

Minutes

**BASEHOR CITY COUNCIL
October 29, 2007
(reschedule from October 15, 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, Dustin Smith, Gene Myracle,
Patrick Reavey**

Newspaper: Lara Hastings, *Basehor Sentinel*

WORK SESSION – 6:00 p.m.

The work session was called to order by Mayor Garcia. All members were present with the exception of Councilmember Sifford. The city attorney was also in attendance.

Discussion regarding agenda items.

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

Jeff Keller, Burns & McDonnell was present to answer any questions on the design for the WWTP. City Administrator Carl Slaugh noted there had been some discussion whether the flows were accurate noting there was some level of error; however, the he feels like the flows depicted in the study were accurate. He felt if the City cut their standards too tight, the City would be limiting potential for growth. The City would need to work on the I&I problems in the future. Staff was in the process of obtaining quotes to televise, flush, and smoke test existing sewer lines.

City Superintendent Gene Myracle reported BG Consultants did smoke testing in 1997 and found there was approximately 60,000 lineal feet of gravity lines of which only 800 ft was replaced along with replacement of 90 manholes at a cost of approximately \$350,000.

Council discussed the five various phases of loans from Kansas Department of Health & Environment and the discrepancy in flow count reported by the water department and the city superintendent.

Mr. Myracle briefly described an I&I program currently being performed by the City of Lansing noting it would take several years to complete the work.

Mr. Slaugh reported he has included \$400,000 in the 2008 budget to address I&I problems. President Thomas stated it is apparent the City has an I&I problem; however, based on growth it was necessary to move forward with building a plant. Mr. Slaugh felt if the City did not move forward with building a new plant, KDHE would place a moratorium on building construction.

Councilmember Dysart said she felt it would be much cheaper to connect with Bonner Springs. President Thomas said it would cost approximately \$7 million to connect and the plant expansion was \$3.9 million. Council discussed Bonner Springs plans to annex south of 24/40 Hwy and bring a sewer lines to that area.

President Thomas questioned how long would it take the system to go septic as stated in III-5. Mr. Keller stated it depends on several factors; the system could go septic in a matter of hours. He reported the City was on a time constraint with KDHE and although Bonner Springs did have capacity, they would have to expand in the near future as well. Even if the City would connect with Bonner Springs, KDHE would still require the City of Basehor to upgrade their plant because it would still be in operation.

Mr. Slaugh asked the Council if they wished to discuss cost factors of the contract for design work by Burns & McDonnell.

Design Phase	\$363,000
Survey	\$15,000
Geotechnical	\$15,000
Bid Phase	\$ 7,500
Construction Inspec.	\$129,000

Mr. Keller stated they would be happy to charge an hourly rate for inspections rather than a set fee if that is what Council preferred. No discussion at this time.

h. Consider resolution regarding future signal lights on the 24/40 Corridor.

Mr. Slaugh stated he was submitting this resolution at the request of area business owners. He went on to explain he had a meeting with KDOT regarding and right-in/right-out at 153rd. KDOT did not agree to allow the access point to the 24/40 Corridor based on safety issues.

President Thomas said he had an issue with paying for a study to be performed and it was KDOT making the final decision as to what was best for the City and asked who would pay for installation of street lights. Mr. Slauch noted the City would pay for the streetlights in conjunction with grants from KDOT. Council discussed the work yet to be done on 158th Street as promised. The city superintendent reported KDOT informed him today they would not be constructing the rumble stripes as promised. He explained he was in the process of obtaining bids and working with the County.

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

REGULAR MEETING – 7:00 p.m.

(Tape 1, Side B)

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

All members present with the exception of Councilmember Sifford. The city attorney Patrick Reavey was 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. September 10, 2007 Work Session
 2. October 1, 2007 Work Session and Regular Meeting
 3. October 8, 2007 Work Session
 4. October 15, 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 President Thomas and seconded by Councilmember Dysart to approve the Consent Agenda as printed. 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).

Citizen Comments Regarding Agenda Items

John Haley (18701 153rd Street) urged Council to annex his property.

Sandy Grimes (15402 Crimson St.) supported the annexation of the Haley property. Supported leaving the stoplight at 155th Street and 24/40 Highway. She explained the amount of traffic that comes to that intersection from the various subdivisions south of 24/40 Highway.

George Smith (14923 Parallel) felt like there were several unanswered questions about the sewer expansion; however, the City was on a time constraint with KDHE and supported moving forward with the project.

John Flower (15515 Cedar Lane) agreed the City should move forward with the design of the plant since it was going to be a requirement at some point and this would allow the City to hold their standards.

Mr. Flower commented when the City voted on the streetlights for the 24/40 Corridor study, they did not put their recommendations in the form of a resolution. He went on to explain 158th Street was the only access to the south and felt it would be more important than 155th Street when bringing industry to the area.

Randy McDowell (23100 154th St.) addressed the proposed condemnation of the structure located on his property at 15411 Parallel. He explained he would be willing to tear down the wood structure and requested he be given four to five months to tear down.

Ed McIntosh (15325 Briar Rd) attended the KDOT meeting regarding right-in/right-out access to his subdivision. KDOT made statements regarding stoplights on 24/40 Corridor and they did not appear to be in favor of the requested access. Mr. McIntosh reported he would continue working with KDOT and requested the City continue to work with him. He got the impression that KDOT would not fund other projects if the City did not support their plan for the corridor.

Dennis Mertz (2905 N. 155th St.) felt the City owed it to the existing businesses to leave the stoplight at 155th Street. He did not feel the reverse frontage road from 155th Street west to 158th Street would be as beneficial as previously thought.

Mr. Mertz requested Council extend Mr. McDowell additional time to remove his building located at 15411 Parallel Road.

Public portion of the meeting closed.

SCHEDULED DISCUSSION ITEMS

a. LCDC Quarterly Report – Update by Executive Director Steve Jack

Tony Kramer, LCDC President, was present to give an update on items they worked on over the last three months. One of the goals they were focusing on was long range planning. A committee has been formed to work on goals for the next five years. They hope to complete the list by December 13th.

Mr. Steve Jack, Executive Director, reported LCDC has worked with area Chamber's to host an annual meeting, a VIP event (October), and in December they will hold another meeting at St. Mary's. LCDC bought a package from Commercial Journal that will feature LCDC and the Port Authority on the December 2007 cover as well as a 1400 word article trying to entice businesses to the Leavenworth County area. Mr. Jack went over several projects they have worked on and the different organizations he has participated in promoting LCDC organization.

Mr. Jack reported of the 6-7 active projects they have found that Leavenworth County lacks available buildings (40,000 – 60,000 sq. ft.) and land with available infrastructure and proper zoning. Companies are also looking for rail access and transportation assets. The Land Search Committee is in the process of putting together virtual buildings rather than actually building structures that may not meet the needs of a future business. Mr. Kramer reported the Land Search Committee had a good turn out on available properties and the information provided by the planning director on four area properties would be beneficial.

President Thomas asked if the City would see a report on the properties that were submitted by other cities. Mr. Slaugh stated a final list from the Port Authority has not been released at this time.

b. 24/40 Corridor Partnering Agreement

Mr. Slaugh reported KDOT asked that the agreement be distributed to the Council for review prior to final approval. The city attorney had made some wording changes.

Councilmember Washington asked if KDOT would add information specific to Basehor at a later date. Mr. Slaugh thought there would be additional information at a later date.

BUSINESS

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

A motion was made by President Thomas and seconded by Councilmember Hill to approve the next phase of design for the WWTP with Burns & McDonnell as presented. A roll call vote

was taken with all members voting in favor with the exception of Councilmember Dysart.
Motion passed 3-1.

b. Consider ordinance annexing property located at 18701 153rd St, Briarwood Subdivision, NE 1/4 Sec 11, twp 11S, Rge 22E (a/k/a Lot 3, Briarwood Estates West)

Councilmember Dysart asked the city administrator to share the correspondence from county planner Chris Dunn regarding the annexation of this property. Mr. Slaugh stated the county noted the property was contiguous to the City and they would support the annexation. She noted the city passed an ordinance (15-246) that specifically stated grinder pumps were prohibited and did not feel the City should allow Mr. Haley to use a grinder pump.

Councilmember Washington asked the city attorney to give an opinion on the article. Mr. Reavey stated the language was inconsistent; however, the language states the grinder pump would not be part of the city sewer system but could be part of a private sewer system. Mr. Slaugh asked the city superintendent if there was a difference between a grinder pump and a lift pump. Mr. Myracle explained the difference and the intent of article 15-246. He noted all the grinder pumps currently in use have been approved by the Council and agreements have been signed requiring the property owner to be liable for maintenance of the grinder pump/lift pump. Mr. Myracle reported there was a possibility that Mr. Haley could go gravity flow, elevations have not been down at this point.

Councilmember Washington stated he did not have an answer as to the impact of annexing one house from Briarwood subdivision.

Councilmember Dysart noted there were 1200 acres involved in the 24/40 Interceptor and felt Mr. Haley would owe assessments on the Pinehurst lift station and 24/40 Taxing District. She referred back to correspondence written by former code administrator Mike Hooper. President Thomas stated the City did not end up levying fees to that area when 24/40 Taxing District was finalized. Mr. Myracle stated the Pinehurst developer paid upsizing fees for the area. Councilmember Dysart noted the City paid \$55,000 and should be reimbursed part of the cost. Her figures indicated Mr. Haley would owe \$300 in assessment costs.

A motion was made by President Thomas and seconded by Councilmember Hill to approve annexation of 18701 153rd St., Lot 3, Briarwood Subdivision. A roll call vote was taken with members Thomas and Hill voting in favor and member's Dysart and Washington voting against. Mayor Garcia broke the tie voting in favor of the annexation. Motion passed 3-2.

c. Consider Replat of Lot 1, Block 6 of the Honey Creek Farms Subdivision

A motion was made by Councilmember Washington, second by Councilmember Thomas to approve the replat. Discussion followed. Councilmember Dysart asked if there were any regulations requiring the developer to put in a storm shelter.

Mr. Smith stated there were not regulations in place at this time. She also questioned the language where it stated size of lot would be increased and asked if it referred to the size of the house. Councilmember Washington stated he supported since there was support from the area residents. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

d Consider revised Final Development Plan for The Medicine Store, to be located on Lot C-5 of the Pinehurst North Subdivision

Mr. Smith reported The Medicine Store came back for revision due to an increase in the size of the building by 33%. Councilmember Dysart asked if they would be required to sprinkle the building. Mr. Smith reported they would sprinkle the building.

A motion was made by President Thomas and seconded by Councilmember Washington to approve the revised Final Development Plan for The Medicine Store, to be located on Lot C-5 of the Pinehurst North Subdivision. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

e. Consider approval to authorize the mayor to sign renewal agreement for Special Traffic Enforcement Program (STEP)

A motion was made by Councilmember Hill and seconded by President Thomas to authorize the mayor to sign the renewal agreement for Special Traffic Enforcement Program (STEP). A roll call vote was taken with all members voting in favor. Motion passed 4-0.

f. Consider resolution fixing the time and place and providing for Notice of Hearing before the Governing Body of the City of Basehor, Kansas at which time and place the owner, his agent, lien holders of record, and occupants of the structures herein described may appear to show cause why such structures should not be condemned and ordered repaired or demolished as unsafe or dangerous structures. (15411 Parallel Rd, 1104 N. 150th St, 2805 N. 155th St)

Councilmember Washington asked what the procedure was once the hearing was set and questioned if the Council would have the authority to grant additional time to Mr. McDowell to demolition his building as previous requested in "Call to Public". Mr. Reavey noted statutes gave flexibility to the City once the hearing was held.

A motion was made by Councilmember Washington to adopt the resolution as presented and set the public hearing date for December 17, 2007 at 7:00 p.m. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Mr. Russell, attorney for Jeral Cooper, asked if he would be allowed to speak since he was not allowed to speak during "Call to Public". Mayor Garcia stated he made an error in his

statement earlier in the meeting and could not allow him to make any statements until the hearing per the city attorney.

g. Consider repair of 125HP Smith & Loveless pump to be used as spare for Falcon Lakes lift station.

A motion was made by President Thomas and seconded by Councilmember Dysart to approve repair of the 125HP Smith & Loveless pump as presented not to exceed \$2,025. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

h. Consider resolution regarding future signal lights on the 24/40 Corridor

A motion was made by Councilmember Dysart and seconded by President Thomas to approve a resolution regarding future signal lights on the 24/40 Corridor. A roll call vote was taken with all members voting in favor with the exception of Councilmember Washington. Motion passed 3-1.

i. Consider Interlocal Agreement with Jeff Theno for wastewater upsize fees, Victory Crest Subdivision

President Thomas stated he did not want the City to be the “bank”; however, he felt the language in the document would hold Mr. Theno to make \$5,000 payments with the next eight building permits. He also requested language be added to page 3, section 11 (1) “as determined by KDHE”. Mr. Reavey suggested adding “as determined by the City”.

Councilmember’s Washington and Dysart expressed their concern with language as well. The city attorney suggested council include in their motion authorization allowing him to make the necessary changes.

Councilmember Dysart noted the City paid \$381,220 in upsize fees to Falcon Lakes and felt that Mr. Theno was being charged too much and explained her reasoning. She also felt he should be charged interest on the money he owes. She felt he should be charged \$295 per acre and Victory Crest was fifty acres. Mr. Slaugh noted Victory Crest was broken down by lots and Falcon Lakes was given a “special deal”. Mr. Slaugh stated the figure being used was prepared by the city engineer.

Councilmember Washington prior to voting wanted to know what Council’s feelings were on annexing the property since it was included in the City’s Comprehensive Plan.

A motion was made by Councilmember Washington and seconded by President Thomas to approve the agreement with changes as recommended by the city attorney. Discussion followed. Councilmember Dysart asked if Council felt Mr. Theno would have the amount paid

in eight months and should interest be charged. President Thomas said felt this agreement was a compromise. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

CITY ADMINISTRATOR REPORT

a. Trail Plan

Mr. Slaugh sent correspondence to affected property owners asking for input regarding the proposed trails. The plan proposes a trail from Basehor Elementary School west along the south side of the ride, go between two properties, and across the vacant property the City owns onto the city park. Part would be 10 ft. and the remainder would be 5 ft. He noted the grant would not fund sidewalks five feet wide; therefore, the City would need to fund more than half of this project. A cost estimate would be approximately \$75,821.

The trail from 155th west to 158th and connect with the Basehor Library would cost the city approximately \$292,699 with total cost at \$597,376. The final work is being completed by the city engineer. A final resolution will be presented at the next Council meeting and due [postmark] to KDOT by November 7th.

Councilmember Washington asked what trails and amenities were included in the mass development plan for Tomahawk Valley. Mr. Smith explained the plan called for trails, sidewalks, and green space.

Mr. Slaugh reported his discussion with Steve Miles was that the City would participate in part of the cost to increase the trail to widen from 8 to 10 ft. Mr. Miles said he agreed to the plan in principal; however, he has not come to a financial agreement.

b. Casey's Grease Trap

Mr. Slaugh provided a chain of events when the backup occurred at Casey's General Store. Mr. Myracle explained the process he went through to clear the line. He explained currently there are only two structures on the sewer line. According to Reddi Rooter, they flushed approximately 4,000 gallons of water to the manhole southeast of Casey's.

Councilmember Washington asked how many hours staff had involved in the project. He felt the City should take the \$297.50 from Casey's and be done with it. He also felt the City did not need to pass a grease trap ordinance because it was already addressed in other ordinances. Mr. Slaugh stated the reason he was pursuing this issue was to protect the City's sewer system. Casey's does not feel they need to take additional measures at their store to stop discharging grease into the City's sewer system. Mr. Slaugh noted the ordinance was drafted by another City; therefore, no further time was involved in compiling the ordinance.

Councilmember Hill noted if there were other businesses on this line, it would be difficult to know who would be responsible. Mr. Slaugh explained there was an article in the KC Star stating they were having difficulties in getting restaurants to comply. Councilmember Washington stated he read the article and it indicated the waste was going down the drain.

Mayor Garcia felt the City needed to be careful about setting precedent. He felt this matter was cut and dry.

Councilmember Washington said current city regulations allow the City to access Casey's property to check the grease pit and felt it was necessary to show support to the local businesses.

c. Personnel pay issue

Mr. Slaugh explained the first of October the Council approved a fifty-cent per hour raise and should have been approved for less. The city clerk reported the amount needed to be \$13.53 per hour. President Thomas asked that the matter be placed on the next agenda for formal action.

d. November Work Session

Mr. Slaugh asked if Council preferred to leave the meeting on November 12th rather than moving it to Thursday, November 15th. Council agreed to leave the meeting on Monday, November 12th.

e. Joint meeting with Bonner Springs

Mr. Slaugh reminded Council of a joint meeting with the City of Bonner Springs to be held at the KDOT office on November 28th to discuss annexation and boundary issues. President Thomas requested maps and information papers prior to the meeting.

f. Street cleaning contract

Councilmember Washington asked about the street cleaning contract in the newspaper. Mr. Slaugh reported there are problems with contractors allowing mud to flow in the street. A contractor will be used to clean up after storms and developers or property owners charged for the work and issued a fine.

g. 147th Street Project

Councilmember Dysart asked the city superintendent if the concrete was 50 ft. from the center of the road on 147th Street. Mr. Myracle explained the road is measured from the centerline back. She felt the road should be wider. Mr. Myracle explained the engineer designed the asphalt key where it would not push into the concrete.

MAYOR'S REPORT

Mayor Garcia announced President Thomas would run the November 5th meeting in his absence.

COUNCIL MEMBER REPORTS

Jim Washington

Suburban Water has applied to the KCC for a 37% water rate increase and requested Council oppose the increase as well.

Iris Dysart

Councilmember Dysart asked what the results were from talks from the County regarding pending financial issues. Mr. Slaugh stated he would prepare a report for the next Council meeting.

She also requested the status of the bond for Cedar Falls. Mr. Slaugh reported he sent a letter to the bond company and yet to receive a response.

A request was made by Councilmember Dysart for a thirty-minute executive session with council members and city attorney only to discuss non-elected personnel, excise tax, and upsize fees.

Carl Slaugh requested a twenty-minute executive session to discuss acquisition of real estate.

EXECUTIVE SESSION

a. Discussion regarding acquisition of real estate (easements and ROW)

A motion was made by President Thomas and seconded by Councilmember Washington to convene into executive session for up to sixty (60) minutes to discuss easement right-of-way, non-elected personnel, excise tax, and upsize fees. A roll call vote was taken with all members voting in favor with the exception of Terry Hill. Motion passed 3-1. The city administrator attended the first part of the meeting. (9:05 p.m.)

At 9:55 p.m., Mayor Garcia called the regular meeting to order.

ADJOURNMENT

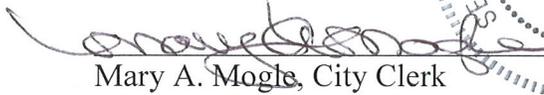
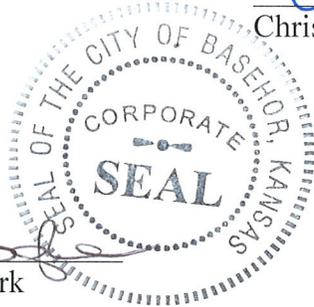
There being no further business to discuss, a motion was made by President Thomas and seconded by Councilmember Dysart to adjourn the meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 9:55 p.m..

Submitted for Council approval with/without corrections or additions this 5th day of November, 2007.



Chris Garcia, Mayor

Attest:



Mary A. Mogle, City Clerk