

MINUTES

City of Basehor
BASEHOR CITY COUNCIL
June 5, 2006
6:00 p.m.
Basehor City Hall

OFFICIAL PRESIDING: Mayor Chris Garcia

**MEMBERS PRESENT: President John Bonee, Iris Dysart, Bill Hooker,
and Terry Thomas**

MEMBERS ABSENT: Keith Sifford

Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle, Terry Horner

Newspaper: The *Basehor Sentinel* was not represented at this meeting.

WORK SESSION (6:00 p.m.)

Mayor Garcia called the work session to order at 6:00 p.m. with all Council Members present with the exception of Councilmember Sifford. The city attorney John Thompson was also in attendance.

1) Discussion regarding K-7 Memorandum of Understanding

Mayor Garcia announced he received a telephone call from HNTB representative advising him the City of Basehor had yet to sign the proposed K-7 Memorandum of Understanding (“MOU”). The mayor noted the Council, at a previous meeting, had voted not to sign the document and questioned if they still felt the same or wanted to see changes in the document prior to signing.

City Administrator Carl Slaugh reported City of Leavenworth and Miami County were the only two entities to sign Kansas Dept. of Transportations proposed MOU’s. Mr. Slaugh reported the other entities felt they would adjust their Comprehensive Plan as development occurred.

President Bonee stated the north and south entities would benefit the most; however, those in the middle such as Basehor, would receive no benefit from the proposal. He commented he did not feel it should be legal to tell someone they could not build on their own property without monetary compensation.

The City Council agreed to take no action at this time.

2) Discussion regarding infrastructure repairs

The city administrator reported he was in the process of working with the city superintendent to compile a report estimating the cost of sanitary sewer collection system repairs and hope to have the report ready for the June 12th Work Session. The city superintendent reported he prioritized the projects and had received some estimates from local contractors ranging from \$28,000-\$32,000. He anticipated having final estimates at the end of the week.

President Bonee expressed concern about monthly sewer maintenance fees becoming so exorbitant that citizens on fixed incomes would not be able to handle the bills. Mayor Garcia felt the sewer rate study would give the governing body some direction as to the current rate of billing for wastewater treatment.

3) Discussion regarding interlocal agreement between City of Basehor, Jeffrey Theno, and Basehor Athletic Association providing for the treatment of wastewater.

Mr. Slaugh gave a report regarding the proposed interlocal agreement. He explained Theno Estates and Basehor Athletic Association was located in Leavenworth County therefore it was necessary to work with County officials to draft a workable agreement. The city administrator explained Mr. Theno was not in favor of tying in the Basehor Athletic Association (“BAA”) with his agreement. Mr. Theno also expressed he would be willing to voluntarily annex into the City of Basehor.

President Bonee was concerned that the City of Basehor had not been given information on how many gallons of wastewater would go through the sewer main on peak days. He also felt Leavenworth County should provide funding to connect into the City’s sewer system. Mr. Slaugh said he expects the County to deliver the City a complete line before the City would accept wastewater from BAA.

Councilmember Thomas noted the attachments were not provided as stipulated in the agreement and thought paragraph 7 should clarify “commercial” verses “residential”.

Mr. Theno reported he approached representatives of the BAA to come before the City Council to discuss their wastewater situation; however, no one seemed interested enough to come to a meeting. Mr. Theno stated he was unclear why the County included the BAA property in with his agreement, and that it was never discussed with him prior to the City receiving the draft. Mayor Garcia stated the County failed to notify the City Council as well.

The governing body felt Leavenworth County was trying to “eliminate their problems” by having all their questionable areas connect to Basehor’s wastewater plant. The city

administrator stated he would be following up with county counselor David Van Parys and request they handle BAA and Theno Estates on two separate agreements.

The governing body discussed the pros and cons to annexing Theno Estates and suggested discussing the issue again at the June 12th Work Session.

4) Discussion regarding request for annual funding of the Leavenworth County Development Corporation.

The city administrator reported Leavenworth County Development Corporation ("LCDC") was funded jointly by Leavenworth County and area cities. LCDC was requesting \$5529.00 for the 2007 budget year. The amount requested was based on the City's population and valuation. Mr. Slauch suggested forming a committee for the south end of the County that would give further input to LCDC.

Developer Ed McIntosh and President Bonee spoke in favor of the funding contribution.

Councilmember Dysart questioned why the City of Tonganoxie was only paying \$79 more than Basehor when they had a larger population base. The city clerk explained although Tonganoxie had more residents, Basehor's valuation was greater.

5) Fact Finding Discussion Regarding Agenda Items with Department Supervisors (no action to be taken during this session)

Velda Roberts, Tonganoxie Council President, shared with the governing body Tonganoxie's reasoning for financial participation in the MARC 24-40 Corridor Study. She provided a brochure from the engineering firm of Bucher Willis & Ratcliff explaining the scope of the project and benefits of the study. The study would encompass two miles north and south of 24-40 Highway, and west to Honeycreek Road outside of Tonganoxie. It was estimated to take one year to complete the study and over 2,026 engineering hours. Mrs. Roberts said the City of Tonganoxie felt they could not hire a consultant to perform the study for what MARC was requesting from Basehor and Tonganoxie (\$19,679). She reported MARC has identified Stranger Creek as a major "metro green" area that would be targeted for connecting walking and biking trails. As part of Tonganoxie's agreement, they requested they be allowed to designate a voting member and an alternate representative to sit on the Management Group. The engineering firm would not dictate a plan, only make recommendations to the Management Group. The Management Group would consist of six voting members, Tonganoxie, Basehor, Leavenworth County, MARC, Unified Government and Bonner Springs.

Councilmember Dysart did not feel the proposed interchange location off of County Road 1 was a desirable location and should be addressed before it became a "done deal".

Mayor Garcia called a five minute recess prior to starting the regular meeting.

REGULAR MEETING (7:00 p.m.)

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

Mayor Garcia called the regular meeting to order at 7:00 p.m. with all members present with the exception of Councilmember Sifford. The city attorney John Thompson was also in attendance. Pledge of Allegiance was recited.

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 8, 2006 TDD Public Hearing & Work Session
 - 2. May 15, 2006 TDD Public Hearing & Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve Investment Recommendations
- d. Approve Calendar of Events

A motion was made by Councilmember Hooker and seconded by Councilmember Dysart to take action on item "b" separate since he did not have an opportunity to review the vendor report prior to the meeting. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to approve Consent Agenda items "a", "c", and "d". Roll call vote was taken with all members voting in favor. Motion passed 4-0.

A motion was made by President Bonee and seconded by Councilmember Thomas to approve the Treasurer's Report and Vendor Payments as presented. Roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

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. *Rustom Ferzandi, Falcon Properties*

Re: Construction process for Hollingsworth Rd.

Mr. Ferzandi reminded the governing body that in July 2006, the perimeter roads around Falcon Lakes would become the City of Basehor's responsibility in accordance with an interlocal agreement the City has with the County of Leavenworth. He expressed his frustration that Hollingsworth Road had yet to be improved noting there are over 100 homes accessing onto a gravel road which was a safety issue.

Mayor Garcia apologized for the lack of communication and informed Mr. Ferzandi the City of Basehor was waiting on an interlocal agreement with Leavenworth County and also needed to obtain easements prior to construction.

President Bonee noted the City requested moving Hollingsworth Road to the south so easements would not be needed; however, Leavenworth County would not agree and insisted the road be placed on the existing centerline.

Mayor Garcia directed the city administrator to get on the Board of County Commissioners agenda next week to notify them if the County was unable to do the project in 2006, the City would proceed on their own. Mr. Slaugh felt the easements were the hold up, not necessarily the County.

b. *Citizen Comments Regarding Agenda Items*

David Breuer (14114 Nelson Ct.), member of Falcon Lakes Homeowners Association, 1) encouraged the City Council to move forward with improvements to Hollingsworth Road; 2) supported annexation of Theno Estates; and 3) requested a street light at the intersection of K-7 and Donohoo Rd.

City Superintendent Gene Myracle reported he met with Westar Energy regarding the street lights at K-7 and Donohoo and K-7 and Hollingsworth Road. The Westar Energy engineer informed him the existing pole would not support a new light and would need to set a new pole. Westar Energy suggested setting a new pole at K-7 and Hollingsworth Road in conjunction with the resurfacing project.

Mayor Garcia directed the city superintendent to see how close to K-7 on Donhoo a pole could be installed and report at the June 19th meeting.

No one else wished to come before the Council regarding an agenda item; therefore, the public portion of the meeting was closed.

SCHEDULED DISCUSSION ITEM**a. *Lynn McClure, Leavenworth County Development Corporation ("LCDC")
Re: 2007 Contribution and Quarterly Update***

Lynn McClure, LCDC Executive Director, appeared with LCDC President Bill Petrie. Mr. McClure gave a quarterly update of the services they had provided to Basehor. He reported their organization had enhanced technology in order to improve the way LCDC did business. He explained the calculation they used in figuring the \$5579 contribution amount for year 2007.

Council discussed various projects and contacts made throughout the year.

BUSINESS**a. *Consider ordinance articulating repayment of City-at-large costs for 24-40 Sanitary Sewer Taxing District***

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to table action until the June 19th City Council meeting. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

b. *Consider ordinance authorizing the creation of Transportation Development District ("TDD") and maintenance agreement for Wolf Creek Junction Development*

A motion was made by Councilmember Thomas to approve the ordinance authorizing the creation of Transportation Development District and maintenance agreement for Wolf Creek Junction Development. Motion died for lack of second.

Mr. Slauch reported the proposed ordinance and agreement were drafted similar to that of the City of Roeland Park, Kansas.

Christine Bushyhead, financial attorney for Benchmark Enterprises, informed the governing body the ordinance would establish and authorize the creation of the TDD and set a project cost not to exceed \$3,564,160 plus cost of bond issuance and the cost of interest on any temporary financing, associated reserves, and addresses the financing methods. She explained the ordinance was written with flexible payment options 1) pay when revenue is received; 2) pay as you go method; and 3) special bonds. The City of Basehor would not be responsible for paying off the debt. The developer would submit construction invoices to the City Council for approval.

President Bonee requested the matter be discussed at the June 12th Work Session noting he did not feel there was ample time to research the paperwork that was presented to the governing body on Thursday, May 30th.

A motion was made by Councilmember Thomas and seconded by President Bonee to table action and place on the June 12th Work Session agenda for discussion. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

Lynn McClure, with LCDC, reported he had worked with TDD's in Missouri and offered to assist with any questions the governing body may have concerning Transportation Development Districts.

c. Consider Proclamation for "Business Appreciation Week", June 12-16, 2006

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to approve the proposed Proclamation proclaiming the week of June 12-16, 2006 as "Business Appreciation Week". Roll call vote was taken with all members voting in favor. Motion passed 4-0.

d. Consider scheduling public hearing for Sewer and Solid Waste Delinquent Accounts (recommend date June 19, 2006, 7:00 p.m.)

A motion was made by President Bonee and seconded by Councilmember Hooker to schedule a public hearing for Sewer and Solid Waste Delinquent Accounts on June 19th at 7:00 p.m. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

e. Consider contract with Larkin Group for sewer rate study

President Bonee requested an ordinance be adopted establishing a percentage of building permits be placed in a designated fund to assist with planning studies such as this. No action was taken at this time.

Councilmember Hooker reported there was an immediate need to expand the existing wastewater treatment plant.

A motion was made by President Bonee and seconded by Councilmember Thomas to approve the contract with Larkin Group for a sewer rate study not to exceed \$4,500 and to be completed within sixty days. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

f. Consider funding for 24-40 Corridor Study

A motion was made by Councilmember Thomas and seconded by President Bonee to approve funding for the 24-40 Corridor Study not to exceed \$19,679 (Consulting & Special Funds account). Roll call vote was taken with all members voting in favor. Motion passed 4-0.

g. Consider adoption of Comprehensive Plan

Mike Duffey, Shafer Kline & Warren, was present to answer any questions the governing body may have regarding the proposed Comprehensive Plan.

Councilmember Thomas stated when he attended the initial public meetings, he was under the impression 147th Street went all the way through. President Bonee agreed, noting it was his understanding 147th Street was to continue in a straight line and connect with Leavenworth Road at an angle.

Mr. Duffy reported the future land use and street maps provide general guidelines. The citizen committees tried to protect the existing downtown and tried to build a civic downtown.

(Councilmember Hooker left at 8:45 p.m. – No further action could be taken due to lack of quorum)

Mr. Duffy commented a 100'-120' right-of-way would severely impact the concept of the downtown. He did not feel the area would meet the density of the mixed use zoning.

President Bonee expressed concerns regarding the proposed zoning on Parallel. He noted the business park that he owns on the north side of Parallel should be zoned "mixed use"

Planning Director Dustin Smith noted if changes were made to the proposed documents, the Council would have to pass the changes with two-thirds vote or send back to the Planning Commission for further review.

Mayor Garcia announced due to lack of quorum, this item as well as the remainder of the agenda could not be acted on and would be continued to the regular meeting on June 19th at 7:00 p.m.

- h. Consider scheduling training session for City Council, Planning Commission, and Board of Zoning Appeals*
- i. Consider authorizing funds for Leavenworth Road Drainage design survey*
- j. Consider interlocal agreement with Leavenworth County for resurfacing of Hollingsworth Road.*
- k. Consider interlocal agreement between the City of Basehor, Jeffrey Theno, and Basehor Athletic Association providing for the treatment of wastewater.*
- l. Consider a request for the annual funding of the Leavenworth County Development Corporation (\$5579.00)*

MAYOR'S REPORT

- 1. Discussion regarding monthly Citizen Forum

COUNCIL MEMBER REPORTS

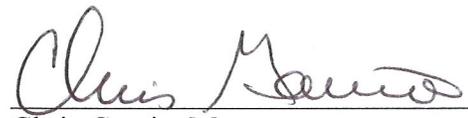
EXECUTIVE SESSION

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

ADJOURNMENT

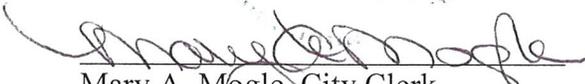
Due to lack of quorum, a vote to adjourn was not taken. The mayor announced Business items from "g" on, of the agenda, would be continued until the June 19th meeting.

Submitted for Council approval with/without corrections or additions this 6th day of July, 2006.


 Chris Garcia, Mayor

Attest:




 Mary A. Mogle, City Clerk