

MINUTES

BASEHOR CITY COUNCIL

May 15, 2006

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

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

Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle, Terry Horner,
Dustin Smith, John Thompson, Joe McAfee

WORK SESSION (6:00 p.m.)

Mayor Garcia called the work session to order announcing item "a" under Call to Public had been resolved and would be removed from the agenda. Item "e" under Business was not ready for action and would also be removed from the agenda.

City Engineer

Mr. McAfee reported Business Item "a" adopting the ordinance creating and setting assessments for the 24-40 Sanitary Sewer Taxing District was ready for adoption.

Planning Department

- *Consider Preliminary Plat for Stimetz Subdivision (Joe and Ann Stimetz)*

Mr. Smith reported he did not find there were any grading issues at this time. He explained a reverse frontage road would have to be constructed and had requested the Stimetz provide easements around the property for a walking trail.

Council discussed various options for locating the access road and ways to access the 20-acre tract of land south of the proposed subdivision.

- *Consider Petition and Resolution for voluntary annexation of Cedar Lakes Phase V (Benchmark Management)*

Mr. Smith reported he had no changes to report since the last meeting. City Superintendent Gene Myracle informed the governing body he had an onsite meeting with Benchmark Management regarding sanitary sewers for the subdivision.

Mr. Myracle reported Benchmark Management was made aware of certain City requirements such as installing dialers.

Council discussed the pros and cons of annexing Phase 5 prior to annexing Phase 1 through 4 of existing Cedar Lakes Subdivision. City Administrator Carl Slaugh stated he felt it was in the best interest of the City of Basehor to annex property that would be connected to the City's wastewater collection system.

Councilmember Dysart questioned if the proposed sewer line would handle wastewater from Glenwood Subdivision. Mr. Myracle reported Glenwood Subdivision would pump into Cedar Falls sewer main and then pump "up" to Pinehurst.

Council discussed options for design and location of pump station.

- *Consider Interlocal Agreement with Leavenworth County for work on Hollingsworth Road.*

Mr. Slaugh reported Leavenworth County informed him, if the City of Basehor met the five items listed on the interlocal agreement, the County would be able to perform the work. The County public works department does not lay chip-and-seal after September 15th.

President Bonee asked if the County would be receptive to moving the entire road south to bypass the need for obtaining easements.

Mr. McAfee stated Bill Green (Leavenworth County Engineer) informed him the project would not be done until 2007 even if easements were obtained. Mr. McAfee reported he had met with all the utility companies and they were very receptive to moving forward with relocating the utility lines as soon as easements were obtained. He explained Mr. Green told him under no circumstances would the City be allowed to redo the part of Hollingsworth Road that was not build for chip-and-seal. Mr. Slaugh commented the County told him they want to do the project "right the first time" and that would include procuring easements on the north side. Mayor Garcia and President Bonee said they recall Commissioner Oroke stating the County would assist the City in getting easements on the north side since the property was located in Leavenworth County.

City Attorney John Thompson suggested adding a clause in the interlocal agreement stating the County would assist the City with obtaining the necessary easements on the north side. President Bonee requested an additional clause be added stating the project would be completed in year 2006.

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Mr. McAfee noted the limited right-of-way forced him to design a 24 ft. road, rather than a 28 ft. road which was preferred. He commented it was his opinion Tom Zarda would not give right-of-way and would force the City to move forward with condemnation proceedings.

- *Consider purchase of new mower for mowing of city park.*

Mr. Myracle presented three bids for zero turn radius mowers. The bids include government discounts.

Kubota	\$13,800
Gravely	\$13,513
John Deere	\$12,300

The city superintendent explained last year he budgeted \$16,000 for a new mower and Council suggested he repair the old mower and purchase a new one in 2006. Mr. Myracle noted the existing Toro mower was 14 years old and starting to require expensive repairs. The old mower would be kept as a back up when the other mower was being serviced.

Work Session closed at 6:55 p.m.

PUBLIC HEARING (7:00 p.m.)

Transportation Development Taxing District Public Hearing

Mayor Garcia called the public hearing to order announcing the hearing was continued from the May 8th meeting due to lack of quorum.

City Administrator Carl Slaugh requested the hearing be closed but postpone action on the ordinance until June 5th. He explained a maintenance agreement should be adopted at the same time stipulating how revenues are collected and paid out.

Council agreed to close the hearing and take action on June 5th.

Mayor Garcia called the public hearing closed.

REGULAR MEETING (7:05 p.m.)

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

The regular meeting was called to order with all members present including city attorney John Thompson. Pledge of Allegiance was recited.

Mayor Garcia thanked the City Council for approving the new laptop and projector system and staff for getting the system up and running.

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 of the Council Meeting of:
 1. May 1, 2006 Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve Investment Recommendations
- d. Approve Calendar of Events

Councilmember Hooker wanted the record to reflect there were no investment recommendations.

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to approve items "a", "b", and "d". 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. ***Debbie Breuer, President, Basehor Dairy Days Association***
Re: Police Services for Basehor Dairy Days Festival
 1. ***Request waive of fees***
 2. ***Dairy Farmers Luncheon***

Mayor Garcia announced all issues have been resolved and would not be discussed at this time.

- b. ***Citizen Comments Regarding Agenda Items***

Jim Washington (1901 160th Street) informed the City Council he was disappointed that he learned from the mayor via email he would not be reappointed to the Planning Commission. Mr. Washington read a written statement regarding the future growth of Basehor and noted he had been abrasive at times but wants to see Basehor stay on track.

Mayor Garcia asked if there was anyone else from the audience 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 wastewater treatment for Lacy property.

Planning Director Dustin Smith reported Mr. Lacy would like to drain the ten acre tract into the existing Ginger Creek lagoon (Sewer District No. 5). The lagoon was permitted by Kansas Department of Health and Environment ("KDHE") for one-hundred homes, to-date, there are only thirty-seven connections. Mr. Smith suggested requiring Mr. Lacy to provide a preliminary plat showing how the remaining property would be developed and consider the ten-acre tract as Phase I. He pointed out that at some time, the development could tie into the Honey Creek lift station.

Councilmember Dysart asked Ms. Roper if she was in favor of de-annexing the entire Lacy property or just the ten acres in question. Ms. Roper stated they would do whatever the City preferred.

President Bonee said he struggled with the Lacy's request and would be in favor of allowing them to run the ten-acre tract into the existing lagoons as long as easements were dedicated for future wastewater expansion. Ms. Roper stated they would be in favor of dedicating easements for future expansion. Mr. McAfee stated he did not feel it would be fair to make the developer install a mile of sewer line for ten acres. President Bonee commented he was not asking for them to construct the line, only dedicate easements for future construction. Mr. McAfee thought the line could align with the creek.

Ms. Roper informed the governing body that she was advised by KDHE that their lagoon permit could be renewed in five-year increments until a trunk line could be constructed. Mr. Myracle felt that Ginger Creek lagoon was different from Cedar Lakes and Glenwood. Both those lagoons are overloaded and must be taken offline per KDHE.

Mr. Myracle stated his main concern was the fact that the lagoons are located in Basehor city limits and permitted by KDHE to Leavenworth County. His question was who would be responsible for the maintenance of the lagoons and sewer lines once the homes started discharging into the lagoons and what happens when the homes located in Basehor receive flooding.

Mr. Smith felt the proposed easement could be handled by instrument and then go to the Planning Commission for rezoning and platting.

Councilmember Dysart stated KDHE told her that if the City annexed the property, it was the City's problem. President Bonee said it would be up to Leavenworth County to accept the wastewater since the homes would be discharging into Leavenworth County Sewer District No. 5.

Council directed the city administrator and city planner to work on an interlocal agreement.

BUSINESS

a. Consider ordinance creating 24-40 Sanitary Sewer Taxing District and setting assessments.

City Attorney John Thompson reported the ordinance, spreadsheet, and legal descriptions have been updated. The history of the project will be attached to the ordinance for future reference. Bonee-Sifford Passed 5-0.

Mr. McAfee stated once the County adopts the ordinance he would need to verify property ownership and then letters could be mailed advising the property owners of the assessment.

A motion was made by President Bonee and seconded by Councilmember Sifford to approve the ordinance and attachments as presented. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

b. Consider Proclamation proclaiming Week of May 14 through May 20 as Peace Officer's Week

Mayor Garcia read the proclamation aloud to the audience.

A motion was made by President Bonee and seconded by Councilmember Sifford to approve the proclamation proclaiming week of May 14 through May 20 as Peace Officer's Week. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

c. Consider interlocal agreement with Leavenworth County for work on Hollingsworth Road

A motion was made by President Bonee and seconded by Councilmember Thomas to approve the interlocal agreement with Leavenworth County with two additions 1)

Leavenworth County assist Basehor with obtaining easements on the north side of Hollingsworth Road, and 2) if that was not acceptable, then allow the road to move south. Discussion followed. Thomas requested the vote be amended to include a third addition 3) make every effort to complete project in year 2006. President Bonee agreed to amend his original motion to include the addition. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

d. Consider Preliminary Plat for Stimetz Subdivision (Joe and Ann Stimetz)

The city planner reported the Planning Commission recommended approval with four stipulations:

1. All lots within the subdivision must attach to the public sewer system at such time it becomes available either adjacent to the property or within 150 feet of the property.
2. The property owner's consent to participation in a benefit district or other funding mechanism that the city deems necessary to provide future sewer or transportation improvements. This requirement shall be recorded on the face of the final plat so as to bind all future property owners to their participation.
3. No individual lot access to Parallel Road. Access to individual lots shall be via an internal, reverse frontage road system.
4. The access easement will connect with Parallel Road at a 90 degree angle.

Mr. Smith commented he would like to know more about the soil before allowing septic systems. President Bonee stated he thought it was good soil. Mr. Stimetz stated they have never had problems with their septic tank.

Mr. Joe Herring, Herring Survey, stated his clients feel the subdivision should have two accesses, with an entrance coming off the railroad easement to allow for access to lot #3 and a single access for lots 1 and 2. The single access for lots 1 and 2 should line up with the entrance into the twenty acre tract of land south of the subdivision.

President Bonee stated he felt there should be one access across from the industrial park and Tuttle Veterinary Clinic. This would allow an intersection to be created for future development north of Parallel.

President Bonee questioned why the Planning Commission required the reverse frontage road and who would pay for it.

Mr. Smith stated the Planning Commission required an easement for the reverse frontage road and developer would pay the cost as the lots developed.

A motion was made by Councilmember Thomas and seconded by President Bonee to approve the Preliminary Plat for Stimetz Subdivision as recommended by the Planning Commission and to be modified with a reverse frontage road and a stipulation that the development must connect to City sewers when they become available within 600 ft. of the property. Motion passed 5-0.

e. Consider Final Plat for Fox Ridge of Prairie Gardens (Coppinger Const.)

Project was not ready; therefore, no action was taken.

f. Consider Petition and Resolution for voluntary annexation of Cedar Lakes Phase V (Benchmark Management)

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the petition and Resolution for voluntary annexation of Cedar lakes Phase V. A roll call vote was taken with all members voting in favor with the exception of Councilmember Thomas. Motion passed 4-1.

g. Consider appointment of Planning Commission Members

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the re-appointments of Bob Harrison and Jason Logsdon, and appointment of Steve Douglas (to fill the position of James Washington). Discussion followed. Councilmember Dysart expressed her disappointment that Mr. Washington was not going to be reappointed. She informed Mr. Douglas it was nothing personal, but she could not vote for him since she felt Mr. Washington should remain on the board. Councilmember's Bonee and Thomas expressed their disappointment as well; however, they noted it was the Mayor's appointment and they would respect his decision. Mr. Douglas was asked to provide some background information about himself. A roll call vote was taken with all members voting in favor with the exception of Councilmember Dysart. Motion passed 4-1.

h. Consider annual appointment of city attorney, city engineer, and municipal judge.

Mayor Garcia submitted the following names for re-appointment:

John Thompson, City Attorney
Joe McAfee, City Engineer
William Pray, Municipal Judge

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to re-appoint the city attorney, city engineer, and municipal judge as presented.

Discussion followed. Councilmember's Hooker and Dysart requested each position be voted on individually. Mayor Garcia said there was a motion on the floor and must be acted upon before another motion could be made. Councilmember Dysart asked for clarification pertaining to Mr. Thompson's scope of agreement. She noted Mr. Thompson's last contract included a 30 day termination clause; whereas, the proposed contract did not. Mr. Thompson explained this agreement allows the Council to terminate him with a written letter, rather than waiting 30 days; which gave the Council more flexibility than the current contract. Councilmember Hooker questioned Mr. McAfee about his agreement that states the City should receive a 10% discount on services. Mr. McAfee explained the 10% pertained to routine services and inspections. Any other work would be presented to the City council prior to work commencing. Councilmember Dysart stated he had a problem with him working for area developers and the City at the same time. Mr. McAfee explained when he was first approached about being the city engineer, he was granted permission to keep his current clients (Prairie Gardens and Pinehurst). He reported since he has been city engineer, he has not taken on any new clients from the Basehor area and would release his commitment from Prairie Gardens and Pinehurst if it was an issue with the City Council. Councilmember Dysart said she received phone calls from constituents that spoke of improprieties by the city engineer. Councilmember Thomas suggested having the citizens come to a council meeting and relate the improprieties to the governing body. Councilmember Dysart stated the people are concerned about "the developer MHS Engineering is working for". Mayor Garcia stopped Councilmember Dysart and stated her comment regarding the developer was her opinion and not the opinion of the Council or the City of Basehor. She said she understood that.

A roll call vote was taken with Councilmember's Bonee, Thomas, and Sifford voting in favor and Councilmember's Hooker and Dysart voted against the appointments. Motion passed 3-2.

i. Consider annual appointment of Municipal Court Clerk (Traci Myracle)

Councilmember Dysart said she did not see why the other appointments could not be voted on separately when this was a separate appointment. The city clerk reported the appointment of the Municipal Court Clerk is made by the municipal judge, not the mayor.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the appointment as presented. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

j. Consider appointment of Board of Zoning Appeals

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to table appointments to a later date. Motion passed 5-0.

k. Consider Purchase Procedure Municipal Policy

A motion was made by President Bonee and seconded by Councilmember Thomas to approve the Purchase Procedure Municipal Policy as presented. Discussion followed.

Councilmember Hooker was opposed to the policy on the basis that it would increase money control into individual hands. Councilmember Dysart stated it would give away the control of the Council. President Bonee stated the subject was discussed at the last work session where she and Councilmember Hooker were not present. He noted the policy was written as discussed with the intent of giving the department heads the ability to run their departments. Councilmember Thomas felt the city administrator and department supervisors were still in charge of their departmental budgets and had to answer to any overages. Councilmember Sifford stated there was still a checks and balance and by passing the policy, it would allow the departments to run their departments more efficiently. Mayor Garcia stated he hoped it would free up some of the agenda for more important issues.

A roll call vote was taken with all members voting in favor with the exception of Councilmember's Dysart and Hooker. Motion passed 3-2.

l. Consider hiring of seasonal help to mow city park.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve the city superintendent to hire seasonal help to mow the city park. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

Councilmember's Hooker and Dysart urged the city superintendent to hire Tim Peterson noting he was very reliable and a good worker.

m. Consider purchase of new riding mower for City Park

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to authorize the city superintendent to purchase a new John Deere mower not to exceed \$12,500. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

n. Consider authorization to send Chief of Police to Federal Emergency Management Training (Maryland)

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to authorize Chief Horner to attend the Federal Emergency Management Training class in Maryland. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

MAYOR'S REPORT

Mayor Garcia reported he was scheduled to attend the Mayor's Conference in Hutchinson, Kansas on May 19th and 20th.

COUNCIL MEMBER REPORTS**John Bonee**

President Bonee requested the city superintendent give an update on the UV's and sewer problem areas at the next meeting.

Bill Hooker

Councilmember Hooker wanted assurance that the City of Basehor would no longer need the services of Mary Carson now that the 24-40 Sanitary Sewer Taxing District ordinance had been adopted. Mr. Thomas reported there were a couple of items that needed to be resolved, but once those issues were taken care of her services would not be needed any longer.

Terry Thomas

Councilmember Thomas commended the city administrator on the weekly report he was providing to the Council.

Executive Session

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

Mr. Slauch reported he and the city planner met with Mr. Bob Bryan regarding acquisition of land, which could possibly be used for a frontage road north of Basehor Town Square. He informed the Council Mr. Bryan has an asking price for the property and would like to discuss the acquisition in executive session.

A motion was made by Councilmember Sifford and seconded by President Bonee to convene into executive session for fifteen minutes to discuss land acquisition. A roll call vote was taken with all members voting in favor. The city planner attended the executive session. (9:15 p.m.)

At 9:30 p.m., Mayor Garcia called the regular meeting back to order.

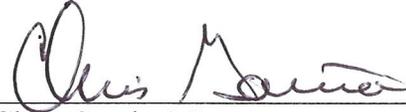
A motion was made by President Bonee and seconded by Councilmember Thomas to authorize the purchase of said property from Bob Bryan not to exceed \$7500.00. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

ADJOURNMENT

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A motion was made by Councilmember 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 9:34 p.m. Submitted for Council approval with/without corrections or additions this 5th day of June, 2006.



Chris Garcia, Mayor



Attest:



Mary A. Mogle, City Clerk