

Minutes

**BASEHOR CITY COUNCIL MEETING
May 21, 2007
6:00 p.m.
Basehor City Hall**

OFFICIAL PRESIDING: Mayor Chris Garcia

**MEMBERS PRESENT: Pres. Terry Thomas, Iris Dysart, Terry Hill, Keith Sifford,
Jim Washington**

MEMBERS ABSENT: none

**Staff Present: Carl Slauch, Mary Mogle, Gene Myracle, Dustin Smith,
Terry Horner**

WORK SESSION-6:00 p.m.

The work session was called to order with all members present. The city attorney was not in attendance.

1. Affinity Development – Presentation on municipal portion of Mussett property.

Michael Duncan, Affinity Development, gave a PowerPoint presentation to explain the proposal for the municipal portion of his development. He noted the proposed Letter of Intent was non-binding at this point and reported he would be appearing before the Planning Commission on June 5 for approval of his Preliminary Plat and rezoning. He felt there was a need for this type of center in the City that would encompass municipal services, retail, and housing. The municipal package was a critical element of the project and if not approved, it would change the character of the project and make it more residential. The project allows for an elementary school and possible middle school; however, he was not certain what the school district's plans were at this time. An overall site plan showed various locations of town homes, municipal facilities (police station, city hall, community center), adult-living community, single-family residential, recreational facility, and possible schools. There would also be a trail system throughout the property. He would like to include a grocery store or some other type of anchor store.

Randy Meyer, project architect, viewed the complex as a traditional center mixing in different elements. They felt mixed use would fit the area better to include, retail with lofts, café's, service businesses, bike racks, landscaping.

REGULAR MEETING – 7:00 p.m.*(Tape 1, Side B)***ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE**

All members were 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. May 7, 2007 Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

Mayor Garcia asked that a correction be made on page 10, Business Item "c" of the May 7th minutes changing the motion to read "...seconded by Councilmember Hill".

President Thomas asked that Business Item "h" reflect that the City Council approved \$3,627.92, not \$6500, for RCP pipe.

Councilmember Washington asked for a correction to be made under his portion of the Council Member Reports where he addressed the need for space. The minutes reflected the need for equipment and storage at the wastewater treatment facility, when in fact, he was referring to the head works building and the odor control that had been compromised by past council in the design of the building.

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

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to revise the agenda moving Business Item "m" up to the second item on the (Business) agenda, revise (Business) Item "o" to read "Consider Charter Ordinances "generally" and add item "q" to consider ordinance raising fireworks stand permits to \$500. A 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

Ed McIntosh (15395 Briar Rd) addressed the 24-40 Corridor Study. The north/south access to 24-40 Highway was a major issue and should be considered in detail.

Dennis Mertz (2905 N. 155th St.) stated he was the only citizen who showed up for the work session last week and heard from KDOT. One possibility that was never raised was constructing a double light at 155th Street and 158th Street and would still meet the one-mile requirement set by KDOT. This would meet the one-mile requirement set by KDOT.

Chris Donnelly, First State Bank & Trust, from an economic perspective the City should take the time to study the corridor and consider frontage roads that would align with 155th Street. If the City decides to shift to the west, it would double the cost of economic development.

LeAnne Krell, legal counsel for Casey's General Stores who drove down from Ankeny, Iowa, encouraged the Council to look at the 155th Street and what type of businesses are located at that intersection. She felt by changing the signal, it would change the flow of traffic. Most traffic is only there for a short time and then they move on.

Charlie Krout, Sonic Drive-In, stated if the light at 155th Street light was shut off, it would send a message that the City wants new businesses and did not care about the existing ones.

Closed public portion of the meeting.

SCHEDULED DISCUSSION ITEMS

1. Discussion regarding 24-40 Corridor Study.

Mr. Slauch said the Council needed to address the intersections which would have $\frac{3}{4}$ access points, right-in/right-out access, or be signalized.

President Thomas asked if KDOT was definite about locating a stop light at 142nd Street and 24-40 Highway. Mr. Slauch stated KDOT was making provisions for the light to go in; however, it was a matter of timing and traffic would dictate when the light would be installed.

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President Thomas recommended addressing full access intersections first. His preference would be to stay with the Planning Commission's recommendation of Option #4 which called for signalized intersections to be located at 166th Street, 158th Street, 147th Street, and 142nd Street; plus the addition of the light at 155th. He felt this option would keep up with the intent of KDOT and with the City's current development plan.

Mr. Slauch stated safety factors and traffic counts would enter into the decision making of the 24-40 Corridor plan.

Councilmember Sifford did not support making 155th Street as a right-in/right-out access and supported leaving it as a full access intersection. He also supported a light at 158th and 166th Street and was negotiable on 147th and 150th Street access.

Councilmember Dysart agreed with President Thomas noting the City had nine potential lights in approximately three miles (142nd to 166th). She stated it was just a study and felt the City could ask for more full access intersections.

Councilmember Washington said he felt the City should not get excited about the 155th Street light being removed and felt it was in the distant future and should look where existing roads currently exist. He felt the north/south communication in the County should be addressed and did not feel signaling 142nd Street was necessary.

Councilmember Hill agreed with President Thomas's recommendations also. He felt 155th Street as a full access was a safety issue and if they remove the traffic signal KDOT should lower the speed limit.

Mr. Slauch said KDOT was trying to achieve an optimum distance; which was having stop lights one mile apart.

Chris Huffman, KDOT Assistant Chief of Traffic Engineering, implored the Council to consider what Basehor's future would be five, ten, twenty years down the road. He explained more intersections mean more crashes and as speed goes down, crashes go up as well; one-mile optimum spacing was not terribly meaningful, but if you reduce from one-mile the City would not be able to carry volumes of traffic. The corridor study was intended to supply KDOT with information they need.

Councilmember Hill asked if the double light was an option. Mr. Huffman gave an example of Tuttle Creek Boulevard and said it did not work as intended.

Council agreed to allow the 24-40 Corridor committee to decide the ¾ access points and right-in/right-out locations.

BUSINESS***a. Consideration of 24-40 Corridor issues.***

A motion was made by President Thomas and seconded by Councilmember Dysart to recommend to KDOT that full access signals be located at 142nd Street, 147th Street, 155th Street, 158th Street, and 166th Street and allow the committees to decide the $\frac{3}{4}$ access no access and right-in/right-out locations. A roll call vote was taken with all members voting in favor with the exception of Councilmember Washington. Motion passed 4-1.

b. Consider level of support for proposed facilities and financing options, submitted by Affinity Development.

A motion was made by Councilmember Dysart and seconded by Councilmember Washington to approve the Letter of Intent as presented. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

c. Consider purchase of radar units for police vehicles.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve purchase of two new radar units not to exceed \$3,390.00. Discussion followed. President Thomas asked how many radars were currently working. Chief Horner responded noting they have seven units and most are ten to fifteen years old and are continually sending in older units for repairs. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

d. Consider purchase of vehicle for Police Department.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to authorize the police chief to purchase a vehicle and equipment not to exceed \$31,000. Discussion followed. President Thomas stated he read that the Crown Vic was rated #1 and Malibu was rated #2. He thought the Malibu, and possibly a Dodge should be considered next time since it was considerably less money. Councilmember Washington proposed the City set a policy that would replace police vehicles when they reached 125,000 miles. Chief Horner reported he mirrored a spreadsheet similar to software used by the City of Salina to determine when a vehicle should be replaced. Councilmember Sifford said idle time on the vehicles was of concern to him more so than running time. President Thomas stated from a budgeting perspective, it would help to set a guideline of 125,000 miles for replacement. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

e. Consider authorizing police chief to dispose of 2001 Crown Victoria Police Car.

A motion was made by Councilmember Sifford and seconded by Councilmember Dysart to authorize the police chief to dispose of the 2001 Crown Victoria police car through Heartland Tow auction. Discussion followed. President Thomas asked if insurance was still being paid on this vehicle. The city clerk stated it was since she did not have the necessary information to cancel coverage. President Thomas asked if Heartland Tow would charge a fee for the service. Chief Horner stated he had never discussed a fee with him. President Thomas noted if the fee was 90%, then the car should be disposed of by some of means. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

f. Consider increase in monthly fees for public defender

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the increase of \$50 per month for public defender Roger Horsky. Discussion followed. Councilmember Washington asked what service was provided by the public defender. Chief Horner explained state law requires a public defender to be onsite for indigents and that legal services be provided if so designated by the municipal judge. The public defender was asking for a \$50 increase based on the increase in cases. A roll call vote was taken with all members voting in favor with the exception of Councilmember Hill. Motion passed 4-1.

g. Consider purchase of vehicle for Public Works Department.

City Superintendent Gene Myracle reported he sent specifications out for a 2008 F-450 Ford Truck with prices coming back higher than expected. He was currently waiting on bids for the dump body, hydraulic system for plow, spreader, and tarp system. Councilmember Sifford asked for an estimated cost of truck and equipment. Mr. Myracle stated it would cost approximately \$59,000 for a complete setup. He explained as the City grows he needed a larger truck to handle the amount of streets. President Thomas asked if he went out for other bids. Mr. Myracle said Ford was cheaper than other manufacturers.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to purchase the truck and equipment not to exceed \$57,000. Discussion followed. It was mentioned that the cost of the truck and equipment would most likely be around \$59,000 and suggested approving the purchase of the truck and waiting to approve the equipment when bids were finalized. Councilmember Sifford amended his motion to purchase truck at \$31,491. Discussion followed. Councilmember Washington asked if there was the money in the budget. Mr. Slaugh reported the Equipment Reserve Fund had \$105,000 and that both the truck and police car had been

budgeted. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

h. Consider Preliminary Plat for Little Angel's Learning Center.

Mr. Smith explained he has not worked out the provisions of the sidewalks at this time.

President Thomas asked why the library was handled different since they were asked to set funds aside so the sidewalk could be constructed at a later date. Mr. Smith was unsure; he thought it was because the library was a taxing entity and would have accessible funds.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to approve the Preliminary Plat for Little Angel's Learning Center as recommended by the Planning Commission. Discussion followed. Councilmember Dysart asked what the current zoning was. Mr. Smith reported the property was zoned CP-2. Councilmember Dysart pointed out the plat stated CP-3. Mr. Smith stated he was aware of the error and noted a correction would be made on final submittal. She also asked if the plat would include the four conditions set by the Planning Commission. Mr. Smith responded yes. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

i. Consider Final Plat for Little Angel's Learning Center.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to approve the Final Plat for Little Angel's Learning Center as recommended by the Planning Commission. Discussion followed. *(Tape 2, Side A)* Councilmember Dysart questioned if CP-2 Zoning was considered high density. The planning director noted it was not necessarily high density, CP-2 is more for General Business and density is mainly referred to when talking about residential, not commercial. She asked if sewers were going to be affected by the development of Sunset Ridge and expressed concern that it would effect Little Angel's Day Care. The city superintendent explained the route of the sewer main in the area noting the two lines would connect at different locations. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

j. Consideration of amendments to the Infrastructure Element of the Comprehensive Plan.

Mr. Smith reported the Planning Commission discussed the land use changes to the K-7 Corridor and changes to the commercial development were not intended until they have sewer facility or an engineered sewer system. The documents included the language supporting infrastructure facilities.

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the amendments to the Infrastructure Element of the Comprehensive as recommended by the Planning Commission. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

k. Consider participation in ICMA Performance Measurement Consortium

Mr. Slaugh reported there was an effort to create a Consortium in the MARC area. Currently there are twelve cities that have signed up and asked if Council wished to participate in the program. By participating, it would qualify the City for a 50% reduction in price and allow assistance with a management program.

President Thomas asked how much staff time would be involved and thought it would be a distraction to staff. Councilmember Dysart asked if it would overlap with services provided by MARC, LCDC, and LKM. Mr. Slaugh reported LKM was not involved in the program and MARC was involved in the program.

A motion was made by President Thomas and seconded by Councilmember Sifford to deny participation in ICMA Performance Measurement Consortium. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

l. Consider agreement with League of Kansas Municipalities to update and revise Basehor Municipal Code.

Mr. Slaugh reported the municipal code was last updated in 1999 by the League of Kansas Municipalities. LKM would charge \$1,400 to update ordinances from 1999 to present, provide a CD, and attend one council meeting. If additional services were needed, there would be an additional cost.

A motion was made by Councilmember Sifford and seconded by President Thomas to approve agreement with League of Kansas Municipalities to update and revise Basehor Municipal Code not to exceed \$1,400. Discussion followed. Councilmember Washington asked if it would be better to wait until the new city attorney come on board. Mr. Slaugh suggested moving forward since it would take about a year to complete the project. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

m. Consider options for grant submittal for KDOT economic development street project, 155th to 158th north of Town Center

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve options for grant submittal for KDOT economic development street project, 155th to 158th of Town Center as recommended. Discussion followed. President

Thomas asked what the chances were of receiving the grant, since previous Council had back out on two different occasions. Mr. Slaugh felt the chances were good since it was the size of project KDOT was looking for. He noted property owner Steve Miles and some of the other affected property owners said they would contribute 25% of the project which would be the City's portion of the grant. President Thomas stated he wanted a written agreement from the property owners stating they would contribute prior to applying. Councilmember Dysart asked who would be involved. Mr. Slaugh stated Little Angel's, Miles, Citizen's Savings & Loan, Rosenthal, Sunset Ridge, David Banzhaf. Councilmember Washington stated it was an integral part of the development of the 24-40 Corridor development. Councilmember Dysart asked how much the grant would be, noting the grant in 2004 was \$1.4 million and would most likely have increased in price. Mr. Slaugh stated he could not given an amount until a design study was done. He reminded the Council that Sunset Ridge would also be doing part of the road as part of their development. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

n. Consider ordinance authorizing the reassessments for Falcon Lakes Benefit District

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the ordinance authorizing the reassessments for Falcon Lakes Benefit District as presented. Discussion followed. President Thomas asked if the Zarda property had been annexed and felt they should be included in the benefit district. Mr. Slaugh reported it was his understanding there was agreement made, but was unsure of the particulars of the agreement. Mr. Smith reported he had saw maps excluding the land in the City. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

o. Consider adoption of Charter Ordinance amending Charter Ordinance #6 which would allow a non-resident of the state to fill an appointed position.

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to repeal Charter Ordinance's 2, 4, and 9, repeal Charter Ordinance 6, pass the Charter Ordinance 10 [corrected to 18] the language for which was in the package and amend Charter Ordinance 3 to correct the error that exempts the City from K.S.A 79-1122 that was a typographic error that should have been KSA 75-1122. Discussion followed. Mr. Washington explained the reason for repealing 2, 4, and 9 was that they all dealt with aggregate tax limitations and KSA 79-5040 which was passed in 1999 (read statute aloud) were suspended and no longer have any effect. In the case of Charter Ordinance 6 was incorrect since it applied to cities of the Second Class. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

p. Consider Planning Commission appointments. (Ed Bush, John Flower)

A motion was made by President Thomas and seconded by Councilmember Dysart to approve the re-appointment of Ed Bush and John Flower to the Planning Commission. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

q. Consider ordinance amending Chapter _____ fireworks permit fee.

A motion was made by President Thomas and seconded by Councilmember Washington to approve the ordinance amending Chapter VII Fire Article 3, Section 7-305, increasing the fireworks stand permit fee from \$50 to \$500. Discussion followed. President Thomas asked if there should be a description of non-profit organization. The city clerk noted any organization with a 501(c) tax classification was considered non-profit. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

CITY ADMINISTRATOR REPORT

- Hollingsworth Road Update – County crews are working and the County was also using private contractor for part of the work. Bids for asphalt portion would be sent out and anticipated construction for 2nd of July. Eastern portion should be finished by 15th of June, and then western portion would need to have drainage areas graded.
- 147th & Parallel Update – Hearing before the judge regarding the Buehler condemnation would be held on Wednesday, May 23rd. Construction could start shortly after.
- Joint meeting scheduled with school board on 11th of June at City Hall. Mayor Garcia suggested waiting until after the new school board members came on board in July.

MAYOR'S REPORT

- Citizens Forum would be held Thursday, May 31st.
- 147th Street Update – The city superintendent reported he was waiting on judge's ruling regarding the condemnation of an easement and a construction meeting has been scheduled for Thursday.

COUNCIL MEMBER REPORTS

Terry Thomas

Challenged council members and police chief to be in the dunk tank at the 4th of July Celebration.

EXECUTIVE SESSION

None

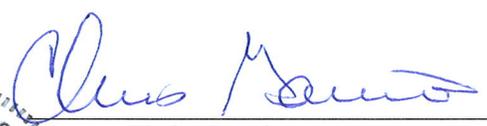
OTHER DISCUSSION

Mr. Myracle reported concrete work at the new pavilion in the park was recently completed and asked if payment of \$1200 could be made to the contractor prior to June 4th. Council consensus was to issue payment.

ADJOURNMENT

There being no further business to discuss a motion was made by President Thomas and seconded by Councilmember Sifford to adjourn the May 21, 2007 meeting. A roll call vote was taken with all members voting in favor. Motion passed. 5-0.

Submitted for Council approval with/without corrections or additions this 4th day of June, 2007.



Mayor Chris Garcia



Attest:



Mary A. Mogle, CMC, City Clerk

(2 tapes)