

Minutes

**CITY OF BASEHOR
City Council Meeting
December 5, 2005
6:00 p.m.
Basehor City Hall**

Official Presiding: Mayor Chris Garcia

**Members Present: Pres. John Bonee, Iris Dysart (arrived at 6:17 p.m.), Bill Hooker,
Keith Sifford, Terry Thomas**

**Staff Present: Mary Mogle, Gene Myracle, Traci Myracle, Terry Horner,
John Thompson, Caleb Flake**

WORK SESSION – 6: 00 P.M.

The work session was called to order at 6:00 p.m. by Mayor Garcia. All members were present with the exception of Councilmember Dysart.

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

Items discussed were:

- Renew contract with Leavenworth County for probationary services. The cost will increase from \$100 to \$120 per client effective January 1, 2006.
- Police Department requested authorization to contract with Training @ Your Place for a software program that would allow the Police-Court Clerk to send processed abstracts via electronic submission. (Councilmember Dysart arrived at 6:17 p.m.)
- Ordinance was submitted for Council approval recommending a 4-Way Stop be installed at the intersection of 156th & Poplar. The city superintendent recommended reducing the speed limit from 30 mph to 20 mph for safety purposes. Council discussed the pros and cons of reducing the speed limit.
- The city attorney discussed the proposed Wolf Creek Industrial Park (WCIP) Maintenance Bond. The bond would cover the sanitary line from the 24-40 Sanitary Sewer Taxing District to the WCIP lift station. The lift station would have a one year factory warranty and would not be covered under the bond. WCIP project manager Mike Hooper explained their bond company would not agree to write a bond for more than two years, but was agreeable to renew for

for additional years, not to exceed five years. The bond company also requested some verbiage be changed in the proposed agreement. Mr. Hooper stated he would provide the changes to the city attorney and city engineer for their review prior to the next meeting.

- Discussed a request made by Dennis Lee for the vacation of a utility easement between Lots 1 and 2 of Parallel Parkway Subdivision. It was decided it would be necessary to table action until the City received a letter from the water department agreeing to release their utility easement and obtain a legal description of the easement.
- Mayor's Report:
 - Met with Sunflower Broadband representative Joe Ryan regarding the implementation of a franchise fee for telephone services. Mr. Ryan informed the mayor they normally reduce the cable franchise fee from 5% to around 3% and charge a 1-2% franchise fee for telephone service. The mayor expressed concerns that the City would loose revenue since Sunflower was providing telephone services to small amount of residences at this time.
 - Attended Chamber of Commerce annual meeting. Chamber has requested the City fund \$1500 of the article that would be published in the March issue of Ingram's magazine. Mayor Garcia suggested adding this matter to the Business agenda items.
 - Met with resident Sandy Grimes regarding issues concerning codes violations and lighting problems at the "Villas" on Prairie Parkway. He would meet with the building inspector and city superintendent to address her concerns.
- Discussed the proposed amendments to the 2005 budget.

There being no further business to discuss the work session was closed. Mayor Garcia announced the regular meeting would start at 7:00 p.m.

REGULAR MEETING – 7:00 P.M.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

Mayor Garcia called the regular meeting to order with all members present, including the city attorney. Pledge of Allegiance was recited.

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. November 21, 2005 Regular Meeting & Work Sessions
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve Investment Recommendations
- d. Approve Calendar of Events

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the Consent Agenda as written. Discussion followed. Councilmember Thomas requested a word be changed on Page 6 from "...and SBC" to "...than SBC". Councilmember Hooker requested the word "matter" be replaced with "Master" on Page 8. Roll call vote was taken with all members voting in favor of the motion to include the changes. 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. Roy and Rebecca Linhardt

Re: Request connection to Sewer District No. 7 and allow use of grinder Pumps (property located south of Cedar Lakes, apprx. 14 homes)

Roy Lindhardt (15463 Cedar Lane) and Ed McIntosh, Benchmark Enterprises LLC appeared to request the City grant Mr. Lindhardt permission to connect his 8.5 acre tract of land to Sewer District No. 7 and allow the use of grinder pumps. Mr. McIntosh informed the Governing Body he and Mr. Lindhardt had met with the city superintendent whom requested a study be conducted to show there would be ample sewer line capacity and the County has requested Mr. Lindhardt receive formal action from the City of Basehor stating their position on annexation of the property.

Councilmember Dysart pointed out the City of Basehor's regulations do not allow grinder pumps. The city attorney stated, if the Council voted to allow the grinder pumps, he would recommend an interlocal agreement be drafted that would create a fund attaching a special assessment to each lot in the subdivision to pay for maintenance of the grinder pumps.

Council President Bonee suggested, rather than having a grinder pump system, installing a central lift station which would also help with long term growth. He stated

he would support a dry well in the southeast corner of Mr. Lindhardt's property.

The city superintendent stated he felt the major issue at hand was whether the Board of County Commissioners would allow the proposed subdivision to be included in Sewer District No. 7.

Mr. McIntosh said he and Mr. Lindhardt would go back to the Board of County Commissioners and formally request to become part of Sewer District No. 7.

b. Citizen comments regarding agenda items.

John Flower (15515 Cedar Lane Bonner Springs, KS) supported the use of grinder pumps for Mr. Lindhardt's development. He informed the Governing Body that the development had already requested to become part of the Cedar Lakes Homeowners Association and recommended the City work with Leavenworth County to amend the existing Sewer District No. 7 Interlocal Agreement.

Mr. Flower wanted to go on record as commending the public works department for their quick response and excellent work in repairing a force main break in Cedar Lakes the day before Thanksgiving. He also complimented the administrative staff and city clerk for always working with him when he requested to view records.

Mayor Garcia asked twice if there was anyone else 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.

SCHEDULE DISCUSSION ITEM

a. Proposal for Design and Survey Service on Hollingsworth Road from K-7 Right-of-Way to 147th Street

Mayor Garcia announced in the absence of city engineer, Joe McAfee, this topic would be discussed at a later date. The mayor reported the county engineer told the city engineer they would not be able to schedule the work for Hollingsworth Road until the year 2007. It was suggested another work session be scheduled with the County Commissioners to discuss an earlier time line.

BUSINESS

a. Consider COLA increase for employees

A motion was made by Councilmember Sifford and seconded by President Boney to approve a 2.75 percent wage increase for all employees effective with the first pay

period in 2006. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

b. Consider contract with Leavenworth County for Probation Services, Calendar Year 2006

A motion was made by President Bonee and seconded by Councilmember Sifford to approve the contract with Leavenworth County for Probation Services for calendar year 2006. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

c. Consider request to vacate utility easement on Lots 1 & 2 of Parallel Parkway Subdivision (Dennis Lee, applicant)

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to table action until information was received from the water department. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

d. Consider ordinance making 156th & Poplar a 4-Way Stop Intersection

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to approve the ordinance making 156th & Poplar a 4-Way Stop Intersection and reduce the speed limit to 20 mph from 155th Street west to 157th Terrace. Discussion followed.

Councilmember Thomas was opposed to the reduced speed limit noting it was too slow. Councilmember Sifford supported the reduced speed limit based on safety.

Roll call vote was taken with members Hooker and Sifford voting in favor and members Bonee, Dysart, and Thomas voting against. Motion failed 3-2.

A motion was made by President Bonee and seconded by Councilmember Thomas to approve the ordinance making 156th & Poplar a 4-Way Stop Intersection and leave the speed limit at 30 mph from 155th Street west to 157th Terrace. Roll call vote was taken with members Bonee, Dysart, and Thomas voting in favor and members Hooker and Sifford voting against. Motion passed 3-2.

e. Consider Maintenance Bond Agreement for Wolf Creek Industrial Park

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

f. Consider final approval of Waste Water Treatment Capacity Report and authorize submission to KDHE

A motion was made by Councilmember Thomas and seconded by President Bonee to approve the final Waste Water Treatment Capacity Report and submit report to KDHE. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

g. Consider resolution authorizing public hearing for 2440 Taxing District, legal description and spreadsheet for allocation of costs.

A motion was made by Councilmember Hooker and seconded by President Bonee to approve the resolution authorizing a public hearing. The city attorney John Thompson has not received certification of project costs and requested Council postpone action at this time.

Councilmember's Hooker and Bonee moved to withdraw their motion. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

A motion was made by Councilmember Bonee and seconded by Councilmember Sifford to table action. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

h. Consider scheduling public hearing to amend 2005 Budget

A motion was made by Councilmember Thomas and seconded by President Bonee to schedule a public hearing to amend the 2005 Budget for December 19 at 6:00 p.m. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

i. Consider proposal for electronic submission of court abstracts

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve funds not to exceed \$600 for the development of software necessary to perform electronic submission of court abstracts. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

j. Consider allocation of funds for Ingram's magazine article

A motion was made by President Bonee and seconded by Councilmember Dysart to approve the allocation of \$1500 for the Ingram's magazine article. Roll call vote was taken with members Bonee, Dysart, and Thomas voting in favor and members Hooker and Sifford voting against. Motion passed 3-2.

President Bonee suggested the Council discuss the contents of the article at a work session. Council agreed to add discussion regarding the article to the December 12th work session.

MAYOR'S REPORT

a. Appoint LAD Representative

No discussion at this time.

COUNCIL MEMBER REPORTS

Iris Dysart

Councilmember Dysart addressed the following items:

1. Questioned the city attorney as to the status of the Simpson law suit. Mr. Thompson reported the case has been turned over to the City's insurance company.
2. She asked if Mr. Theno, developer of Theno Estates, had signed an interlocal agreement for sanitary sewers. Mr. Thompson stated the last time he spoke with the county counselor, the agreement had yet to be drafted.
3. She inquired as to when the County was going to pay the balance of \$46,000 for Cedar Lakes grinder pump maintenance. Mr. Thompson said the county counselor told him the "check was in the mail".
4. She asked the city superintendent if the impellers had been installed in the 163rd Street lift station and, if so, what was the final cost.

Mr. Myracle reported the impellers were installed last week and said he would provide the Council with a report of costs. He noted the parts have a one year warranty.

John Bonee

President Bonee reported he attended the annual Leavenworth Area Development luncheon last week and gave a brief overview of the events and topics. He encouraged Council to attend next year's meeting.

Bill Hooker

Councilmember Hooker reserved his topic for executive session noting it would be regarding attorney-client privileged matters concerning a new subdivision.

Terry Thomas

Councilmember Thomas reported he attended "Santa in the Park" on December 3, noting approximately thirty children attended the event.

EXECUTIVE SESSION

- a. *Attorney-Client Privileged Matters/Personnel*
1. *Discussion of discrimination law suit*

A motion was made by Councilmember Thomas and seconded by Councilmember Bonee to convene into executive session for forty-five minutes to discuss Business Item "g", personnel, and attorney-client privileged matters. Roll call vote was taken with all members voting in favor. Motion passed 5-0. (8:10 p.m.)

At 8:57 p.m., Mayor Garcia called the regular meeting back to order requesting an additional ten minutes in executive session.

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to convene into executive session for ten minutes to finalize discussion regarding Business Item "g", personnel, and attorney-client privileged matters. Roll call vote was taken with all members voting in favor. Motion passed 5-0. (9:15 p.m.)

At 9:27 p.m, the regular meeting was called back to order by Mayor Garcia.

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to increase the police-court clerks hourly wage by an additional fifty-cents per hour. 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 authorize the police chief to hire two full-time certified police officers and a part-time police clerk. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Thomas and seconded by Councilmember Hooker to adjourn the meeting. Roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 9:30 p.m.

Submitted for Council approval with/without corrections or additions this 19th day of December, 2005.



Chris Garcia, Mayor



Attest:



Mary A. Mogle, City Clerk