Minutes

BASEHOR CITY COUNCIL
October 1, 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, Dustin Smith

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WORK SESSION – 6:00 p.m.

The work session was called to order at 6:00 p.m. by Mayor Chris Garcia. All members were present. The city attorney was not in attendance.

1. Discussion regarding agenda items.

b. Proposed trail system and grant application.

City Administrator Carl Slaugh reported the City of Basehor has the opportunity to submit a grant for a trail system. The current Comprehensive Plan shows a trail system around the City. PRIDE has the opportunity to receive a $3000 grant to help educate the public in using trails as a means of health and wellness. PRIDE is proposing a walkway from the elementary school west to the city park. Mr. Slaugh showed the proposed route that could be used; however, easements would have to be obtained for a section of the trail. To date, Mr. Slaugh did not have a cost for engineering and easements. Another possible trail would be across the Tomahawk Valley property and Historical Society property that would tie in with an existing trail system. The developer would need to be contacted to see if he would be willing to donate the property. The City would also need to contribute additional money to widen the trail 10 ft. per grant requirements. Mr. Slaugh reported the grants were eighty-percent funded by the State and would be awarded in November. President Thomas asked if there was an amount that could be requested. Mr. Slaugh stated there was no set requirement; however, the State does not like to award a lot of small grants because they are difficult to administer. It was estimated the cost to construct one mile of trail would cost approximately $300,000. President Thomas stated he thought it would be difficult to acquire easements going to the existing park. Mr. Slaugh reported all developments approved in the last couple of years have provided for trails with the hope they would eventually connect with another. Councilmember Sifford expressed concerns with future

maintenance and liability of trail systems. Councilmember Washington asked if Mr. Slaugh was going to submit a Transportation Enhancement System. Mr. Slaugh explained the grant application in the Council packet was strictly pertaining to the request from PRIDE.

Mr .Slaugh asked the city superintendent his opinion of a trail system. Mr. Myracle stated he felt a trail system should be used year around and would take additional time from his staff to perform routine maintenance. Councilmember Washington asked how Homeowners Association administered trail systems. Mr. Slaugh explained how a couple of developments currently handle their trail system. Mr. Myracle went over some issues he had experienced in the past. Pinehurst homeowner Sandy Grimes reported she and her neighbors were experiencing problems with motorized vehicles, bicycles, cracked asphalt, and kids on the trails after dark.

Mr. Myracle reported he had spoke with the property owner by the elementary school that has expressed opposition and was concerned with people accessing onto his property. Mr. Myracle felt fencing could be installed to make the walkway attractive as well as detour people from trespassing onto private property. Planning Director Dustin Smith stated he did not think the City would be liable for maintenance during the winter months as long as it was posted.

George Smith, PRIDE, reported the grant was through K-State as a means to promote healthy active lifestyle and would require cooperation between adults and youth. PRIDE was requesting City participation since they could not afford to pay the additional 20 percent of the grant. Mr. Smith went through the different areas throughout the City that would eventually have trails.

d. Consider approval of the next phase of design for the WWTP with Burns & McDonnell.

Councilmember Washington stated he felt the matter should be scheduled for another work session.

Jeff Keller, Burns & McDonnell, briefly explained what the next phase of design would encompass. A third pump would be added, renovations made to the headworks building, add two additional basins, add two additional clarifiers, expand the UV area, and create laboratory space. The expansion would increase the plant capacity from 0.56 to 1.112 MPG. Design schedule would start in October with construction starting in July 2008 and hopefully be completed in the fall of 2009. Mr. Keller reported KDHE contacted him earlier in the day asking if the City was making progress. They also notified him verbally that they would allow the city 8 milligrams per liter of total nitrogen and 1.5 milligrams per liter of total phosphorus. Mr. Myracle reported he received a call from Mr. Ghali, KDHE, asking him when design was going to be ready for submittal expressing their concern that the project was approximately six months over due. Councilmember Sifford and Mayor Garcia

thought some of the delay was the fault of KDHE because they were unsure what standards they were going to place on the City's new expansion.

Councilmember Washington felt the City Council could discuss the matter at the October 8th work session and take formal action at the October 15th meeting.

Mr. Keller apologized for getting the proposal to the Council last Friday. Councilmember Washington asked for digital files to be provided as well as pdf. files. Mr. Keller stated he would provide digital files as well.

Council discussed several areas of concern regarding resident inspectors, construction phases, cost of services, and good faith cost estimates.

The city administrator was directed to schedule discussion at the next work session and take formal action on the 15th of October.

Five-minute break. (6:55 p.m.)

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

All members were present. The city attorney was not in attendance.

RECOGNITION OF ALLEN GOENS

Mayor Garcia recognized family members of recently deceased Allen Goens. The mayor reported Mr. Goens was past mayor, member of both City Council and Planning Commission, served on the local fire department, and was a tremendous asset to the community.

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. September 10, 2007 Work Session – pending receipt from county
   2. September 17, 2007 Work Session and Regular Meeting
b. Approve Treasurer's Report & Vendor Payments
c. Approve investment recommendations - none
d. Approve calendar of events

A motion was made by President Thomas and seconded by Councilmember Washington to approve the Consent Agenda with the exception of "a(1) September 10, 2007 minutes". Discussion followed. Councilmember Dysart requested the amount shown on page 5, Business Item "c" be amended to read $76,622.85. 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

Sandy Grimes (15402 Crimson) supported trails but was concerned about liability since a trail adjourns her property. She did take out additional liability insurance on her property and explained the problems she experiences with ice and tree limbs along the trail area.

Closed public portion of meeting.

SCHEDULED DISCUSSION ITEMS

a. AT&T U-verse – Mike Scott, description of product and potential for area residents

Mike Scott, AT & T, explained the new U-verse program that would offer video service in selected areas. They currently service areas in Johnson County, Kansas City, Kansas, Kansas City, Missouri. The service will be provided over the telephone line. He explained in 2006, Kansas Legislature enacted laws requiring franchise fees and requirements.

Councilmember Washington reported he voted against the agreement because he felt AT &T should provide coverage for all of Basehor. Mr. Scott stated they currently do not have a plan to cover the entire city at this time and was reluctant to discuss service areas because he did not want to divulge trade secrets. Councilmember Hill asked if they would be offering a lesser service if it came in on copper wiring.

Mr. Scott discussed "voice internet protocol" and how it related to the franchise agreement. He explained currently the State does not consider voice over internet as part of a franchise. Councilmember Sifford asked how the service would react during inclement weather. Mr. Scott stated it should not be affected.

b. Proposed trail system and grant application

President Thomas asked what was expected from the Council at this point. Mr. Slaugh asked for Council to give him direction as to their interest in a trail system and applying for a grant.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to amend the agenda to add Business Item "f" to direct staff to compile the necessary paperwork to submit a grant for a walking trail from the elementary school property west to the city park. Discussion followed. President Thomas stated he did not want to tie staffs hands on one location and suggested staff provide a recommendation at the October 15th meeting. Councilmember Washington stated since there was such a short time to prepare and submit the application, they should possibly concentrate on the one location. Mr. Slaugh stated he thought the trail from the school to the park was a short project and thought he could group it with another trail such as the Tomahawk Valley location. Councilmember's Washington and Sifford withdrew their motions.

BUSINESS

a. Consider approval to waive the sewer connection fee for property located at 18701 153rd St., Briarwood subdivision.

A motion was made by President Thomas and seconded by Councilmember Dysart to deny the request to waive the sewer connection fee for property located at 18701 153rd Street, Briarwood Subdivision. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

Property owner John Haley reported he started the process earlier this summer to connect to the City's sewer system and was willing to annex into the city limits if necessary. Planning Director Dustin Smith stated Mr. Haley has provided him with the necessary information to start the annexation process and did not see any reason not to annex Mr. Haley's property into the City. Mr. Myracle stated the road in front of Mr. Haley's property was in decent condition, noting the County had recently chip and sealed the area.

Councilmember Sifford stated he was not opposed to annexing the property as long as everything was in order. Councilmember Dysart stated she was not in favor of the annexation and felt there would be a lot of issues such as different zoning classification, surveying, and road maintenance. She went on to explain the City had an ordinance prohibiting the use of grinder pumps which was what Mr. Haley would need. The city superintendent reported other properties in the past had received waivers for grinder pumps and Mr. Haley would be required to sign the same grinder pump maintenance agreement as others. Councilmember Dysart stated the difference was Mrs. Landauer's grinder pump was temporary and Mr. Haley's would be permanent. Mr. Smith stated the property would

annex in with a R-0 zoning and would not need to be surveyed as previously suggested by Councilmember Dysart. She also did not feel the property would make the boundary lines harmonious. Mr. Haley agreed to pay all expenses associated with the annexation and connection to the City's sewer system. Mr. Myracle explained he would work with Mr. Haley in an effort to make his system gravity flow, and if not, he would prepare the same agreement necessary for the use of a grinder pump.

Mr. Smith reported Leavenworth County planning director Chris Dunn sent the city administrator an email stating the County would support the annexation. President Thomas was concerned that the County would force Briarwood to annex into the City. Mr. Slaugh felt that KDHE would be the driving force once Briarwood started having more septic tank failures.

b. Consider renewal of contract for 2007 Audit with Lowenthal Singleton Webb & Wilson

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the renewal of contract for 2007 Audit with Lowenthal Singleton Webb & Wilson. Discussion followed. Mr. Slaugh reported if the City Council chose to not have the GASB 34 audit performed, the contract amount would be reduced by $1,000. He also noted an additional clause would be added requiring the audit to be finalized by June 1, 2008. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

c. Consider approval to waive delinquent fees for property located at 15525 Walnut Court, requested by David and Teena Williamson

Mr. Slaugh reported initially his recommendation was to refund $922.22 for delinquent taxes paid by new property owners David and Teena Williamson; however, after discussing the item with Councilmember Dysart he changed his mind. He explained the property owner purchased the home last November with the knowledge that there was an additional tax on the property. Mr. Slaugh expressed concern that if Council chose to waive the delinquent fees, it would set a precedent for other property owners purchasing foreclosed property to do the same. He felt when people purchase foreclosed properties, they know there is some risk they will take by doing so.

Councilmember Washington asked if the special assessment had shown on the tax rolls when the property was purchased. Mr. Slaugh stated the amount was present on the tax roll at the time of purchase.

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to deny Mr. And Mrs. Williamson request to waive delinquent fees for their property located at 15525 Walnut Court. Discussion followed. Councilmember Sifford stated he felt it was morally wrong to charge the new property owner for the previous owner's debts.

Mr. Williamson reported he purchased the property last November and explained there was an estimated tax on his contract. The $900 figure showed up; however, they could not explain what the amount was and also caused his escrow account to be short. He did not feel he should pay the amount. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

d. Consider approval of the next phase of design for the WWTP with Burns & McDonnell.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve the next phase of design for the WWTP with Burns & McDonnell as presented. Discussion followed. President Thomas stated he thought it was agreed earlier in the meeting that the item would be discussed at the October 8th work session and voted on at the October 15th meeting. A roll call vote was taken with member's Sifford and Hill voting in favor and member's Thomas, Washington, and Dysart casting a no vote. The motion failed 2-3.

A motion was made by President Thomas and seconded by Councilmember Washington to table action until the October 15th meeting (and discuss at the October 8 work session). A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

e. Consider renewal of maintenance agreement with Tyler Technologies for support of FundBalance software.

A motion was made by Councilmember Sifford and seconded by President Thomas to approve renewal of maintenance agreement with Tyler Technologies for support of FundBalance software. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

CITY ADMINISTRATOR REPORT

a. Hollingsworth Road Project Update – Nothing reported.

b. 147th Street Project Update - 147th Street was open for public access last Friday and would be completed in about a week once a fence was constructed and some other minor issues addressed.

c. Request for Executive Session – Requested a ten-minute executive session to discuss a personnel pay issue.

d. Meeting with Bonner Springs - Met with mayor of Bonner Springs to discuss regional boundary and wastewater concerns. City of Bonner Springs would like to schedule a joint

meeting in November. Mr. Slaugh stated he would make a formal meeting request at the October 15th meeting. President Thomas suggested Basehor City Council go over their concerns at a work session prior to meeting with Bonner Springs.

e. Casey's Sewer Backup – Not ready to discuss the issue since the city attorney had not had time to review all the documents; therefore, he will place the issue on the October 15th agenda.

f. Falcon Lakes Motor - Mr. Myracle reported he has an opportunity to have a spare motor for the Falcon Lakes lift station for the repair cost of about $2,000. Mr. Myracle noted the motor new would cost about $31,000. The city administrator was directed to place the matter on the next meeting agenda.

MAYOR'S REPORT

- Buffalo Bill Century Ride was a success (9/23/07) with over 100 riders passing through Basehor to include a couple from California.
- Firefighters Appreciation Dinner was also a success (9/30/07).
- 147th Street is open and really nice.

COUNCIL MEMBER REPORTS

Iris Dysart

147th Street Project – Councilmember Dysart questioned how long it would take the concrete to cure expressing concern that the heavy trucks on 147th Street was using it before it had fully cured. Mr. Slaugh stated they received a recommendation from the city engineer as to when traffic could access without damaging the road. Mr. Slaugh stated 28 days would be the maximum time necessary to fully cure. She felt the City should have waited 28 days. President Thomas stated the concrete had ample time to cure and was confident it would with stand the traffic.

Baker Condemnation – Councilmember Dysart would like to see the City moved forward to condemn right-of-way easement from Mr. Baker necessary to extend Hickory Street west to Mr. Hoelting's property. She felt Hickory Street would be a major east/west street in the future. Mr. Slaugh reported he has not moved forward with condemnation because the developer west of the Baker property had expressed that he would not be moving forward with his development (Silver Springs). Mr. Slaugh estimated it would take approximately $6,000 to move forward with land acquisition.

The city administrator was directed to place the necessary paperwork on the November 5th agenda.

Executive Session - Requested a thirty-minute executive session to discuss personnel and possible legal issues. Mayor Garcia stated legal issues could not be discussed since the city attorney was not present. She then requested a twenty-five minute executive session.

Jim Washington

Councilmember Washington commended Chuck Wilderson, George Smith, and Mary Mogle for their work in putting together the Firefighter & Police Officer Appreciation Dinner. He expressed his disappointment that no one from the police department was in attendance.

EXECUTIVE SESSION

a. Discuss non-elected personnel issue

A motion was made by President Thomas and seconded by Councilmember Thomas to discuss non-elected personnel for up to thirty-five minutes. A roll call vote was taken with all members voting in favor. Motion passed 5-0. (8:20 p.m.)

At 8:55 p.m., Mayor Garcia called the regular meeting to order.

A motion was made by President Thomas and seconded by Councilmember Sifford to authorize the city administrator to adjust the new police officers wages by fifty cents per hour. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

ADJOURNMENT

There being no further business to discuss, a motion was made by President Thomas and seconded by Councilmember Sifford to adjourn the meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 9:03 p.m.

Submitted for Council approval with/without corrections or additions this 15th day of October, 2007.

Mayor Chris Garica

SEAL OF THE CITY OF BASEHOR, KANSAS CORPORATE SEAL

Attest:

Mary A. Mogle, CMC, City Clerk