

Minutes

BASEHOR CITY COUNCIL

July 2, 2007

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

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

Members Absent: Keith Sifford

Staff Present: Carl Slaugh, Mary Mogle,

WORK SESSION – 6:00 p.m.

The work session was called to order by Mayor Chris Garcia with all members present with the exception of Councilmember Sifford. The city attorney was not in attendance.

1. Discussion regarding agenda items.

b. Update on WWTP design and proposed more stringent KDHE standards

City Administrator Carl Slaugh gave the following staff report (extracted from Agenda Item Information Form):

“The Kansas Department of Health and Environment has given notice to the City of Basehor that more stringent standards for wastewater effluent are being proposed. The exact standards that may be required are being tied to the ability of the city to pay based on median household income (MHI).

The EPA has set a threshold of 1% of MHI as a value below which the upgrade is not expected to cause a substantial economic hardship on households. The 2000 census listed the MHI in Basehor as \$52,831. Based on an assumed project cost of \$4.0 million; the user rate would need to be increased by 38% to fund those improvements or \$52.25 per month. Increasing the average monthly sewer bill from the current \$37.86 to the 1% threshold level of \$52.83 is very close to the level needed to fund the cost of the new plant which would give a monthly average wastewater bill of \$52.25.

A 38% increase would raise the cost per 1,000 gallons of water consumed from \$7.20 to \$9.94, which was projected by 2017 in the User Charge Study completed by Larkin in August 2006.

Burns & McDonnell has recommended that the new WWTP be designed to meet the minimum EPA threshold level “A” and that sewer rates be increased by 38% to fund the projected cost of the improvements.”

Mayor Garcia asked if the estimated number of households would change anything. Mr. Slaugh stated he thought it would not change much and thought it would be safe using a conservative amount. Councilmember Washington reported the Lansing paper had an article that showed populations and that Basehor City was the fastest growing community, percentage wise, in the State of Kansas. The mayor noted the city would need to take into consideration cost of repairing the I & I problem or spend money on the plant. Mr. Slaugh noted that would need to be taken into consideration since it was estimated to cost \$1 million to correct I & I problems.

Councilmember Dysart stated she thought Burns & McDonnell quoted \$200,000 to repair I & I problems. President Thomas said Burns & McDonnell stated if the City chose the \$4 million dollar design, they would have \$2-\$3 million to spend toward I & I repairs. Mr. Slaugh stated he hoped to have an answer at the next regular meeting.

Councilmember Washington asked if the City was going to have an LMI (low to moderate income) study done before submitting the plan. Mr. Slaugh reported he spoke with a company in Lawrence that felt Basehor was being "lumped in" with metropolitan cities and felt they could qualify Basehor for LMI if a study was performed. An estimated cost of the study would be around \$16,000.

b. Consider authorizing an exception to policy to RecordNews for Neighborhood Revitalization application.

Mr. Slaugh reported RecordNews was relying on a statement from their developer. The Council addressed the matter December 18, 2006 and denied the request for reconsideration. Mr. Slaugh reported he spoke with the County and was informed it was not really just up to the County or City, but would need to be approved by the school district and township also. Councilmember Washington asked if something had changed since it was last submitted. Mr. Slaugh stated nothing had changed other than the new property owner was requesting a shorter time than the normal five-year term.

Mr. Flower stated the current owner was not aware the Council was addressing the appeal last December.

President Thomas noted Mr. Males issue was with the original developer, not the city.

a. Consider a change to the Neighborhood Revitalization Plan for the City of Basehor.

Mr. Slaugh reported the changes would apply to retail and commercial type businesses. He explained he felt that Basehor's policy was too broad along with some changes that were proposed by the county appraiser. Normally abatements are based on manufacturing businesses, not retail businesses. Incentives are provided to manufacturing companies you want to attract to your community, retail businesses will come without incentives. Councilmember Washington reported he researched the Kansas Statute that made reference to "commercial" and

“manufacturing”, so there had to be some explanation for commercial type businesses. He also recalled the City of Olathe had an additional policy that stated abatements could be given as long as the retail business did not take business away from an existing business.

Mayor Garcia reported he was on the council when Basehor implemented the Neighborhood Revitalization Plan. The intent was to fill in area’s that needed to be revitalized and to bring in economic development. He agreed with the need to scale back the plan. Mr. Slaugh reported another issue the county wanted addressed was how the City would address buildings that were shells verses improvements. The county wanted the policy to apply only to the initial shell of a building and not allow resubmitting new applications with each new business. President Thomas said he thought it would be a nightmare for the county to keep up with. Mr. Slaugh noted it was becoming an issue for the county.

Mr. Slaugh stated during the regular meeting he would like to receive some direction. President Thomas said he would like to see some quantified documentation on how the proposed changes would impact the City. Mr. Slaugh said it was a known fact that cities attract more businesses based on the amount of incentives offered.

d. Consider request from Police Department to dispose of storm damaged property.

Chief Horner requested permission to dispose of property from the basement that was damaged due to a storm. He reported Judge Pray had signed off on some of the property that was damaged in the evidence locker.

Five minute break (6:47 p.m.)

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLIGENCE

The meeting was called to order by Mayor Chris Garcia. All members present with the exception of Councilmember Sifford. 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. June 11, 2007 Work Session
 2. June 18, 2007 Regular Work Session & 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 Dysart to approve the Consent Agenda as submitted. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

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. Ray Breuer

Re: Development Fees

Mr. Breuer was not in attendance. The city administrator reported Mr. Breuer was requesting the City forgive a \$2001.88 development fee for engineering services charged in year 2002 for work pertaining to Prairie Gardens subdivision road and utilities. He stated Mr. Breuer had told him he had given enough to the City by improving 158th Street from 24-40 Highway north to Parallel Road and contributed land to the library and land for the Basehor historical monument at 158th and Parallel Road. *(Tape 1, Side B)*

Councilmember Dysart asked why the City should place a hardship on the taxpayers, the City had already paid MHS Engineering; therefore, the bill should be paid back to the City.

Councilmember Washington asked why permits were being issued and suggested withholding permits until the bill was paid in full. Mayor Garcia agreed with both council members and supported withholding permits until bills are paid in full for any developer.

Councilmember Washington reported the property has changed hands on numerous occasions, John Breuer, Breuhaven Properties, John and Gwen Breuer, Ray Breuer, and Ray and Anne Breuer.

b. Citizen Comments Regarding Agenda Items

Jack Taylor Jr. (1901 159th Terr.) resident of Prairie Gardens, stated it was not just a bill that Mr. Breuer had not paid. There were other false promises such as providing basketball courts, paved trails, ponds, to mention a few. In addition, Mr. Breuer was issuing permits to builders who should not continue to build in the subdivision since they do not follow up on problems. Mr. Taylor reported he had to pay to have two dead trees removed from his property because his builder would not take care of the problem as promised for the last nine months.

Closed public portion of the meeting.

SCHEDULED DISCUSSION ITEMS

a. Consider a proposal from Cooper Malone McClain, Inc. for financial advisor services.

Rick Ensz, Cooper Malone McClain Inc. gave a brief summary of the company and what benefits they could provide for the City of Basehor. The company is certified which allowed them to act as both financial advisors and underwriters. They can assist with annexations plans, calculate and compile special assessment spreadsheets, capital improvement projections and funding, general obligation bonds, and economic development tax abatement programs. Mr. Ensz discussed the packet he had provided for council review. The packet included information regarding Basehor's debt, consolidated debt service, calculate available debt capacity, company profile, and Financial Advisory Agreement. Their company can also assist with Lease Purchase agreements. He stated he would appreciate the opportunity to work with Basehor.

Mr. Ensz reiterated, in accordance with the submitted agreement, the City would not owe any money to his firm until the City closed on a financing deal. He asked what direction Council would like him to take at this juncture.

President Thomas said an action item could be placed on the next available agenda for consideration; which would allow council time to review the information provided this evening.

b. Update on WWTP design and proposed more stringent KDHE standards

Discussed in work session. No further discussion at this time.

BUSINESS

a. Consider a change to the Neighborhood Revitalization Plan for the City of Basehor.

A motion was made by President Thomas and seconded by Councilmember Washington to approve staff to come up with a study showing the impact of rewriting the Neighborhood Revitalization Plan. Discussion followed. Councilmember Washington felt staff work should be delayed until which time the new city attorney could review the legal language. He thought staff should provide a bullet point report showing a comparison of the 2005 resolution verses the proposed changes. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

b. Consider authorizing an exception to policy to RecordNews for Neighborhood Revitalization application.

A motion was made by President Thomas and seconded by Councilmember Hill to deny the request for an exception to policy to RecordNews for Neighborhood Revitalization application as presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

*c. Consider an appeal from resident at 14720 State Avenue to waive solid waste fees.
(Doug Strict)*

A motion was made by Councilmember Washington and seconded by President Thomas to accept the city administrator's recommendation and require the resident at 14720 State Avenue to adhere to the requirements of Ordinance 431 and pay the monthly solid waste fee or obtain a private hauler's permit. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

d. Consider request from Police Department to dispose of storm damaged property.

A motion was made by President Thomas and seconded by Councilmember Dysart to approve the Police Department's request to dispose of storm damaged property. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

CITY ADMINISTRATOR REPORT

- July 9th work session would cover 2008 Budget. He explained the city treasurer received information from the County today and she would need time to incorporate the information and he was also working on the pay plan. He advised the governing body the packet would not go out until Thursday, July 5th.
- Reported the 24-40 Corridor Study committee would meeting at Basehor City Hall on Tuesday, July 3rd to resolve some issues regarding the five signalized intersections.
- Mr. Slauch reported a question had been proposed to him regarding a variance request. A home being built in Prairie Gardens subdivision exceeding the side yard setback by one foot. He explained a stop work order had been issued until a site plan could be submitted to the planning director. Afterward, there was failure of staff to notify the builder properly of the variance process; therefore, the stop work order was lifted. The subdivision regulations authorizes the City to place a stop work order until which time a Board of Zoning Appeals meeting could be held.

President Thomas said his concern was the builder could almost have the home complete before a meeting could be held. In his opinion; it was in the City's interest to let the property owners in the area know what was happening and issue another stop work order as soon as possible.

Councilmember Washington stated as a property owner in Prairie Gardens, he was the one who brought up to the planning director to shut the project down. He noted if the City was going to get control of developments, they should insist the developers adhere to the rules or it would get worse. Councilmember Washington reported the planning director had informed him the builder would not return his calls and felt staff should have sent a registered letter to the builder when he could not be reached via telephone.

Mayor Garcia said if the City knows there was a problem, they have an obligation to address the issue immediately. He felt Council would support staff with this type of enforcement.

MAYOR'S REPORT

- Invited public to attend the 4th of July Celebration.
- Council member Keith Sifford would return from surgery on July 16th.

COUNCIL MEMBER REPORTS

Terry Thomas

President Thomas encouraged people to attend the 4th of July Celebration reminding them they would have an opportunity to dunk the mayor in the dunk tank

Iris Dysart

Councilmember Dysart asked how many fireworks stands permits had been issued. The city clerk reported four permits had been issued with one fee being waived for PRIDE organization. She also recommended purchasing public hearing signs that would hold up to the weather and people could see from the highway. Councilmember Washington suggested having a frame made where the sign could drop into a Plexiglas slot.

EXECUTIVE SESSION

None held.

ADJOURNMENT

A motion was made by President Thomas and seconded by Councilmember Washington to adjourn the July 2, 2007 regular meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 7:54 p.m.

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



Mayor Chris Garcia

Attest:

Mary A. Mogle, CMC, City Clerk

(1 audio tape)