

Minutes**CITY OF BASEHOR
City Council Meeting
April 3, 2006
6:00 p.m.
Basehor City Hall**

Official Presiding: Mayor Chris Garcia

Members Present: Pres. John Bonee, Iris Dysart, Bill Hooker, Terry Thomas

Members Absent: Keith Sifford

Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle, Terry Horner, Dustin Smith,
Caleb Flake, and John Thompson

WORK SESSION – 6:00 P.M.***Item #1. Introduction of new police officer.***

Chief Horner introduced new full-time police officer Andrew Burns. Officer Burns was previously employed with the City of Basehor as a part-time police officer. He started full-time on March 27, 2006.

***Item #2. Ed McIntosh, Benchmark Management Inc.
Re: Transportation Development District (TDD)***

Mr. McIntosh introduced attorney Christine Bushyhead. Ms. Bushyhead explained the intent of the Transportation Development District Sales Tax (TDD) and provided the governing body with a packet. The packet included a petition from Benchmark Management requesting the creation of a TDD and a resolution considering the tax. She explained all property owners in the proposed district must sign the petition; so far there were only two property owners. Mr. McIntosh explained the bond issuance would be approximately \$3,564,160 not including bond issuance costs and interest. The bonds would be paid back through sales tax collected within the TDD area. Benchmark Management requested a $\frac{3}{4}$ cent sales tax be levied to pay for the bond. The bonds may not exceed 22 years.

Councilmember Hooker questioned what would happen if there were not enough taxes collected in order to meet the bond payments. Ms. Bushyhead stated the bond holder would be responsible for the difference.

Ms. Bushyhead reported according to their calculations they anticipate the development to be built out in approximately four years and would bring in over \$47,000 in sales tax annually. She noted "administrative costs" had not been included in the project cost but could be included at a later date. If the project remains on target, it would be possible to pay the bonds off in thirteen years if not sooner. Council would be required to hold a public hearing and pass an ordinance creating the Transportation Development District Sales Tax.

Item #3. Fact Finding Discussion Regarding Agenda Items with Department Supervisors (no action to be taken during this session)

GAAP Waiver

At the March 20, 2006 Council meeting, Council denied resolutions waiving requirements of "Generally Accepted Accounting Principals" (GAAP) for years 2005 and 2006.

Tom Singleton, Lowenthal Singleton Webb & Wilson CPA firm, came before the Council to explain GAAP accounting. He explained currently the City of Basehor uses the Kansas Accepted Principal Accounting method of record keeping. This form of auditing was more economical and focuses more on fraud and at risk funds. Mr. Singleton commented if the Council decided to start using GAAP, he would suggest starting with audit year 2006 since the field work for year 2005 has been completed.

President Bonee stated the City needs a more in depth study every so often. Mr. Singleton stated a GAAP audit costs approximately \$15,000 as opposed to the \$8,000 the City was currently paying. GAAP would require the City to put a cost on all infrastructure (i.e. sewer lines, streets).

Audience members Bob Moore and Dennis Mertz expressed support for GAAP and felt the audit should be even more detailed oriented than it is at this time. Mr. Moore wanted to see every line item audited. Mr. Singleton stated the City of Basehor could not afford that type of audit.

Work Session closed at 7:00 p.m.

PUBLIC HEARING (7:05 p.m.)

CONTINUATION OF 24-40 SANITARY SEWER TAXING DISTRICT PUBLIC HEARING

Mayor Garcia announced due to the absence of the city engineer, it would be necessary to continue the public hearing until the April 17, 2006 Council meeting.

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to continue the public hearing to April 17, 2006 (at 7:00 p.m.). A roll call vote was taken with all members voting in favor. Motion passed 4-0.

REGULAR MEETING (7:05 p.m.)

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

Mayor Garcia announced all members were present with the exception of Councilmember Sifford. The city attorney was also in attendance.

RECEPTION

Mayor Garcia announced there would be a brief fifteen-minute reception to introduce City Administrator Carl Slaugh and Planning Director Dustin Smith to the members of the audience.

At 7:17 p.m., Mayor Garcia called the regular meeting back to order.

CONSENT AGENDA

- a. Approve Minutes of the Council Meeting of:
 1. March 13, 2006 Work Session (Matter of Record)
 2. March 16, 2006 Special Meeting
 3. March 20, 2006 Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve Investment Recommendations (none at this time)
- d. Approve Calendar of Events

A motion was made by Councilmember Thomas and seconded by Councilmember Dysart to approve the Consent Agenda as written. Discussion followed. Councilmember Thomas asked for an update from the March 13th discussion concerning Falcon Lakes Subdivision. The city clerk reported the city treasurer has compiled a report showing ~~excise tax~~ *(amended 4/17/06 to read "transportation impact")* fees collected to date and Falcon Lakes engineer has yet to provide information on the re-calculated special assessments. 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. Victor Dietz

Re: Request to have Animal ordinance modified to allow domesticated fowl

Mr. Dietz came before the governing body to request a change in the animal control ordinance to allow domesticated fowl. He explained he lost his case in municipal court and was forced to remove his chickens from the city limits. He would like Basehor to allow domesticated fowl under regulated conditions. He suggested regulating fowl under the same restrictions as dogs and cats. Mr. Dietz commented he thought it was unfair that people could have “vicious” dogs, but not domesticated chickens.

Mayor Garcia stated he was not willing to put the matter on the agenda since the ordinance was upheld in municipal court.

b. George Smith

1. Request Annual Resolution Expressing Support for PRIDE;

Mr. Smith requested City Council adopt a resolution expressing support for the local PRIDE organization and their work. He explained this was an annual requirement by the State PRIDE organization.

2. Presentation regarding PRIDE projects;

Mr. Smith gave a report of the projects PRIDE had accomplished in the past. Some of the projects included beautification projects, Firefighter & Policeman Appreciation Dinner, 4th of July Celebration, and Christmas in the Park.

3. Request funding and support for 4th of July Fireworks Display.

PRIDE organization requested a \$1500 donation for the fireworks display and waiving of the fireworks stand permit fee for year 2006.

4. Read letter from resident Jim Washington

Mr. Smith read part of a letter from resident Jim Washington in support of the City using the GAAP method of auditing.

5. GAAP Waiver

Mr. Smith spoke in support of auditing under the GAAP form of auditing.

c. *Ed McIntosh, Benchmark Management Inc.*

Re: Central Wet Well Sanitary Sewer System for Cedar Lakes, Phase 5

Mr. McIntosh presented a report from his engineer proposing a central wet well sanitary sewer system for Cedar Lakes, Phase 5. By going with a central wet well system, it would allow the subdivision to be serviced by gravity flow sanitary sewers with the use of only two pumping stations, rather than the 13-14 grinder pumps. This type of system would eliminate the cost of high maintenance equipment. The property owners would pay annual maintenance fees for the upkeep of the two pump stations. Mr. McIntosh noted if the City of Basehor wanted to annex the subdivision, he would file a petition and present at the next meeting.

President Bonee asked if the system could be designed to handle future expansion. Mr. McIntosh stated it was not feasible to construct the system to be totally gravity flow. City Superintendent Gene Myracle stated he would be in favor of the system as long as Mr. McIntosh's engineer was willing to certify the force main would not blow apart due to the extra flow.

Council felt they needed more information from the city superintendent and city engineer before they made a final commitment to the system.

d. *Citizen Comments Regarding Agenda Items*

Dennis Mertz (2905 N. 155th Street) supported approval of all the items with the exception of Business Item "h". Mr. Mertz stated the City was paying too much in rental fees for the clam bucket and encouraged Council to vote for the purchase of a clam bucket. He went on to explain he spoke with League of Kansas Municipalities (LKM) regarding the GAAP waiver. LKM informed him a GAAP audit costs approximately \$20,000 and suggested adopting the waiver and performing a GAAP audit every five years due to the cost.

Ed McIntosh, Benchmark Management, reported Stone Creek Crossing had met all City requirements and requested Final Plat approval.

Mark Breuer, Schlagel & Associates, requested approval for the Pinehurst Final Plat. He explained it was necessary to change from the original plat since the sanitary sewer had to be relocated and building size was increased.

Mayor Garcia asked if there was anyone else who wished to speak regarding an agenda item. No one came forward; he then called the public portion of the meeting closed.

SCHEDULED DISCUSSION ITEMS**a. Discussion regarding GAAP Waiver Resolutions
(Tom Singleton, Lowenthal Singleton Webb & Wilson)**

There was no discussion at this time.

**b. Robert Bryan
Re: Discuss 59.96x250 ft. tract of land on 155th Street**

Mr. Bryan explained he owned a piece of property north of Basehor Town Square that was intended for a street. He informed the Council he was approached to sell the ground for commercial use but needed to know if the City wanted to purchase the land from him, for a future road, or allow him to sell the property.

The city clerk explained the maps show the "intent" for a road, but was never platted dedicating the land for that use.

Developer Ed McIntosh stated the City required him to construct Wolf Creek Junction Parkway to line up with Mr. Bryan's land and felt the City should consider the area for a future frontage road.

Council consensus was that the City had no control over Mr. Bryan's land and he was free to sell if that was his desire.

BUSINESS**a. Consider Ordinance Creating 24-40 Sanitary Sewer Taxing District and Setting Assessments****b. Consider Ordinance articulating repayment of City-at-large costs for 24-40 Sanitary Sewer Taxing District (documents to follow)**

Mayor Garcia reported Business Items "a" and "b" would be continued until after the close of the public hearing on April 17, 2006.

c. Consider amendment to Municipal Policy 5.04MP, Sewer Rate Fees

A motion was made by President Bonee and seconded by Councilmember Thomas to approve the amendment to Municipal Policy 5.04 MP changing the word "increase" to "review" and changing ".05" to "the nearest cent". Roll call vote was taken with all members voting in favor. Motion passed 4-0.

d. Consider authorizing administrative department to send notices to delinquent Sewer and Solid Waste accounts

A motion was made by Councilmember Thomas and seconded by President Bonee to authorize the administrative department to send notice to delinquent Sewer and Solid Waste delinquent utility accounts (notifying them of the possibility of the past due balance being placed on their property taxes). Roll call vote was taken with all members voting in favor. Motion passed 4-0.

e. Consider rescinding vote on 2005 GAAP Waiver Resolution.

Amended to read "Consider rescinding vote on 2005-2006 GAAP Waiver Resolution" per Council request.

The city administrator stated GAAP accounting was very time consuming for staff and suggested waiving GAAP for 2005, and possibly perform a GAAP audit for year 2006.

A motion was made by President Bonee and seconded by Councilmember Dysart to amend their previous vote (made on March 20, 2006) and rescind vote on 2005-2006 GAAP waiver resolution. Roll call vote was taken with Council Members Bonee and Dysart voting aye and Council Member's Thomas and Hooker voting nay. Discussion followed. Councilmember Thomas stated he did not feel the Council, as well as himself, understood the full implications and costs to vote on implementing GAAP in 2006. Mayor Garcia stated he was in favor of rescinding the motion and voting for the waivers. He cast an "aye" vote breaking the tie. Motion passed 3-2.

President Bonee confirmed that another vote be taken later in the meeting to consider approving GAAP audit for year 2006. Mayor Garcia confirmed that it could be addressed under Business Item "o".

f. Consider ordinance setting late fees and procedures for collecting delinquent reimbursable accounts

City Attorney John Thompson distributed an ordinance that articulated a method of collection for past due amounts owed for services rendered through inspection, review, and other reimbursable fees. The ordinance would allow the City to assess a 10% penalties and late fee.

President Bonee stated he would still like to see a policy adopted that would collect inspection and review fees at the conception of the development, before any work by the City was performed. The planning director was instructed to research the matter and present at the meeting on the 17th of April.

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to table until the April 17, 2006 Council meeting. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

g. Consider ordinance creating a Public Defender Fund and Technology Fund from Court Fees (documents to follow)

A motion was made by President Bonee and seconded by Councilmember Thomas to table the ordinance creating a Public Defender Fund from court fees and pay attorney Roger Horsky \$1800 for 2005 public defender services. Roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

h. Consider rescinding previous motion to allow Chief of Police to hire non-certified police officers.

A motion was made by Councilmember Thomas and seconded by President Bonee to allow the police chief to hire non-certified police officers in the event certified officers were not obtainable. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

i. Consider purchase of Clam Bucket for 810C Unloader

A motion was made by President Bonee and seconded by Councilmember Thomas to allow the city superintendent to purchase a clam bucket for the 810C Unloader not to exceed \$3,000. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

j. Consider Final Plat, Construction Documents, and Subdivision Improvements Agreement for Pinehurst North Commercial

A motion was made by President Bonee and seconded by Councilmember Thomas to approve Final Plat, Construction Documents, and Subdivision Improvements Agreement for Pinehurst North Commercial as presented and approved by the Planning Commission. Roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

k. Consider Final Plat, Construction Documents, and Subdivision Improvements Agreement for Stone Creek Crossing.

A motion was made by Councilmember Thomas and seconded by President Bonee to approve Final Plat, Construction Documents, and Subdivision Improvements Agreement

for Stone Creek Crossing North Commercial as presented and approved by the Planning Commission. Roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

l. Consider removal of planning commission member for absenteeism

Mayor Garcia explained planning commission member Rick Hogue had missed five meetings in the past year and according to the by-laws, any member missing three consecutive or four in a year, should be removed from the board.

A motion was made by President Bonee and seconded by Councilmember Dysart to remove Rick Hogue from the Planning Commission for absenteeism. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

m. Consider donating \$1500 Fireworks Display and waive fireworks stand permit fee for PRIDE for year 2006

A motion was made by Councilmember Thomas and seconded by President Bonee to donate \$1500 to PRIDE for the fireworks display and waive the fireworks stand permit fee for year 2006. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

n. Consider adopting a resolution expressing support for the PRIDE organization

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to adopt a resolution expressing support for the local PRIDE organization. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

o. Consider adopting GAAP method of accounting for year 2006.

A motion was made by President Bonee and seconded by Councilmember Hooker to adopt the Generally Accepted Accounting Principals (GAAP) for audit year 2006. Discussion followed. President Bonee stated if the city administrator had a different method of auditing the City's inventory and funds, he would be in favor of discussing it in the near future. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

MAYOR'S REPORT

Mayor Garcia announced the following items would be on the April 10th Work Session agenda:

1. Discuss Leavenworth Road drainage problems;

2. Discuss 24-40 Corridor Study funding;
3. Discuss K-7 Corridor Memorandum of Understanding (MOU); and
4. Presentation of an imaging system and projector.

COUNCIL MEMBER REPORTS

Bill Hooker

Councilmember Hooker questioned the status of the 147th Street project. Mayor Garcia reported currently two property owners have refused to sign the "Dedication of Deed". President Bonee stated the City should move forward with condemnation proceedings. The city superintendent reported he was directed by the mayor to send a letter to the property owners threatening condemnation proceedings. President Bonee stated the letter should state they have only seven days to sign.

President Bonee

President Bonee would like to renew Council's focus on the wastewater facility needs.

EXECUTIVE SESSION

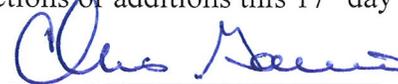
- a. Attorney-Client Privileged Matters
- b. Personnel

City Attorney John Thompson stated he did not see a need to convene into executive session at this time. Mr. Thompson reported a motion was filed in district court, by the plaintiff MEI, Inc., to continue the case until after the 24-40 Sanitary Sewer Taxing District assessments were finalized.

ADJOURNMENT

A motion was made by President Bonee and seconded by Councilmember Thomas to adjourn the meeting. Roll call vote was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 9:15 p.m.

Submitted for Council approval with/without corrections or additions this 17th day of April, 2006.


Chris Garcia, Mayor

Attest:


Mary A. Mogle, City Clerk

