

**Minutes**

**BASEHOR CITY COUNCIL**

**October 2, 2006**

**6:00 p.m.**

**Basehor City Hall**

**OFFICIAL PRESIDING: Mayor Chris Garcia**

**MEMBERS PRESENT: Pres. John Bonee, Iris Dysart, Bill Hooker, Keith Sifford**

**MEMBERS ABSENT: Terry Thomas**

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

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**WORK SESSION – 6:00 p.m.**

*(Tape 1, Side A)*

The work session was called to order with all members present with the exception of Councilmember Thomas. City Attorney John Thompson was also in attendance.

***Item #1. Lynn McClure, LCDC Executive Director  
Re: Quarterly Update***

Lynn McClure, LCDC Executive Director and Bill Petrie, LCDC President were present to give a quarterly update on Leavenworth County Development Corporation's activities for the last three months. A packet was distributed which included a 2006 Prospect Summary, activity report, and calendar of events from October through December 2006.

Mr. McClure reported the annual meeting would be held on the 8<sup>th</sup> of December and encouraged the Governing Body to attend. Councilmember Hooker asked if there were any businesses expressing interest in locating to Basehor. Mr. McClure stated recently he met with a couple of interested clients and that packets had been delivered to them.

Mr. McClure reported he, along with other LCDC representatives, met with the city administrator last week regarding future projects. They are discussing developing an economic development committee that would include people from the school district, members of the community, business owners, city staff, and LCDC staff.

***Item #2. Discussion regarding agenda items.***

**City Clerk**

The city clerk proposed implementing payroll direct deposit and automatic payment withdrawal for utility billing. Melanie Morris and Mary Steinwach, First State Bank & Trust were present to answer questions.

Mrs. Morris reported the service would be provided to the city at no charge and explained the process. Council discussed the pros and cons of having direct deposit for employees. Some felt unless 100% of the employees took advantage of the service, the City should not participate. (*Business Item "d"*)

### **Police Chief**

Chief Horner gave a comparison between the Chevy Impala and Ford Crown Vic vehicles. He also submitted a three year plan to replace future patrol cars and would address his proposal at a later date. The chief went on to explain his intent was to decommission the 2001 patrol car that was currently at Heartland Tow (engine problems). The purchase proposal estimated the cost to be approximately \$26,403 for a new vehicle and equipment. Originally Chief Horner had planned to place the car on eBay for auction, but now that it did not have a working engine, he did not feel it would bring enough money. Councilmember Hooker stated he thought the 2001 could be fixed for a reasonable price.

Councilmember Dysart asked if the inoperable rear door was part of the bid. Chief Horner stated it was part of the package.

\$21,244.00 Estimated Cost of Vehicle  
\$ 5,159.00 Estimated Cost of Equipment

Councilmember Hooker asked if the company doing the wiring harness work would provide a letter stating their work would not void factory warranty.

A new light bar, radio, scanner, radar unit, and cage would need to be purchased. He planned to go with a new style of bar. He showed a picture of the decals he considered putting on the new vehicle. (*Business Item "e"*)

### **Administrative**

Mr. Tom Singleton, Lowenthal Singleton Webb & Wilson appeared to talk about statutory requirements for audits. In accordance with state statues, the City was required to have an annual audit. He reminded the Council of previous conversations regarding the difference between a GAAP audit verses a GAAP waiver. He explained a GAAP audit form of accounting was more comprehensive, and more expensive for both the City and auditors. Out of 650 cities in Kansas, only about 100 cities use GAAP. Each city may opt out of the GAAP audit. Currently the city uses a general accounting principal that focus more on liabilities than assets. However, there were ways of mitigating the loss of disclosure in the external financial statements by presenting the

Basehor City Council  
October 2, 2006

Page 3 of 11

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financial assets such as equipment and buildings. He recommended the city maintain a separate inventory of assets. Mr. Singleton noted it was up to the Council as to what form of audit they preferred to use. He explained, in addition to his fees, there would be additional staff costs as well. The maximum cost would be \$16,900 for a full GAAP audit.

Mr. Singleton noted if the City chose not to go with GAAP, they would have the option of directing him to check various areas if they felt there were concerns with certain items.

Councilmember's Bonee and Hooker felt it would be advantageous to go with a GAAP audit in 2006 and then have a regular audit under the GAAP waiver rules for the next couple of years.

Councilmember Hooker stated he would prefer to table the vote until he could review the contract and vote on at the October 16<sup>th</sup> meeting. Council agreed to table action. (Business Item "a")

Work Session closed at 6:53 p.m.

### **REGULAR MEETING – 7:00 p.m.**

#### **ROLL CALL BY MAYOR CHRIS GARCIA**

All members were present with the exception of Councilmember Thomas. The city attorney was also in attendance.

#### **PLEDGE OF ALLEGIANCE LEAD BY GIRL SCOUT TROOP 1358 (Lynda Bedell, Leader)**

*(Tape 1, Side B)*

#### **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. Approve Minutes
  2. September 18, 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 Sifford and seconded by Councilmember Hooker to approve the Consent Agenda. Discussion followed. Councilmember Dysart brought up the fact that she did not see the transfer from the General fund (\$137,220) to

the Sewer Fund to pay Falcon Lakes Fund and asked if a separate motion should have been made at the last meeting authorizing the city treasurer to make the transfer. The city administrator suggested adding that as another Business item. Council agreed.

Councilmember Hooker requested the word "said" be deleted on page 6, last paragraph.

A roll call vote was taken with all members voting in favor with the exception of President Bonee. 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. Cori Kallenbach***

***Re: Request noise permit for a Neighborhood block party in Pinehurst  
Subdivision scheduled for October 28, 2006.***

Mrs. Kallenbach requested a noise permit for a Neighborhood block party on October 28<sup>th</sup>. She explained she was currently working with the police chief since they would be blocking off streets for the party. Mayor Garcia asked what type of activities would be included in the day's event. She stated plans had not yet been finalized. She thought they would have music and anticipated running from 2:00 p.m. to midnight.

Mr. Slauch stated this was a gray area that was not addressed in the municipal code and should probably be addressed by the Council. Mayor Garcia stated he did not feel it would be necessary to come before the Council, but at least advise them of the event. Council agreed this type of request could be handled by the police department.

#### ***b. Basehor Community Library***

***Re: Extended hours at City Park on October 27, 2006 for Halloween in the Park  
Festivities***

Amy Schaffer appeared to request hours be extended at the city park on October 27, 2006 for a Halloween in the Park event. She explained the teen services portion of the library organization would be handling the evening's events. Library director, Carla Kaiser appeared in support of the event.

Mayor Garcia asked Council if they wished to handle requests of this nature the same way as block parties by allowing staff to make the decision. Council agreed they should be made aware of the event, but not necessary to vote on the matter.

**c. *George Smith, PRIDE***  
***Re: Regulate Fireworks Stands***

Mr. Smith appeared on behalf of PRIDE, Kiwanis, and Project Graduation by requesting the City adopt an ordinance allowing only non-profit organization fireworks stands in the area. One requirement would be that the non-profit organizations put the proceeds of the fireworks stand back into the community. These organizations count on the proceeds from the fireworks stand to operate throughout the year and sponsor scholarships to high school graduates. He requested Council not divulge the contents of the packet he submitted to them pertaining to their profits.

Councilmember Hooker stated he agreed with Mr. Smith, but on the other hand he did not want to eliminate free enterprise. President Bonee suggested regulating the number of stands the city would allow each year.

Mr. Thompson stated it would be a Home Rule ordinance to regulate fireworks stands.

Mayor Garcia reminded the Council the City donates money each year for the fireworks display and waived fireworks stand fees. President Bonee stated he did not want to be misunderstood, reiterating he did support the regulation, however, he felt there would be legal issues down the road by excluding free enterprise.

The city attorney was directed to research regulating fireworks stands and return at a later date with options.

**d. *Citizen Comments Regarding Agenda Items***

**Jim Washington (1901 160<sup>th</sup> Street)** read a prepared statement which has been incorporated by reference to the original minutes. Mr. Washington recommended enacting the GAAP waiver for one more year, allowing time for staff to implement the proper paperwork, and start with a GAAP audit for year 2007, rather than 2006. He felt a good set of books would mean lower bond costs (i.e. interest rates).

Mayor Garcia explained previously the Council voted to proceed with GAAP; however, a contract was never signed and cost was never determined.

Mr. Washington noted the staff would have kept records different in year 2006 if they would have been directed to do so.

**John Flower (15515 Cedar Lake Dr)** spoke in support of Business Items “b”, “c”, “d”, and “e”. Mr. Flower reported Cedar Lakes Homeowners Association recently voted to allow Cedar Lakes Phase V into the association.

**Ed McIntosh, Benchmark Management** spoke regarding Business Item “f”, Final Plat for Cedar Lakes Phase V. He explained he started the development process in January, noting the process had been slow, with things falling through the cracks. Mr. McIntosh explained he had met the conditions required by the City for Final Plat approval and requested Council vote to approve the Final Plat contingent on Leavenworth County Commissioners voting to approve the annexation. The County Commissioners would be voting on the annexation on Thursday, October 4<sup>th</sup>.

Public portion of the meeting was closed.

#### **SCHEDULED DISCUSSION ITEMS**

There were no scheduled discussion items at this time.

#### **BUSINESS**

- a. Consider approval for an auditing contract for 2006 with Lowenthal, Singleton, Webb & Wilson and provisions for a GAAP waiver or GASB 34 requirements.*

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to table action until the October 16<sup>th</sup> meeting to allow Council time to review the proposed contract. Discussion followed. President Bonee stated he would rather see some movement toward the GASB 34 requirements. A roll call vote was taken with council member's Bonee and Dysart voting no and member's Hooker and Sifford voting in favor. Mayor Garcia broke the tie by voting to table action. Motion passed 3-2.

Mr. Slauch reported Mr. Singleton would appear the 9<sup>th</sup> of October, rather than October 16<sup>th</sup> due to a scheduling conflict.

- b. Consider issuance of a noise permit for 15419 Crimson Street for a Neighborhood Block Party on October 28, 2006.*

A motion was made by Councilmember Sifford and seconded by President Bonee to approve a Neighborhood Block party at 15419 Crimson Street on October 28, 2006. Discussion followed. Councilmember Hooker suggested adding a time frame to the motion.

Chief Horner stated he did not think the City Council should vote on this item, noting it should not have been an agenda item. He explained the Sound Amplification ordinance addresses boom boxes and radios, not block parties with music.

Mr. Slauch explained the reason it was put on the agenda was because it was not addressed in the municipal code and Council needed to give direction as to what was acceptable. President Bonee stated the agenda should read "allow" a block party, not "issuance of a noise permit".

Mr. Thompson stated the Council possessed general powers to make a decision as to whether or not allow this type of activity and how it should be handled. He explained Council did have an inherited authority to make this type of decision if they wish.

*(Tape 2, Side A)*

Chief Horner suggested restating the request to allow certain streets closing for the party but not grant a noise permit since there was no such thing in the regulations.

Councilmember Sifford suggested setting up a committee to decide how future requests of this nature should be handled and suggested allowing the police department to continue addressing block party requests.

Mr. Thompson suggested making a motion to leave the matter in the discretion of the Chief of Police. He felt by acting on the request, Council would be setting a precedent for future requests.

A roll call vote was taken with all members voting in favor. Motion passed 4-0.

***c. Consideration to Basehor Community Library for extended hours at the City Park for "Scary Stories in the Park" and Haunted Trail festivities on October 27, 2006.***

A motion was made by Councilmember Hooker and seconded by President Bonee to approve the request to extend hours at the city park for "Scary Stories in the Park" and haunted trail festivities on October 27, 2006 as presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

***d. Consider agreement with First State Bank & Trust for payroll direct deposit and automatic withdrawal payments for utility billing.***

A motion was made by Councilmember Hooker and seconded by President Bonee to approve the agreement with First State Bank & Trust for payroll direct deposit and automatic withdrawal payments for utility billing as presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

***e. Consideration to accept bid for purchase of police vehicle and purchase of necessary equipment.***

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the purchase of the police vehicle and purchase of equipment not to exceed \$27,000. Discussion followed. President Bonee clarified that the 2001 (Unit #01) Crown Vic would be decommissioned and sold. Chief Horner stated it was his intent to sell the inoperable unit. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

***f. Consider Cedar Lakes Phase V Final Plat and Subdivision Improvements Agreement (contingent on approval from Leavenworth County for annexation)***

Planning Director, Dustin Smith noted there was a question about some of the notes on Cedar Lakes Phase V preliminary Final (amended 10/16/06) plat that were not appearing on the final plat. He explained most of the conditions had already been addressed. Conditions listed on the staff report were a result from the Planning Commission meeting. The vote should be stated "contingent upon approval of annexation from Leavenworth County Commissioners".

A motion was made by Councilmember Sifford to approve the Cedar Lakes Phase V Final Plat. Motion died for lack of second.

Councilmember Dysart noted the annexation was approved back in May. To date, there was not an Interlocal Agreement with Leavenworth County, Subdivision Improvements Agreement, nor construction documents. She felt it was premature of the City Council to vote at this time.

Mr. McIntosh stated that was why he was requesting the final plat be approved contingent on the aforementioned items being satisfied.

President Bonee stated the City was hesitant to make a decision because they were unsure of the outcome from the County Commissioners. Mr. Sifford noted the minutes reflect that the plat was passed unanimously by the Planning Commission and questioned if the Planning Commission addressed any of the concerns discussed by council member's Bonee and Dysart. Mr. Smith stated the Planning Commission did not approve construction drawings and would not be considered in their discussion.

Council discussed who actually governed Sewer District No. 7, Leavenworth County Commissioners or the City of Basehor.

Mr. Flower stated the Planning Commission took into consideration the Council had already voted to annex the property. Mr. McIntosh stated the County was not going to

pay additional money to the City to include Cedar Lakes Phase V into Sewer District No. 7.

City superintendent Gene Myracle stated his understanding was the only reason Leavenworth County kept control over Sewer District No. 7 was to continue collecting special assessments on property taxes. The City required a gravity line, rather than individual *lift stations grinder pumps (amended 10/16/06)*.

A motion was made by Councilmember Dysart and seconded by Councilmember Hooker to deny the Preliminary Plat and Subdivision Improvements agreement as requested. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 3-1.

Mr. Thompson stated the legal question presented by Leavenworth County was the issue of the City providing sewer service without going through Sewer District No. 7. He indicated he thought the City could bypass County approval as long as the property was within the city limits or simply making an amendment to the interlocal agreement.

***g. Consider approval of settlement agreement to former employee***

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve payment of \$12,000 to a former employee. Discussion followed. President Bonee stated he was unable to attend the last Council meeting and was not sure what this vote entailed. Mr. Thompson suggested postponing the vote until after the executive session so he could update President Bonee. Council member's Sifford and Hooker withdrew their motions. Council agreed to discuss this item in executive session.

***h. Consider adding Business Item "i" to the agenda and authorize transfer \$137,220 from the General Fund to the Sewer Fund***

A motion was made by President Bonee and seconded by Councilmember Dysart to add Business Item "h" to the agenda to consider transfer of \$137,220 from the General Fund to the Sewer Fund as recommended by the city treasurer. A 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 Dysart to approve the transfer of \$137,220 from the General Fund to the Sewer Fund as recommended by the city treasurer on September 19, 2006. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

*(See Page 11 for Business Item "i")*

**EXECUTIVE SESSION**

1. Land Acquisition
2. Pending Litigation

A motion was made by President Bonee and seconded by Councilmember Sifford to convene into executive session for twenty-five minutes to discuss land acquisition and pending litigation with the city attorney. A roll call vote was taken with all members voting in favor. Motion passed 4-0. The city administrator was invited into the session. (8:36 p.m.)

At 9:03 p.m., Mayor Garcia called the regular meeting back to order announcing it would be necessary to convene back into executive session for an additional ten minutes to finalize discussion.

A motion was made by Councilmember Sifford and seconded by President Bonee to convene back into executive session for ten minutes to discuss land acquisition and pending litigation with the city attorney. A roll call vote was taken with all members voting in favor. Motion passed 4-0. The city administrator also attended the session.

Returned at 9:13 p.m. the meeting was called back to order with the following action being taken:

***g. Consider approval of settlement agreement to former employee***

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to authorize settlement agreement in the amount of \$10,000. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

**MAYOR'S REPORT****COUNCIL MEMBER REPORTS****Iris Dysart**

A few weeks ago Council discussed an invoice in the amount of \$5,362.50 from MHS Engineering for inspection fees on Falcon Lakes Parkway. The inspections occurred on property that should not have been inspected by the City since it was not city right-of-way (KDOT right-of-way). On August 15, 2005, the city engineer agreed to reduce the invoice by 65% and would agree to reduce the bill by an additional 33%. She felt MHS Engineering should reimburse or credit future billing \$4,105.00 since he agreed at the meeting to reduce his bill to \$1,257.50.

Councilmember Hooker stated he trusted Iris's figures and felt that even though Mr. McAfee was called out to the site, he should have advised the City that it was not city property and refused to inspect the area. President Bonee agreed and felt since Mr. McAfee offered to adjust the bill earlier, the City should take him up on it.

The city administrator reported he listened to the August 16<sup>th</sup> tape and explained Mr. McAfee stated he had made an agreement with the previous city administrator (David Fuqua) to reduce the invoice to 65% and still, to date, did not have a problem in reducing the invoice by 33%. Meaning the 65% and 33% were one in the same.

A motion was made by President Bonee and seconded by Councilmember Hooker to add Business Item "i" to the agenda directing the city administrator to contact the city engineer requesting he reduce the invoice by 35%. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 3-1.

*i. Consider directing the city administrator to contact MHS Engineer regarding the reduction of inspection fee invoice.*

A motion was made by President Bonee and seconded by Councilmember Dysart to direct the city administrator to contact the city engineer regarding a 35% reduction on MHS Engineering invoice #03.05.17.03 for inspection fees of Falcon Lakes Parkway right-of-way. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 3-1. (Note: Received payment in the amount of \$1876.88 on 10/18/06)

**ADJOURNMENT**

There being no further business to discuss, a motion was made by Councilmember Hooker and seconded by Councilmember Sifford to adjourn the October 2<sup>nd</sup> meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Submitted for Council approval with/without corrections or additions this 16<sup>th</sup> day of October, 2006.



Attest:

  
Mary A. Mogle, CMC, City Clerk

  
Mayor Chris Garcia