

Minutes

BASEHOR CITY COUNCIL

August 20, 2007

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Pres. Terry Thomas, Iris Dysart, Terry Hill, Keith Sifford,
and Jim Washington

Members Absent: none

Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle, Terry Horner, Dustin Smith,
Sadie Robb, Joe McAfee, Patrick Reavey (arrived at 6:40 p.m.)

Newspaper: Lara Hasting, *Basehor Sentinel*

WORK SESSION – 6:00 p.m.

The work session was called to order by Mayor Chris Garcia with all members in attendance. The city attorney was not in attendance until 6:40 p.m.

1. Discussion regarding agenda items.

i. Consider approval to submit a permit application to KDHE for the Wastewater Treatment Plant Expansion. (Burns & McDonnell)

Jeff Keller, Burns & McDonnell, was present to go over the following items; 1) KDHE treatment requirements, 2) recommended plant improvements, 3) projection of costs, and 4) financing options.

Mr. Keller reported the plant expansion was projected to satisfy requirements out to year 2020 with a flow of 1.12 mgd. Mr. Keller reported he recently met with KDHE to go over their “Antidegradation Policy”. Based on that meeting, Basehor will be required to meet the lowest requirement of 8 Total Nitrogen, 1.5 Total Phosphorous; however, the City needs to lock in these requirements by taking formal action at this meeting. He went over requirements necessary to upgrade and maintain the 163rd Street Lift Station until the year 2020. Some of the upgrades should be done before the year 2011.

Recommended Improvements:

2008-2011

- Trash Basket and Vault
- Chemical Feed-Odor Control
- Add third Pump to lift station
- Variable Frequency Drives
- Flow Monitoring
- Estimated cost \$150,000

2011-2020

- 3 New Pumps
- New Generator
- New Force Main
- Estimated cost \$970,000

Recommended improvements to Wastewater Treatment Operations (WWTO) facility:

Improvements to headworks building:

- Reuse screens
- New grit chamber

Biological treatment improvements:

2 options:

- Reuse and expand old basin plus duplicate basin (2.4 million)
- Abandon old basin and build new basin (normally cheaper to build new basin since contractor charges more to work around an old basin) (2.20 million)

Final Clarifiers

- Replace with 2 new
- Possibly reuse old tanks for sludge thickening
- \$850,000
- Convert old clarifiers (\$50,000)

UV Disinfection

- Expand by 2 or 6 modules
- \$60,000 - \$180,000

Solid Processing

- Duplicate Plunger Pump
- New RAS Pump
- DO Monitoring Equipment
- \$30,000

Facility and Equipment

- Renovate Process Building/Lab Area
- Expand SCADA System (monitor electronic system)
- \$40,000+

Value – Engineered Scope – \$3.9 million

This amount does not include rehabilitation of I/I problems.

An estimated cost of \$1 million to repair I/I problems.

Schedule:

- Draft facility plan submitted
- Review and comment
- Submission to KDHE
- Negotiate design contract
- April 1, 2009 – Plant to be up and running per KDHE

Financing:

- Existing Plant payments until 2020
- Recommend New Loan until 2020
 - Allows opportunity to invest in facility at different site
- Ability to pay is a direct function of population growth
 - Financial assessment used 50 rate payers/yr. Is not enough
 - Can raise rates – need to stay competitive
 - Max Out Connection Fees @ \$3,500 (recommend this action)

Mr. Keller explained why they were recommending expanding the existing plant rather than build a new plant in another watershed basin. In addition to building a new plant, the City would also have to lay new pipeline, acquire land for the plant, lift stations, and purchase easements. He did recommend looking at a new plant location before the year 2020. If the City chose to go with Bonner Springs, the City would have to share costs with Bonner Springs, as well as run pipelines to the connection point and felt the cost would be more than if the City would do it on their own.

President Thomas asked what the impact would be increasing connection fees now. Mr. Keller said in his opinion it would be less of an impact than increasing residents monthly user fees.

Mr. Flower asked if there was an increase or decrease in the redundancy cost. Mr. Keller said it was about the same.

- g. Consideration for change of zoning from CP-1, Neighborhood Business and R-O, Suburban Residential to MU-2, Mixed-Use General District and PR, Planned Residential and Preliminary Development Plan for Basehor City Center, submitted by Affinity Development, Inc for the properties know as the Mussett and Rix Properties located in Section 35, Township 10 South, Range 22 East. (Affinity Development)*

Planning Director Dustin Smith reported at the last Planning Commission meeting, the Board recommended approval with conditions (refer to staff report). Mr. Smith noted there were some design issues that were related to the Comprehensive Plan. He explained there was some discussion that the Planning Commission was using the Comprehensive Plan as a regulatory document rather than a policy or guideline document. Mr. Smith expressed concerns with street connectivity and the lack of north/south streets. *(City Attorney arrived at 6:40 p.m.)* The commercial areas are a concern as well. The Preliminary Development Plan is a plan; however, if there were any future changes, the developer would have to come back to the Planning Commission. The location of the grocery store would create a potential noise problem and become a hindrance to residential areas. The retail area does not meet the access requirements of the Fairmount Township Fire Department.

Mr. Smith stated some of the issues may not be able to be resolved without redesigning the Preliminary Plan. President Thomas asked if recommendations from the Planning Commission were based on the proposed Plan. Mr. Smith noted the recommendations were based on the proposed plan and Comprehensive Plan.

Mr. Smith stated he was flexible with some “substantial” changes. President Thomas said he did not want to hold up the project and asked if there was a way to move forward.

Councilmember Hill said it was his understanding the planning director did not receive changes that were recommended before it was submitted. Councilmember Sifford said it was his understanding the planning director felt the Planning Commission did not recommend enough stipulations. Mr. Smith stated that was correct.

Five-minute break (6:59 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 at 7:05 p.m. with all members present including the city attorney.

The Mayor reported he received information from the city attorney advising the Council to table action on Planning Commission matters until they met the 14-day protest period.

Mr. Reavey asked if the public hearing for the rezoning "closed" or was "continued". He noted the 14 days runs from the closure of the public hearing. According to the minutes, the public hearing was closed on July 10th. *(Tape 1, Side B)* Mr. Smith reported the initial hearing was held on June 10 and continued to July 10 and then continued to August 7th. The hearing was closed on August 7th. Mr. Reavey stated according to an Attorney General's opinion, the Council could not take action until the 14th day after the close of a hearing. Once a City has adopted zoning regulations, they must follow the law to the "T" and recommended delaying action until the next Council meeting.

Councilmember Washington said he thought the July 10th minutes stated the hearing was closed. Mr. Smith reported the intent was to continue the hearing until August 7.

Mr. Reavey stated it would be assumed the public hearing was closed on August 7.

Councilmember Dysart read a portion of the minutes from the July 10th minutes stating the public hearing was closed at 7:50 p.m.

Mr. Smith reiterated that the intent was to continue the hearing to August 7th. Councilmember Dysart stated there was a lot of discussion at the July 10th meeting. Mr. Smith said there was discussion among the Planning Commission. Councilmember Washington said he felt the minutes were very specific and should move forward on the Business Item tonight. The other two agenda items should be continued since they did not meet the 14 day protest period.

Planning Commission Chair John Flower stated the closing referenced continuation of the hearing.

It was pointed out the June and July minutes have yet to be approved by the Planning Commission.

A motion was made by Councilmember Washington and seconded by President Thomas to table Business Items "g" and "h" to September 6th agenda. A roll call vote was taken with all members voting in favor with the exception of Councilmember Dysart. Motion passed 4-1.

Max DeMetz (11215 Strangline, Lenexa, Ks) working for Affinity Development, stated he would prefer to have the item shifted to the September 6th meeting rather than have it held up later due to a technicality.

A motion was made by President Thomas and seconded by Councilmember Washington to table Business Item "f" to September 6. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

President Thomas commented that this agenda item showed importance when transcribing minutes.

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. August 6, 2007 Work Session
- 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 Hill to approve the Consent Agenda as presented. 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

Dennis Mertz (2905 N 155th St) asked Council to extend his temporary occupancy permit until September 6th since his agenda item had been tabled until the next meeting.

A motion was made by President Thomas and seconded by Councilmember Washington to add a Business Item "g" (See Business Item "j") to extend temporary occupancy permit for JED Installation. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

The public portion of the meeting was closed.

SCHEDULED DISCUSSION ITEMS

a. Discussion regarding Change Order No. 2 to H.E. Miller & Son contract pertaining to the 147th Street project.

The city administrator presented Change Order No. 2 which would add a driveway (farm entrance) at Station 21+00 along 147th Street on the west side and remove additional curb and place full depth asphalt at Parallel Lane. Mr. Slaugh explained elevations were not going to match and caused the need for the change. The farm entrance change was a staff error and initially left off the plans at Parallel Lane & 147th St.

Mr. Slaugh went on to explain there was a disagreement with the contractor about the price:

\$19,864.15 contractor proposal
\$14,136.85 contract unit prices by MHS Engineering.

President Thomas asked how the engineers missed so much. City Engineer Joe McAfee explained the reasons for the change order:

Mr. McAfee explained the reason for each item included in the change order:

1. Fix elevation differential from 147th and Parallel Lane;
2. Temporary Surfacing (not in bid). Contractor had to lay AB3 rock last Friday due to the rain storm. Cost \$20/ton – 12 ft. lane/3 inches thick.
3. Farm Entrance (grading, culvert, fence, gate)
4. Entrance Pipe and riprap for property owned by Jerry Presley.
5. Replace asphalt driveway Station 14+56. All driveways were bid with AB3. Property owners are disabled and request the slope of the driveway be cut down more than what was designed.

Councilmember Washington asked if the matter needed to be acted on at this meeting. Mr. McAfee stated he was hoping to add an agenda item giving authorization to negotiate with the contractor on the price.

A motion was made by Councilmember Washington authorizing the city administrator and city engineer to negotiate the change order not to exceed \$15,000. President Thomas suggested adding this as an agenda item. No action taken on this motion.

A motion was made by Councilmember Washington and seconded by President Thomas to add this item to the agenda for action. 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 Hill to authorize the city administrator and city engineer to negotiate the change order not

to exceed \$15,000. President Thomas pointed out this item should be voted on under Business. A roll call vote was not taken at this time. (See Business Item “k”).

BUSINESS

a. Consider proposed changes to the Basehor Municipal Code to add the position of City Prosecutor.

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to approve the proposed changes to the Basehor Municipal Code to add the position of City Prosecutor as written with the following change to delete the first “Whereas” clause. A roll call vote was taken with all members voting in favor. 5-0

ORD. 519 - AN ORDINANCE AMENDING SECTION 1-312 OF CHAPTER I OF THE CITY CODE TO ALLOW FOR THE ESTABLISHMENT OF THE OFFICE OF A CITY PROSECUTOR

b. Consider appointment of city prosecutor.

The mayor submitted the appointment of John Thompson to remain in the position of city prosecutor.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve the appointment of John Thompson as city prosecutor. A roll call vote was taken with member’s Sifford and Hill voting in favor and member’s Washington, Thomas, and Dysart voting against. The motion failed 2-3.

Mayor Garcia stated according to the LKM Governing Body Handbook, it was the Mayor’s prerogative to make the appointment and it was his intent not to submit another name, other than John Thompson, for the position.

Councilmember Washington noted the office did not exist prior to establishing the ordinance at this meeting; therefore, he did not feel there was an incumbent in this office.

City Attorney Patrick Reavey asked that this matter be discussed in Executive Session.

c. Consider contract for financial advisors (competing offers from Cooper, Malone, McClain and Piper Jaffray)

Financial Advisor Rick Ensz gave a presentation noting he appeared back in July and did not realize the City had a contract with another financial advisor. He asked for the City’s consideration to make a switch and contract with his firm. He reported his firm has worked on projects as discussed by Burns & McDonnell earlier in the meeting and gave examples of previous and current scenarios.

Mr. Slaugh reported Mr. Ensz has a good reputation with other cities.

A motion was made by Councilmember Sifford and seconded by President Thomas to retain Piper Jaffray. Discussion followed. President Thomas stated he would like to have Piper Jaffray meet with the Council regarding the wastewater treatment plant expansion. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

d. Consider ordinance amending Chapter XIV, Traffic Article 14-101 of the Code of the City of Basehor, Kansas

Police Chief Horner explained annually the State of Kansas makes changes to the Standard Traffic Ordinance which gives the department the right to enforce current laws.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to approve ordinance amending Chapter XIV, Traffic Article 14-101 of the Code of the City of Basehor, Kansas. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

ORD. 520 - AN ORDINANCE AMENDING CHAPTER XIV, TRAFFIC ARTICLE XIV, TRAFFIC ARTICLE 14-101 OF THE CODE OF THE CITY OF BASEHOR, KANSAS.

e. Consider ordinance amending Chapter XI, Public Offenses, Article 11-101 of the Code of the City of Basehor, Kansas.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to approve ordinance amending Chapter XI, Public Offenses, Article 11-101 of the code of the City of Basehor, Kansas. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

ORD. 521- AN ORDINANCE AMENDING CHAPTER XI, PUBLIC OFFENSES, ARTICLE 11-101 OF THE CODE OF THE CITY OF BASEHOR, KANSAS.

f. Consideration for change of zoning from CP-1, Neighborhood Business and R-O, Suburban Residential to MU-2, Mixed-Use General District and PR, Planned Residential and Preliminary Development Plan for Basehor City Center, submitted by Affinity Development, Inc for the properties know as the Mussett and Rix properties located in Section 35, Township 10 South, Range 22 East.

Refer to action taken in paragraph 1 of page 6.

- g. Consideration for change of zoning from R-1, Single-Family Residential to PR, Planned Residential and Preliminary Development Plan for Pebblebrooke, Phase II, as submitted by Pebblebrooke, LLC for property located at 15609 Hickory.***

Refer to action taken in paragraph 9 of page 5.

- h. Consideration of Conditional Use Permit for the property located at 2722 N. 155 Street, as requested by JED Installation.***

Refer to action taken in paragraph 9 of page 5.

- i. Consider approval to submit a permit application to KDHE for the Wastewater Treatment plant expansion.***

A motion was made by President Thomas and seconded by Councilmember Washington to authorize Burns & McDonnell to submit a permit application to KDHE for the Wastewater Treatment Plant expansion as presented. A roll call vote was taken with all members voting in favor. Motion passed 5-0. (Note: The item is referenced as Business Item "f" on the audio tape.)

- j. Consider approval to extend temporary occupancy permit for JED Installation***

A motion was made by President Thomas and seconded by Councilmember Sifford to extend temporary occupancy permit for JED Installation an additional 30 days. Discussion followed. President Thomas stated according to information he received, Mr. Mertz had until December 31st to remove the awning and felt that time frame was too long. Mr. Mertz stated it would not take that long. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

- k. Consider authorization to approve Change Order No. 2 to the H.E. Miller & Sons Contract pertaining to the 147th Street project.***

A motion was made by Councilmember Washington and seconded by President Thomas to authorize the city administrator and city engineer to negotiate the change order as submitted in the letter not to exceed \$15,000. Discussion followed. Councilmember Sifford stated he felt the change order should be approved for the engineer's amount of \$14,136.85. Councilmember Washington stated it was his intent to give the administrator and engineer enough flexibility to get the matter taken care of. Mr. Slaugh stated the change order did not include changes to the driveway. Mr. McAfee stated it would be another two weeks until asphalt would be laid. Dysart asked which driveway needed to be redesigned. Mr. Slaugh stated the property was previously owned by Mr. Chenoweth and was now owned by the Giomi family. She asked what an

estimated cost would be to asphalt the driveway. The city engineer estimated approx. \$4200. Mr. Slauch noted they also had to take out the radius curb at 147th & Parallel and it may need to be put back in. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

CITY ADMINISTRATOR REPORT

- Reminded the City Council, due to the holiday, the next meeting would be held Thursday, September 6th.
- Chief of Police has requested permission to attend out of state training. It has been past practice to receive Council approval for any out-of-state training. Chief Horner reported the Chief's Conference would be held in New Orleans in October.

Consensus of the Council was to approve attendance to the conference; however, they requested the item be placed on the September 6th agenda for formal approval.

- Requested a fifteen-minute Executive Session to discuss real estate acquisition and attorney-client privileged matters.

MAYOR'S REPORT

There was no report at this time.

COUNCIL MEMBER REPORTS

Keith Sifford

- Commend the police department for their work this past week in directing traffic during the first week of school. He noted it was chaos the first day and with the assistance of the police department, the second day went better.
- Back in March, the City met with KDOT regarding hazardous issues at the intersection of 158th & 24/40 Hwy. To date, nothing has been done to correct all the issues and requested an update. City Superintendent Gene Myracle stated KDOT added a flashing light but the rumble strips have not been installed to date. Mr. Myracle reported later in the meeting he has a meeting scheduled later in the week with KDOT representative Steve Taylor and would address the rumble strips.
- Requested an update on the grocery store from developer Ed McIntosh. Mr. McIntosh reported he was addressing issues concerning foundation, refrigeration, and right-in/right-out access. He was unsure if the City needed to get involved with KDOT regarding the access.

EXECUTIVE SESSION

A motion was made by Councilmember Sifford and seconded by President Thomas to convene into Executive Session for twenty-five minutes to discuss real estate acquisition and attorney-client privileged matters. A roll call vote was taken with all members voting in favor. Motion passed 5-0. The city administrator was asked to attend the executive session. (8:20 p.m.)

At 8:45 p.m. the regular meeting was called back to order by Mayor Garcia.

ADJOURNMENT

There being no further business to discuss, a motion was made by President Thomas and seconded by Councilmember Sifford to adjourn the August 20th regular meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 8:47 p.m.

Submitted for Council approval with/without corrections or additions this 6th day of August, 2007.



Mayor Chris Garcia

Attest:



Mary A. Mogle, CMC, City Clerk