

Minutes

BASEHOR CITY COUNCIL

September 8, 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 (arrived at 8:20 p.m.)

Staff Present: Mary Mogle, Gene Myracle, Terry Horner, John Thompson

WORK SESSION

Mayor Garcia called the work session to order at 6:00 p.m. with all members present except Councilmember Thomas.

Chief Horner gave a power point presentation regarding the HIDTA grant. Representatives from KBI, FBI, and KCKS Task Force were present to assist with the presentation and answer any questions Council may have regarding the program. The grant would allocate up to \$32,000 for wages and benefits until the year 2007. The City of Basehor would be obligated for approximately \$3,000. The City would not be required to employ the task force officer after the grant expired.

The following agenda items were discussed:

- Right-of-Way Management Ordinance & Fees
- Sod and dirt work for 3702 N. 155th St and 15704 Poplar
- Interlocal Maintenance Agreement
- Atmos Energy Franchise Ordinance
- Ordinance prohibiting pocket rockets and scooters
- Asphalt for walking trail at city park
- Purchase of projector/power point for meetings

REGULAR MEETING

The regular meeting was called to order at 7:00 p.m. by Mayor Chris Garcia. All members were present with the exception of Councilmember Thomas. Pledge of Allegiance was recited.

CONSENT AGENDA

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

CHAMBER OF COMMERCE REPORT

A representative was not present to give a report.

CALL TO PUBLIC

a. *Carole Hubbel*

Re: Crossing Guards at Basehor Elementary

Mrs. Hubbel (2820 N. 156th Street) thanked the City of Basehor for installing flashing lights on Leavenworth Road and 155th Street. She agreed with President Bonee's comment that the school was negligent in addressing the traffic problems in the school area. However, she was disturbed that Councilmember's Hooker, Bonee, and Dysart voted against crossing guards at the May 2005 council meeting.

b. *George Smith*

Re: Proposed PRIDE Projects

Mr. Smith (14923 Parallel) made the following report:

- Supported Council's stand on not providing crossing guards;
- Supported the HIDTA program;
- Updated Council on PRIDE projects;
- Hosting annual Police & Fire Fighters Appreciation Banquet on October 9, 2005;
- Looking into installing a sign at city hall showing where the police department is and meeting dates;
- PRIDE to host Christmas In The Park on December 3rd;
- PRIDE to host Caroling In The Park on December 10th.

c. *Citizen Comments Regarding Agenda Items*

Mayor Garcia read a statement submitted by *John Flower (15515 Cedar Lane, Bonner Springs, KS)*. Mr. Flower supported the HIDTA program and out-of-town training for the chief of police.

Ed McIntosh also supported the HIDTA program and out-of-town training for the chief of police.

Frank Feagles (1702 N. 155th St) spoke in favor of the HIDTA program and the proposed ordinance prohibiting scooters and pocket rockets. He also supported hiring more police officers, as well as, having more than one officer per shift.

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 Basehor Baptist Church drainage issues and damage to area property (Elliott/Green)*

There was no discussion at this time.

BUSINESS

a. *Consider federal grant for task force officer (HIDTA)*

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

b. *Consider Right-of-Way Management Ordinance and Fees*

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the Right-of-Way Management Ordinance and Fees as presented. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

*ORD. 477 - AN ORDINANCE ESTABLISHING A STREET RIGHT-OF-WAY
MANAGEMENT PROGRAM REGULATING WORK PERFORMED WITHIN
THE BOUNDARIES OF THE CITY OF BASEHOR, KANSAS*

c. *Consider installation of sanitary sewers in Prairie Lakes Subdivision, Phase III*

Mayor Garcia reported Mr. Cole had not signed his Subdivision Improvements Agreement for sanitary sewers or signed the addendum (Ord. 463). The city attorney stated the last he heard Mr. Cole had not met his requirements for final plat approval. The city superintendent reported Mr. Cole had, in fact, providing all his necessary paperwork including KDHE approval. He commented the only open item was the Subdivision Improvements Agreement.

Mr. Cole stated he was not comfortable with signing the addendum noting Ordinance 453 was a poor way to fix the 24-40 Interceptor benefit district problem. He questioned the legality

of the ordinance since it had the appearance of taking away the public rights to protest. Mr. Cole read a prepared statement opposing Ordinance 453.

City Attorney Thompson informed Mr. Cole the addendum was a part of the Subdivision Improvements Agreement. He explained the addendum did not take away the property owners right to protest, only the right to place the issue on the ballot for public vote. Mr. Thompson noted, to date, no property owner has paid their assessment toward the 24-40 Interceptor project and the ordinance was a way to try to collect money to pay the KDHE loan. Mr. Thompson reminded the Council the protest period had already lapsed. Councilmember Hooker stated the ordinance came about because "the City has been pushed into a corner because of other developers".

A motion was made by President Bonee and seconded by Councilmember Sifford to approve the installation of the sanitary sewers in Prairie Lakes Subdivision, Phase III contingent on the signing of the Subdivision Improvements Agreement for Sanitary Sewers and Addendum. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

d. Consider contract and job description for position of city administrator.

A motion was made by President Bonee and seconded by Councilmember Sifford to table action until after executive session. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

e. Consider installation of sod at 3702 N. 155 St. and perform dirt work/straw 15704 Poplar.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the installation of sod and dirt work at 3702 N. 155th Street not to exceed \$500 and dirt and grade work at 15704 Poplar. Hold Harmless Agreements are to be signed by both property owners prior to commencement of work. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

f. Consider Interlocal Maintenance Agreement with Leavenworth County

A motion was made by Councilmember Sifford to approve the Interlocal Maintenance Agreement as presented. Discussion followed. (Note there was no second to this motion at this time.)

Councilmember Hooker suggested changing Attachment "A" 1B to read Parallel to city limits. Councilmember Sifford withdrew his motion. More discussion followed.

Councilmember Hooker also suggested moving Item 2A "Leavenworth Road west to city limits" creating Item 1C with the same contents.

A motion was made by Councilmember Hooker and seconded by President Bonee to approve the Interlocal Maintenance Agreement with the following Attachment "A" changes:

Add:

- 1(b) Parallel Road (County Rt 35) within the city limits.
- 1(c) Leavenworth Road within city limits.

Remove:

- 2(a) Leavenworth Road within city limits.

A roll call vote was taken with all members voting in favor. Motion passed 4-0.

g. Consider franchise renewal with Atmos Energy (20 yrs @ 3%)

A motion was made by President Bonee and seconded by Councilmember Sifford to approve the first reading of the ordinance renewing the franchise with Atmos Energy (20 years at 3%, with a five year review clause). Roll call vote was taken with all members voting in favor. Motion passed 4-0.

ORD. 478 - AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF BASEHOR, COUNTY OF LEAVENWORTH, KANSAS TO ATMOS ENERGY CORPORATION, ITS SUCESSORS AND ASSIGNS, THE RIGHT TO FURNISH, SELL AND DISTRIBUTE GAS TO THE CITY AND TO ALL PERSONS, BUSINESSES AND INDUSTRIES WITHIN THE CITY AND THE RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID CITY ALL FACILITIES REASONABLY NECESSARY TO FURNISH, SELL AND DISTRIBUTE GAS TO THE CITY AND TO ALL PERSONS, BUSINESSES AND INDUSTRIES WITHIN THE CITY AND IN THE TERRITORY ADJACENT THERETO AND THE RIGHT TO MAKE REASONABLE USE OF ALL STREETS AND OTHER PUBLIC PLACES AS MAY BE NECESSARY, AND FIXING THE TERMS AND CONDITONS THEREOF.

h. Consider action on stop light at 24-40 Hwy & 166th Street

A motion was made by President Bonee and seconded by Councilmember Sifford to deny creating an escrow fund for the installation of a stop light at 24-40 Hwy & 166th Street. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

i. Consider Ordinance prohibiting scooters and pocket rockets on city streets

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the ordinance prohibiting scooters and pocket rockets on city streets as presented. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

ORD. 479 –AN ORDER AMENDING CHAPTER XI TO INCORPORATE ARTICLE 4, MOTORIZED PLAY AND RECREATION VEHICLES, SECITONS 11-40, 11-402, 11-403, 11-404, 11-405 AND 11-406 OF THE CITY OF BASEHOR, KANSAS

j. Consider insurance coverage for Basehor Dairy Daze festival

A motion was made by President Bonee and seconded by Councilmember Sifford to allow Basehor Dairy Daze festival to be covered under the City of Basehor's liability insurance policy. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

k. Consider training for police chief.

A motion was made by President Bonee and seconded by Councilmember Sifford to approve costs associated with the police chief attending the National Police chief Training Conference in Miami, Florida. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

l. Consider contract with Singleton Lowenthal Webb & Wilson for quarterly audit services (\$900)

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to approve the contract with Singleton Lowenthal Webb & Wilson to perform quarterly audit services as presented and not to exceed \$900. Roll call vote was taken with all members voting in favor. Motion carried 4-0.

m. Consider authorization of funds to complete asphalt walking trail (\$3500)

A motion was made by President Bonee and seconded by Councilmember Sifford to authorize funds not to exceed \$3500 to asphalt the remainder of the walking trail at the city park. Discussion followed. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

n. Consider ordinance annexing property located in SE ¼ of Sec 4-Twp 11S-Range 22E (Charles Cammarata, owner)

Mayor Garcia reported he, and city attorney Joe McAfee, attended the County Commissioners meeting where they approved the resolution authorizing the island annexation of the Cammarata property. Mayor Garcia reminded council members they were only addressing the annexation at this time, zoning, streets and sewers would be addressed at a later date.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the ordinance annexing property located in SE1/4 of Section 4, Township 11S-Range 22E as presented. Discussion followed. Roll call vote was taken with all members voting

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

ORD. 480 – AN ORDINANCE ANNEXING LAND TO THE CITY OF BASEHOR, KANSAS

- o. Consider authorization of fund to construct sidewalks in certain locations on 156th & Leavenworth Road, 155th & Ripley, and 156th & Poplar (to coincide with the flashing lights recently installed)***

The city superintendent explained the public works staff would pour the concrete, the \$1500 would be used for materials.

A motion was made by President Bonee and seconded by Councilmember Sifford to authorize funds not to exceed \$1500 for concrete with city staff providing labor to construct sidewalks as discussed. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

MAYOR'S REPORT

- a. Mayor Garcia asked Council to check their calendars to see what date worked for the majority to attend a tour hosted by Benchmark Enterprises. The tour would be of different types of subdivisions located in other cities within the metropolitan area.
- b. Mayor Garcia asked the Council to review the applications for the position of Director of Community Development noting he would like to start the interviewing process as soon as possible.

COUNCIL MEMBER REPORTS

Councilmember Hooker stated he had an item to discuss, but would reserve it for executive session.

EXECUTIVE SESSION

A motion was made by President Bonee and seconded by Councilmember Sifford to convene into executive session for one hour to discuss attorney-client privileged matters and three personnel issues. Roll call vote was taken with all members voting in favor. Motion passed 4-0. (8:10 p.m.) The city clerk and building inspector were invited into the first part of the executive session. Councilmember Thomas arrived at approximately 8:20 p.m.

The governing body returned at 9:15 p.m. with the mayor announcing it was necessary to reconvene back into executive session for an additional thirty minutes.

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to convene back into executive session for thirty minutes to finalize discussion as aforementioned. Roll call vote was taken with all members voting in favor. Motion passed 5-0. (9:17 p.m.)

At 9:42 p.m. Council returned back to the meeting room. At 9:47 p.m. the mayor called the regular meeting back to order announcing the following action would be taken based on discussion in executive session.

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to authorize the mayor to make a counter offer to the applicant for the position of city administrator with a final offer on salary and benefits. Roll call vote was taken with all members voting in favor. Motion passed. 5-0.

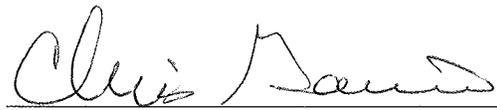
A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to schedule a special meeting on September 12, 2005 following the regular work session to consider repealing ordinance #454 and Charter Ordinance 15 and adopt an ordinance under Home Rule pursuant to KSA 12-617-12-619. Roll call vote was made with all members voting in favor. Motion passed 5-0.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Hooker and seconded by Councilmember Thomas to adjourn the meeting. Roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 9:57 p.m.

Submitted for Council approval with/without corrections or additions this 3rd day of




Chris Garcia, Mayor


Mary A. Mogle, City Clerk