

Minutes

**BASEHOR CITY COUNCIL**

**October 17, 2005**

**6:00 p.m.**

**Basehor City Hall**

**Official Presiding: Mayor Chris Garcia**

**Members Present: Iris Dysart, Bill Hooker, Keith Sifford, and Terry Thomas**

**Member Absent: Pres. John Bonee**

**Staff Present: Terry Horner, Mary Mogle, John Thompson**

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**6:00 P.M. -WORK SESSION**

The work session was called to order by Mayor Garcia at 6:00 p.m. with all members present with the exception of President John Bonee.

*Item #1. Shafer Kline and Warren presented draft on Comprehensive Plan.*

Mike Duffey gave a presentation on the proposed Comprehensive Plan explaining the draft was compiled from steering committee input.

Mr. Duffey discussed the following topics:

- physical image
- street transportation
- parks & recreation
- growth area (estimated 70,000 people by year 2025)
- long term/short term annexation guidelines
- infrastructure
- locate and develop downtown area
- school system/education
- public safety
- zoning and overlay zoning
- planning commission to work on long range planning & infrastructure

It was suggested that a definition for "New Urbanist" (in physical image section) be included, list 24/40 Highway as a major thoroughfare, and eliminate redundant information.

*Item #2. Mayor's Report*

Mayor Garcia gave the following report.

- Car show had over 400 cars. Good way to bring people to Basehor.
- Reminded council member liaisons to meet with their department supervisors prior to council retreat on October 22<sup>nd</sup>.
- Reminded council members of the work session on October 20<sup>th</sup> with HNTB regarding the K-7 Corridor and Memorandum of Understanding.
- Reported interim planner Shelley Schupp would be leaving MHS Engineering to work for Leavenworth County. Another staff member from MHS Engineering would be assuming the duties until a Director of Community Development could be hired.

*Item #3. Fact Finding Discussion Regarding Agenda Items with Department Supervisors (no action to be taken during this session)*

- City clerk reported she had not received a signed copy of the Interlocal Maintenance Agreement with Leavenworth County or the money owed from Cedar Lakes connection and maintenance fees. She noted she spoke with KDHE last week and was informed that Leavenworth County had yet to file paperwork requesting a payment.
- Chief Horner presented a comparison of 2004 and 2005 crime statistics. He explained the case load increased from 737 in 2004 to 1420 in 2005. Police department issued 745 citations in 2004 and 912 in 2005 (as of September 2005). Councilmember Thomas requested a case load summary be compiled for the detective position.

Mayor Garcia called the work session closed and called for a recess until 7:00 p.m. Work session ended at 6:57 p.m.

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**7:00 P.M. – REGULAR MEETING**

**ROLL CALL BY MAYOR GARCIA AND PLEDGE OF ALLEGIANCE**

The regular meeting was called to order by Mayor Garcia with all members present with the exception of President John Bonee. Pledge of Allegiance was recited.

**CONSENT AGENDA**

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

- a. Approve Minutes of the Council Meeting of:
  1. October 3, 2005 Work Session & Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve Investment Recommendations (None)
- d. Approve Calendar of Events

Councilmember Thomas stated he did not recall voting against Municipal Policy 1.05MP as written on page 4 of the October 3<sup>rd</sup> minutes. The city clerk was instructed to review the audio tape to verify the vote.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the consent agenda as printed. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

### **CHAMBER OF COMMERCE REPORT**

There was no report 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. Citizen Comments Regarding Agenda Items***

Mayor Garcia asked twice if there was any one in the audience 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. Presentation from police chief on comparison of 2004 and 2005 crime statistics.***

This presentation was given at the 6:00 p.m. work session. There were no further questions for Chief Horner regarding the statistics.

**BUSINESS**

- a. Consider authorizing city treasurer to transfer money from Cedar Lakes Maintenance General Fund to a new fund referred to as "Cedar Lakes Maintenance Fund".***

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to authorize the city treasurer to transfer \$47,500 from the Sewer Fund and \$2,500 from the Sewer Capital Improvement Fund to a new fund called "Cedar Lakes Maintenance" (paid by Leavenworth County for maintenance of Cedar Lakes grinder pumps). Discussion followed. Roll call vote was taken with all voting in favor. Motion passed 4-0.

- b. Consider ordinance repealing Ordinance 454***  
***c. Consider charter ordinance repealing Charter Ordinance 15***  
***d. 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. 12-619.***  
***e. Consider Scheduling Public Hearing for 24-40 Taxing District.***

The city attorney reported the ordinance, legal description, and map were ready for adoption; however, he had yet to receive a list of assessments from the city engineer.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to table Business Items "b", "c", "d", and "e" until assessment information was supplied by the city engineer. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

Council directed the city attorney to contact the city engineer and "pin point" a date when all the paperwork would be ready, noting finalization of the 24-40 Interceptor project should be top priority and expedited as soon as possible.

- f. Consider authorizing city attorney to proceed with legal action to remove retaining wall on Lot 61, Falcon Lakes. (no documentation)***

The city attorney explained when the home was constructed on Lot 61 in Falcon Lakes Subdivision, a retaining wall was built over the City's sewer line. When the problem was first discovered, the City tried to work out an agreement with the builder; however, the agreement was never signed and a lawsuit was brought forth between the builder and his client. Since then the lawsuit had been settled. The attorney recommended removal of the retaining wall. He noted if engineering standards would not allow the removal of the wall, then other avenues would need to be considered.

Councilmember Thomas reported he looked at the wall and it appeared to be used strictly for landscaping purposes, not structural.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to authorize the city attorney to proceed with legal action against the builder to remove the retaining wall. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

***g. Consider authorizing city attorney to file Quit Claim Deed for Falcon Lakes Parkway with Register of Deeds. (no documentation)***

The city attorney explained once the Quit Claim Deed was filed with the Register of Deeds it would place Falcon Lakes Parkway back into the "hands" of the City of Basehor. Councilmember Hooker asked the city attorney to confirm that all legal action between the Falcon Lakes developer and Kansas Department of Transportation was final prior to filing the Quit Claim Deed.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to authorize the city attorney to file Quit Claim Deed for Falcon Lakes Parkway with the Register of Deeds following verification that no legal matters are pending between the developer and KDOT. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

***h. Consider \$3500 Highway Safety Grant with Kansas Dept. of Transportation***

Chief Horner reported Kansas Department of Transportation was offering a \$3500 grant to promote highway safety improvements such as the "Click It Or Ticket" program. The Special Traffic Enforcement Program (STEP) grant would be used for overtime wages and commodities incurred while implementing the programs. Chief Horner assured the Council there were no matching funds required with this grant.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to authorize the mayor to sign the application for participation in the Special Traffic Enforcement Program (STEP) with Kansas Department of Transportation in the amount of \$3500. Discussion followed. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

***i. Consider Pines of Pinehurst Final Plat and Subdivision Improvement Agreement***

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve the Final Plat and Subdivision Improvement Agreement for Pines of Pinehurst as recommended by the Planning Commission. Roll call vote was taken with

all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

***j. Consider appointment of Director of Community Development (no documentation)***

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to table the appointment of Director of Community Development until further notice. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

***k. Consider proclamation proclaiming the month of October 2005 as "Domestic Violence Awareness Month".***

Mayor Garcia read a proclamation aloud designating the month of October as "Domestic Awareness Month".

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve the proclamation as written. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

**MAYOR'S REPORT**

Mayor Garcia gave a report during the 6:00 p.m. work session.

**COUNCIL MEMBER REPORTS**

**Iris Dysart**

Councilmember Dysart commented when the City met with KDHE (10/10/05), they requested a financial review be performed concurrent with the ongoing technical review. She questioned if steps were being taken to do a financial review. Mayor Garcia stated he would follow up with the auditor to see about performing a financial review.

**Bill Hooker**

Councilmember Hooker said he would like to see the school crossing flashing lights have yellow lenses rather than red; however, he realized that would be an additional expense and would address it at a later date with the city superintendent.

**Keith Sifford**

Councilmember Sifford reported he received several calls from residents of Iron Creek Subdivision requesting a four-way stop be installed at 156<sup>th</sup> & Poplar. He suggested having the city superintendent look into the logistics of making the area a 4-

way stop intersection. Councilmember Hooker supported the 4-way stop and suggested all intersections throughout the City be reviewed. Council agreed.

**EXECUTIVE SESSION**

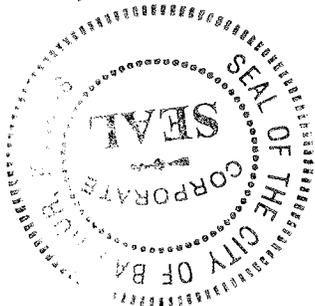
- a. Attorney-Client Privileged Matters
- b. Personnel

The city attorney reported he had nothing to discuss regarding attorney-client privileged matters; therefore, no executive session was conducted.

**ADJOURNMENT**

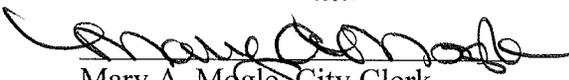
A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to adjourn the meeting. Roll call vote was taken with all members voting in favor. Meeting adjourned at 7:40 p.m.

Submitted for Council approval with/without corrections or additions this 6<sup>th</sup> day of November, 2005.



Attest:

  
Chris Garcia, Mayor

  
Mary A. Mogle, City Clerk