

Minutes
CITY OF BASEHOR
City Council Meeting
August 15, 2005
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: Mary Mogle, Terry Horner, Gene Myracle, John Thompson,
Joe McAfee**

Mayor Garcia called the work session to order with all members present. The mayor announced his intent was to cover as much information possible and be in executive session by 9:00 p.m..

6:00 p.m. – 6:55 p.m. Work Session

1) Discussion regarding subdivision improvements agreement for Cedar Falls

No discussion regarding this topic.

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

- Discussed purchase of Omni Dialers and filming of sewer lines.
- Discussed agreement with Benchmark Enterprises LLC to lower 12" force main at Wolfe Creek Junction. The city engineer reported he was comfortable with the cost and agreement; however, some changes to the plans were necessary.
- The city attorney asked to convene into executive session during the regular meeting to discuss the Home Rule ordinance.
- Chief Horner gave a presentation regarding the purchase of a used police car from the City of Fairway. 1998 Crown Vic, 60,000 miles, rear deck lights, new tires, and VHS camera included. Purchase of vehicle would be funded through the Equipment Reserve Fund.
- Cammarata Annexation - The city engineer gave a report that supported the annexation of the Cammarata property. Mayor Garcia asked that this item be added to the regular agenda as Business Item "m" for action.
- Improvements to 147th Street – The city engineer reported the plans were delivered to the city superintendent earlier in the day. A meeting will be scheduled with the affected property owners to discuss additional right-of-way and quit claim deeds.

SCANNED

2-14-07 *dx*

- Discussed improvements to Hollingsworth Road.
- City clerk reported, according to LKM, the city council cannot place the question of Sunday Sales on the ballot for popular vote. Their only options are to approve or deny a regular ordinance, rather than a charter ordinance.

Mayor Garcia reminded council members they have a joint work session scheduled with the county commissioners for Wednesday, August 17th at 6:00 p.m., Leavenworth County Courthouse. Only the original agenda items would be discussed at the work session. He also reminded the city council he would start asking for voice roll call votes during the regular meeting.

The work session closed at 6:57 p.m.

Note: Written minutes are not required for work sessions.

7:00 p.m. - Regular Meeting

Roll Call by Mayor Chris Garcia and Pledge of Allegiance.

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

Consent Agenda

- a) Approve Minutes of the Council Meeting of
 - 1) August 1, 2005 Regular Meeting
 - 2) August 3, 2005 Special Meeting
 - 3) August 4, 2005 Special Meeting
 - 4) August 8, 2005 Special Meeting
- b) Approve Treasurer's Report & Vendor Payments
- c) Approve Investment Recommendations
- d) Approve Calendar of Events

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to approve the consent agenda as presented. A voice roll call vote was taken with all members in favor. Motion passed 5-0.

Chamber of Commerce Report

There was no report made at this time.

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) ***John Soni***
Re: Request exception to utility billing policy

No discussion at this time.

- b) ***Casey's Retail Co.***
Re: Request Sunday Sales for Alcoholic Liquor and Cereal Malt Beverages

Donna Dornbrack, Casey's branch manager, appeared to request they be allowed to sale cereal malt beverages on Sunday. She explained it would mean approximately \$200 per week additional revenue for their convenience store.

- c) ***Citizen Comments Regarding Agenda Items***

George Smith (14923 Parallel) spoke in favor of a temporary moratorium on island annexations.

Dave Burkemper (15510 State Ave) spoke on behalf of Jim and Kathy Breuer, owner's of Shorty's Liquor Store. He urged the city council to adopt the ordinance allowing Sunday Sales for alcoholic liquor and cereal malt beverages. He provided a report which showed projected Sunday sales for their business.

Richard Nemchik (2207 N. 154th Terr.) spoke against Sunday Sales based on a morality issue and felt it would cause more problems for the police department.

Fred Box (18368 150th Street) spoke against Sunday Sales. He gave statistics pertaining to alcoholic related accidents.

Ed Leonard (22774 163rd St.) represented First Baptist Church, spoke against selling alcohol on the “Lord's Day”.

Virginia Borhndorf (15126 Maple) spoke against Sunday Sales.

Ed McIntosh (developer for Wolfe Creek Junction) reported city staff had been extremely helpful and appreciated their assistance during his recent development process. He spoke in favor of purchasing the Omni Dialers. He opposed a temporary moratorium on island annexations since the City had tools in place to stop undesirable annexations.

John Flower (15515 Cedar Lane) spoke in favor of purchasing the Omni Dialers, filming sewer lines, and purchasing the used police car. He also urged the governing body to start planning for a curb and gutter program.

Ed Bush (1606 N. 156th Terr) stated the Council should consider people who are in favor of Sunday Sales and supported purchase of the used police car.

Bob Moore (2636 N. 157th St.) spoke in favor of purchasing the used police car and opposed Sunday Sales until the city increased police manpower.

Chuck Elliott (15704 Poplar) supported Sunday Sales as an additional revenue base for the City.

Fred Box (18368 150th St.) disagreed with Mr. Elliott's statement noting Sunday Sales would cost the city more in police hours than the City would reap in taxes.

Rustom Ferzandi (9450 Chestnut, Lenexa) supported the purchase of the used police car, encouraged the Council to improve Hollingsworth Road, and supported Sunday Sales noting the law changed to allow sales and could possibly bring other businesses and people to the community.

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

Scheduled Discussion Items

a) Discussion regarding Sunday Sales of Alcoholic Liquor and Cereal Malt Beverage Sales

President Bonee supported sales on high volume days such as Memorial Day, Labor Day, and 4th of July.

Councilmember Sifford stated he received about twenty phone calls with only one supporting Sunday Sales.

Councilmember Thomas questioned the police chief if the majority of their DUI's derived from bars or packaged goods. Chief Horner stated he would need more time to research records. Councilmember Thomas stated the governing body should consider future businesses also.

Councilmember Dysart stated when the question was posed two years ago, she received numerous calls; however, this time she received no calls. She would like to see the question placed on the ballot if at all possible.

b) Discussion regarding improvements to 147th Street

City engineer Joe McAfee reported the design plans have been delivered to the city superintendent for review along with the Right of Way exhibits. He suggested scheduling a meeting with all the property owners who would be affected by the project.

c) Discussion regarding Falcon Lakes Parkway inspection fee invoices.

Mayor Garcia reported he met with Falcon Lakes developer Rustom Ferzandi regarding the invoices for inspections performed at K-7 & Falcon Lakes Parkway. He reported Mr. Ferzandi felt the entrance to Falcon Lakes at K-7 was his private property and should not be charged inspection fees. Council discussed whose responsibility it was to maintain and perform snow removal in the area. The city superintendent requested the developer or KDOT provide a letter stating the city was not responsible for future maintenance of the property in question.

Mr. McAfee stated he made an agreement with the previous city administrator to reduced fees by 65% and would agree to reduce his fees another 33%.

d) Discussion regarding improvements to Hollingsworth Road (north of Falcon Lakes Subdivision)

Mr. McAfee reported it would cost approximately \$46,000 for his company to engineer a plan for improvements on Hollingsworth Road, west of Clubhouse Drive. He noted he spoke with the engineering company working on Hollingsworth Estates to see if they would be interested in developing a plan for the additional 900 ft. west of their development, but they did not seem interested in the project.

Mayor Garcia suggested meeting with the county commissioners regarding the improvements prior to Council making a decision.

e) Discussion to proceed with Waste Treatment Plant expansion.

Mayor Garcia stated the city attorney has asked to discuss this topic in

executive session.

f) Discussion regarding temporary moratorium on island annexations.

Mayor Garcia asked the Council to keep in mind the City should have proper manpower to handle the work load that comes with additional annexations. President Bonee favored annexations only within the City's growth area.

Business

a) Consider Ordinance authorizing the issuance of \$2,840,000 aggregate principal amount of General Obligation Bonds, Series 2005, Pinehurst Development Benefit District.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the ordinance authorizing the issuance of \$2,840,000 aggregate principal amount of General Obligation Bonds, Series 2005 for the Pinehurst Development Benefit District as presented. A voice roll call vote was taken with all members voting in favor. Motion passed 5-0.

ORD. 471 -AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,840,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2005, OF THE CITY OF BASEHOR, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, AND K.S.A. 12-6a01 ET SEQ., ALL AS AMENDED.

b) Consider Resolution prescribing the form and details of the General Obligation Bonds, Series 2005, Aggregate Principal Amount of \$2,840,000, Pinehurst Development Benefit District.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the resolution prescribing the form and details of the General Obligation Bonds, Series 2005, Aggregate Principal Amount of \$2,840,000 for the Pinehurst Development Benefit District as presented. A voice roll call vote was taken with all members voting in favor. Motion passed 5-0.

RES. 2005-11 A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF THE GENERAL OBLIGATION BONDS, SERIES 2005 OF THE CITY OF BASEHOR, KANSAS, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,840,000 THE ISSUANCE OF WHICH WAS AUTHORIZED BY THE CITY PURSUANT TO ITS ORDINANCE NO. 471 PASSED AND APPROVED AUGUST 15, 2005; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

- c) **Consider adoption of following public safety ordinances:**
1. **Ordinance incorporating by reference 2005 Standard Traffic Ordinance**
 2. **Ordinance incorporating by reference 2005 Public Offense Code**
 3. **Ordinance amending and adopting changes to Chapter XI, Article 3, Drugs and Drug Paraphernalia**
 4. **Ordinance amending Chapter XI, Section 11-201, Public Property, Curfew**
 5. **Ordinance amending Chapter VIII, Article 8, Sound Amplification**

Councilmember Thomas questioned if the Sound Amplification ordinance applied to Falcon Lakes. Chief Horner stated it was enforceable throughout the city limits. Councilmember Hooker asked that the hours listed in the Curfew ordinance be corrected to read the proper times. It was also pointed out the word "marijuana" was misspelled and needed to be corrected on the original ordinance.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the ordinances with the aforementioned corrections. A voice roll call vote was taken with all voting in favor with the exception of President Bonee. Motion passed 4-1.

*ORD. 472 - AN ORDINANCE AMENDING CHAPTER XIV, TRAFFIC
ARTICLE 14-101, OF THE CODE OF THE CITY OF BASEHOR,
KANSAS.*

*ORD. 473 - AN ORDINANCE AMENDING CHAPTER XI, PUBLIC OFFENSES, ARTICLE 11-
101 OF THE CODE OF THE CITY OF BASEHOR, KANSAS.*

*ORD. 474 - ORDER AMENDING CHAPTER XI, PUBLIC OFFENSES TO
INCORPORATE ARTICLE 3 DRUGS AND DRUG PARAPHERNALIA,
SECTION 1, 11-301 AND SECTION 2, 11-302 OF THE CODE OF THE
CITY OF BASEHOR, KANSAS*

*ORD. 475 - ORDER AMENDING CHAPTER XI, PUBLIC OFFENSES, SECTION
5, 11-205, CURFEW, OF THE CODE OF THE CITY OF BASEHOR,
KANSAS*

*ORD. 476 - ORDER AMENDING CHAPTER VIII, HEALTH AND WELFARE, ARTICLE
7, SOUND AMPLIFICATION SYSTEMS TO INCORPORATE SECTION 2,
8-702, SECTION 3, 8-703 OF THE CODE OF THE CITY OF BASEHOR,
KANSAS*

- d) **Consider Atmos Energy Franchise Ordinance (20 yrs @ 3%)**

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to table action for further research. A voice roll call vote was taken with all members voting in favor. Motion passed 5-0.

e) Consider purchase of Omni Dialers for lift stations

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to purchase two Omni Dialers not to exceed \$5,000. A voice roll call vote was taken with all members voting in favor. Motion passed 5-0.

f) Consider contract for filming of sewer lines

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the contract with Reddi Services to film sewer lines. Discussion followed.

It was suggested the motion include the amount not to exceed \$10,000.00 (13,334 ft. x 75 cents).

Councilmember Sifford and President Bonee agreed to amend their motion to read "approve the contract with Reddi Services to film approximately 13,000 ft. of sewer line not to exceed \$10,000. A voice roll call vote was taken with all members voting in favor. Motion passed 5-0.

g) Consider agreement with Benchmark Enterprises for lowering of 12" force main, 24/40 Interceptor Benefit District.

Councilmember Dysart stated the July 18th meeting minutes read the city attorney would review the agreement prior to council action. Mr. Thompson stated he reviewed the agreement and recommended approval. The city engineer stated he reviewed the agreement as well and recommended approval.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the agreement with Benchmark Enterprises for lowering of 12" force main (located within Wolfe Creek Junction development), 24/40 Interceptor Benefit District. A voice roll call vote was taken with all members voting in favor. Motion passed 5-0.

h. Consider contract and hiring of applicant for position of city administrator.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to table action at this time. A voice roll call vote was taken with all members voting in favor. Motion passed 5-0.

- i. Consider adopting a Home Rule Ordinance to create Taxing districts within the city limits of the City of Basehor pursuant to K.S.A. 12-617 and K.S.A. 12-618.***

The city attorney requested action be tabled until after the executive session.

- j. Consider purchase of used patrol car from City of Fairway- \$3000***

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve the purchase of the used (1998 Crown Victoria Car from City of Fairway) police car, not to exceed \$3,000. Discussion followed.

Councilmember Sifford and Thomas both agreed to amend their original motion to read "approve the purchase the police car for \$3000, and to sell the vehicle with the highest mileage on it". A voice roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 4-1.

- m. Consider ~~Charter~~ Ordinance authorizing Sunday Sales for Alcoholic Liquor and Cereal Malt Beverages***

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to deny the ordinance allowing Sunday Sales. A voice roll call vote was taken with members Sifford, Hooker, and Bonee voting in favor. Members Dysart and Thomas voted nay. Motion passed 3-2.

- n. Consider appointment of Jim Washington to Planning Commission***

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the appointment of Jim Washington to the Planning Commission (to fill the one year vacant position). A voice roll call vote was taken with all members voting in favor. Motion passed 5-0.

- m. Consider authorizing the city engineer to send a letter to Leavenworth County Commissioners regarding annexation of the Cammarata property.***

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to authorize city engineer Joe McAfee to send a letter to the Leavenworth County Commissioners addressing their concerns regarding annexation of the Cammarata property. A voice roll call vote was taken with all members voting in favor. Motion passed 5-0.

Mayor's Report

Mayor Garcia had no additional information to present at this time.

Council Member Reports

Bill Hooker

Councilmember Hooker wanted to make sure discussions regarding the sewer plant expansion continued.

Iris Dysart

Councilmember Dysart questioned the status of the easement for High Point Downs and the status of the recall for the North Poplar Maintenance Bond. The city engineer left the meeting earlier; therefore, she was unable to have her questions answered at this time. She also questioned why the school zone flashing lights had not been installed. The mayor reported the utility line locates were incorrect and had to be redone. He reported he watched the traffic at Basehor Elementary the first day of school and felt the recent changes had a positive impact on the traffic on Leavenworth Road.

Councilmember Dysart also explained she spoke with auditor Tom Singleton and he suggested holding quarterly meetings to discuss and learn how to compile a budget. Council agreed it would be advantageous to meet quarterly.

Other Business

Chief Horner requested permission to speak regarding the motion made earlier in the meeting to purchase the police car. He explained the purpose of buying the used vehicle was not to rotate a vehicle out of his fleet but to add one so that the Taurus could come back to the administrative department. He explained he would be driving the new car and Investigator Martley would drive his white unmarked patrol car. He explained the Taurus is not equipped with police equipment, which would have to be added. There was no change to the original motion at this time.

Executive Session

The city attorney requested forty-five minutes to discuss the following items in executive session.

- 24/40 Interceptor Project and Letter from KDHE dated August 11, 2005;
- Utility Billing Policy;
- Cedar Lakes Payment from Leavenworth County;

- Cedar Fall Subdivision Improvements Agreement with Gary Wells;
- Home Rule Ordinance to create taxing districts within the city limits of the City of Basehor pursuant to K.S.A. 12-617 and K.S.A. 12-618. –

A motion was made by Councilmember Thomas and seconded by President Bonce to convene into executive session for forty-five minutes to discuss attorney-client privileged matters as previously stated. A voice roll call vote was taken with all members voting in favor. Motion passed 5-0. (8:57 p.m.)

At 9:46 p.m., Mayor Garcia called the regular meeting back to order asking for a motion to table action on the Home Rule Ordinance.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to table action on the Home Rule Ordinance. A voice roll call vote was taken with all members voting in favor. Motion passed 5-0.

The city clerk reported while the members were in executive session resident Jim Washington protested their vote regarding the police car noting they did not amend their motion in accordance with Roberts Rule of Parliamentary Procedures. The clerk stated she explained to Mr. Washington the council had a set policy that as long as the members who made the motion and seconded the original motion agreed to amend, they did not feel it was necessary to vote on the amendment. Council agreed with the clerk noting they would continue to handle their amendments in the same manner.

Adjournment

There being no further business to discuss, Councilmember Hooker moved to adjourn the meeting. Councilmember Thomas seconded the motion. All voted in favor. Motion passed 5-0. Meeting adjourned at 9:50 p.m.

Submitted for Council approval with/without corrections or additions this 8th day of September, 2005.

Attest:


Mary A. Mogle, City Clerk


Chris Garcia, Mayor