

**Minutes****City of Basehor  
BASEHOR CITY COUNCIL****July 6, 2006****6:00 p.m.****Basehor City Hall****OFFICIAL PRESIDING: Mayor Chris Garcia****MEMBERS PRESENT: Iris Dysart, Bill Hooker, Keith Sifford, Terry Thomas****MEMBERS ABSENT: President John Bonee****Staff Present: Carl Slauch, Mary Mogle, Gene Myracle, Dustin Smith  
John Thompson, David Lutgen**

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**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 President John Bonee. The city attorney John Thompson was also in attendance.

**1) Update on the sewer master plan from MHS Engineering.**

David Lutgen, MHS Engineering, presented a preliminary draft of the Master Sewer Plan for the City of Basehor. The maps showed the drainage basins that would accommodate future sanitary sewer mains. He explained the maps were based on the City's newly adopted Comprehensive Plan. He noted the plan did not give a good population projection; therefore, the Sewer Master Plan is not as accurate as he would like.

Councilmember Thomas suggested adding the names of the existing subdivisions and subdivisions that are already in the development stages. He felt it would make it easier for the governing body and planning commission to make decisions regarding future annexations and developments. He also suggested adding a color coded legend to the maps as well.

The city administrator reported he, in conjunction with MHS Engineering, would be compiling a RFP on the expansion of the sewer plant in the next month or so. Mr. Slauch noted it would take approximately two years to complete the expansion once the bid is awarded. By the time the Sewer Master Plan is complete, the sewer financial study should be completed (by Larkin Group).

Mr. Lutgen suggested updating the Sewer Master Plan every year or two to keep up with the growth pattern.

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

**City Administrator**

- Theno Interlocal Agreement – Mr. Slaugh reported Basehor Athletic Association (BAA) had been removed from the agreement as requested; however, the Board of County Commissioners were advised by the county counselor, David Van Parys, not to sign the agreement noting the County wanted to avoid the formation of a new sewer district.

Mr. Slaugh reported developer Jeff Theno was in favor of the agreement with the exception of Exhibit B. Mr. Theno, due to lack of funds at this time, has requested the governing body allow him to pay the \$41,516.00 sewer upsizing charges be collected at the time the actual sewer connection was made, not when the building permit was issued. Mr. Slaugh was asked if Mr. Theno had any objection to being annexed into the city limits. Mr. Slaugh said Mr. Theno was not opposed to annexation.

Mayor Garcia directed the city administrator to prepare the necessary paperwork for Mr. Theno to sign for voluntary annexation of Theno Estates and have the matter placed on the July 17<sup>th</sup> agenda for action.

The City Council also agreed if the property was not voluntarily annexed, Leavenworth County should be added to the agreement. The city attorney advised the governing body to take steps to protect the City until at which time the property was annexed into the City of Basehor.

Councilmember Thomas expressed his concern that if Mr. Theno did not pay the \$41,516 up front, it would end up costing the city money. It was his recommendation not to defer payment. Councilmember's Hooker and Thomas stated the City of Basehor should not be "Theno's bank".

Councilmember Dysart stated she would like to see the exact figures of what it cost to upsize the lines and lift station. She noted her files show the actual cost of upsizing to be less than what the developer was requesting as repayment. She also stated she read where House Bill 2083 forced cities to annex an entire street during the annexation process. Mr. Thompson said he would research the house bill to make sure it passed and became law. Councilmember Dysart expressed concerns that, with the annexation of Theno Estates and other island annexations, the police department would not have adequate manpower to provide police protection.

Mr. Thompson noted, with new laws, it would be more difficult for cities to annex and recommended accepting any island annexation as long as the City could provide services. However, the City should weigh whether it was advantageous to annex certain areas before accepting the land.

Councilmember Sifford suggested asking for input from the city superintendent and the chief of police. Council agreed. Item to be placed on the July 17<sup>th</sup> agenda.

- Gazebo at city park – City superintendent Gene Myracle explained the existing gazebo has structural problems and was in need of repair. The repairs would cost \$4520.00. Mr. Myracle went on to explain the Park Advisory Board would like to have the existing gazebo demolished and a new \$29,365 steel structured gazebo built in its place. Mr. Myracle and Mr. Slauch were not in favor of tearing down the existing gazebo since it was built in memory of a long time Basehor resident. The Basehor Park Association would donate \$16,000 toward the cost of the new gazebo. Public Works staff would run electrical and water lines to help defray some of the cost.

Mayor Garcia called a five minute break before the next regular meeting. (6:55 p.m.)

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**PUBLIC HEARING (7:00 p.m.)**

**Re: Falcon Lakes Benefit District Assessments**

*Notice: Falcon Lakes Benefit District Public Hearing has been cancelled until further notice.*

**REGULAR MEETING (directly following public hearing)**

**ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE**

**All members present with the exception of President John Bonee**

**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 5, 2006 Work Session & Regular Meeting
  2. June 12, 2006 Work Session

3. June 19, 2006 Work Session & Regular Meeting
  - b. Approve Treasurer's Report & Vendor Payments
  - c. Approve Investment Recommendations
  - d. Approve Calendar of Events

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the Consent Agenda 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. Citizen Comments Regarding Agenda Items***

**Jim Washington (1901 160<sup>th</sup> Street)** spoke in favor of the following three items:

- Supports the installation of a street light for city hall parking lot;
- Supports property should be annexed if the development is connected to the City of Basehor's sanitary sewer system;
- Supports implementing an agreement with Jeff Theno to pay fees up front. He commented Basehor was a "City" not a "bank".

There being no further comments from the public, Mayor Garcia called the public portion of the meeting closed.

### **SCHEDULED DISCUSSION ITEMS**

#### ***a. Discussion regarding proclamations***

Mayor Garcia requested Council direction regarding protocol for proclamations. He asked if the City Council prefer to have proclamations on the agenda for approval, or authorize him to sign as they are presented.

Council consensus was to allow the mayor to sign proclamations as they arise unless a proclamation was presented honoring an individual. The governing body felt individuals deserved to be recognized in a public forum.

***b. Discussion regarding street lights at K-7 and Donohoo Rd., K-7 and Hollingsworth Rd. and at the City Hall parking lot.***

City Superintendent Gene Myracle reported he and the city administrator met with Westar Energy and a representative from Kansas Department of Transportation regarding streets lights at K-7 and Hollingsworth Road and K-7 and Donohoo. Westar Energy said they could move the existing pole from the north side of Hollingsworth Road to the south side when Leavenworth County Public Works resurfaced Hollingsworth Road. However, the existing light pole at K-7 and Donohoo was not stable enough to handle another light fixture.

Mr. Myracle submitted a cost report from Westar Energy for the installation of a new steel street light for the city hall parking lot. He explained the light pole would be located on the south side of the parking lot, approximately eight feet from the inlet box. The cost of the street light, if purchased outright, would be \$1665.00. That cost did not include trenching, conduit, and concrete base. Westar Energy would need a formal letter from the City of Basehor ordering the light. Once the letter was received, a work order would be generated.

***c. Discussion concerning possible donation of "City of Basehor" monument.***

City Administrator Carl Slaugh explained he was approached by Ed McIntosh and John Bell about donating a stone "Welcome to Basehor" monument. The monument would be approximately 16'-20' long and installed on the northwest corner by Citizens Bank.

Councilmember Thomas suggested locating the sign at 150<sup>th</sup> and 24-40 Highway since Basehor's city limit extended farther east than 155<sup>th</sup> Street.

Mr. Slaugh was directed to relay Council discussion to Mr. McIntosh and Mr. Bell to see if they would be receptive to moving the location to 150<sup>th</sup> Street.

**BUSINESS**

***a. Consider interlocal agreement between the City of Basehor, Jeffrey Theno, and County of Leavenworth providing for the treatment of wastewater.***

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to table action until July 17<sup>th</sup> meeting. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

Councilmember Dysart requested the word "interim" be changed to "interlocal". The city administrator stated he would revise the document.

***b. Consider appointment of Vern Lynn to the Board of Zoning Appeals.***

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to approve the appointment of Vern Lynn to the Board of Zoning Appeals (to fill the vacant position of Lesley Johnson). Roll call vote was taken with all members voting in favor. Motion passed 4-0.

***c. Consider authorization of funds to repair gazebo at the city park.***

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the repair of the existing gazebo, not to exceed \$4510 and authorize the funds to construction a new gazebo not to exceed \$29,635 with the location to be determined at a later date by the city superintendent and park board. Discussion followed. Members of the governing body questioned if it was realistic to repair the existing gazebo and if the park board would prefer to tear it down and put the new gazebo in its place. Mr. Myracle stated the park board would like to keep the existing structure and build a new structure, but did not feel the City Council would authorize both, so they chose to request the new structure. Roll call vote was taken with all members voting in favor with the exception of Councilmember Thomas. Motion passed 3-1.

***d. Consider authorizing city superintendent to extend summer seasonal help as full-time temporary for the remainder of the summer mowing season.***

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to authorize the city superintendent to move seasonal part-time employee William Peterson to a full-time temporary position for the remainder of the summer mowing season at approximately forty hours per week. Discussion followed. Councilmember Hooker suggested placing an August 15<sup>th</sup> date as a termination date. Mr. Myracle explained he has been unable to hire anyone for his vacated position and hoped to use Mr. Peterson to fill the void until at which time he returned to college in the fall. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

***e. Consider application for a Kansas Department of Transportation economic development grant for a street improvement project.***

City Administrator Carl Slaugh requested Council consider submitting an application for a street improvement grant to Kansas Department of Transportation. He explained, in the past, Basehor was awarded two different grants from KDOT, and turned them both down, so he was not sure if KDOT would even consider Basehor's applications. Mr. Slaugh recommended two different projects:

1. Construct a frontage road from 158<sup>th</sup> Street to 155<sup>th</sup> Street
2. Add third lane on 155<sup>th</sup> Street, from 24-40 Hwy north to Parallel.

The applications are due to KDOT on August 1 and, if awarded, the funds would be available in year 2010.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to authorize \$3,000 to prepare and proceed with an application to KDOT to make 155<sup>th</sup> Street a three lane road from 24-40 Hwy north to Parallel and second choice would be to submit an application to make 158<sup>th</sup> Street a three lane road. Roll call vote was taken with all members voting in favor.

Council also agreed that Transportation Excise Tax funds would be set aside to pay for the City's share of the grant. KDOT pays 75% with the remainder 25% being the obligation of the City. Mr. Slauch recommended not exceeding \$1,000,000 grant request.

***f. Review updates to the proposed 2007 Budget for the City of Basehor and set dates for a work session and public hearing.***

Mr. Slauch reported he had received budget figures from the county clerk and a preliminary audit report from Lowenthal Singleton Webb & Wilson. Those two items would assist the city treasurer in finalizing the 2007 budget draft. He requested Council approve a schedule for final budget review and public hearing.

July 10	Budget Work Session
July 17	Annual Budget Review
July 27	Publish budget in Basehor Sentinel
August 7	Hold Budget Public Hearing

Councilmember Thomas stated the police chief was running out of time if he was going to present his request for three vehicles. Councilmember Hooker state he requested a maintenance report on each car and had yet to receive the information.

The city administrator explained he did not feel the 2007 Budget would handle three police cars, and suggested purchasing one car in 2006, another in 2007, and the third one in 2008. Once those vehicles were purchased, a schedule could be drafted to rotate the remaining cars out of the fleet.

Council requested equipment purchase requests and capital improvement projects be discussed at the July 7 10<sup>th</sup> work session.

A motion was made by Councilmember Dysart and seconded by Councilmember Hooker to accept the schedule of meetings as requested (July 10<sup>th</sup> Work Session and August 7<sup>th</sup> for public hearing). Roll call vote was taken with all members voting in favor. Motion carried 4-0.

**MAYOR'S REPORT**

- Mayor Garcia thanked Councilmember Thomas and Planning Commission member John Flower to participating in the dunk tank at the 4<sup>th</sup> of July Celebration. He noted he himself had been dunked several times as well.
- The mayor announced city clerk Mary Ann Mogle had been awarded the "Citizen of the Year" award by the Chamber of Commerce.
- The mayor reported he would hold a two hour citizen forum on the last Thursday of the month. The forum would give residents an opportunity to voice their opinions concerning City operations.

**COUNCIL MEMBER REPORTS*****Keith Sifford***

Councilmember Sifford thanked the city administrator and city superintendent for moving the city limit and speed limit signs north of town.

***Terry Thomas***

- Councilmember Thomas reported the joint planning work session went well and thought it was beneficial to those in attendance.
- He also requested the city administrator look into why the police department has failed to put "animal control" signs on the Explorer.

***Bill Hooker***

Councilmember Hooker stated a new law passed recently regarding "Landlord Liability" would place the burden of delinquent utility bills on cities and not landlords or renters. He suggested sending a letter to the governing expressing the City of Basehor's dissatisfaction with the new law and request it be addressed in the next session.

The city attorney reported the current ordinance was in conflict with the new law and suggested he research the law to see what should be adopted in the future to protect the City.

***Iris Dysart***

- Councilmember Dysart asked the city administrator if the city engineer was willing to extend the sixty day price guarantee for the Leavenworth Road drainage study. Mr. Slaugh noted Mr. McAfee was agreeable to the original price as quoted.
- Recommended scheduling planning training sessions on a quarterly basis. Mayor Garcia stated some members had recommended bi-annually. The mayor suggested holding a session shortly after next years election.
- Councilmember Dysart asked the city administrator if the Board of County Commissioners had approved the Hollingsworth Road Interlocal Agreement.

Mr. Slaugh reported the agreement had been signed. It was now a matter of obtaining easements.

- Councilmember Dysart noted in a letter written by Mr. Ferzandi in the past referred to the City of Basehor reassessing the golf course only, now he wants more property reassessed.

Mr. Slaugh stated he had details of the other properties Mr. Ferzandi felt should be excluded; however, bond attorney Mary Carson was skeptical that all the property Mr. Ferzandi would like to have excluded may be in violation of state law.

Councilmember Dysart stated she saw several payments to Mrs. Carson and wanted to know why the City was still using her. Mr. Slaugh stated the Falcon Lakes reassessments needed a bond attorney, and asked Mrs. Carson to assist him. Mr. Thompson explained Mrs. Carson was an expert in municipal finance law and explained she was also in the process of finalizing paperwork from the 24-40 Sanitary Sewer Taxing District. Mr. Slaugh noted typically bond fees are included in the bond issuance price; however, the City of Basehor would bear the cost of reassessing the Falcon Lakes properties.

- Councilmember Dysart also requested Council address President Bonee's request to have a portion of the sewer connection fees be set aside to pay for future studies at a future work session. The city administrator said he would add the topic to the July 10<sup>th</sup> work session agenda.

## **EXECUTIVE SESSION**

*Attorney-Client Privileged Matters regarding easements for road projects at 147<sup>th</sup> and Parallel and Hollingsworth Road.*

*A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to convene into executive session for fifteen minutes to discuss attorney-client*

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privileged matters regarding easements for road projects at 147<sup>th</sup> and Parallel and Hollingsworth Road and 24-40 Sanitary Sewer Taxing District. Roll call vote was taken with all members voting in favor. Motion passed 4-0. (8:15 p.m.)

At 8:33 p.m. Mayor Garcia called the regular meeting back to order and entertained a motion for adjournment.

**ADJOURNMENT**

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to adjourn the July 6, 2006 City Council meeting. Roll call vote was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 8:34 p.m.

Submitted for Council approval with/without corrections or additions this 17<sup>th</sup> day of July, 2006.



Attest:

Mary A. Mogle, City Clerk

Chris Garcia, Mayor