

Minutes
BASEHOR CITY COUNCIL
December 4, 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,

WORK SESSION – 6:00 p.m.

(Tape 1, Side A)

Mayor Garcia called the work session to order with all members present including the city attorney John Thompson.

Item #1. Discussion regarding agenda items.

Business Item “b”. Chamber of Commerce Funding Request.

Chamber of Commerce has requested the budgeted funds for signs be issued to them this month. Mayor Garcia reported the Chamber members have expressed concerns about the sign location on 155th Street & 24/40 Highway since Kansas Dept. of Transportation (KDOT) has recently amended their sign requirements. Sign location options were discussed.

Business Item “c”. Theno Estates Annexation

City Administrator Carl Slaugh reported Jeff Theno had submitted a voluntary annexation petition for Theno Estates (name changed to Victory Crest). To date, an Annexation Agreement had not been signed. The upsize fees are still unresolved and would be addressed in the future. The planning director was directed to compile a report showing the difference in county taxes verses city taxes. The city administrator reported it would be approximately 17% increase in taxes to the property owner (not including the upsize fee). He explained currently there were three lots that were already sold which were not included in the annexation petition. Mr. Slaugh noted once the initial annexation was finalized the other three lots could be unilaterally annexed since they would be contiguous to the city limits. Mr. Smith said he had contacted the county to acquire property ownership information for the three lots, however, the county had no record at this time.

Councilmember Dysart was concerned about annexing that far north. Mr. Slaugh stated if the City annexed north, over a period of time, the City would be collecting road taxes that would assist with maintenance. He did not feel it was that remote that city services

could not be provided, noting it was within the City's growth area. Mr. Slaugh stated there would have to be an agreement with the County regarding the improvement of 147th Street. Councilmember Dysart felt the planning commission should review the annexation proposal prior to approval.

Council discussed the County's road maintenance agreement addendum. Originally the County was going to maintain Evan's Road; however, when Cedar Lakes V annexation resolution was sent to the County Commissioners for the approval, they said it would be up to the City of Basehor to maintain to the south side of Evans Road. The addendum transferred ownership to the City of Basehor.

President Bonee asked how excise tax and other fees were going to be collected from Theno Estates. Mr. Smith stated he had not addressed those issues. President Bonee stated the City should set the fees prior to annexation; otherwise, it would be difficult to collect after the fact. President Bonee suggested reallocating the fees for the three lots and include those fees to the remaining lots.

Mayor Garcia asked the police chief what the impact would be on his department if Theno Estates was annexed. Chief Horner stated he did not think there would be an impact since they were already patrolling Falcon Lakes.

Business Item "d". Amendment to 2006 Budget

Mr. Slaugh reported a Sewer Fund amendment was necessary partly due to the Falcon Lakes payment of \$381,220 upsize fees. Council asked for more details since they felt there were discrepancies in the figures provided.

Business Item "e". Authorize Staff to prepare an interlocal agreement with Bonner Springs and Leavenworth County to protect the Wolf Creek watershed basin.

Mr. Slaugh reported he met with Leavenworth County and Bonner Springs regarding drainage issues within the Wolf Creek watershed area. The agreement would show that the City of Basehor was making steps to comply with NPDS rules. The agreement would be drafted by staff.

Business Item "f". Contract with Leavenworth County for 2007 Court Services.

The police/court clerk explained the duties of the probation officer.

Business Item "h". Addendum to Interlocal Road Maintenance Agreement.

The city administrator asked that item "h" be added to the agenda addressing an addendum to the interlocal road maintenance agreement. Council did not feel the City should be liable for the short area. The planning director stated he did not think the County Commissioners would not adopt the resolution allowing Basehor to annex Cedar Lakes V if the City did not agree to the addendum.

REGULAR MEETING – 7:00 p.m.**ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE**

All members were present to include the city attorney John Thompson. Pledge of Allegiance was recited.

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
 1. November 20, 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 Dysart and seconded by Councilmember Thomas to approve the Consent Agenda as presented. A 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. Citizen Comments Regarding Agenda Items

Bob Van Cleave (9918 England) stated his views were his own. He noted in accordance with MARC report provided by the city administrator, the police officers were below the average. City of Lansing and City of Tonganoxie had recently approved significant salary adjustments. He went over the costs of training new hires. He was not in favor of basing raises strictly on merit.

Sandra Grimes (15402 Crimson St.) spoke in support of increasing wages for police department. The other city employees should be valued as well. The City needs to pay the employees more in order to maintain good employees.

George Smith (14923 Parallel) spoke in favor of wage increases for all employees and felt the City should keep competitive.

Public portion of the meeting was closed.

SCHEDULED DISCUSSION ITEMS

a. Discussion regarding Country Meadows drainage issues next to High Point Downs Development

Mr. Slauch reported the item was added to the agenda to highlight some drainage issues experienced by property owner David Brown. *(Tape 1, Side B)* He explained several years ago the public works department created a berm behind Country Meadows subdivision which has been removed during construction of High Pointe Downs subdivision. Mr. Brown was told initially the drainage pipe would extend south of his property line. The developer said he would not extend the pipe because it was not in his plans that were approved by the City during the pre-construction phase. The site plan did not require High Pointe Downs to dedicate a drainage easement but allowed the developer to utilize Country Meadows drainage easement.

Councilmember Sifford said the property was a mess reporting the area had flooded in the past. It was his understanding the ditch constructed by the developer was not the right type of ditch. City Superintendent Gene Myracle explained past drainage problems and the steps the public works department took to eliminate the problems. He felt the pond on High Pointe Downs would help slow down the drainage running into Country Meadows. Councilmember Hooker stated he sympathized with Mr. Brown. He explained easements are dedicated for certain purposes and was not really the property owner's property. Councilmember Thomas stated property owners cannot legally change the flow of water. Mr. Myracle stated the set of plans did not show the house facing Meadow Street. Mayor Garcia and President Bonee stated the property owner was required to maintain the property since he technically owned the property even though the City or utility company can do what they want to with it.

President Bonee said the easement grants the City to use the easement; however, the issue should have been addressed at the engineering stage. The longer the pipe is extended, the more problems the property owners down stream would experience.

Mr. Brown stated when he purchased the property he did not have the drainage issue. He said he understood the City has the right to the property as an easement. Now he does not have access to the property in which he pays taxes on. It is a safety issue, as well as, an eyesore. He felt it has also devalued his property by making the area as unusable.

Mr. Myracle asked if he could research other avenues and costs necessary to abate the problem.. President Bonee stated if the City were to pipe the entire area, it would cause a restriction upstream. His concern was if the City put additional money into an individual's yard, would the City be setting a precedent for future requests.

BUSINESS

a. Consider renewal of Casey's General Store Cereal Malt Beverage License.

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to approve renewal of Casey's General Store Cereal Malt Beverage License (for year 2007). A roll call vote was taken with all members voting in favor. Motion passed 5-0.

b. Consider approval of funding to the Chamber of Commerce for sign improvements.

A motion was made by President Bonee and seconded by Councilmember Hooker to release the previously approved funds (\$1,000) to the Chamber of Commerce. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

c. Consider a voluntary annexation petition for the Theno Estates (Victory Crest) subdivision, minus lots 3, 9, and 18.

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to table action until such time the voluntary annexation includes lots 3, 9, 18 and revisions are made for collection of impact fees and other fees associated with the development. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

d. Set a public hearing date of Dec. 18 to consider proposed amendments to the 2006 Budget.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to set a public hearing date of December 18th (7:00 p.m.) to consider proposed amendments to the 2006 Budget. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

Council asked that documentation explaining the amendments be provided in advance of the work session so Council may have ample time to study the amendments.

e. Consider support to approve staff to pursue an Inter-Local Agreement between Kansas City, Kansas, Leavenworth County, the City of Basehor and the City of Bonner Springs to protect and improve the Wolf Creek watershed.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve staff to pursue an Inter-Local Agreement between Kansas City, Kansas, Leavenworth County, the City of Basehor and the City of Bonner Springs to protect and improve the Wolf Creek watershed. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

f. Consider contract with Leavenworth County for 2007 Court Services.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the contract with Leavenworth County for 2007 Court Services. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

g. Consider a city employee wage plan for calendar year 2007.

Mr. Slaugh reported he has yet to receive the MARC report. MARC emailed him a wage pay survey; which did not include the benefits. He explained the process he went through to come up with figures he presented to Council. To put together a detailed pay plan takes more than two weeks. He proposed granting a 5% increase effective January 1, 2007 and than develop a proper wage plan after the first of the year. *(Tape 2, Side A)*

A motion was made by President Bonee and seconded by Councilmember Sifford to table action and place on the December 11th work session for discussion. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

h. Addendum to Leavenworth County Interlocal Road Maintenance Agreement

A motion was made by President Bonee and seconded by Councilmember Hooker to add Business Item "h" to the agenda which would address the Interlocal Road Maintenance Agreement with Leavenworth County. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

A motion was made by Councilmember Thomas and seconded by President Bonee to table action to adopt the proposed interlocal agreement. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

The city administrator asked what other information the Council wanted him to obtain to assist them in making their decision. Councilmember Thomas said he wanted to wait until a new Council came on board next April. Mr. Slaugh stated the County would most likely hold up the annexation of Cedar Lakes V.

CITY ADMINISTRATOR REPORT

Mr. Slaugh reported the packet delivered to the governing body this evening should be disregarded and he would compile a new packet concerning wage and benefit comparisons

for the December 11th work session as previously addressed earlier in the meeting (Business Item 'g').

MAYOR'S REPORT

- Thanked Gene for expediting the installation of the parking lot light.
- Reported he would be attending the Chamber of Commerce meeting Wednesday, December 6th.

COUNCIL MEMBER REPORTS

Bill Hooker

Councilmember Hooker asked how often public works repaired lights at 155th & 24/40 Highway to be changed. Mr. Myracle explained he has a company that comes out to replace the light bulbs. The company charges \$110 per service call and \$3 per bulb. He has them replace all bulbs each time they come out in order to save trip charges. Mr. Myracle was unsure of how many times he had to call the company out in the last year.

EXECUTIVE SESSION

1. Land Acquisition (Bryan/Baker Properties)
2. Attorney-Client Privileged Matters (Simpson Property)

A motion was made by President Bonee and seconded by Councilmember Sifford to convene into executive session for twenty minutes to discuss land acquisition (Bryan and Baker properties) and attorney-client privileged matters pertaining to the Simpson property. A roll call vote was taken with all members voting in favor. Motion passed 5-0. The city administrator and planning director were invited into the session. (8:16 p.m.)

The regular meeting was reconvened at 8:36 p.m.

ADJOURNMENT

There being no further business to discuss, Councilmember Thomas moved to adjourn the meeting. The motion was seconded by President Bonee. A roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 8:37 p.m.

Basehor City Council
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Page 8 of 8

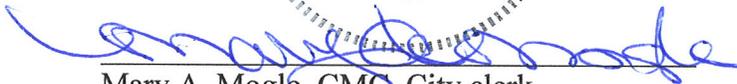
Submitted for Council approval with/without corrections or additions this 18th day of December, 2006.



Attest:



Mayor Chris Garcia



Mary A. Mogle, CMC, City clerk