mitchell gave an overview of the proposal. Basic service agreement provides a mechanism for the Council to insure the work was performed as contracted. He explained the steps he would go through over the next sixty days.

1. Complete feasibility studies, scope of project, financing work (State Revolving Loan).
2. Detail design phase – documents for bid
3. Construction site services.

Councilmember Thomas stated the City had paid for several studies in the past and did not understand why another study need to be done. Mr. Mitchell noted his job would

be to take that information and enhance the information to a preliminary design and prepare paperwork for financing.

Councilmember Hooker asked the city attorney if the minimum insurance limits listed on page A-10 were adequate. Mr. Thompson said the limits were standard.

Councilmember Thomas thought there should be a "Delay" clause for the engineers similar to the one they list for the City. Mr. Mitchell stated he would add one to the agreement.

a. Consider ordinance adopting amendments to Streets/Transportation Element of the Comprehensive Plan.

b. Consider ordinance for amendments to Future Land Use Map.

Planning Director Dustin Smith reported adoption of the ordinances was a formality since the Council took action on March 19th to approve the amendments.

c. Consider purchase of color printer for Administrative Department.

City Clerk Mary Mogle reported she received four bids for color printers. There was \$15 difference between GFI and DATAMAX. Councilmember Hooker reported the printer from DATAMAX had more memory which was needed for utility billing. The city clerk stated staff preferred the Canon copier bid by DATAMAX for \$9595.00.

d. Consider authorizing administrative department to send notice to delinquent Sewer and Solid Waste accounts.

The city clerk reported this was the first step in turning delinquent sewer and solid waste accounts over to the County for collection. All accounts sixty-one days or older were listed on the report. Council action would allow the Administrative staff to notify the property owners of the delinquent amount and the possibility that the amount would be turned over to the County for placement on their property taxes.

g. Consider approval to renew membership support to the Mid-America Regional Council

The city administrator reported annual renewal membership to Mid-American Regional Council was \$786. The amount is based on population. He explained MARC provides consulting benefits, City currently has a grant through MARC that allows two students from KU to work with planning director, and filed for a transportation grant.

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Mayor Garcia asked what the value of training students? The planning director stated they far exceeded the \$786 plus they were also doing additional work with bike and walk trails.

Councilmember Hooker stated he was in favor of paying the membership dues, but not the \$287 to the Training Institute. The city administrator stated he was not sure deducting the Training Institute was an option.

h. Consider making a proclamation in support of Arbor Day activities.

Mr. Slauch reported the school district was planning Arbor Day activities the fourth week in April and proposed the City plan some type of tree planting at the same time. This would also qualify the City to become a Tree City USA.

k. Consider approval of a bid to replace sections of sewer line in the City of Basehor.

The city administrator reported bids were solicited to replace two sections of sewer lines 1) 275 ft. of 8-inch sewer main on Elm Street west of 153rd (\$14,500) and 2) 400 ft of 8-inch sewer main on Rickel Drive west of 153rd Terrace (\$23,300). The sections of line were chosen for replacement based on previous call-outs.

Councilmember Thomas noted the bid included removing and replacing chain link fence on private property and asked why the City would pay rather than the property owner. Mr. Slauch stated, typically, if the fence was taken down during construction project, it was up to City to put back up. Councilmember Dysart commented the residents on Leavenworth Road were told to remove their fencing. The city superintendent stated the difference was the residents were instructed to take down their own fencing because it was their fences that were causing the water backup, not due to a construction project.

Councilmember Hooker suggested tabling action until more bids were obtained, noting he felt the price per foot was too high. President Bonee stated he did not feel the price was unreasonable since the contractor would have to maneuver around existing structures. Mr. McIntosh stated the price was not unreasonable since the contractor would also have to work with dirt that had been excavated before.

Mayor Garcia wanted to make sure proper shoring is provided during the project and asked the city superintendent to make contact with all the property owners before starting the project. He also would prefer to see the property owner take down fence or other structures so the City would not be liable if fence was damaged or not replaced on property line.

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Council agreed the property owner should be given a date to take down, if not down by a certain time, the City will commence the project and would not be liable for the replacement of the fence, with no guarantee the fence would be put back in its original state.

The city superintendent and engineer Dave Lutgen concurred it was standard practice to replace fence during a construction project. Councilmember Sifford said it was important to keep residents informed. Pipe specifications were discussed.

The Elm Street project should commence within two weeks weather permitting.

Mayor Garcia announced there would be a five minute break before starting the regular meeting. (6:55 p.m.)

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OR ALLEGIANCE

The meeting was called to order at 7:00 p.m. with all members present including 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. March 12, 2007 Work Session**
 - 2. March 19, 2007 Regular Meeting**
- b. Approve Treasurer's Report & Vendor Payments**
- c. Approve investment recommendations**
- d. Approve calendar of events**

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to approve the Consent Agenda as printed. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

Mayor Garcia asked the city clerk to amend the "Next Meetings" on the April calendar.

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. George Smith, PRIDE

Re: Request donation for 2007 fireworks display and waive of fireworks stand permit fee.

Mr. Smith appeared on behalf of the PRIDE organization requesting the City waive the fireworks stand permit fee for year 2007. *(Tape 1, Side B)* He also requested fireworks stand fees be increased to other stands “for profit” based on information received by Mayor Garcia earlier in the year. Mr. Smith also requested \$1500 donation toward the fireworks display, noting this year’s display was to cost around \$3500.

Councilmember Thomas asked what the range of fees were from other cities and commented he would be in favor of increasing the fireworks stand permit fee to \$500. Mayor Garcia stated he did not have that information available at this time.

Mr. Smith, stated on a personal note, he believed when a City performs repairs on a residents property they should bring the property back to the same state as it was before the repair was made.

b. Citizen Comments Regarding Agenda Items

There were no further comments from the public; therefore, the public portion of the meeting was closed.

SCHEDULED DISCUSSION ITEMS

BUSINESS

a. Consider ordinance adopting amendments to Streets/Transportation Element of the Comprehensive Plan.

A motion was made by Councilmember Thomas and seconded by President Bonee to approve the ordinance adopting amendments to Streets/Transportation Element of the Comprehensive Plan. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

b. Consider ordinance for amendments to Future Land Use Map.

A motion was made by President Bonee and seconded by Councilmember Thomas to approve the ordinance adopting the amendments to the Future Land Use Map. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

c. Consider purchase of color printer for Administrative Department.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve purchase of color printer from Datamax in the amount of \$9595.00. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

d. Consider authorizing administrative department to send notice to delinquent Sewer and Solid Waste accounts.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to authorize administrative department to send notice to delinquent Sewer and Solid Waste accounts as presented. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

e. Consider resolution supporting the Kansas PRIDE program for year 2007.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the resolution supporting the Kansas PRIDE program for year 2007. Discussion followed. Councilmember Dysart reported the resolution should read Kansas Housing Resources Corporation rather than Kansas Department of Commerce & Housing. Discussion. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

f. Consider approval of a professional service agreement with Burns & McDonnell Engineering Company, Inc. for services in connection with design of Wastewater Treatment Plant Expansion.

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to approve the service agreement and to include all comments discussed at the work session. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

g. Consider approval to renew membership support to the Mid-America Regional Council

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to renew membership (local due of \$209 and Government Innovations Forum \$209) and to exclude the Training Institute (\$287). Discussion followed. President Bonee was concerned that it would send a negative signal about the City especially when the City had just applied for a Transportation Grant. A roll call vote was taken with all members voting in favor with the exception of Council Members Sifford and Bonee. Motion passed 3-2.

h. Consider making a proclamation in support of Arbor Day activities.

A motion was made by Councilmember Thomas and seconded by President Bonee to approve the proclamation in support of Arbor Day activities. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

i. Consider donation to PRIDE for Forth of July fireworks display.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to donate \$1500 to PRIDE for the Forth of July fireworks display. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

Councilmember Thomas suggested increasing next year's budget to \$2,000.

j. Consider waiving of permit fee for PRIDE fireworks stand.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve waiving the fireworks stand permit fee for year 2007 as requested. Discussion followed. Councilmember Thomas asked staff to work on an ordinance to increase fireworks stand permit fees to \$500. President Bonee stated that action would not be uniform and the City should not show prejudice. Councilmember Thomas suggested setting up a lottery system where the City would allow only so many stands per year. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

k. Consider approval of a bid to replace sections of sewer line in the City of Basehor.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve bid from Westland Construction Inc. in the amount of \$37,800 for the replacement of two sections of sewer line. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

CITY ADMINISTRATOR REPORT

- Hollingsworth Road Improvements - AT&T relocation project was completed. Leavenworth County Public Works Dept. was scheduled to start work.
- 147th Parallel bid opening is this week. The resident who refused to sign over an easement has 20 days to respond to condemnation proceeding. Once that time frame has been met, three appraisers would be appointed and the project could move forward.

- Sunflower Cable, AT&T, and Atmos Energy have been working on 147th Street to relocate their lines. Atmos Energy called stating they changed their policy and would not require payment before starting the relocation of lines. They have requested permission to start work before condemnation proceedings were finalized. No work would be performed on the property involved in the condemnation.

Councilmember Dysart asked if Atmos Energy knew about the (Affinity Development) project adjacent to 147th Street. Mr. Slaugh stated that was discussed at the utility relocation meeting. She expressed concerns that the City would have additional costs for future development. City Superintendent Gene Myracle reported the City would not have to pay to relocate lines in the future since the lines would now be located within City right-of-way.

- Industrial Site Selection Process – Mr. Slaugh reported the Industrial Site Selection committee, consisting of several citizens in the area, have met four times. He asked if Council wanted to take formal action at the April 16th Council meeting to select a site preference. A committee will review all the submittals from each Leavenowrth County city and chose one site from each city. To date, Miles property (south of 24-40 Hwy), seemed to be the first choice. Ed Schlager and Joe Nick's properties would be their next choices.

President Bonee suggested submitting all sites for consideration with the City paying the additional \$1500. He felt the City would receive a return on their investment. Mr. Smith said he did not think he could get all the information together in the next month for all four sites. President Bonee thought it was the responsibility of the property owner to do the paperwork. Mr. Slaugh said he thought Mr. Miles would be willing to pay the initial \$500 if the City completed the paperwork and topography maps.

President Bonee reported the Meyer property on Leavenworth Road had attracted a lot of interest in the past. Mr. Smith commented Schlager and Miles properties were close to services. Mr. Slaugh reported some of the Meyer family would be interested in selling; however, he has not received a definite answer from Schlager at this point if they were willing to sell. Mr. Smith informed the Council he had spoke with Mr. Schlager and he indicated he was not interested in selling at this time.

President Bonee indicated he preferred the Miles property first and Nick second. He cautioned the planner to make sure the Miles lift station would handle future development of the Nick property. Mr. Smith reported he preferred the Nick and Meyer property. He chose the Meyer as #1 because there has already been interest in the past from a large company.

Councilmember Dysart asked if the Meyer property would spur development quicker

than Nick. Mr. Smith reported the Meyer property was already adjacent to industrial zoning. Mr. Slauch stated Miles would be ready quicker since it would have sewers sooner. President Bonee would like to be able to designate which part of the ground would be used. He would like to see a concrete, asphalt, or Lowe's lumber yard on the Miles property. Mayor Garcia said the City should be concerned with who would pay for upgrade of roads surrounding these sites. President Bonee thought LCDC would help find grants to improve roads.

Resident Terry Hill stated if the City knew what kind of industrial businesses they want to attract, it would make a difference which site was chosen.

Mr. Smith reported the deadline for submittals to the Port Authority was May 1st and asked what properties he should concentrate on for the April 16th meeting. Council agreed since Miles was submitting his own property, the City would submit the Nick and Meyer properties.

Mr. Smith was instructed to submit preliminary score cards at the April 16th meeting for Council action.

- K-7 Interchange Project – Project was proceeding and is focusing on 24-40 Hwy & State Ave from 142nd St. east to 110th. Next year KDOT will close the clover leaf at K-7 & 24-40 Hwy.
- KDOT is holding quarterly meetings on K-7 Corridor – Next meeting would be 4/10/07.
- City needs to take action regarding the annual endorsement of MARCIT bylaws. The City also needed to name representative which would be the city clerk. Mr. Slauch was directed to place the matter on the April 16th agenda.
- Requested a ten minute executive session to discuss a personnel issue.

MAYOR'S REPORT

- Out of town from April 5 through April 15.
- Had four attendees at this month's Citizen Forum. Received good thoughts and ideas.

COUNCIL MEMBER REPORTS

Terry Thomas

Councilmember Thomas said he received a call from property owner that asked if he still owed the assessment since he moved in after the assessments started. Mr. Slaugh noted the assessments are from this point on to end of bond.

Mr. Slaugh asked if the Council felt they needed a work session on April 9th to discuss the Falcon Lakes assessments. Mayor Garcia noted President Bonee would be running the meeting in his absence.

Mr. Slaugh reported due to the amount of people expected at the Falcon Lakes Public Hearing he suggested having Volunteer Recognition start at 8:00 p.m. rather than 7:00 p.m. or relocate to a larger location. Councilmember Thomas and President Bonee thought City Hall would be ok.

Bill Hooker wished Kansans good luck in the final NCAA game.

EXECUTIVE SESSION

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to convene into Executive Session for ten minutes to discuss personnel. A roll call vote was taken with all members voting in favor. Motion passed 5-0. (7:50 p.m.) The city attorney was not in attendance.

The mayor called the regular meeting back to order at 8:00 p.m. with all members in attendance.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Thomas and seconded by Councilmember Hooker to adjourn the April 2, 2007 regular meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 8:00 p.m.

Submitted for Council approval with/without corrections or additions this 16th day of April, 2007.

Attest:


Mary A. Mogle, CMC, City Clerk




Mayor Chris Garcia

(1 audit tape)