

Minutes

BASEHOR CITY COUNCIL

September 18, 2006

6:00 p.m.

Basehor City Hall

OFFICIAL PRESIDING: Mayor Chris Garcia

MEMBERS PRESENT: Iris Dysart, Bill Hooker, Keith Sifford, and Terry Thomas

MEMBERS ABSENT: President John Bonee,

Staff Present: Carl Slaugh, Mary Mogle, Dustin Smith, Terry Horner

WORK SESSION – 6:00 p.m.

The work session was called to order at 6:00 p.m. by Mayor Chris Garcia. All members were present with the exception of Council President John Bonee. The city attorney was also in attendance.

Item #1. Discussion regarding agenda items.

Police Chief

Chief Horner announced he was not originally scheduled on the agenda; however, he wished to address the Governing Body regarding one of his patrol cars. He reported the 2001 patrol car was thought to have a blown engine which left his department with only two marked vehicles and one unmarked vehicle for daily service. Currently, one unmarked vehicle was being used by the four part-time officers who were in Hutchinson, Kansas for KLETC training.

Councilmember Hooker questioned why the chief would send a city car to Hutchinson rather than pay the employee's mileage if he knew he would be short vehicles. The mayor and Councilmember Sifford disagreed with Councilmember Hooker and felt Chief Horner should continue sending the employees to training in a city patrol unit.

Chief Horner reported Heartland Tow said it would take \$2,000-\$4,000 to fix the engine on the 2001 patrol car. To date, the City had spent over \$6,000 this year to keep this particular vehicle operable.

The chief reported he had compiled information for purchase of a new patrol car and would have all the information ready for the October 2nd Council meeting. Council discussed factory wiring verses the work being done by an outside source.

Corporal Hallgrimson explained the difference between a police package vehicle and a regular factory vehicle. Councilmember Hooker stated he would concede that the city

needed a car; however, he thought the City Council should consider the purchase price.

Mayor Garcia supported the police chief's request and felt it should be considered as soon as possible since the situation had become a safety issue for both the citizens of Basehor and the police officers. Chief Horner announced the City of Tonganoxie currently had twelve patrol cars and each officer was assigned a vehicle to take home after their shift.

Planning Director

Silver Springs Subdivision – Mr. Smith reported, to his knowledge, the developer's engineer should be at tonight's meeting. He explained the subdivision was located on Leavenworth Road and consisted of approximately 110-115 lots noting that some may be reduced depending on the outcome of the meeting. Initially, discussion was based on the developer improving a portion of Willow Street and connecting to 155th Terrace. Mr. Smith explained Council was charged with determining what streets should be improved by the developer to city standards. Planning Commission recommended that Hickory Street be improved since it was designated as a collector in the Comprehensive Plan. One problem with that was that there was no right-of-way on part of the street (known as the Baker property).

Councilmember Dysart stated she had concerns with the development plan and felt by accepting the submitted plan, the City Council would be compromising the Comprehensive Plan. Mr. Smith agreed; however, the question was, how far was the city willing to go to develop Hickory Street. Councilmember Dysart said the City was already having problems acquiring right-of-way from Mr. Baker. Mr. Smith stated he did not think anyone had approached Mr. Baker about acquiring the necessary right-of-way.

Resident Bob Moore addressed the City Council stating that Mr. Baker's garage was in the line of the extension of Hickory Street and thought it would be a major problem to extend Hickory to the west. Councilmember Dysart stated "if there would be a fight" (for right-of-way acquisition), the City should remove the stipulation that the developer had to connect to Willow, noting Hickory Street was a major east/west thoroughfare from 147th Street west.

Cedar Lake resident John Flower stated he had been over to the site several times and witnessed where 158th Street hits the middle of Baker's driveway and then the utility poles are to the south of his driveway. It was Mr. Flower's opinion that Hickory Street was not going through Baker's barn according to a survey done by developer John Bonee.

The city administrator showed pictures of Mr. Baker's south property line west of Willow

Drive. Mr. Smith stated if Hickory Street were extended west, it would not go through Mr. Baker's barn. Mr. Flower said originally when the development was going through the planning process, the Planning Commission decided on current plan which would allow the developer to use city right-of-way.

Bob Moore stated eventually there are to be ball fields on the old lagoon property and Willow would not serve as a good access.

Project Engineer Ruebin Noreiga was present to answer any questions Council may have concerning Silver Springs subdivision questions. Mr. Noreiga displayed maps showing the property boundary lines. The planning director stated until the property was surveyed the City would not know where the property lines were located.

Councilmember Dysart asked if the planning director was going to resubmit a map that correlated to the ordinance. Mr. Smith said he would resubmit once it was finalized.

Councilmember Hooker asked Mr. Smith to give a definition of "improvement" as listed within the document. Mr. Smith explained "improvement" describes how the streets and sewer were to be constructed (i.e. 28 ft. with back to back curb and gutter). Mr. Hooker requested Mr. Smith include detailed information in the original document.

Mayor Garcia reminded the City Council that, in the past, he had stated the City would regret allowing the Hickory Valley developer to improve Hickory Street with chip-n-seal rather than asphalt, now all future developers would ask for the same concession.

Mayor Garcia announced the work session was adjourned and the regular meeting would convene at 7:00 p.m. (6:55 p.m.)

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

The regular meeting was called to order at 7:00 p.m. with all members present with the exception of Council President John Bonee. City attorney John Thompson was also in attendance.

EXECUTIVE SESSION

- a. Attorney-Client Privileged Matters
Re: Pending Litigation

A motion was made by Councilmember Dysart and seconded by Councilmember Hooker

to postpone the executive session until after the "Business" portion of the regular meeting. The motion was seconded by Councilmember Hooker. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 3-1.

CONSENT AGENDA

(Consent Agenda Items will be acted upon by one motion unless a Council member request an item be removed for discussion and separate action.)

- a. Approval of Minutes
 1. September 7, 2006 Work Session & Regular Meeting
 2. September 11, 2006 Work Session (to be mailed at a later date)
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

Councilmember Thomas stated he recalled making a motion to proceed with decommissioning the Chestnut Lift Station and authorize funds not to exceed \$150,000. He noted the project would not be completed until the spring of 2007 and paid from funds in the 2007 Sewer Fund budget. (Business "e", Page 7).

The following changes were also to be made to the September 7th minutes:

Page 7, Business Item 'f' – changed to read "...seconded by Councilmember Dysart" (not Thomas)

Page 8, City Attorney – changed to read "Mr. Thompson" (not Thomas)

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to approve the Consent Agenda with the aforementioned changes to the September 7, 2006 minutes. 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).

a. Citizen Comments Regarding Agenda Items

Bob Moore (2636 N. 157th St.) questioned why the City was putting so much effort into Hickory Street, when they should be concentrating on Ripley Street. He noted Hickory

Street could not handle the traffic coming from the new subdivision. He questioned who was going to build Hickory Street from 158th to 155th Street? Councilmember Hooker stated he was not in favor of the City spending the money to improve Hickory Street and should be up to the developer. Mr. Moore stated he supported the purchase of a new vehicle for the police department.

John Flower (15515 Cedar Lane) spoke on the following items:

Silver Springs Subdivision – reminded the Governing Body that Hickory Street should remain as a major east/west road for future transportation needs.

Cedar Lakes Sewer Fund – concerned if all the money that the City was transferring from the Cedar Lakes Sewer Fund to the Sewer Fund was available. He noted when he looked at the expenditures to date, there appeared to be a short fall of \$110,000. Mr. Flower stated he had no problem with transferring the \$228,000; however, he thought the City should research further the availability of the \$25,785.78.

The public portion of the meeting was closed.

SCHEDULED DISCUSSION ITEMS

There were no items to discuss at this time.

BUSINESS

- a. Consideration of change of zoning from R-O, Suburban Residential to R-1, Single Family Residential and Preliminary Plat for Silver Springs subdivision for property located at 15977 Leavenworth Road (submitted by Albert Hoelting)***

Planning Director Dustin Smith called the Council's attention to page 2 of the narrative of his packet regarding Silver Springs Subdivision. He wanted to make clear the proposed trail route that runs through the subdivision was changed from the back yards to the front of the properties. Typically the trails follow natural features, such as lake shores, detention ponds and other amenities that are adjacent to streams or historic sites; however, Silver Springs did not have any of these items other than a small stream.

Mr. Thomas said he thought in the past, the City Council had discussed the trail going to the south. Mr. Smith stated that was his initial recommendation; however, the Planning Commission had a concern with safety if the trail went behind the homes, so the trail was moved to the front of the homes. Mr. Thomas stated that should be sidewalks. Mr. Smith said the sidewalks would be doublewide to accommodate trail requirements. Councilmember Dysart pointed out the Comprehensive Plan calls for Hickory St. to be a collector street which requires sidewalks on both sides of the street. This plan would not

meet current standards. Mr. Smith asked the City Council to keep in mind the map was to be very general. He proposed to exempt this property from the trails and put sidewalks on both sides of the street.

Mr. Noriega did not recommend constructing trails in back of homes. He noted an eight foot sidewalk was huge and he did not think that property owners would want them in their front yards. Mr. Smith clarified the sidewalk would be 4 ft. through the subdivision and 5 ft. on Leavenworth Rd.

Developer Albert Hoelting reported he had owned the property in question for five years. During that five years, he met several times with city staff regarding development of this particular ground. Mr. Hoelting said there were several logical places to put walking trails such as the old railroad right-of-way behind his property that should be used for walking trails. He did not feel he could sell lots with an 8 ft. sidewalk in front of the homes.

Councilmember Hooker said the City Council agreed to 4 ft. sidewalks in lieu of the 8 ft. walking trail.

Mr. McIntosh stated as a developer he was not in favor of sidewalks on both sides of the street.

Councilmember Dysart asked what was required in the Comprehensive Plan. Mr. Smith stated the zoning regulations require sidewalks on one side of the street. His revisions would include sidewalks on both sides of the streets. Mr. Slauch stated construction and upkeep of sidewalks were the responsibility of property owners.

Mayor Garcia stated the City needs to decide if they want walking trails or sidewalks, or both.

A motion was made by Councilmember Dysart to change the zoning from R-O Suburban Residential to R-1 Single Family and eliminate the 8 ft. sidewalk and require 4 ft. sidewalks on both sides of street and improve Hickory Street to city standards. Motion died for lack of second.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the zoning with the exception of not requiring the 8 ft. sidewalk and require one 4 ft. sidewalk and Hickory Street be the primary road rather than Willow St. Discussion followed. Mayor Garcia *said (deleted-amended 10/2/06)* read a portion of the staff report regarding the existing jog on Hickory Street. Mr. Noriega said he was involved in Mr. Bonee's subdivision, Hickory Valley, where the jog had to be fixed in accordance with his construction plans and before occupancy permits would be issued.

A roll call vote was taken with members Sifford and Thomas voting in favor and members Hooker and Dysart casting a nay vote. Mayor Garcia broke the tie voting against the motion. Motion failed 2-3.

Mr. Hoelting stated he was trying very hard to attach a subdivision to the City of Basehor and had entered into an agreement with Mrs. Bates to develop her property and did not understand why the City would not bring city streets to his subdivision. Mr. Hooker stated he would not change his vote only because he was concerned about having ample sewer capacity.

b. Consideration to transfer \$228,000 from the Cedar Lakes Sewer District No. 7 Fund to the Sewer Capital Improvement Fund and transfer \$25,785.78 from Cedar Lakes Sewer District No. 7 Fund to the Sewer Fund.

Mr. Slaugh noted this action item was primarily to clear up some budget issues. He explained the \$228,000 should not have been placed in the Cedar Lakes Fund when it was initially received from Leavenworth County, but placed in the Sewer Capital Improvement Fund. Additional funds in the amount of \$25,785.75, were also placed in the Cedar Lakes Fund for Pinehurst Lift Station upgrade and a portion of the 24-40 Interceptor Project which should have been coded into the Sewer Fund. He felt since the money was available, the City should pay an outstanding debt of \$381,220 to Falcon Lakes, LLC for upsizing of sewer lines and installation of a man-lift in the Falcon Lakes lift station.

Mr. Flower asked Mr. Slaugh if the City actually had the money available. He did not question that the money was given to the City, but if the City had authority to spend the money without making other motions.

Mr. Slaugh noted on the information sheet provided in 4C it gave an overview of the Sewer Fund for 2006. He went over the projected figures listed. Mr. Thomas questioned the \$762,260 figure as presented by the city treasurer and suggested the amount was overstated by \$30,000. He felt the City would be starving the Sewer Fund by making the Falcon Lakes payment.

Council Dysart stated the quarterly balance sheet shows the balance in the Sewer Fund was overdrawn and did not see a mechanism to pay the Falcon Lakes payment. Mr. Slaugh stated a budget amendment might need to be done at the end of the year.

Mr. Hooker asked if the City was legally bound to pay interest. Mr. Thompson stated there is a law that allows them to collect 10% annum interest.

Mr. Slaugh stated the only thing he had found in the records was where the previous city treasurer showed the amount was to be paid back in year 2008. The records did not

indicate any interest rate or amount. Mr. Slaugh said none-the-less, the City owed the money and needed to try to get the debt resolved.

Councilmember Dysart questioned if an ordinance stated how connection fees were to be used. Mr. Slaugh stated the State Revolving Loan Fund said the City was required to pay from the Sewer Fund and if funds were not available, then the money could come from the General Fund.

Mr. Flower reiterated the City should not transfer the \$25,785.78 until they could verify the fund it should be transferred to. He cautioned as of today, the Cedar Lakes Fund was shy almost \$100,000. Mr. Slaugh explained the budget balances are not what was actually in the funds because of the unencumbered balances.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve transfer of \$228,000 from the Cedar Lakes Sewer District No. 7 Fund to the Sewer Capital Improvement Fund and transfer \$25,785.78 from Cedar Lakes Sewer District No. 7 Fund to the Sewer Fund. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

c. Consideration of payment from Sewer Fund to Falcon Lakes LLC for up-size fees (\$381,220)

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to approve payment in the amount of \$381,220 from the Sewer Fund to Falcon Lakes LLC for upsize fees (and man-lift reimbursement). A roll call vote was taken with all members voting in favor. Motion passed 4-0.

d. Consideration of Proclamation to proclaim week of September 17 – 23 as Constitution Week

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to approve the proclamation proclaiming the week of September 17-23, 2006 as Constitution Week. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

e. Consideration to participate in the Kansas Local Government Statewide Housing Program

Mr. Slaugh explained the proposed program would benefit first time home buyers and was similar to a revenue bond proposal. He explained Shawnee and Sedgewick County were the initiators of the bond. The City has the option to sign on to participate, noting that Leavenworth, Lansing, and Tonganoxie were currently participating. By adopting the resolution, it would not involve any cash participation from the City. He went on to explain law requires the City to accept or reject the proposal since it involved bonds. The bonds

were being secured by the other two counties.

Mayor Garcia stated he used the program when he moved to Basehor in 1991. He received a down payment that he did not have to pay back. The 4% down payment was paid through bond money and encourages purchase of homes by first time home buyers.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the resolution to participate in the Kansas Local Government Statewide Housing Program as presented. A roll call vote was taken with members Sifford and Thomas voting in favor and members Hooker and Dysart casting a nay vote. The tie was broke by Mayor Garcia who voted in favor. Motion passed 3-2.

f. Consider adoption of K-7 Memorandum of Understanding

Mr. Slaugh reported the proposed Memorandum of Understanding was modified so that it did not obligate the City to purchase right-of-way along the K-7 corridor, but asked that the City try to preserve the land. He went on to explain that if the City or KDOT was unable to purchase the property, it would not prevent the land from being developed.

Mr. Slaugh noted the only development proposed at this time was the Zarda property. He met with Mr. Zarda and informed him of the setback. Mr. Zarda did not appear to have a problem with the requirement since it would only affect one lot.

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to approve the K-7 Memorandum of Understanding as presented. Discussion followed. Councilmember Dysart said the document requires the City to pay for traffic and turn signals. She went on to read an excerpt from the planning director's memorandum regarding the costs. Mayor Garcia said the City was not obligated to spend the money. Mr. Slaugh noted the project was over the next 10-20 years and that the Comprehensive Plan would be revised prior to that time.

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

g. Consideration of authorization of funds to FundBalance for annual maintenance agreement

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve authorization of funds to FundBalance for annual maintenance agreement (\$3,188.00/Fund 01-001-799). A roll call vote was taken with all members voting in favor. Motion passed 4-0.

h. Consideration for potential sites for industrial development in partnership with Leavenworth County Port Authority

The city administrator reported the partnership was an effort to designate areas of the City for potential industrial development. Mr. Slaugh requested permission from Council to proceed with the process which should be completed in 2007. They would work in conjunction with Leavenworth County Development Corporation and the Port Authority to select potential sites and use the score card to weigh them.

Councilmember Dysart asked what costs would be associated with the sites. Mr. Slaugh noted the Port Authority would pay for one site with the City paying for additional sites if desired. Mr. Smith reported he chose the proposed sites that had enough acreage to meet the Port Authority's recommended requirements.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the effort to identify potential sites for industrial development as presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

i. Consider appointment of city administrator as voting delegate at the League of Kansas Municipalities 98th Annual Conference October 10, 2006

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to appoint the city administrator as the voting delegate at the 98th Annual League of Kansas Municipalities Conference. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

MAYOR'S REPORT

Mayor Garcia announced the Citizen's Forum would move from September 28th to September 21st due to a prior commitment with the VFW meeting. He reported the Homecoming Parade would be September 29th and encouraged all to attend.

COUNCIL MEMBER REPORTS

Iris Dysart

Councilmember Dysart questioned the status of the GAAP waiver. Mr. Slaugh reported The auditor would be at the October 2nd meeting to discuss GAAP and GASB 34.

Bill Hooker

Councilmember Hooker asked if there had been any progress on the accounts receivable issues. Mr. Slaugh stated he was still working on collecting information.

Councilmember Dysart stated she was a neighbor to Mr. Jerry Mussett and did not feel Hickory Villa should have to pay the \$1500 currently being charged for a tube replacement. She felt the installation of the tube should have been the City's responsibility. She noted the city engineer confirmed with her that Mr. Mussett could not be forced to pay the cost.

Mr. Slaugh said some cities allow concessions to property owners for the replacement of the tube. Mr. Hooker said he remembered that Mr. Mussett agreed to pay the cost of the tube if the city did the labor.

Planning Director

Mr. Smith requested permission to readdress the vote regarding Silver Springs. His concern was not that the motion was for denial of the zoning, but that of the wording of the motion and requested another motion be made to reconsider the motion and then possibly revote on the original motion if the reconsideration passed. He explained the developer would not be able to resubmit a zoning request for 120 days if he was denied.

Mr. Noriega said he went to Hickory St. and viewed where Mr. Bonee had fixed the jog, however, it appeared he did not go out to the edge with the chip and seal.

Councilmember Dysart wanted assurance that Hickory St. would be brought up to 158th Street and a sidewalk on both sides of the street. Mr. Hoelting stated he did not have any problem conforming to the City's requirements.

A motion was made by Councilmember Dysart and seconded by Councilmember Thomas to reconsider the original motion. A roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

Mr. Smith clarified the conditions placed by the Planning Commission –

1. Developer would not be required to fix jog on Hickory St.
2. Change from 8 ft. sidewalk to 4 ft. sidewalks on both sides
12. Improve Hickory Street in lieu of Willow Street.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the rezoning and Preliminary Plat with the following changes: 1) Developer would not be required to fix jog on Hickory St., 2) Change from 8 ft. sidewalk to 4 ft. sidewalks on both sides, and 3) Improve Hickory Street in lieu of Willow Street. A roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

City Administrator

The city administrator requested Council consider an additional item be added to the agenda authorizing the signing of the scope of services and notice to proceed with Leavenworth County for improvements to Hollingsworth Road.

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to add Item "j" to Business as requested. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Mr. Slaugh reported all the property owners have agreed to sign the easements, with Creason and Winn's agreeing to sign later in the week. He explained the costs associated with obtaining the easements. Utility relocations may be delayed due to issues with AT&T. The County has started grub work on the side of the road by the Zarda property. The County informed him they would not chip and seal this year. The City could go with asphalt or chip and seal in the spring. The cost difference was an estimated increase of \$167,000 or an estimated total of \$311,750. Due to the cost of replacing the bridge, the bridge would remain 24 ft. wide.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the scope of service and notice to proceed with Leavenworth County for improvements to Hollingsworth Road. A roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

EXECUTIVE SESSION

1. Attorney-Client Privileged Matters
Re: Pending Litigation

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to convene into executive session for thirty minutes to discuss pending litigation. A roll call vote was taken with all members voting in favor. Motion passed 4-0. Attorney Mike Seck and the city administrator were invited into the executive session. (9:08 p.m.)

At 9:38 p.m. the mayor called the regular meeting back to order.

ADJOURNMENT

There being no further business to discuss, 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 4-0. Meeting adjourned at 9:40 p.m.

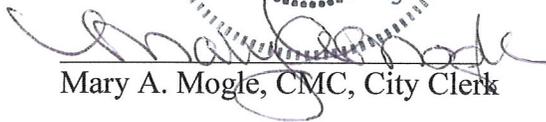
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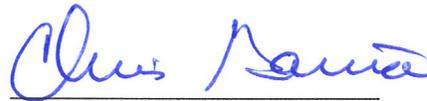
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Submitted for Council approval with/without corrections or additions this 2nd day of October, 2006.

Attest:




Mary A. Mogle, CMC, City Clerk



Mayor Chris Garcia