

MINUTES

CITY OF BASEHOR

City Council

May 9, 2005

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: President John Bonee, Iris Dysart, Bill Hooker, Keith Sifford, and Terry Thomas

Staff Present: Gene Myracle, Mary Mogle, Matt Henderson, John Thompson

Mayor Garcia opened the meeting by explaining "Call to Public" was the portion of the meeting where members of the audience could speak regarding agenda items. He noted this would be the only opportunity during the meeting the public would be allowed to comment. He also noted an addition was added to the LAD presentation. LAD would be discussing a proposed resolution prohibiting construction within a 300 ft. setback west of the K-7 corridor

Roll Call by Mayor Chris Garcia and Pledge of Allegiance.

Roll call was answered with all members present including the city attorney, John Thompson. Pledge of Allegiance was recited.

1. Consent Agenda:

- a. Approve Minutes of the Council Meeting of April 25, 2005
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve Investment Recommendations
- e. Approve Calendar of Events

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the Consent Agenda as presented with a correction to the April 25th minutes. Page 12, paragraph 2, should read that Thomas, rather than Sifford, voted against the motion. Discussion followed.

Council discussed the term for certificates of deposits due in May and agreed they should be reinvested for a three-month period. Motion passed 5-0.

2. 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. Jeremy Kovac, Aerial FX, Inc.

Re: Request approval for fireworks display at Falcon Lakes Golf Course on June 3 and July 4, 2005.

Mr. Kovac appeared before the City Council to request Aerial FX, Inc. be allowed to discharge fireworks at Falcon Lakes on June 3 (Hooper wedding) and July 4 (golf tournament). He submitted a packet explaining materials used in both displays and proof of insurance. He reported his company had insurance coverage of five million dollars per occurrence.

Council discussed the need for fire and police protection. Mr. Kovac explained the fire department would be notified of the dates and times of both displays.

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to approve the request from Aerial FX, Inc. for fireworks displays on June 3 and July 4. All voted in favor. Motion passed 5-0.

Mayor Garcia announced this was the portion of the meeting where anyone from the audience could speak regarding agenda items.

Ed McInTosh (13667 214th St, Linwood, KS) spoke regarding the proposed resolution for annexation of property at 166th & State Avenue (a/k/a Cammarata Property). Mr. McIntosh stated there were some issues to work out and understood there would possibly be a delay in the process until those issues were resolved.

George Smith (14923 Parallel) stated he was neither, for or against, the “Cammarata Annexation” but wished to point out that services should be available at the time of annexation. He went on to say that the cost of providing property infrastructure and zoning could put money in the City’s “coffers” if developed properly.

Mayor Garcia asked twice if there was anyone else who wished to speak regarding an agenda item. Since no one came forward, he called the public portion of the meeting was closed.

3. Scheduled Discussion Items

- a. Lynn McClure, Leavenworth Area Development
Re: Quarterly report, discussion of annual contribution, and Resolution pledging support not to build within 300 ft. of K-7 Highway .

Bill Petrie, Leavenworth Area Development President, provided a packet that included documentation for year 2006 membership dues, past and present projects, calendar of future meetings, and a resolution prohibiting construction within 300 ft. of K-7 corridor. He reported the board has agreed to start working on commercial properties in addition to industrial; however, LAD does not want to over step their boundaries and intend to work closely with area Chamber of Commerce organizations.

LAD director, Lynn McClure discussed the contents of the packet. Mr. McClure explained Kansas Department of Transportation's (KDOT) plan to redesign the cloverleaf at K-7 and 24/40 Highway and the effects it would have on traffic in the Basehor area. In his opinion, the majority of the traffic would funnel onto Parallel, west to 155th Street, and then south to 24/40 Highway.

Councilmember Thomas questioned who would pay for detour improvements. Mr. McClure stated he was not sure, but suggested the City ask that question when they meet with KDOT on the 18th of May.

The proposed resolution to prohibit construction within 300 ft. of the K-7 corridor was discussed. Councilmember Hooker asked if a frontage road could be constructed within the 300 ft. Mr. McClure stated nothing could be built within the 300 ft. since that would be considered the construction line.

4. Business:

- a. ***Reconsider motion made on April 25, 2005 pertaining to Preliminary Development Plan/Preliminary Plat for Tomahawk Valley, submitted by MEI, Inc.***

A motion was made by Councilmember Sifford and seconded by Councilmember Bonee to move discussion and action on this matter until after the executive session. All voted in favor. Motion passed 5-~~0~~.

- b. ***Consider Amendment to Neighborhood Revitalization Plan Attachment "A (Legal Description) and Attachment "B" (Map)***

The city clerk explained, based on a phone call she received from the county-at-large counselor Keyta Kelly, the previously approved plan was submitted prematurely. The plan before the governing body was the final draft excluding the boundary and map. She explained she received the boundary description earlier in the day, however, the copier was out of order; therefore, she was unable to provide them with copies. She went on to explain the City was on a deadline to approve the plan in order to meet the County's deadline in filing applicants for tax abatements.

A motion was made by President Bonee and seconded by Councilmember Sifford to approve the Neighborhood Revitalization Plan as submitted contingent that the boundary description and map were correct. All voted in favor. Motion passed 5-0.

RES. 2005-04 A Resolution Repealing Res. 2001-10 And Adopting The Amended Basehor Neighborhood Revitalization Plan Providing For Property Tax Rebates And Designating A Portion Of The City of Basehor A Neighborhood Revitalization Area.

c. Consider Municipal Policy Setting Fees, Permits, Licensing Costs

The city clerk explained the proposed municipal policy included standard fees, permits and licensing costs that were currently being charged but should be adopted in policy form. She explained some of the fees are already included in other ordinances, but felt having one collective policy would allow staff to assist customers in a more timely manner.

Councilmember Hooker suggested revisiting the codes for animal running at large. The governing body agreed noting the fees were too low and should be increased for habitual offenders.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve Municipal Policy 2.03MP as submitted. All voted in favor. Motion passed 5-0.

2.03MP – A Municipal Policy Setting Fees, Permits and Licensing Charges

d. Consider Amendment to Municipal Policy 5.04MP, Wastewater Connection and Treatment Fees

Mayor Garcia explained the amendment added a stipulation that utility bills must be current before receiving any rate adjustments to their account. President Bonee asked that the word “consecutive” be added which would require three consecutive months of water records be provided.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the amendment to Municipal Policy 5.04MP as presented with the addition of the word “consecutive”. All voted in favor. Motion passed 5-0.

5.04MP – An Amendment to Municipal Policy 5.04MP, Section 10

e. Consider Purchase of Generator for Public Works Department

City superintendent Gene Myracle requested the purchase of a generator to replace the one stolen last year. President Bonee noted he recently purchased a 7000 watt generator for less money and suggested Mr. Myracle check to see if it would meet his needs. Mr. Myracle explained he priced the same model generator that was stolen, but did not have a problem looking at the one suggested by President Bonee.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the purchase of a generator not to exceed \$2,200.00. All voted in favor. Motion passed 5-0.

f. Consider Authorizing City Superintendent To Attend Water Environment Federation Technical Education Conference (Oct. 29-Nov. 2)

Mr. Myracle explained the class would help him understand the different plants and network with other cities that have the same type of wastewater facilities. The class would be used toward his continuing education credits. The class would be held from October 29 through November 2 in Washington, D. C. He estimated \$1,800 for room, airfare, meals and transportation.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to authorize the city superintendent to attend the Water Environment Federal Technical Education Conference with a cost not to exceed \$1,800.00. A written report was to be submitted afterwards. All voted in favor. Motion passed 5-0.

g. Consider Ordinance Waiving Right to Protest Benefit Districts.

Mayor Garcia explained the ordinance before the Council for approval was the same ordinance that the former mayor vetoed. He explained the ordinance would require property owners and developers to waive certain legal rights to protest benefit districts prior to obtaining building permits or acceptance of final plats.

President Bonee stated he would like to see a ten year sunset clause included in the ordinance along with the addition of "... past, present, and future construction of a public sanitary improvement" to Section 2.

A motion was made by President Bonee to add a ten-year sunset clause and insert the words "past, present, and future" to sentence 1 in Section 2. All voted in favor. Motion passed 5-0.

ORD. 463 – An Ordinance Requiring Property Owners And/Or Developers To Waive Certain Legal Remedies Prior To Obtaining Building Permits Or Acceptance Of Final Plat.

h. Consider Amendment to Chapter VII, Fire, Article 3, Section 7-305 Permit For Sale of Fireworks Required; Fee; Issuance

The proposed amendment to Chapter VII, Fire, Article 3, Section 7-305 would increase the fee for a fireworks stand from \$25 to \$50. Non-profit organizations may ask that the fee be waived upon city council approval.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the amendment as submitted. All voted in favor. Motion passed 5-0.

ORD. 464 – An Ordinance Amending Chapter VII Fire Article 3, Section 7-305 Of The Code Of The City Of Basehor, Kansas.

i. Consider A Resolution Of The City of Basehor, Kansas, Requesting The Board Of County Commissioners Of Leavenworth County, Kansas To Make Certain Findings Regarding The Annexation of Property.

If approved, the proposed resolution would request the Board of County Commissioners consider allowing the City of Basehor to annex a tract of land located in the SE ¼ of Section 4, Township 11, Range 22E, owned by Charles Cammarata.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the resolution as submitted. All voted in favor with the exception of Councilmember Hooker. Motion passed 4-1.

j. Consider Release of Right-Of-Way to vacate the east/west alley between 155th Terrace and 156th Street and the north half of the north/south alley between Hickory Street and Maple Street.

The request to vacate both alleys located on lots 1-3 and 10-12 of Block 4 in the Original Town of Basehor was submitted at the request of the county appraiser. Since the property in question qualified for the Neighborhood Revitalization Plan, the property should have one property tax number.

President Bonee explained he owned the property and was excusing himself from discussion and voting. Council asked Mr. Bonee why the easements had not been vacated when he constructed the apartments. Mr. Bonee explained the alleys were vacated in 1963 but never recorded.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the request to vacate the alleys as presented. All voted in favor with President Bonee abstaining. Motion passed 5-0.

k. Consider Improvements to 147th Street from Parallel to City Limit

The city superintendent reported while researching construction costs for 147th Street, he and the city engineer, noticed the cost to relocate electrical and telephone services were not included in the previous estimates. Mr. Myracle explained since the City has a franchise with Westar Energy, they would relocate the lines and poles at no charge which would be a savings of approximately \$45,000. Consolidated Rural Water District No. 1 stated they would work with the City to move the hydrants back. In addition to working with the utility companies, he was also working with property owners along 147th Street to find places to dispose of the spoils. Some of the spoils would be used to bring sites up to elevation. County has agreed to detour traffic north on 147th Street during construction. Mr. Myracle asked that no prices be discussed during the meeting since the project would most likely go out for bid.

Councilmember Thomas expressed concerns that the public works department was limited on time as it was, let alone taking on a project this size. The city superintendent responded stating he had two projects pending (i.e. park restroom and access road at the elementary school) and felt by allowing him to act as the general contractor, he could save the City 15-18% of the cost. He also reported the design work for 147th Street would not be finalized for 30-45 days which would give him time to finish the other two projects.

Councilmember Hooker stated he would rather see asphalt than granular and sod rather than seed. Mayor Garcia stated sod would not work since there would be no means to water once the sod was laid.

The engineering recommendation was to have concrete at the intersection of 147th & Parallel, install 8" of asphalt up to the entrance of Highview Industrial park, and then lay 4" of base with 4" of asphalt for the next 300 ft. north to the city limits.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to authorize the city engineer to start the design work for improvements to 147th Street as presented. Motion passed 5-0.

l. Consider Sponsoring "Chris Cakes" for Basehor Dairy Daze Festival

The city clerk submitted a request asking the City of Basehor to approve \$408.74 to sponsor "Chris Cakes" at the Basehor Dairy Daze festival. She explained since this

was the first year for the festival, the steering committee had to rely on sponsorship for various activities. The committee's intent is to use profits from some of the activities to help fund next years festival. She explained the money would come from the "general promotions" fund.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve up to \$408.74 to sponsor Chris Cakes at the 2005 Basehor Dairy Daze festival. All voted in favor. Motion passed 5-0.

j. Consider School Zone Flashing Lights

The city superintendent reported to purchase school crossing lights with red flashing indicators, solar and wireless power with a transceiver the cost would be \$8390.00 per set (2 lights). It would take the company up to eight weeks to manufacture and deliver:

Mayor Garcia stated he would meet with the school superintendent regarding the placement of the lights.

k. Consider Allowing Temporary Grinder Pump at 1111 155th Street (a/k/a Landauer Property)

Mr. Myracle reported he was working with Councilmember Dysart and developer Ed McIntosh regarding the placement of a temporary grinder pump system at 1111 155th Street. He explained the septic system for this property was failing and forced to connect to the City's sanitary sewer line. He requested a variance allowing the temporary grinder pump contingent on receiving a written agreement from Benchmark Enterprises stating they would assume all costs associated with the system.

Mr. Myracle was questioned as to why the system was failing since it was fairly new. He explained the new street was built over the system.

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to grant a variance (Sec. 15-246 of the Basehor Code) allowing the installation of a temporary grinder pump at 1111 155th Street contingent on receiving a written agreement from the property owner assuming all costs associated with the pump. The agreement must be approved by the city attorney prior to connecting the system to the City's sanitary sewer. All voted in favor. Motion passed 5-0.

5. Mayor's Report

a. Schedule Joint Work Session with Governing Body and Planning Commission

Mayor Garcia reported he had not received a date from the planning commission and would report back at the next meeting.

b. Wastewater Treatment Facility Tour

Mayor Garcia asked the city superintendent to update the Council on the design work for the wastewater treatment facility expansion project. Mr. Myracle informed the Council he was scheduled to meet with P.E.C on May 11 to take a tour of the Wellsville treatment plant that was similar to the facility expansion recommended by the engineers.

c. Stutzman Complaint

Mayor Garcia asked the city superintendent to report on the status of the complaint received by Mr. Stutzman regarding offensive odors coming from the Pinehurst lift station. Mr. Myracle reported he met with Ray Lindsey Company to reconfigure a line to help reduce the odors temporarily. He was also in the process of obtaining bids for an odor clarifier for the lift station. He explained once more properties connect to the sewer main, the more likely the odor will dissipate.

d. Basehor-Linwood High School Sign

The mayor reported a sign has been temporarily placed at 155th & 24/40 Hwy on the Benchmark Enterprise property by USD #458. The school district would like to work with the City to find a permanent location where electricity could be run to the location for lighting purposes.

e. Update Building Codes

Mayor Garcia reminded council members that the building inspector would like to meet in a work session to discuss updating the building codes. He asked that they look at their calendar and review his request prior to scheduling the session.

6. Council Member Reports

President Bonee asked that street projects for 2006 be moved up to 2005 and noted the center line on the arterial streets should be redefined as well. Mr. Myracle stated the 2006 projects included the streets in the Original Town of Basehor west of 155th Street.

Mayor Garcia asked the city superintendent to look at the trees in the right-of-way on 150th Street and make a recommendation in the near future. Council also discussed the condition of 150th Street noting the street should be widened and resurfaced in the near future also.

Councilmember Dysart noted on page 4 of the April 25th minutes it read that the city engineer wanted to meet with the governing body regarding phasing for future developments and asked when the work session was going to be scheduled. The city clerk explained the issue was placed on the work session for this meeting; however, Mr. McAfee was not present so it would have to be rescheduled. She also recommended installing "No Passing" signs on Leavenworth Road west of 155th Street to the city limits.

President Bonee stated before the City does anything on Leavenworth Road, 155th Street and Parallel he would like to see a letter from the County stating what they are responsible for and suggested holding a work session with the County Commissioners to discuss the roads in detail.

Mayor Garcia asked if there was anything else to be discussed at this time. The city attorney stated he had received a letter from attorney Robert Beal and asked to discuss its contents in executive session.

7. Executive Session

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to recess into executive session for up to thirty minutes to discuss attorney-client privileged matters. All aye. Motion passed 5-0 (8:04 p.m.)

At 8:35 p.m. Mayor Garcia called the regular meeting back to order stating the following action would be taken based on discussion in the executive session.

a. Reconsider motion made on April 25, 2005 pertaining to Preliminary Development Plan/Preliminary Plat for Tomahawk Valley, submitted by MEI, Inc.

A motion was made by Councilmember Dysart to reconsider the motion made on April 25, 2005 pertaining to Preliminary Development Plan/Preliminary Plat for Tomahawk Valley contingent on the following agreement:

In lieu of connecting 156th Street north to Creek Ridge Subdivision the developer would agree to 1) give the City the easement for the Chestnut lift station that would go to the west end of the development; 2) at the developer's expense, remove the Skaggs lift station, bore under 155th Street and connect the sewer to Tomahawk Valley sewer line; 3) upgrade minimum size ground floor level to Classification "E" (1300 sq. ft.); and 4) abide by Charter Ordinance No. 15, not to protest the assessments for the 24/40 Interceptor Benefit District. Discussion followed.

President Bonee explained he could not vote for something he thought would be unfair to the developer, noting the developer would not receive any benefit from removing the Skaggs lift station and bringing the line west to his property.

Councilmember Dysart explained all the money MEI would save by not connecting 156th Street north and felt it would not be arbitrary or capricious of the Council to require the developer to agree to the four items she mentioned.

City attorney John Thompson stated that in Mr. Beal's letter he stated the City's requirements were arbitrary. Mr. Thompson noted although Dysart explained the background and reasoning for wanting the requirements, it would take a judge to rule that the requirements were arbitrary or capricious.

Motion died for lack of second.

8. Adjournment

Mayor Garcia reported due to the absence of the city engineer there would not be a work session following the meeting. He then entertained a motion to adjourn the meeting.

A motion was made by Councilmember Sifford and seconded by President Bonee to adjourn the meeting. All voted in favor. Motion passed 5-0. Meeting adjourned at 8:55 p.m.

9. Work Session

1. Discuss uniformity and procedures for future developments.

Submitted for council approval with/without corrections this 23rd day of May, 2005.



Mary A. Mogle, City Clerk

A handwritten signature in blue ink, appearing to read "Chris Garcia".

Mayor Chris Garcia