

Agenda

BASEHOR CITY COUNCIL

January 7, 2008

6:00 p.m.

Basehor City Hall

WORK SESSION – 6:00 p.m. (No formal action will be taken during this time.)

1. Discussion regarding agenda items.

REGULAR MEETING – 7:00 p.m.

1. Roll Call by Mayor Chris Garcia and Pledge of Allegiance

2. 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
 1. November 28, 2007 Joint Work Session with Bonner Springs
 2. December 10, 2007 Work Session
 3. December 17, 2007 Work Session and Regular Meeting
 4. December 27, 2007 Budget Public Hearing
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

3. 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

4. Scheduled Discussion Items

- a. Update on drainage issues at Pinehurst, High Point Downs, Iron Creek and Leavenworth Road

5. Business

- a. Consider corrected ordinance setting sewer connection and monthly maintenance fees (approved 12/17/07 – corrections to be approved 1/7/08)
- b. Consider approval of payment to Kansas Municipal Insurance Trust for Worker's Compensation for year 2008.

Joint Public Meeting with the City of Basehor Wednesday, November 28, 2007 – 6:30 p.m.

Present Basehor: City Council: Terry Thomas, Council President; Iris Dysart and James Washington.
City Staff: Carl Slauch, City Administrator and Dustin Smith, City Planner.

Present Bonner Springs: City Council: Mayor Clausie Smith, Larry Berg, Bob Reeves, Lloyd Mesmer, Tom Stephens, Jeff Harrington and Rodger Shannon.

City Staff: John Helin, City Manager; Rita Hoag, City Clerk; Don Slone, City Planner;
Rick Sailer, Utilities Director; Joe Perry, City Attorney and Ken Newport, City Engineer-Wilson & Company.

Mayor Smith and Council President Thomas both made welcome comments. John Helin, Bonner Springs City Manager, facilitated the meeting and made a slide presentation that covered:

- Future Growth Areas - Described the proposed future growth areas for Bonner Springs: Area A – South of I-70, Area B – South of State Avenue and west of 142 Street and Area C – Small area in Wolf Creek Drainage Basin north of I-70. Establishing future growth areas is a planning tool and does not require or dictate annexation. Reached consensus on Areas A to Bonner Springs, Area C to Basehor and leave Area B open for future discussion.
- Interlocal Agreement with Leavenworth County – Would cover future growth areas and provide extraterritorial jurisdiction for each City to have authority on zoning, subdivision regulations and building codes. Would require County Commission approval, need zoning and subdivision regulations for the growth areas and would require one person from the growth areas to serve on the Planning Commission. Councilmembers present were in agreement to move forward with the Interlocal Agreement, a draft copy of which was distributed during the meeting.
- Stormwater – Bonner Springs falls under NPDES Phase II, adopted APWA 5600, is considering the creation of a storm water utility and Bonner Springs is located at the bottom of Wolf Creek. Discussion occurred relating to a joint petition to Leavenworth County to adopt stormwater control measures to control the impact of upstream stormwater. The consensus was for staff to discuss this item further.
- Trail System – Presented the trail system plans for Bonner Springs and the opportunity to link with systems beyond our City. The Basehor Council President stated Basehor would be in agreement to link systems.
- Sewer Master Plan - Presented the City's Sewer Master Plan that included:
 - Wolf Creek Sewer - Sewer design work currently underway, the construction of a new force main to the waste water treatment plant, construction of a new lift station and construction of a new sewer main to K-32 in the first phase.
 - Current Treatment Plant capacity and the ability to expand on the same site.
- Joint Task Force – Agreement of both cities that issues can be handled at the staff level.
- Wrap-Up: -Consensus on Future Growth Areas A & C, with Area B tabled for the present time.
 - Consensus that staff work together on an Interlocal Agreement.
 - Concurred that storm water issues warranted future discussion.
 - Basehor Council President suggested meeting every six months, with Basehor hosting the next Joint Meeting.

The meeting adjourned at 8:12 p.m.

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Minutes

BASEHOR CITY COUNCIL WORK SESSION

December 10, 2007

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Pres. Terry Thomas, Keith Sifford, Terry Hill, and Jim Washington

Members Absent: Iris Dysart

Staff Present: Carl Slaugh, Mary Mogle, Dustin Smith, Gene Myracle

1. DISCUSS 24-40 CORRIDOR ACCESS ISSUES

Mr. Slaugh reported KDOT representatives were unavailable. He explained one of the options for the 24-40 Corridor Plan called for intersections at one-mile intervals, 150 Street, 158 Street, 166 Street, and 174 Street. He reported a signal light at 155th Street did not fit into the optimum spacing as preferred by Kansas Department of Transportation ("KDOT"). KDOT stated if the City agreed to this spacing, they would provide funding to help with frontage roads along the corridor. The funding is on a competitive basis with a dollar limit of \$250,000 per project. The City of Basehor would have to provide 33% of construction cost and pay for land acquisition (i.e. easements, right-of-way) and engineering design.

Mr. Slaugh stated he asked if the Council wanted to leave the signal light at 155 Street, explaining if the light was left, KDOT would require a median installed at 150 Street and 158 Street. (Councilmember Washington arrived at 6:08 p.m.)

President Thomas asked how the fire department would access onto 155th Street if KDOT made 155th Street a right-in/right-out only access. Mr. Slaugh stated KDOT agreed to assist Basehor with figuring out a design if the light was removed at 155th St.

Council discussed the changes made to the clover leaf at 142nd and K-7 Highway. John Flower reported an outer road was going to be constructed off of 142nd and K-7 Highway.

Councilmember Sifford asked how the area business owners felt about the light at 155th Street being removed in the future. Mr. Slaugh reported KDOT's approach goes back to the engineer's statement that the optimum solution between safety, access, and flow are based on one-mile spacing with frontage roads. Mayor Garcia stated he read where MARC was questioning why the 24-40 Corridor study was not complete at this time. Mr. Slaugh stated some changes made by the Project Management Team and have been submitted to BWR engineers.

Mr. Slaugh reported the decision to remove the light at 155 Street & 24-40 Highway intersection is yet to be determined. Mayor Garcia felt that KDOT was not listening to the City of Basehor. Mr. Slaugh reported if Basehor decided not to sign the Memorandum of Understanding ("MOU"), Basehor would revert back to the existing rules and KDOT would not provide funding for other projects.

Council discussed what KDOT's thoughts are about the time frame of when signaled intersections would occur. Planning Director Dustin Smith stated KDOT was developing a thirty-year plan. Councilmember Washington felt the City should fight "tooth and nail" for what they want. Mr. Slaugh stated he did not feel KDOT was threatening, but trying to resolve traffic problems. Councilmember Hill stated he felt the City could go along with the State in principal and move forward with developing a plan. Councilmember Washington felt lives would be lost if 150th Street did not become signalized.

Mr. Slaugh stated in order to get a resolution on 155th Street; it would take another study or traffic management plan to decide when the light would be removed and where frontage roads would run.

Councilmember Washington asked when the new State Avenue interchange was targeted for completion and once complete, would that particular section of State Avenue become property of Wyandotte County. Mr. Slaugh answered yes expected completion in fall 2008.

Mr. Flower said after 24-40 Corridor Study was completed, it was his understanding there would be federal funds available for studies.

Bill New, First State Bank & Trust, said his bank has been a key part of the commercial area for Basehor and made a significant investment by building a new bank on the south corner of 155th Street. He stated they want to continue to work with Basehor and felt it was appropriate to say he resents that KDOT was not willing to make concessions for Basehor unlike other cities such as Tonganoxie. He felt as soon as there was another fatality at 158th Street, he anticipated KDOT putting a traffic light there. He wondered if there was a way to put a nice entrance to Basehor going north and south. Councilmember Washington noted Mr. New's observations were valid explaining he has studied the traffic pattern of the City and felt it would be a minimum of twelve years before 155th Street was removed. Mr. New stated he felt the signal light at 155th Street would be removed in approximately five years under KDOT proposals.

President Thomas said his concern was that KDOT was the same organization that promised an intersection at Falcon Lakes and "re-nigged". Councilmember Hill asked if there was a well-designed frontage road in place along the corridor and felt there may be a possibility that a plan could be put in place.

Ed McIntosh said during his development project for the grocery store, his engineer did a traffic count and stated he would like to see a study done that gave a time line when intersections would

be signalized and frontage roads constructed.

Debbie Breuer said ideally, Basehor could purchase the property from the county line to the city limits and be in total control of what happens in the future; however, the cost may be out of Basehor's control.

Dennis Breuer said KDOT required him to have a traffic study performed when they developed Pinehurst Development. Based on that study, they were required to construct three-quarter mile acceleration/deceleration lanes and now KDOT was telling them the lanes were no longer needed. He felt the Council should consider the accessibility of the fire department as well.

2. Follow-up on joint meeting with Bonner Springs – Discuss proposed growth boundaries and interlocal agreement with Leavenworth County dealing with zoning, subdivision and building

Mr. Slaugh reported following the joint meeting with Bonner Springs, there were still unanswered questions such as what kind of growth Basehor wants to see south of 24-40 Highway. He displayed a map of the area in question noting the only advantage in developing an agreement with Bonner would be to show a willingness to work with them.

President Thomas said there was an article stating the County Commissioners were not willing to give away territory and asked what would happen if Basehor requested permission from the County to govern out to their growth area, I-70. Mr. Slaugh stated his conversation with the County Commissioners was that they were not willing to give up any territory, but may be open to Basehor issuing building permits and enforcing codes in the growth area.

Council discussed drafting an interlocal agreement with Leavenworth County to develop a growth area south to I-70, Stranger Creek, and 7 Highway and not sign an agreement with the City of Bonner Springs. Resident George Smith suggested the City send a letter to the County Commissioner expressing opposition to the annexation plan proposed by Bonner Springs.

Mr. Flower asked for clarification of the proposal that Basehor would send a letter to Bonner Springs opposing their annexation plan. President Thomas stated he did not feel it would be necessary to send a letter, but recommended keeping an open dialogue with Bonner Springs.

Mr. New noted KDOT representative Chris Huffman was very capable and felt it would be in Basehor's best interest to schedule a meeting with State representatives.

3. Discussion regarding 2008 Wage Adjustments

Mr. Slaugh reported the 2008 Budget included a five percent wage increase (included \$50,000 in the budget for COLA and merit increases) and recommended an additional five percent for positions that needed to be adjusted to remain competitive. The additional adjustment was not

included in the budget and may need to come from the capital improvement and equipment reserve funds. He did not anticipate raising the mill levy. After adjustments, the employees would still be approximately five percent below the area median. He did not feel there was adequate funds in the 2008 budget to bring the employees wages up to meet the area median.

4. *Municipal Code – start review of Chapter 1 of the draft Municipal Code*

Councilmember Washington insisted that the repealed Charter Ordinances be noted before reviewing the proposed Municipal Code.

Mr. Slauch stated part of the agreement with League of Kansas Municipalities was they would update one time and would charge for additional updates. He recommended reviewing the document and submitting all the changes at one time.

President Thomas reported since the City did not accept cash payments, that section should be removed and requested Section 1-613 read “shall” demand prepayment rather than “may”. Councilmember Washing stated all items should be paid in advance.

5. *Review draft capital improvement plan*

President Thomas asked who prepared the Capital Improvement Plan noting the building permit information was somewhat skewed since it appeared to be incomplete. Mr. Slauch reported he was working with intern Jared Cobb and explained past building permit information was not available.

6. *Close City Hall.*

State of Kansas and Leavenworth County have declared their offices closed on Tuesday, and Mayor Garcia will make a decision at 6:00 a.m. regarding closing. The Governing Body discussed the closing and agreed to declare an emergency closing for non-essential personnel.

Due to the ice storm, the work session was adjourned at 7:22 p.m.

Submitted for Council approval with/without corrections or additions this 7th day of January, 2008.

Mayor Chris Garcia

Attest:

Mary A. Mogle, CMC, City Clerk

Minutes

BASEHOR CITY COUNCIL

December 17, 2007

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Pres. Terry Thomas, Iris Dysart, Keith Sifford, Terry Hill, Jim Washington

Members Absent: none

Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle, Dustin Smith, Lt. Lloyd Martley,
Patrick Reavey

WORK SESSION – 6:00 p.m.

The work session was called to order by Mayor Garcia with all members present with the exception of Councilmember Hill.

Discussion regarding 24-40 Corridor Plan.

Mr. Slaugh reported Kansas Department of Transportation (“KDOT”) representative Christy Pyle was present to give more detail on the 24-40 Corridor plan.

Mrs. Pyle asked if council members had questions. President Thomas said his concern was at what point did KDOT start counting the mileage and if the speed limit was reduced, would Basehor be granted more traffic lights.

Mrs. Pyle said KDOT did not share the same views as Basehor since KDOT considers K-7 Hwy as the beginning of 24-40 Highway. (Councilmember Hill arrived at 6:03 p.m.) She noted as part of the new design K-7 Highway would no longer connect 141st to State Avenue once the project was completed.

President Thomas stated Basehor paid to participate in the study; however, he felt the wishes of Basehor had fallen on deaf ears. Mrs. Pyle said if Basehor wants the signal light to remain at 155th Street, then other concessions would need to be made. President Thomas said KDOT informed them they would not participate in funding other projects, if the light remained at 155th Street and felt that was a form of blackmail.

Mrs. Pyle said in order to maintain a 60 mph highway, KDOT needed to limit traffic signals. If lights were perfectly spaced, the speed limit would remain 65 mph. She explained if the City of Basehor wanted to accept 24-40 Highway as a city street, they could allow the light at 155th Street.

Mrs. Pyle explained adding more lights to the area would hinder traffic flow to Tonganoxie in a timely manner and suggested the City set a hypothetical timeline on the removal of 155th Street once 158th Street traffic signal was installed. Councilmember Washington said it should be a benchmark timeline and felt that residents would eventually adapt to new routes. Mrs. Pyle stated KDOT could draft an interlocal agreement with the understanding once 158th Street traffic light was installed, steps would be taken to remove the traffic signal at 155th Street.

Councilmember Hill said he did not feel that Basehor should be treated different than the city of Tonganoxie. Tonganoxie has seven tenths of one mile spacing and Basehor should receive the same consideration. Mrs. Pyle said Tonganoxie only had one signal light that was shorter than one mile. Councilmember Hill said the city was only asking for five signalized intersections and frontage roads.

Councilmember Washington asked what were other design options (i.e. right-in/right-out) were available. Mrs. Pyle said they had not explored other options such as three-quarter turns. Councilmember Washington suggested looking into a three-quarter turn at 155th Street.

Mr. Slauch asked Mrs. Pyle if KDOT would approve signalized intersections at 142, 150, 155, 158, 166, and 174th Street. Mrs. Pyle stated in terms of experience KDOT found that limited signals allow people to get to work in a timely manner. Business owners find their customers want to get their businesses in a short amount of time.

Mr. Slauch asked if the speed limit would remain 65 mph. Mrs. Pyle stated KDOT would be working with each city regarding the speed limits. Currently, people want slower speed limits so they can patronize local businesses; however, as the corridor grows, people will want to get to their destiny quicker.

Mayor Garcia ask what the possibility of the Memorandum of Understanding ("MOU") not being honored in the future. Mrs. Pyle said MOU's were not legally binding and could be amended by future Councils.

Mr. Slauch asked if KDOT would allow the City to have all the signal lights they asked for and still receive future funding. Mrs. Pyle did not think KDOT would provide future funding for frontage roads if the City chose to retain 155th Street.

Mr. Flower asked according to the current traffic studies at 155th Street, how much increased traffic would it take to remove the light at 155th St. Mrs. Pyle said it would take 3-5 times more traffic to remove the light. He asked about 158th Street. She said 158th Street could probably

take a light within 3-5 years. He felt KDOT would be willing to remove the light at 155th Street on warrant.

Councilmember Washington stated 150th Street had a connectivity problem and would definitely need to be signalized.

George Smith said one-mile spacing was great; however, the city was talking about one intersection and he felt 65 mph was too fast. He felt development would take place north of 155th Street since the area could be served by sewers.

Mrs. Pyle said the study included one-mile north and south of 24/40 Highway. KDOT found that every road that intersected with the corridor had issues so they asked the city administrator and city planner to come up with a plan. Mr. Smith did not feel that one additional traffic signal would make that big of a difference. Councilmember Hill asked if KDOT thought about how fire trucks would get through 155th Street. Mrs. Pyle said that was taken into consideration and it was felt emergency vehicles would get around the same way as residential traffic.

David Breuer asked the status of the grant to improve 155th Street. Mr. Slaugh reported the announcements have not been made yet. If awarded, funding would not be available until year 2010.

1. Discussion regarding agenda items.

Due to time constraints agenda items were not discussed.

Seven minute break (6:53 p.m.).

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

All members present. The city attorney was in attendance.

PUBLIC HEARING- Demolition of structures

15411 Parallel Road, Randy and Robin McDowell

Mr. McDowell requested permission to wait until spring to tear his building down.

President Thomas noted he thought the city gave him until December to come up with a resolution. Mr. McDowell said he thought the structure was sold; however, the person backed out.

Councilmember Washington asked if the city could condemn the building and give Mr. McDowell permission to remove the structure himself. Mr. Slaugh stated the city first needed to declare the building as unsafe, and then the city could consider the demolition of the structure.

Mr. Reavey agreed that the purpose of the public hearing was for Council to hear from the property owners and staff and then the city could give the property owner a reasonable time to tear down the structure. If that time frame was not met; then the City would direct staff to move forward with demolition. He noted normally thirty days was a minimum time granted.

Mr. Smith said he was trying to use funding from 2007 budget for demolition but did not appear that would happen.

President Thomas asked Mr. McDowell if ninety days would be a reasonable time. Mr. McDowell asked if he could have until the end of April.

Mr. Reavey asked Mr. McDowell if he agreed the building was unsafe and should be torn down. Mr. McDowell said the building set too low and when it rains, the building takes in water.

The building inspector gave a report on the items that he deemed unsafe:

- Unfit for human habitation, no water, sewer, electrical.
- Structure takes on water. Roof and chimney are need of repair.
- Blighted influence upon the surrounding area.
- Felt it would cost more than 50% of the fair market value to repair.

Mr. Reavey asked if the building was structurally safe. Mr. Lee said the bottom of the building was rotted out. Mr. McDowell said the roof did not sag.

Citizen Comments – none

1104 N. 150th Street

Ed McIntosh, 15395 Briar Dr. reported he has a contract with the property owner to buy the property and planned to move the building to his personal property in the county. He also requested a reasonable amount of time to remove the structure.

The building inspector gave the following report:

- Structure appeared to be used by hitchhikers and vagrants.
- Piles of clothing and furniture laying around.
- Building did not have electrical or sewer services.

- Hole in the roof covered by a mattress.
- 50-60 tires lined up along the fence line.

Citizen Comments – none

2805 N. 155th Street.

Brett Conrad, attorney for Mr. Cooper, reported the property was not like the two aforementioned properties. The eight problems noted in the letter are items that could be repaired easily. Mr. Cooper had a structural engineer inspect the property and found the building to be structurally safe. It appeared that the termite damage was not recent. The building had electrical service to it until the City and fire department had the electrical service disconnected. He felt his client should be given the opportunity to meet with staff about specific repairs and then make repairs.

President Thomas asked if the structural engineer submitted a written letter. Property owner Gerald Cooper said he did submit a packet for the council that included a letter from the engineer. He felt he could meet with Mr. Lee and stated other items he intended to do in an effort to revert the structure back as residential. Originally he was going to build a strip mall; however, his plans have changed and reiterated that he wanted to keep the building as residential.

Mike Magaha, Fairmount Township Fire Dept., noted he spoke with Mr. Cooper the day they did the inspection. He explained Mr. Cooper told him the day of the inspection that he did not want to put any more money into it and asked why Mr. Cooper's engineer did not want to put his stamp on the report. Mr. Cooper said he probably would if the City would require it.

Mr. Magaha explained the electrical problems he witnessed. The hood system was full of grease and the boiler was not in working order. It was his professional opinion the building was unsafe for habitation.

Mr. Lee reported when he and Mr. Magaha made the inspection on June 19, 2007, they went over the list of 16 items that were serious violations with Mr. Cooper. It was his opinion repairs would equal more than 50% of the fair market value. Mr. Lee stated he did not receive a report from the structural engineer. He noted structural damage was significant and felt the entire building needed to be rewired.

Mr. Magaha noted the second floor walls were buckled and the only thing holding the ceiling up was the wall paneling.

Mr. Greer said his client had never received a list that was referred to by the building inspector and suggested the City give Mr. Cooper additional time to meet with staff and discuss what items need to be addressed. From there, Mr. Cooper could decide if he would be willing to repair or tear down the structure.

President Thomas asked if 150 days would be ample time. Mr. Lee stated he felt 150 days was too lenient and suggested 30 days since Mr. Cooper had already had ample time to make repairs and had not made an effort to do so.

Mr. Reavey noted the statute reads the City must give a time period to the landowner to commence removal or rehabilitation. The property owner cannot start and then stop; they must complete the project within the time frame.

Mr. Lee noted they did not arbitrarily walk into Mr. Cooper's place of business. The building was open for business and serving breakfast to the public. Mr. Cooper indicated they were not treated very nicely during a fire inspection performed by Mr. Magaha. Mr. Fred Box stated he personally went on the inspection and did not feel there were inappropriate actions.

Mayor Garcia said Mr. Cooper did not make an effort to meet with staff after the first meeting.

Citizen Comments - none

PUBLIC HEARING – 2007 Budget Amendment – moved to Dec. 27

President Thomas said one of the questions was where the \$160,000 came from. Mrs. Adams noted the \$160,000 referenced was a year-end transfer, not a budget amendment. She explained which fund was affected noting that \$151,000 was taken from different department line items that were under budget.

Public Comments – none

Staff Comments - Mr. Slauch reported originally \$4662 was budgeted in 2007 for maintenance of the Cedar Lakes grinder pumps. However, repairs exceeded the budget and became necessary to amend the 2007 Budget to \$17,392.

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
 1. December 3, 2007 Work Session and Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events
- e. Approve renewal of Liquor and Cereal Malt Beverage License for Kelley's Grille & Bar, Simple Simons, and Shorty's Liquor
- f. Approval renewal of contract with Leavenworth County for probation services for year 2008.

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to move item "e" to Business Item "l" and move item "f" to Business Item "m". A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to approve Consent Agenda Items "a" through "d" as presented. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

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).

CITIZEN COMMENTS REGARDING AGENDA ITEMS

Dennis Mertz (2905 N. 155th St.) commented on the the following items:

i. Wage Plan Adjustments – noted on October 8th a packet was given to the Council showing wages and percentages for each employee from different cities. In his opinion there was still a problem with the pay plan pay scale showing the city superintendent and chief of police as Scale 9 and felt those positions should be higher than the city planner.

g. Payment to H.E. Miller Construction - requested Council vote to retain 5% on the payment to H.E Miller & Sons until the grass and ruts were repaired, and all punch list items were satisfied.

b. Demolition contract - Requested property owners be given sixty days to come up with a plan and six months to repair or demolition plan.

Ed Bush (1606 N. 156th Terr.) requested permission for the VFW to place flags along 155th Street on designated holidays. They would install brackets and hang 3x5 flags. Mr. Bush reported Westar Energy representative Jeff Martin informed Mr. Bush the request had to come from the City. The flags will hang for a single day, Flag Day, Memorial Day, Veterans Day, and Fourth of July. Since they will be hung at eye level, they will not need additional help from staff or fire department.

Mr. Myracle asked what type of brackets they would be using. Mr. Myracle explained he received a letter from Westar Energy stating the City could not use the screw type brackets and had to use bands. Post Commander Fred Box explained the bracket was about four inches long would have three screws. The flags have been paid for by Basehor businesses.

Mayor Garcia suggested sending Westar Energy a letter explaining the type of bracket to be used to make sure there was no misunderstanding.

Sandra Grimes (15402 Crimson) agreed with Mr. Mertz regarding the wages, supported the VFW placing flags along 155th Street, and requested Council reconsider increase in sewer connection fees and monthly sewer maintenance fees.

Mrs. Grimes asked if there was information on the Sunset Ridge project and if the proposed project was a new location. Mayor Garcia noted it was only a letter of support and would be located in the Pinehurst North development. The developer would need to provide plans to the planning department at a later date. Councilmember Washington explained the project would need to start from scratch.

David Greer, land planner for the Sunset Ridge project addressed Business Item "e". He explained it was the same project they submitted for the property north of the shopping center. The new project would be located on larger tract of land.

Councilmember Washington asked who the participants in the senior housing project were, explaining that it was his understanding one of the participants had a past due bill with the City. Mrs. Breuer stated her children were the owners of the property.

Councilmember Dysart asked if there would be 49 units on three plus acres. Mr. Greer confirmed there were 49 units on three acres and the only thing that had changed was the location.

Mrs. Breuer asked Councilmember Dysart asked if she managed the Hickory Villa senior citizen site. Councilmember Dysart answered yes.

The public portion of the meeting was closed.

SCHEDULED DISCUSSION ITEMS

BUSINESS

a. Consider approval to move ahead with condemnation of structures.

City Attorney Patrick Reavey stated he thought it was appropriate to table demolition and recommended revising the language in the resolution to read "the property owner has the option to repair or remove in _____(designated by Council) days". Council would decide the number of days for each property.

15411 Parallel Rd.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to deem the structure at 15411 Parallel as unsafe and dangerous and allow the owner 150 days to repair or remove the structure. A roll call vote was made with all members voting in favor. Motion passed 5-0.

1104 N. 150th Street

A motion was made by Councilmember Sifford and seconded by Councilmember Dysart to deem the structure at 1104 N. 150th Street as unsafe and dangerous and allow the owner 150 days to repair or remove the structure. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

2805 N. 155th St.

A motion was made by Councilmember Sifford and seconded by President Thomas to deem the structure at 2805 N. 155th Street as unsafe and dangerous and allow the owner 90 days to repair or remove the structure. Discussion followed. Councilmember Dysart asked if it would be discriminatory to allow less time than the other two properties. The city attorney stated it was not discriminatory and was at Council's discretion. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

b. Consider awarding contract(s) for demolition of three structures in the city of Basehor located at 15411 Parallel, 1104 N. 150th Street, and 2805 N. 155th Street

A motion was made by Councilmember Washington to table action. After further consideration, Councilmember Washington withdrew his motion.

A motion was made by Councilmember Washington and seconded by President Thomas to delete Business Item "b". Discussion followed. Councilmember Sifford asked how Council would know when the time limit had expired. Councilmember Washington reminded Councilmember Sifford that the city attorney previously reported that the City would have to enact another resolution directing staff to take action to make property safe. Mr. Reavey concurred with Mr. Washington. The planning director reminded the governing body that leniency had already been built in and that one property had already been given more than a year without any action taken. A roll call vote was taken with members Thomas, Washington, and Hill voting in favor. Members Sifford and Hill voted no. Motion passed 3-2.

Dysart
c. Consider request from VFW to place 3x5 American flags on telephone poles for Memorial Day, Flag Day, 4th of July, and Veterans Day

A motion was made by President Thomas and seconded by Councilmember Hill to send a letter of support letter to Westar Energy and request direction on the type of brackets to be used. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

d. Consideration of accepting proposed street right-of-way, utility easements and temporary construction easements from the Catholic Archdiocese related to the alignment of 152 Street at Leavenworth Road.

Mr. Smith reported this item was an unconventional way of obtaining right-of-way. He explained in December 2005 a preliminary plan was placed on hold since the developer was in the process of obtaining a right-of-way from the Archdiocese for a street from Barrington Manor south to Leavenworth Road. Recently the developer was able to obtain the property from the Archdiocese and explained the future alignment that would connect with the proposed City Center. He explained when the Archdiocese comes in February with their plans for a new educational center; he would be requiring the street to be redirected and the street alignment proposed by Barrington Manor be vacated.

Councilmember Sifford thought it made more sense to align the street in accordance with Map 2.

Father Allen noted the Archdiocese has a mutual agreement with Mr. Breuer to build a road as presented and noted it would create a hardship to shift the road west. Mr. Smith stated the Archdiocese would need to redesign their detention pond if the street was realigned and commented if the Archdiocese was in disagreement with moving the road, the plat would most likely be denied.

Ed Schlagel, Schlagel Associates & Engineers, reported he had been working with Mr. Breuer for a couple of years to obtain the street easement that had been previously approved by the City. Originally the City approved the road alignment across from Mr. Ussery's driveway and now they want it to align with a development that may never come. It was his professional opinion that the closer intersections are, the more dangerous they become. Mr. Schlagel reported there was an open tributary on the church property and was one of the reasons for the alignment of the road. He reminded Council they have before them, signed documents, according to what was requested by the City in the past.

Mr. Breuer asked if the preliminary plat been approved on the Town Center (also referred to as "City Center") and to his knowledge no one had purchased the property at this time. Mr. Breuer stated he could not move forward on his development until he made arrangements for a road going from Barrington Manor to Leavenworth Road. He said nothing had changed from the original time he appeared before the Council.

Councilmember Sifford said he appreciated Mr. Breuer's comments but did not understand why he would want to "deadend" his property and it appeared that the road should be realigned for future growth.

Mr. Schlagel noted the City would decrease the distance from a public road to a new road. Various ways to realign the City Center road was discussed. Councilmember Sifford read a statement from Planning Commission member Jason Logsdon opposing the alignment proposed by Mr. Breuer because it did not allow for future growth.

President Thomas asked if the Musett property had been purchased. It was noted there was an option on the property. President Thomas noted the City was asking the developer to move their road when the other property did not have a final plan.

Councilmember Dysart asked why the City was considering this item tonight when the Planning Commission would be addressing the Catholic Church plat in February. It was her opinion the Council should not take action until the Planning Commission addressed the requests from the Archdiocese and Barrington Manor.

Mr. Smith stated the item was placed on the agenda tonight at the request of Mr. Breuer so he would know what he needed to do to finalize his preliminary plat.

The city attorney asked the planning director what the Planning Commission had actually approved. Mr. Smith stated Council approved the Preliminary Plat; however, it has expired and needs to be resubmitted.

Mr. Slaugh commented what Council was considering was to delay one developers project while another developer may or may not bring in a plan.

Councilmember Washington felt he would support the Planning Commissions recommendation for Alignment "A"; however, he felt it was incumbent to have all parties involved meet and come up with a plan that works for all.

Councilmember Hill said he took exception that the City tells a developer to do something and then change their minds. The Archdiocese goes through the motions of approving the right-of-way and two months later are informed they must do something different.

Councilmember Sifford reiterated that he would like to see all parties sit down and try to work out a plan to make "Map 2" work out.

Councilmember Dysart reiterated that it should be up to the Planning Commission to work things out with Archdiocese and Mr. Breuer.

Mr. Smith said he thought before tonight that Mr. Breuer was in agreement with the future realignment of the road. Mr. Breuer stated he has no control over the Archdiocese property. Mr. Schlagel noted he did not think the City would want direct access onto Leavenworth Road. Mr. Smith stated the developer made the road 28 ft. and was not considered as a collector street explaining the Comprehensive Plan did not show it as a collector. Councilmember Dysart read

a portion of Mr. Schlagel report stating the street would be considered a collector street. Mr. Smith stated it could not be a collector street since it was not designed with a 36 ft. back-to-back curb and gutter.

A motion was made by President Thomas and seconded by Councilmember Washington to approve Exhibit A as recommended by the P.C. A roll call vote was taken with all members voting in favor with the exception of Councilmember Dysart. Motion passed 4-1.

A motion was made by President Thomas and seconded by Councilmember Sifford to recess for five minutes (8:55 p.m.) A roll call vote was taken with all members voting in favor. Motion passed 5-0.

Mayor Garcia called the regular meeting back to order at 9:00 p.m.

e. Consider a resolution of support for a tax credit application to be filed with the Kansas Housing Resources Corporation for Sunset Ridge senior affordable rental housing complex.

Mayor Garcia reported the proposed resolution was a non-binding document that would allow the property owner to submit a tax credit application with the Kansas Housing Resources Corporation for Sunset Ridge senior housing.

A motion was made by Councilmember Sifford and seconded by President Thomas to approve the resolution based on the fact this was a non-binding document. Councilmember Dysart stated she would vote for the resolution if a clause was added identifying the section the development would legally be governed by and that the complex was low income. Mr. Reavey reiterated the document was not legally binding and the applicant had to follow all the steps necessary in meeting planning requirements. President Thomas noted the document stated the developer would need to go through the proper planning process. Mayor Garcia noted it has always been his understanding the document was non-binding. Councilmember Sifford amended his motion to require the resolution state the statute. President Thomas agreed to amend his motion as well. Councilmember Washington stated he wanted to inform Council that some of the parties involved are applicants have a past due bill from year 2002. Mayor Garcia asked the city attorney if that was something the City should use to deny this request. The city attorney commented he did not think it was; however, he was not prepared to comment on the matter at this time. A roll call vote was taken with all members voting in favor with the exception of Councilmember Washington. Motion passed 4-1.

f. Consider repealing Municipal Policy 5.04/05 and amending Municipal Code 15-239-240 to increase the sewer connection fees and monthly sewer maintenance rates for the City of Basehor.

Mr. Slaugh reported, in the current Municipal Policy, sewer connection fees would increase \$250 annually (January 1) and KDHE loan agreement indicated sewer maintenance fees would increase by 2.5% (May 1). In order to maintain a solvent Sewer Fund, Mr. Slaugh presented an ordinance which recommended increasing the monthly maintenance fees 2.5% and increasing the sewer connection fee to \$3500. He showed spreadsheets depicting the cost of the existing and future loans to the State Revolving Loan and operation expenses of the Sewer Fund. If based on 70 users, the Sewer Fund would start losing money in year 2010 and if based on 100 users, the Sewer Fund would become sustainable.

President Thomas stated he did not have a problem with increasing the connection fee, but did not support the 2.5% monthly maintenance fee. Mr. Slaugh said if the City did not keep up with annual increases, they would need to make it up at a later time.

Councilmember Washington gave examples of other cities with lower sewer rates. Mr. Slaugh noted the Council has the choice of raising the rates that would meet the demand of the payment schedule or not approve the increase.

Mayor Garcia reported a previous Council approved a rate schedule showing the city would increase the rate by 2.5% and every study that had been done showed the City needed to stay on track. Mr. Slaugh felt if the sewer connection fees were not increased, it would put a greater burden on the taxpayer for their monthly fees.

Councilmember Washington reported in 2004 the fee increased \$700 and then \$250 every year thereafter. Councilmember Dysart expressed her concern that the City would price them selves out of the housing market.

Mr. Slaugh commented intern Jared Cobb used the rate study performed by Larkin Group along with additional growth projections. He felt the City would hit a deficit period in approximately six years.

A motion was made by Councilmember Sifford to approve the ordinance as presented. Motion died for lack of second.

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to increase individual sewer billing rate by 2.5% effective May 1, 2008 and increase sewer connection fee by \$250 effective January 1, 2008. A roll call vote was taken with members Washington, Dysart, and Hill voting in favor. Members Thomas and Sifford voted again the motion. Motion passed 3-2.

Mr. Reavey recommended bringing the ordinance back to the next meeting with corrections.

A motion was made by Councilmember Washington and seconded by Councilmember Dysart too direct staff to make the necessary changes and have the city attorney approve for content and

resubmit for final adoption at the next council meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

g. Consider pay request #3 and Change Order #4 (Final) to H.E. Miller & Sons for work performed on 147th and Parallel Street project.

A motion was made by Councilmember Washington and seconded by President Thomas to approve payment less five percent (5%) retention. Discussion followed. Councilmember Dysart said she thought ten percent (10%) should be retained until the punch list was completed as recommended by Mr. Mertz. Councilmember Sifford said he had a problem with the City withholding \$58,204.67 from a contractor when he has completed the work and supported paying H.E. Miller & Sons the full amount owed. Mr. Slauch said the city engineer and staff determined the grass standing was ample and would sustain erosion. In the contract, it states when all punch list items have been resolved, the remaining five percent (5%) retainage would be released. He commented if future problems arose, the City would fall back on the maintenance bond posted by the contractor. Concerns about possible drainage and erosion problems were discussed. The city attorney stated the appropriate thing would be to go back on a maintenance bond if something was wrong with the project. (Note: A roll call vote was not taken on the original motion.)

A motion was made by President Thomas and seconded by Councilmember Sifford to approve payment in the amount of \$58,204.67 as presented. A roll call vote was taken with members Thomas, Sifford, and Hill voting in favor. Members Washington and Dysart voted no. Motion passed 3-2.

h. Consider approval of an ordinance to proceed with condemnation of right-of-way for the Hickory Street extension over the Baker property.

A motion was made by Councilmember Sifford and seconded by President Thomas to approve discontinuing the process to acquire right-of-way from Mr. Baker. Discussion followed. The planning director asked if the City would need to start the process over again if the developer wanted to move forward with his project (Silver Springs). Councilmember Dysart asked why the city would want to stop the process since they had paid an attorney and engineer to start the process. Mr. Smith noted the preliminary approval is no longer valid and the City would have to pay to have a survey done. The developer would need to submit construction drawings and the developer was not willing to do that at this time. Councilmember Dysart noted Hickory Valley gave a thirty foot easement and the City should move forward to build the street for the betterment of the City and not for the developer. Councilmember Sifford stated although he agreed with Councilmember Dysart, he made the motion to suspend the process because staff has estimated the cost to be an additional \$7,000. Councilmember Dysart suggested assessing the costs to the developer. The city attorney did not feel those charges could be assessed back to the developer. A roll call vote was taken with members Thomas, Sifford, and Hill voting in favor. Members Washington and Dysart voted no. Motion passed 3-2.

i. Consider 2008 Wage Plan Adjustments.

Mr. Slaugh reported after reviewing wage plans of Lansing, Tonganoxie and Basehor it was apparent that wage adjustments needed to be made. He said an adjustment needed to be made to the proposed plan as well. He explained the corporal position was too low and the various levels of the police officers lose their significance. He recommended changing the Corporal pay from \$15.27 to \$15.73.

Councilmember Washington commented he thought it was a good piece of work but wanted to make sure everyone was in the proper step and longevity. He also felt it needed to be determined if Mr. Cobb set the scale up with a 2008 number and once the scale is in place, there should be no merit increases. He suggested a formal system of bonuses be put in place that would not necessarily be given every year. He requested copies of a couple employees W-2's noting their overtime should be taken into consideration. Councilmember Hill stated base wages could not be based on overtime since overtime was not guaranteed and that some employees would rather be home with their families than working for overtime pay.

Mayor Garcia said he liked the idea of the scale based on the position, not based on the person. He agreed on the bonus plan as recommended by Councilmember Washington and commented once the plan was adopted, the City would still be under the area pay. Mr. Slaugh stated the pay plan would be five percent (5%) below the area median.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve the 2008 Wage Plan adjustments as submitted. Discussion followed. Councilmember Washington stated two positions should be exempt positions and that is why he wanted to see their W-2's. Mr. Slaugh asked what impact the W-2 would have on the pay plan. Councilmember Washington said you have to take a look at the actual earnings since overtime was being paid. Mr. Slaugh did not see that it should affect whether the employee was exempt or non-exempt status and suggested having the city attorney research the Fair Labor Standards Act ("FLSA") to see if the employees were classified properly. Councilmember Washington stated there also needed to be a legal ruling whether the police chief should have been considered exempt status. President Thomas noted the Wastewater Operator II showed in Range 3 on one document and Range 4 in another and would like to see that corrected before a vote was taken. Councilmember Hill reported in his HR experience, the rate of pay and overtime should not be taken into consideration on a wage scale, but only regular pay. The city attorney requested the issue of the police chief be discussed in Executive Session. Councilmember Washington requested to discuss all positions in Executive Session. Mr. Reavey informed the Council they could not discuss a "collective group" in closed session; however, if they wanted to discuss one or two positions that was acceptable. Councilmember Washington stated he wanted to discuss two employees.

Mr. Cobb stated he would be glad to review and correct the documents. President Thomas commented the pay plan should follow the pay scale.

A roll call vote was taken with members Sifford and Hill voting in favor. Members Thomas, Washington, and Dysart voted no. Motion failed 2-3.

Staff was directed to correct the pay scale and pay plan and place on the January 7, 2008 agenda for action.

j. Consider request from Planning Director to attend 2008 American Planning Association national conference from April 27-May 1, 2008.

A motion was made by Councilmember Washington and seconded by President Thomas to approve the request from the planning director to attend the 2008 American Planning Association national conference from April 27-May 1, 2008. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

k. Approval to make year-end transfers.

A motion was made by President Thomas and seconded by Councilmember Sifford to approve year-end transfers as submitted. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

l. Approve renewal of Liquor and Cereal Malt Beverage License for Kelley's Grille & Bar, Simple Simons, and Shorty's Liquor

A motion was made by President Thomas and seconded by Councilmember Washington to approve renewal of liquor for Kelley's Grille & Bar and Shorty's Liquor and Cereal Malt Beverage license for Simple Simons. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

m. Consider approval of renewal of contract with Leavenworth County for probation services for year 2008.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve renewal of the contract with Leavenworth County for probation services for year 2008. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

CITY ADMINISTRATOR REPORT

- Public Hearing will be held on December 27 to amend the 2007 Cedar Lakes Fund.
- Next regular Council meeting will be held on January 7, 2008.

- Next Planning Commission meeting will be held on January 8, 2008.
- Set a date at the next meeting for a Strategic Planning Session

MAYOR'S REPORT

Mayor Garcia wished everyone a Happy Holiday and reminded the public he would not be holding a Citizen forum this month. Next one would be held in March.

COUNCIL MEMBER REPORTS

Keith Sifford

Councilmember Sifford wished everyone a Merry Christmas and Happy Holidays!

Terry Hill

Councilmember Hill wished everyone Merry Christmas and Happy New Year!

Iris Dysart

- Requested a work session be scheduled to discuss collection of outstanding accounts receivable.
- Requested update on an ordinance addressing the collection of up-size fees for Pinehurst Lift Station. Mr. Reavey noted he was working with the city administrator to see if the Pinehurst lift station upsize fee should be a separate ordinance or included in the proposed Municipal code. Mr. Slaugh stated they would work to have it ready to place on the January 7th agenda.
- Requested an update on the Casey's issue – Mr. Slaugh reported the citation was being reviewed by the city attorney. Councilmember Washington asked "what citation". Mr. Slaugh stated violation of the code. Councilmember Dysart stated the matter needed to be resolved.

EXECUTIVE SESSION

A motion was made by President Thomas and Councilmember Sifford to convene into Executive Session not to exceed thirty-seven minutes. A roll call vote was taken with all members voting in favor. Motion passed 5-0. (10:15 p.m.) The city attorney and city administrator were in attendance.

At 10:55 p.m., Mayor Garcia called the regular meeting back to order with all members present.

A motion was made by Councilmember Sifford and seconded by President Thomas to accept the resignation of police chief Terry Horner effective December 15, 2007. A 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 President Thomas and seconded by Councilmember Dysart to adjourn the December 17, 2007 regular meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 11:00 p.m.

Submitted for Council approval with/without correction or additions this 7th day of January, 2008.

Mayor Chris Garcia

Attest:

Mary A. Mogle, CMC, City Clerk

Minutes

BASEOR CITY COUNCIL

December 27, 2007

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Iris Dysart (connected via telephone), Terry Hill, Keith Sifford,
Jim Washington

Members Absent: Pres. Terry Thomas

Staff Present: Carl Slaugh, Mary Mogle

REGULAR MEETING – 6:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

Council Members Hill, Sifford, and Washington were present. Councilmember Dysart was connected via speaker telephone. President Thomas was not in attendance. Pledge of Allegiance was recited.

PUBLIC HEARING - 2007 Budget Amendment

Staff Comments:

City Administrator Carl Slaugh reported it was necessary to amend the 2007 Budget. He explained the only fund needing to be amended was the Cedar Lakes Fund. The fund exceeded its originally budget of \$4652. The proposed amendment was \$17,392.

Councilmember Comments:

Councilmember Washington questioned if the proposed amount of \$17,392 would suffice for the remainder of the year. Mr. Slaugh stated he went over the amendment with the treasurer and city superintendent and they felt \$17,392 would be adequate. Councilmember Washington also questioned if the 2008 Budget would need to be amended as well. Mr. Slaugh stated it would probably need to be amended. He and the city superintendent met with the County notifying them that the current funding did not meet expenditures and would need to be reviewed. He would continue to work with the County on the matter.

Citizen Comments: There were no citizens present.

Mayor Garcia closed the public hearing.

BUSINESS

1. Consider approval of an amendment to 2007 Budget

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the amendment to the 2007 Budget as presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Sifford and seconded by Councilmember Hill to adjourn the meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0. (6:04 p.m.)

Submitted for Council approval with/without corrections or additions this 7th day of January, 2008.

Mayor Chris Garcia

Attest:

Mary A. Mogle, CMC, City Clerk

(1 audio tape)

CHECK REGISTER REPORT

Date: 01/02/2008

AS OF 12/31/07

Time: 1:13pm

City Of Basehor

Page: 1

BANK: First State Bank

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amount
14848	12/21/2007	Printed	AFLAC	AFLAC	CAFETERIA PLAN WITHHOLDING PYM	821.60
14849	12/21/2007	Printed	AMER PLANN	AMERICAN PLANNING ASSOCIATION	ANNUAL MEMBERSHIP DUES	427.00
14850	12/21/2007	Printed	ANDERSON	DAN ANDERSON	REFUND OVERPAYMENT SEWER CONN	100.00
14851	12/21/2007	Printed	AQUAPURE	AQUAPURE	MONTHLY CHARGE WATER UNITS	90.00
14852	12/21/2007	Printed	ATLAS PEN	ATLAS PEN & PENCIL CORPORATION	100 LCD PICUTRE FRAMES	490.25
14853	12/21/2007	Printed	BASEHOR CH	BASEHOR CHAMBER OF COMMERCE	4 ATTENDEES ANNUAL DINNER	40.00
14854	12/21/2007	Printed	BASEHOR VF	BASEHOR VFV	DONATION YEAR 2007	1,000.00
14856	12/21/2007	Printed	CASEYS	CASEY'S GENERAL STORES	GAS FOR CITY VEHICLES 11/07	3,067.58
14857	12/21/2007	Printed	CLAIBORN/D	DANIEL C. CLAIBORN	PSYCH TESTING/EVALUATION	175.00
14858	12/21/2007	Printed	COMMUNICAT	COMMUNICATION ASSOCIATES	INSTALLATION LIGHTS NEW UNIT	1,790.75
14859	12/21/2007	Printed	CONSTRUCTI	CONSTRUCTION BOOK EXPRESS	FIRE ALARM/BUILD SAFETY BOOKLE	184.85
14860	12/21/2007	Printed	DATAMAX	DATAMAX	BASE RATES/LEASE RENT PRINTERS	428.55
14861	12/21/2007	Printed	DEFFENBAUG	DEFFENBAUGH DISPOSAL SERVICE	SOLID & SPECIAL WASTE/DUMPSTER	10,601.41
14862	12/21/2007	Printed	FELDMANS	FELDMANS	HT101-EXTENDABLE SAW	599.99
14864	12/21/2007	Printed	GRIFFIN/WI	WILLIAM GRIFFIN	WAGE ASSIGNMENT WITHHOLDING	200.00
14865	12/21/2007	Printed	H E MILLER	H E MILLER & SONS CONSTRUCTION	ROAD CONSTRUCTION FINAL PYMT	58,204.67
14866	12/21/2007	Printed	HORNER/TER	TERRY HORNER	REFUND DENTAL DEDUCTION	43.00
14867	12/21/2007	Printed	HORSKY	E. ROGER HORSKY	PUBLIC DEFENDER:10/07-12/07	600.00
14868	12/21/2007	Printed	ING LIFE	ING LIFE INSURANCE & ANNUITY	DEFERRED COMP WITHHOLDING PYMT	5,762.49
14869	12/21/2007	Printed	INTERNAL R	INTERNAL REVENUE SERVICE	IRS GARNISHMENT WITHHOLDING PY	240.84
14870	12/21/2007	Printed	ICC ACCTS	INTERNATIONAL CODE COUNCIL	MATERIAL & PUBLICATIONS	390.00
14871	12/21/2007	Printed	ICC MEMBER	INTERNATIONAL CODE COUNCIL INC	GOVERNMENTAL MEMBER DUES-LEE	100.00
14872	12/21/2007	Printed	KS DOR WTH	KANSAS DEPARTMENT OF REVENUE	KS STATE WITHHOLDING PYMT	1,587.62
14875	12/21/2007	Printed	LAWRENCE	LAWRENCE JOURNAL WORLD	RESOLUTION/PUBLIC NOTICES	140.00
14876	12/21/2007	Printed	LEAGUE KM	LEAGUE OF KS MUNICIPALITIES	KACM-FALL CONFERENCE SLAUGH	170.00
14877	12/21/2007	Printed	LEAV PROB	LEAV CTY & CO PROBATION OFFICE	PROBATION SERVICES 10/07-12/07	280.00
14878	12/21/2007	Printed	LV SHERIFF	LEAVENWORTH COUNTY SHERIFF	BOARDING PRISIONERS 11/07	87.50
14879	12/21/2007	Printed	LOWENTHAL	LOWENTHAL SINGLETON WEBB & WIL	PROGRESS BILLING FINANCIAL STM	3,000.00
14880	12/21/2007	Printed	MAAC CLEAN	MAAC CLEANING SPECIALISTS	CLEANING SERVICES CITY HALL	180.00
14881	12/21/2007	Printed	MARCIT	MARCIT	DENTAL INS WITHHOLDING PYMT	1,038.00
14882	12/21/2007	Printed	MCAFFEE HEN	MCAFFEE HENDERSON SOLUTIONS	ENGINEERING SERVICES	2,842.50
14883	12/21/2007	Printed	MOGENSON	MICHAEL S. MOGENSON	PROSECUTING ATTORNEY 10-12/07	399.50
14884	12/21/2007	Printed	MPH INDUST	MPH INDUSTIRES, INC.	REPAIR RADAR UNITS	256.44
14887	12/21/2007	Printed	OLATHE FOR	OLATHE FORD	LIGHTBAR FOR NEW POLICE UNIT	1,500.00
14888	12/21/2007	Printed	OMBPOLLENE	OMB POLICE SUPPLY, INC	PHANTON VESTS-CORY & JUSTICE	798.00
14889	12/21/2007	Printed	PRAY	WILLIAM E. PRAY	MUNICIPAL COURT JUDGE SERVICES	250.00
14890	12/21/2007	Printed	PUBLIC SAF	PUBLIC SAFETY CENTER INC	24 BATTERIES	114.96
14891	12/21/2007	Printed	QUILL	QUILL	INK CARTRIDGES, BINDERS, BOXES	601.13
14892	12/21/2007	Printed	R & S EQUI	R & S EQUIPMENT	THROTTLE CONTROL LEAF BLOWER	8.23
14893	12/21/2007	Printed	REAVEY LAW	REAVEY LAW LLC	LEGAL SERVICES NOVEMBER 2007	1,500.00
14895	12/21/2007	Printed	SUNFLR II	SUNFLOWER BROADBAND (LAW)	RESET IP SETTINGS FOR PRINTERS	282.00
14896	12/21/2007	Printed	TOTAL ELEC	TOTAL ELECTRIC CONSTRUCTION CO	TRAFFIC SIGNAL REPAIR 24/40&15	164.97
14897	12/21/2007	Printed	US BIOSYST	US BIOSYSTEMS, INC.	BI-MONTHLY SAMPLING 11/20&29	480.00
14898	12/21/2007	Printed	USA MOBILI	USA MOBILITY	PAGERS MONTHLY SERVICES	27.05
14899	12/21/2007	Printed	VAZCOM	VAZCOM	CONSULTING FEES/NEXTEL PHONES	599.52
14900	12/21/2007	Printed	WALMART MA	WALMART	CARTRIDGES,TAPES,SUPPLIES, REC	608.24
14901	12/21/2007	Printed	WESTAR GRP	WESTAR ENERGY	UTILITIES-ELECTRIC	3,829.97

Total Checks: 47 Bank Total: 106,103.61

Total Checks: 47 Grand Total: 106,103.61

BALANCE SHEET

AS OF 12/31/2007

Page: 1

1/2/2008

12:37 pm

City Of Basehor

As of: 12/31/2007

Balances

Fund: 13 - SUMMATION OF ALL FUNDS

Assets

Acct Class: CA CURRENT ASSESTS

001 FSB CHECKING ACCOUNT	20,656.49
002 FSB MONEY MARKET ACCOUNT	2,896,382.69
016 103-3 OVERNIGHT ACCT MIP	84,754.20
031 30311 CNB 4.65% DUE 03/14/08	800,000.00
045 418000021 COMMERCE 4.5% 05/13	1,400,000.00

Acct Class: CA CURRENT ASSESTS

5,201,793.38

Total Assets

5,201,793.38

Liabilities

Acct Class: CL CURRENT LIABILITIES

214 SEWER FUND MONTHLY BALANCE	844,297.19
215 SOLID WASTE MONTHLY BALANCE	64,617.54
216 GENERAL FUND MONTHLY BALANCE	1,285,123.37
218 MUNICIPAL EQUIP FUND MO BAL	203,074.16
219 CAPITAL IMPROVE FUND MO BAL	713,660.83
220 SPECIAL PARK & REC FUND MO BAL	122,660.15
221 CONS HIGHWAY FUND MONTHLY BAL	1,836,511.28
226 BOND & INTEREST MONTHLY BAL	68,326.27
300 CL MAINTENANCE MONTLY BALANCE	63,522.59

Acct Class: CL CURRENT LIABILITIES

5,201,793.38

Total Liabilities

5,201,793.38

Total Liabilities & Balances

5,201,793.38

REVENUE/EXPENDITURE REPORT

As of 12/31/07

City Of Basehor

For the Period: 1/1/2007 to 12/31/2007	Original Bud.	Amended Bud.	YTD Actual	CURR MTH
Fund: 01 - GENERAL FUND				
Revenues	2,290,122.00	2,290,122.00	2,438,833.39	138,461.39
Expenditures	2,695,750.00	2,695,750.00	2,322,733.81	871,765.75
Net Effect for GENERAL FUND	-405,628.00	-405,628.00	116,099.58	-733,304.36
Fund: 04 - SPECIAL PARK & RECREATION FUND				
Revenues	40,860.00	40,860.00	33,308.92	3,202.91
Expenditures	28,932.00	28,932.00	11,124.52	3,500.00
Net Effect for SPECIAL PARK & RECREATION FUND	11,928.00	11,928.00	22,184.40	-297.09
Fund: 05 - SEWER FUND				
Revenues	1,148,546.00	1,148,546.00	1,153,426.48	159,718.73
Expenditures	1,143,536.00	1,143,536.00	898,957.98	19,499.98
Net Effect for SEWER FUND	5,010.00	5,010.00	254,468.50	140,218.75
Fund: 07 - CEDAR LAKES MAINTENANCE				
Revenues	7,392.00	7,392.00	25,849.70	327.11
Expenditures	4,652.00	4,652.00	15,100.18	707.45
Net Effect for CEDAR LAKES MAINTENANCE	2,740.00	2,740.00	10,749.52	-380.34
Fund: 08 - BOND & INTEREST FUND				
Revenues	837,292.00	837,292.00	991,188.54	351.85
Expenditures	1,069,450.00	1,069,450.00	1,032,214.23	0.00
Net Effect for BOND & INTEREST FUND	-232,158.00	-232,158.00	-41,025.69	351.85
Fund: 09 - SOLID WASTE FUND				
Revenues	125,701.00	125,701.00	150,562.51	13,347.19
Expenditures	150,852.00	150,852.00	140,769.59	25,826.23
Net Effect for SOLID WASTE FUND	-25,151.00	-25,151.00	9,792.92	-12,479.04
Fund: 10 - CONSOLIDATED HIGHWAY FUND				
Revenues	582,301.00	582,301.00	597,599.54	257,805.07
Expenditures	534,415.00	534,415.00	480,574.42	-88,145.87
Net Effect for CONSOLIDATED HIGHWAY FUND	47,886.00	47,886.00	117,025.12	345,950.94
Fund: 11 - MUNICIPAL EQUIP RESERVE FUND				
Revenues	84,688.00	84,688.00	163,532.87	160,235.04
Expenditures	105,000.00	105,000.00	97,374.61	3,290.75
Net Effect for MUNICIPAL EQUIP RESERVE FUND	-20,312.00	-20,312.00	66,158.26	156,944.29
Fund: 12 - CAPITAL IMPROVEMENT FUND				
Revenues	254,098.00	254,098.00	266,290.60	247,650.44
Expenditures	300,000.00	300,000.00	144,936.06	135,607.52
Net Effect for CAPITAL IMPROVEMENT FUND	-45,902.00	-45,902.00	121,354.54	112,042.92

CITY OF BASEHOR
January 2008 Monthly Calendar of Events

Date	Time	Event	Location
1		City Hall Closed-News Years Day	
7	6:00 p.m.	City Council Meeting	City Hall Meeting Room
8	1:00 p.m.	Municipal Court	City Hall Meeting Room
	6:30 p.m.	Planning Commission Meeting	City Hall Meeting Room
9	8:00 a.m.	Chamber of Commerce Board Meeting	What's New
	4:00 p.m.	Park Advisory Board Meeting	City Hall Meeting Room
10	11:30 a.m.	LCDC Board Meeting	LCDC Office
14	6:00 p.m.	City Council Work Session	City Hall Meeting Room
21		City Hall Closed-Martin Luther King Day Note: Council meeting moved to 1/24/08 due to holiday.	
22	3:00 p.m.	LCDC Infrastructure Meeting	LCDC Office
23	Noon	Chamber of Commerce Membership Mtg (City of Basehor will host this meeting)	VFW Hall
24	6:00 p.m.	City Council Meeting	City Hall Meeting Room
30	11:45 a.m.	Port Authority Meeting	Heritage Center, 109 Delaware

Next Meetings:

Feb. 4, 2008 Regular Meeting

Feb. 11, 2008 Work Session

Feb. 18, 2008 Work Session moved to Thursday, Feb. 21st due to President's Day

AGENDA ITEM INFORMATION FORM

Agenda Item: Update on drainage issues at Pinehurst, High Point Downs, Iron Creek and Leavenworth Road.

Department: Administration

Background/Description of Item:

A previous city council meetings drainage concerns in various subdivisions have been highlighted. At the request of an Iron Creek subdivision resident the issue is being brought before the city council for review.

Leavenworth Road (north side of road near 15806 – high water flows during major storm events appears to have decreased since the retention basin for Metzger Meadows was constructed; no further action recommended at this time.

Pinehurst (south of 15509 and 15505 Crimson Street near lift station) – small stream flows continuously, concerns over unsightly appearance and standing water; estimate of \$9,800 to add rock along 110 linear feet; utility easement in a tract deeded to developer, no further action recommended; development responsibility. City crews will trim the area next to the lift station.

Iron Creek (large drainage basin that runs through the subdivision) – Drainage basin carries high water flows during major storm events, concern from area residents that there are obstructions to the flow caused by something on the Roger Brandt property; also concern about standing water and silted areas, unable to mow, unsightly. It appears drainage was designed properly, but over time some areas have silted in, others washed out until water stands in some places and the whole area is so soft that mowers sink. The property belongs to the subdivision. Cleaning the drainage out and reseeding may improve things for one or two years and it will again silt in over time. No action by city recommended other than ensuring no obstructions exist down stream.

High Point Downs (next to David Brown) – issue is whether drainage pipe should be placed to restore usable property in the drainage easement. Prior to the High Point Downs construction project Mr. Brown had full use of the 30'-wide drainage easement. According to John Thompson, former city attorney, the city was within legal rights to use drainage easement for what it was intended. Cost to put in drainage pipe estimated at \$100 per linear foot or \$30,000 to extend pipe to where it makes a 90 degree bend.

Funding Source:

Recommendation: Consider city versus property owner responsibility for drainage areas.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: January 7, 2008

AGENDA ITEM INFORMATION FORM

Agenda Item: Update on drainage issues at Pinehurst, High Point Downs, Iron Creek and Leavenworth Road.

Department: Administration

Background/Description of Item:

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Funding Source:

Recommendation: Consider city versus property owner responsibility for drainage areas.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: January 7, 2008

Jan. 10, 2008

Mayor & City Council Member,

We the undersigned would like to offer the following as our preferred approach to the management and signalization of the 24/40 corridor within the Basehor area of influence. We feel the following allows a planned approach to enhance the growth of Basehor, stimulate economic growth while keeping in mind the flow of traffic and safety of all who use 24/40.

- Maintain our position to keep fully functional, signalized intersections at 150th, 155th, 158th, and 166th.
- Signalize the above intersections as warranted by and agreed upon by KDOT and the City of Basehor.
- Progress on projects to enhance the 24/40 Corridor in the following order:
 - Align 150th to intersect with 24/40 at a 90 degree angle connecting to 150th on the south.
 - Develop north outer road from 155th to 158th.
 - Develop the south outer road from Briar Road to 150th.
 - Renovate 150th from 24/40 to Parallel
- Allow right in-right outs every third of a mile between 142nd and 166th.
- KDOT and the City of Basehor agree to review the signalization of additional intersections at five year intervals. Any modifying action would be caused by a warranted study and agreed upon by KDOT and the City of Basehor.
- If these terms are agreed upon by both parties (KDOT and City of Basehor), KDOT will continue to work with the City of Basehor on corridor projects and provide funding to complete the projects

We believe the approach outlined above will allow for closure with KDOT and be in the best interest of the city as a whole. We request you advance this proposal to KDOT as soon as possible. This will allow the city to complete the MOU with KDOT and end any uncertainty surrounding the status of 24/40 in the Basehor area.

Thank you for your quick action on this issue.

Respectively,

CITY OF BASEHOR, KANSAS

RESOLUTION NO. 2008- 01

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS REGARDING THE PLACEMENT OF FUTURE SIGNAL LIGHTS ON U.S. HIGHWAY 24-40 HIGHWAY IN THE BASEHOR, KANSAS AREA.

WHEREAS, the City of Basehor is a partner in the U.S. Highway 24-40 Corridor study to help set guidelines for future use of the corridor, and

WHEREAS, the goal of the City is to help achieve a balance between access to promote economic development, safety factors and smooth flowing freeway-style traffic, and

WHEREAS, there is already a signal light at 155th Street and businesses have built up around that signal light and the high school, post office and City Hall are on 155th Street, making it the main street of Basehor, and

WHEREAS, additional signal lights and full access intersections will be required to accommodate traffic flow and promote economic development,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

1. The Basehor city council requests that the signal light at 155th Street and U.S. 24-40 Highway remain.
2. The Basehor city council requests additional full access intersections at 142nd, 150th, 158th, 166th, and 174th Streets as the city develops and the need exists.

ADOPTED THIS __th DAY OF JANUARY 2008

CITY OF BASEHOR, KANSAS

By: _____
Mayor

(Seal)

ATTEST:

City Clerk

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider repealing Municipal Policy 5.04/05 and amending Municipal Code 15-239-240 to increase the sewer connection fees and monthly sewer maintenance rates.

Department: Administration

Background/Description of Item:

The sewer connection fees and monthly sewer maintenance rates are set to bring in sufficient revenue to pay for operations and maintenance of the sanitary sewer system as well as system improvements.

In order to generate the revenue necessary to pay the projected expenses for O&M and plant expansion the monthly user fee rates will need to increase by 2.5% each year and the connection fees increased by \$250 per year.

It is also proposed to move municipal policy 5.04/05 to the municipal code in the form of an ordinance. Section 15-239, 15-240, 15-241 and 15-241A will be replaced with the following:

15-240 Connection Fee. Each individual unit connected to the city wastewater system shall be charged a connection fee at the time a building permit is issued for construction of the unit, or upon connection to the wastewater system, in the case of existing units. In the cases of multi-unit buildings, a separate fee shall be charged for each separate unit. Effective January 1, 2008 the connection fee shall be \$2,950. The fee shall be increased by \$250 annually, effective each January 1st.

The revised ordinance has been reviewed by the city attorney.

Funding Source:

Recommendation: Adopt Ordinance 524 raising the sewer connection fee from \$2,700 to \$2,950 effective January 1, 2008 and implementing the individual 2.5% monthly wastewater treatment fee increase effective May 1, 2008.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: January 7, 2008

(First published in *Basehor Sentinel* on January 10, 2008)

ORDINANCE NO. _____

AN ORDINANCE REPEALING 5.04MP AND 5.05MP OF THE MUNICIPAL POLICY AND CREATING AN ORDINANCE AMENDING ARTICLE XV, UTILITIES, ARTICLE 15-238 AND 15-240 OF THE CODE OF THE CITY OF BASEHOR, KANSAS

Section 1. Section 15, Article 2 of the Code of the city of Basehor provides that monthly sewerage treatment charges and connection fees shall be established by written policy of the governing body.

15-239. SEWER SERVICE CHARGE. (a) As of **May 1, 2008**, the individual monthly charge for sewage treatment will be **\$7.38** per thousand gallons of water consumed, based on the average water consumption of the months of December **2007**, January **2008**, and February **2008**. Monthly water consumption records will be obtained by the city from Consolidated Rural Water District No. 1, **Suburban Water Company**, or any other water provider.

(b) Commencing January 1, 2008, the average water consumption shall be based upon the average of the water consumed for the month of December of the previous year and the months of January and February of the current year. Each year thereafter, the average usage will be calculated utilizing the historical data in the same manner. Monthly billing changes will be effective May 1st of each year.

(c) In the event that a customer establishes from reasonable evidence that the three month average is not representative of their actual usage, then the billing clerk with the consent of the **city administrator** is authorized to recalculate the appropriate usage based upon the information provided. **Adjustments shall not be retroactive and will take effect with the next monthly billing cycle. No adjustments to utility accounts shall be made until the customer's account is paid in full.**

(d) Units that water consumption records may not be available for all of the months of December, January and February, may be charged, based on the average of one to three months preceding or following these months.

(e) Units that are connected to the sewer system after the effective date, or units that do not receive water service from Consolidated Rural Water District No. 1 **or Suburban Water Company**, or units that water usage records are otherwise not

available, shall be assigned an average monthly water consumption of 6,350 gallons, until an actual average can be determined or the unit may be charged on a per capita basis of 100 gallon per day per occupant.

(f) The monthly charge for new units that will significantly exceed the monthly average of 6,350 gallons, may be based on actual water usage, on a month-to-month basis, until an accurate average can be determined.

(g) There will be a minimum charge of **\$9.71** per month and **increase 2.5% effective May 1, 2008**. Units that are vacant will be charged the minimum fee for each month they are vacant.

(Ord. 333, Secs. 3:7)

15-240. ~~HOOK ON FEES; DISTRICTS 1 AND 2. A sewer hook on fee of \$300 for Lateral District No. 1 and 2 shall be paid to the city clerk for each single dwelling, for each residential unit in multiple family dwellings and for each commercial unit, for which a building permit is applied for, and the time of application for building permit. (Ord. 221, Sec. 1)~~

15-241. ~~SAME; DISTRICTS 3, 4, 5, 6 AND 7. A sewer hook on fee for \$600 for Lateral District No. 3, 4, 5, 6, 7 and all future lateral districts shall be paid to the city clerk for each single dwelling, for each residential unit in multiple family dwellings and for each commercial unit, for which a building permit is applied for, at the time of application for building permit. (Ord. 221, Sec. 2)~~

15-241A. ~~HOOK UP FEES; DISTRICT 12. (a) The hook up fee for any original member of the Sewer Benefit District No. 12 and their assigns shall be \$600;~~

~~(b) Any original property owners and their assigns may hook up to the sewer line for a fee of \$600 for a period of seven years from April 21, 1997.~~

~~(c) At the expiration of seven years this section shall have no force and effect.~~

~~(Ord. 309, Secs. 1:3)~~

15-240 *CONNECTION FEES: Each individual unit connected to the city wastewater system shall be charged a connection fee at the time a building permit is issued for construction of the unit, or upon connection to the wastewater system, in the case of existing units. In the case of multi-unit buildings, a separate fee shall be charged for each separate unit. Effective January 1, 2008 the connection fee shall be \$2,950. The fee shall be increased by \$250 annually, effective each January 1st.*

(a) *Development approved outside the city prior to the effective date*

of this policy, shall be permitted to connect to the city's wastewater system, upon approval of the city council. The connection fees and the monthly wastewater treatment fees for such development that remains outside of the city, after connection, shall be 125% of the established rates. The connection fee shall be charged at the time a building permit is issued for construction of the unit, or upon connection to the wastewater system, in the case of existing units.

(b) *Development approved outside the city after February 28, 2005 shall be permitted to connect to the city's wastewater system, upon approval of the city council. The connection fees and the monthly wastewater treatment fees for such development that remains outside of the city, after connection, shall be 150% of the established rates. The connection fee shall be charged at the time of building permit is issued for construction of the unit, or upon connection to the wastewater system, in the case of existing units.*

Section 2. This ordinance shall repeal Municipal Policy 5.04MP and 5.05MP and Section 15-239 and 240 and Section 1:2 of Ordinance 221, Section 1:3 of Ordinance 309, Sections 15-239 and 240 of Ordinance 333 in its entirety.

Section 3. This ordinance shall be in full force and effective from and after its passage, and publication in the official city newspaper.

Approved by the City Council this 7th day of January, 2008.

Approved by the Mayor this 7th day of January, 2008.

Mayor Chris Garcia

Attest:

Mary A. Mogle, City Clerk

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approval of payment to Kansas Municipal Insurance Trust for Worker's Compensation for year 2008.

Department: Administration

Background/Description of Item:

The City of Basehor utilizes Kansas Municipal Insurance Trust (KMIT) for Workers Compensation insurance coverage.

Premium for 2007 was \$15,410 with claims totaling \$29,000.

According to KMIT the Kansas Insurance Department raised classification code rate on various job classifications to include parks (34%), police (19%), and waterworks (14%). Due to increase in the number of employees, wages, and code classifications the premium for year 2008 will be \$22,702.

Thanks to Gene's hard work as safety director, the City qualified for a 10% discount, a savings of \$2500.

Funding Source: General Government Insurance (01-001-779)

Recommendation: Approve Workers Compensation premium with Kansas Municipal Insurance Trust (KMIT) for year 2008

Prepared by: Mary A. Mogle, City Clerk
Council Date: January 7, 2008



300 SW 8th Avenue
Topeka, KS 66603
Telephone: (785) 354-9565
Fax: (785) 354-4186

December 5, 2007

**Kansas Municipal
Insurance Trust**

Board of Trustees

Lana McPherson
President
De Soto

Bud Newberry
Vice-President
Ulysses

Cheryl Beatty
Treasurer
Eudora

Linda Jones
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Bobby Busch
Neodesha

Toby Dougherty
Hays

Larry Paine
Hillsboro

Howard Partington
Great Bend

Sasha Stiles
Andover

Don Moler
Executive Director
Ex Officio

Don Osenbaugh
Pool Administrator

City of Basehor
Attention: Mary Mogle
City Clerk
PO Box 406
Basehor, KS 66007-

Subject: Workers Compensation Insurance Renewal (2008)

Dear Mary,

Please find enclosed your KMIT workers compensation insurance renewal quote and invoice for 2008 (for coverage starting at 12:01 AM on January 1, 2008).

We are pleased, once again, to be able to provide work comp coverage for the employees of the City of Basehor, and note that Basehor has been a continuous member of the KMIT Workers Compensation Pool since April 1, 1996.

Your work comp premium for 2008 is \$22,702. Your premium payment is due and payable in full, on or before January 31, 2008.

KMIT's rate (LCM) for 2008 went down about 3.8% (from 1.58 to 1.52), however...

the 'state' (Kansas Insurance Department) this year raised the classification code rate for a number of job classifications which comprise a significant amount of payroll in many KMIT cities—for example: Park Workers, up 34%; Police, up 19%; Waterworks, up 14%; Electric Plant Operators, up 34%; Street Cleaning, up 10%; Garbage Collection, up 9%; Swimming Pool Workers, up 8%...

The class code increases will result in significant increases in the premium costs of many KMIT cities. But, remember that these same individual class code rates apply to all insurance pools and private companies in Kansas.

KMIT is about service. If you have any questions about your premium, your experience modifier ('mod'), **state classification code rates**, KMIT's rate, or anything else, please do let us know. The KMIT staff, along with our risk-control and claims-management partners at IMA, is here to assist your city in any way in which you need us.

Page 2 -

One last, but very important, thing... please DO NOT send your check to the KMIT (League) office, but, rather, directly to a special lock box at KMIT's bank:

Kansas Municipal Insurance Trust
C/O UMB Bank
ATTN: Annette
P.O. Box 5228
Topeka, KS 66605

Thank you for your continued membership in the **KMIT Workers Compensation Pool**.
We sincerely appreciate having Basehor in our group.

Don Osenbaugh

Don Osenbaugh
Pool Administrator

xc: Carl Slaugh, City of Basehor

City of Basehor KMIT - Workers Compensation Quote for 2008

Based upon Estimated 2008 Payroll, Final Experience Modification

<u>Classification</u>	<u>Class Code</u>	<u>Payroll</u>	<u>Modified Rate</u>	<u>Premium</u>
Street or Road Construction: Paving or Repaving & Drivers	5506	\$96,940	7.16	\$6,940
Sewage Disposal Plant Operation & Drivers	7580	\$73,909	2.74	\$2,022
Police Officers & Drivers	7720	\$418,984	3.54	\$14,839
Clerical Office Employees NOC	8810	\$377,829	0.35	\$1,321
Park NOC: Employees & Drivers	9102	\$3,051	4.35	\$133
Totals:		\$970,713		\$25,255

Make Checks Payable To:
KANSAS MUNICIPAL INSURANCE TRUST

Send Payment To:
Kansas Municipal Insurance Trust
C/O UMB Bank
Attn: Annette
P.O.Box 5228
Topeka, Ks 66605

01/01/08 Experience Mod:	0.99	\$25,002
ARD Experience Mod:	0.00	\$0
Standard Premium:		\$25,002
Discount:	10%	
Discounted Premium:		\$22,502
Expense Constant:		\$200
Annual Contribution:		\$22,702

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider ordinance amending code on truck traffic (request for restriction on Donahoo Rd).

Department: Administration

Background/Description of Item:

A request has been received to place a "No Trucks Allowed" sign at K-7 Highway and Donahoo Road to minimize the truck traffic that drives through the residential area.

With the completion of Hollingsworth Road there is an alternative route for truck traffic.

An ordinance revising the Municipal Code has been prepared by the city attorney.

Funding Source:

Recommendation: Approve Ordinance 525 restricting truck traffic over four tons on residential streets.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: January 7, 2008

Carl Slaugh

From: Patrick Reavey [patrick@reaveylaw.com]
Sent: Wednesday, December 12, 2007 6:34 PM
To: cityclerk@cityofbasehor.org
Cc: 'Carl Slaugh'
Subject: No Trucks On Falcon Lake Parkway
Attachments: Falcon Lakes Parkway 12-12-07.doc

The attached Ordinance shows the changes I am proposing to City Code. The existing prohibition of two tons probably would apply to numerous SUVs and other trucks that City probably did not intend to outlaw. Making the change to 4 tons would allow for trucks such as UPS truck, box vans, ect. but would make sure other trucks (such as empty dump truck, tractor trailer, etc.) are not allowed.

Patrick G. Reavey
REAVEY LAW LLC
Livestock Exchange Building
1600 Genessee, Suite 303
Kansas City, Missouri 64102
(816) 474-6300
(816) 474-6302 (FAX)
patrick@reaveylaw.com
www.reaveylaw.com

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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY CODE TO PROHIBIT TRUCKS ON FALCON LAKES PARKWAY

WHEREAS, Section 14-203 of Chapter 14 of the City Code sets forth local regulations on truck traffic within the City; and

WHEREAS, the Governing Body believes it is in the best interest of the City to prohibit trucks on Falcon Lakes Parkway.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

SECTION 1: In accordance with K.S.A. 8-1912(c), the Governing Body does hereby amend Section 14-203 of Chapter 14 of the City Code to read as follows:

14-203. TRUCKS, BUSES ETC.; PARKING RESTRICTED. (a) It shall be unlawful to park any bus, truck, tractor, tractor-trailer combination, industrial equipment, or like conveyances, having a state licensing rating of ~~four tons~~ or more upon a residential street within the city for any period of time exceeding two hours. For the purpose of this section, the word tractor shall include both road tractors and farm tractors.

Deleted: one

(b) Vehicles With a Weight of Four Tons or Over. It shall be unlawful for any bus (excluding any school buses), truck, tractor, tractor-trailer combination, industrial equipment, or like conveyances, having a state licensing rating of four tons or more to drive or park upon a residential street, to include, but not be limited to, Falcon Lakes Parkway, within the city unless such vehicle is picking up or delivering merchandise to a location that is only accessible via the residential street.

Deleted: Two

Deleted: weight of

Deleted: two

Deleted: a

(Ord. 176, Sec. 1; Ord. 259, Sec. 2; Ord. _____, Sec. 1)

SECTION 2. Effective Date. This Ordinance shall take effect and be enforced from and after its passage, approval, publication and installation of appropriate "NO TRUCKS" signs as recommended by the Manual on Uniform Traffic Control Devices for the streets described in SECTION 1 of this Ordinance, as provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF BASEHOR, KANSAS, THIS _____ DAY OF _____, 2007.

Chris Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:

Mary Ann Mogle, City Clerk

Patrick G. Reavey, City Attorney

ORDINANCE NO. 525

AN ORDINANCE AMENDING THE CITY CODE TO PROHIBIT TRUCKS ON FALCON LAKES PARKWAY

WHEREAS, Section 14-203 of Chapter 14 of the City Code sets forth local regulations on truck traffic within the City; and

WHEREAS, the Governing Body believes it is in the best interest of the City to prohibit trucks on Falcon Lakes Parkway.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

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(b) Vehicles With a Weight of Four Tons or Over. It shall be unlawful for any bus (excluding any school buses), truck, tractor, tractor-trailer combination, industrial equipment, or like conveyances, having a state licensing rating of four tons or more to drive or park upon a residential street, to include, but not be limited to, Falcon Lakes Parkway, within the city unless such vehicle is picking up or delivering merchandise to a location that is only accessible via the residential street.

(Ord. 176, Sec. 1; Ord. 259, Sec. 2; Ord. _____, Sec. 1)

SECTION 2. Effective Date. This Ordinance shall take effect and be enforced from and after its passage, approval, publication and installation of appropriate "NO TRUCKS" signs as recommended by the Manual on Uniform Traffic Control Devices for the streets described in SECTION 1 of this Ordinance, as provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF BASEHOR, KANSAS, THIS _____ DAY OF _____, 2008.

Chris Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:

Mary Ann Mogle, City Clerk

Patrick G. Reavey, City Attorney

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider proposed 2008 Wage Adjustments.

Department: Administration

Background/Description of Item:

A pay plan for the City of Basehor has been approved as part of the new personnel policy manual. The proposed 2008 wage adjustments, part of appendix B of the manual were to be considered separately for adoption.

The proposed wage adjustments were derived by comparing the existing pay rates for the city with those of the cities of Tonganoxie, Lansing and Bonner Springs. Each position was matched as closely as possible to comparable positions in the other cities taking into consideration the number of personnel supervised and the level of responsibility. There was also an effort made to consider the number of years experience for the incumbent in each position.

After determining the entry level pay for a position there was an adjustment made for the years of experience of the incumbent.

The pay increases will become effective with the pay dates worked in January, pay period ending January 11, 2008. The draft 2008 wage adjustments do not require an increase in the mill levy.

Position adjustments averaged 4.2% or \$44,698.16.60. Some positions received higher position adjustments than others to bring them more in line with the surrounding area. The position adjustments were designed to bring the City of Basehor up to a position of 5% below the three neighboring cities based on 2007 data.

The attached chart has been revised to correct errors identified at the Dec. 17, 2007 city council meeting. An increase of 5% was applied to existing positions, and then compared with surrounding area pay scales resulting in a further proposed adjustment, the total increase amounted to 9.4% or \$91,591.76.

Funding Source:

Recommendation: Approve the 2008 wage adjustments and pay increases effective the first pay period of 2008.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: January 7, 2008

Proposed 2008 Wage Adjustments

Job Classification	Existing	5%	5% Adj.	Step	Proposed	Prop. Adj.	Total Adj.	Total Adj. (\$)
Range 1								
Laborer, Parks & Recreation (PT)	8.67	9.10	\$ 450.84	1	9.40	\$ 308.36	8.4%	\$ 759.20
Clerical, Administration	10.00	10.50	\$ 1,040.00	2	10.72	\$ 457.60	7.2%	\$ 1,497.60
Maintenance Worker 1, Streets	10.87	11.41	\$ 1,130.48	5	11.65	\$ 491.92	7.2%	\$ 1,622.40
Maintenance Worker 1, Streets	11.39	11.96	\$ 1,184.56	7	12.24	\$ 583.44	7.5%	\$ 1,768.00
Animal Control Officer, Police (PT)	12.58	13.21	\$ 654.16	10	13.21	\$ -	5.0%	\$ 654.16
Clerk, Police	10.00	10.50	\$ 1,040.00	1	10.72	\$ 457.60	7.2%	\$ 1,497.60
Range 2								
Intern, Administration (PT)	11.00	11.00	\$ -	1	11.00	\$ -	0.0%	\$ -
Maintenance Worker 2, Streets	13.09	13.74	\$ 1,361.36	9	13.78	\$ 73.84	5.3%	\$ 1,435.20
Range 3								
Wastewater Operator 1, Sewer	11.39	11.96	\$ 1,184.56	1	12.31	\$ 729.04	8.1%	\$ 1,913.60
Court Clerk, Police	13.06	13.71	\$ 1,358.24	4	13.87	\$ 326.56	6.2%	\$ 1,684.80
Wastewater Operator 2, Sewer	15.95	16.75	\$ 1,658.80	10	16.82	\$ 150.80	5.5%	\$ 1,809.60
Range 4								
Asst. City Clerk, Administration	10.50	11.03	\$ 1,092.00	1	14.06	\$ 6,312.80	33.9%	\$ 7,404.80
Treasurer, Administration (PT)	15.73	16.52	\$ 817.96	7	16.72	\$ 211.64	6.3%	\$ 1,029.60
Officer 3, Police	13.53	14.21	\$ 1,407.12	1	14.88	\$ 1,400.88	10.0%	\$ 2,808.00
Officer 3, Police	13.53	14.21	\$ 1,407.12	1	14.88	\$ 1,400.88	10.0%	\$ 2,808.00
Officer 3, Police	13.53	14.21	\$ 1,407.12	1	14.88	\$ 1,400.88	10.0%	\$ 2,808.00
Officer 3, Police	13.53	14.21	\$ 1,407.12	1	14.88	\$ 1,400.88	10.0%	\$ 2,808.00
Officer 3, Police	13.63	14.31	\$ 1,417.52	1	14.88	\$ 1,182.48	9.2%	\$ 2,600.00
Officer 3, Police	13.63	14.31	\$ 1,417.52	2	15.25	\$ 1,952.08	11.9%	\$ 3,369.60
Officer 3, Police	13.63	14.31	\$ 1,417.52	2	15.25	\$ 1,952.08	11.9%	\$ 3,369.60
Officer 3, Police	14.00	14.70	\$ 1,456.00	2	15.25	\$ 1,144.00	8.9%	\$ 2,600.00
Range 5								
Corporal, Police	15.73	16.52	\$ 1,635.92	1	16.60	\$ 173.68	5.5%	\$ 1,809.60
Sergeant, Police	17.85	18.74	\$ 1,856.40	4	18.84	\$ 202.80	5.5%	\$ 2,059.20
Building/Code Inspector, P & Z	18.59	19.52	\$ 1,933.36	6	19.90	\$ 791.44	7.0%	\$ 2,724.80

Proposed 2008 Wage Adjustments

Job Classification	Existing	5%	5% Adj.	Step	Proposed	Prop. Adj.	Total Adj.	Total Adj. (\$)
Planner, Planning & Zoning	17.00	17.85	\$ 1,768.00	1	17.85	\$ -	5.0%	\$ 1,768.00
Range 6 Lieutenant/Detective, Police	18.90	19.85	\$ 1,965.60	4	21.08	\$ 2,568.80	11.5%	\$ 4,534.40
Range 7 City Clerk, Administration	22.19	23.30	\$ 2,307.76	10	27.52	\$ 8,778.64	24.0%	\$ 11,086.40
Range 8 Chief, Police	25.77	27.06	\$ 2,680.08	6	27.45	\$ 814.32	6.5%	\$ 3,494.40
City Superintendent, Street/Sewer	22.49	23.61	\$ 2,338.96	7	28.77	\$ 10,723.44	27.9%	\$ 13,062.40
Range 9 Director, Planning	25.88	27.17	\$ 2,691.52	2	27.85	\$ 1,406.08	7.6%	\$ 4,097.60
Range 10 City Administrator, Administration	32.75	34.39	\$ 3,406.00	3	33.09	\$ (2,698.80)	1.0%	\$ 707.20
Total Adjustment:			\$ 46,893.60 5.0%			\$ 44,698.16 4.4%	9.4%	\$ 91,591.76 9.4%

Notes:

- (1) Adjustments based on 2080 hours for full time employees and 1040 hours for part time employees.
- (2) Part time police officers (Officer 2) excluded because their hours vary considerably.

Range	Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	Parks Laborer	\$9.40	\$9.63	\$9.87	\$10.12	\$10.37	\$10.63	\$10.90	\$11.17	\$11.45	\$11.74
	Clerical	\$10.46	\$10.72	\$10.99	\$11.26	\$11.54	\$11.83	\$12.13	\$12.43	\$12.74	\$13.06
	Maintenance Worker 1	\$10.55	\$10.82	\$11.09	\$11.36	\$11.65	\$11.94	\$12.24	\$12.54	\$12.86	\$13.18
	Animal Control Officer	\$10.58	\$10.84	\$11.12	\$11.39	\$11.68	\$11.97	\$12.27	\$12.58	\$12.89	\$13.21
	Police Clerk	\$10.72	\$10.99	\$11.26	\$11.54	\$11.83	\$12.13	\$12.43	\$12.74	\$13.06	\$13.39
2	Management Intern	\$11.00	\$11.28	\$11.56	\$11.85	\$12.14	\$12.45	\$12.76	\$13.08	\$13.40	\$13.74
	Maintenance Worker 2	\$11.31	\$11.59	\$11.88	\$12.18	\$12.48	\$12.79	\$13.11	\$13.44	\$13.78	\$14.12
3	Wastewater Operator 1	\$12.31	\$12.61	\$12.93	\$13.25	\$13.58	\$13.92	\$14.27	\$14.63	\$14.99	\$15.37
	Court Clerk	\$12.88	\$13.21	\$13.54	\$13.87	\$14.22	\$14.58	\$14.94	\$15.31	\$15.70	\$16.09
	Wastewater Operator 2	\$13.47	\$13.81	\$14.15	\$14.51	\$14.87	\$15.24	\$15.62	\$16.01	\$16.41	\$16.82
4	Assistant City Clerk	\$14.06	\$14.41	\$14.77	\$15.14	\$15.52	\$15.91	\$16.30	\$16.71	\$17.13	\$17.56
	Police Officer 2	\$14.41	\$14.77	\$15.14	\$15.51	\$15.90	\$16.30	\$16.71	\$17.12	\$17.55	\$17.99
	Treasurer	\$14.42	\$14.78	\$15.15	\$15.52	\$15.91	\$16.31	\$16.72	\$17.14	\$17.57	\$18.00
	Police Officer 3	\$14.88	\$15.25	\$15.63	\$16.02	\$16.42	\$16.83	\$17.25	\$17.69	\$18.13	\$18.58
5	Police Corporal	\$16.60	\$17.02	\$17.44	\$17.88	\$18.32	\$18.78	\$19.25	\$19.73	\$20.23	\$20.73
	Police Sergeant	\$17.49	\$17.93	\$18.38	\$18.84	\$19.31	\$19.79	\$20.29	\$20.79	\$21.31	\$21.85
	Building/Code Inspector	\$17.59	\$18.03	\$18.48	\$18.94	\$19.41	\$19.90	\$20.40	\$20.91	\$21.43	\$21.96
	Planner	\$17.85	\$18.30	\$18.75	\$19.22	\$19.70	\$20.20	\$20.70	\$21.22	\$21.75	\$22.29
6	Lieutenant/Detective	\$19.57	\$20.06	\$20.56	\$21.08	\$21.60	\$22.14	\$22.70	\$23.26	\$23.85	\$24.44
7	City Clerk	\$22.04	\$22.59	\$23.16	\$23.73	\$24.33	\$24.94	\$25.56	\$26.20	\$26.85	\$27.52
8	Chief of Police	\$24.27	\$24.87	\$25.49	\$26.13	\$26.78	\$27.45	\$28.14	\$28.84	\$29.57	\$30.30
	City Superintendent	\$24.81	\$25.43	\$26.07	\$26.72	\$27.39	\$28.07	\$28.77	\$29.49	\$30.23	\$30.99
9	Planning Director	\$27.17	\$27.85	\$28.55	\$29.26	\$30.00	\$30.74	\$31.51	\$32.30	\$33.11	\$33.94
10	City Administrator	\$31.50	\$32.29	\$33.09	\$33.92	\$34.77	\$35.64	\$36.53	\$37.44	\$38.38	\$39.34

Notes:

- (1) Steps are in 2.5% increments, represent two years of experience, and apply to both full and part time employees.
- (2) Ranges based on starting wage at step 1 and increase by 15%.
- (3) Non-KLETTC certified officers hired at the Officer 2 level.

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approval to purchase a police vehicle with 2008 funds.

Department: Police

Background/Description of Item:

At the Dec. 3, 2007 city council meeting approval was given to purchase a new police vehicle in 2007 and one in 2008. The 2007 purchase has been completed. The details of the 2008 vehicle purchase, including the necessary equipment, is attached.

The total cost for the new Ford Crown Victoria is \$28,100 which includes a base price of \$23,000, plus a new light bar for \$1,800 and transfer of some existing equipment.

The police department has submitted a request to purchase one or two additional police vehicles to replace existing vehicles in the fleet. The City purchased a new vehicle in 2006 and one in 2007, both 2007-year model Crown Victoria Fords.

As of 10/31/2007 \$19,398 had been spent in 2007 police vehicle maintenance and repair costs (\$3,770.83 parts, \$15,628.70 vehicle/equipment maintenance & repair).

		Mileage (Nov. 1)
2007 Crown Vic	Unit 1	42,121
2007 Crown Vic	Unit 5	5,782
1999 Explorer	Unit 4	81,366

Vehicles to be replaced:

2001 Crown Vic	Unit 3	168,474	traded in on 2008 Crown Vic
2003 Crown Vic	Unit 2	142,228	(blown engine) – traded in on 2008 vehicle

	Base	Base + Equip
2008 Crown Vic	\$22,149	\$26,949
2008 Chevy Impala	\$24,346	\$29,046
2008 Dodge Charger	\$23,500	\$29,200

Note (Jan. 10, 2008): the two vehicles recently purchased came in under the amounts approved by the city council (see attached).

Funding Source: Police

Recommendation: Approve purchase of one new 2008 Crown Victoria police vehicle plus equipment for an amount not to exceed \$28,100.

Prepared by: Carl E. Slaugh, City Administrator
 Council Date: January 7, 2008

2008
Ford Crown Victoria

2008 Vehicle	22,149.00
2001 Trade-in	-1,000.00
Removal of equip from 2001 Install of equip in 2008	2,000.00
Purchase of new light bar	1,800.00
Vehicle lettering for new 2008	570.00
Misc. wiring/programming	400.00
Total purchase for 2008 vehicle	25,919.00

Summary for purchase of 2008 Crown Victoria

2008 Vehicle	22,149.00
2003 Trade-in	-1,200.00
Removal of equip from 2003	247.50
Install of equip in 2008	1,543.25
Purchase of new light bar	1,500.00
Vehicle lettering for new 2008	570.00
Total purchase for 2008 vehicle	24,809.75
Council allowed	27,000.00
Savings of	+2,190.25

Carl Slauch

From: Patrick Reavey [patrick@reaveylaw.com]
Sent: Friday, December 28, 2007 10:52 AM
To: 'Carl Slauch'
Subject: FLSA Issues
Attachments: 111911.pdf

Carl,

I have attached information on the Executive and Administrative exemptions pursuant to the FLSA. As I do not know the details of the day to day duties of Police Chief, City Clerk, City Planner, and Public Works Superintendent it is difficult for me to give a definitive answer on whether all of these positions are exempt. Once you have looked at the materials, perhaps we can meet or discuss the same to come to a conclusion.

Based on my guess of what each position entails, I have come to the following conclusions:

- 1) Police Chief is exempt as an Executive employee because primary duty is management -- see excerpt of case against City of Lawrence in attached memo.
- 2) City Clerk is not exempt as Administrative employee because her primary duty does not include exercise of discretion and independent judgment with respect to matters of significance.
- 3) City Planner is not exempt as an Executive employee because his primary duty is not management.
- 4) Public Works Superintendent is not exempt as an Executive employee because his primary duty is not management.

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MEMORANDUM

TO: CITY ADMINISTRATOR
FROM: PATRICK G. REAVEY
RE: FLSA EXEMPTIONS
DATE: DECEMBER 27, 2007

Attachments:

Congressional Regulations on Executive Exemption

29 CFR § 541.100

29 CFR § 541.102

29 CFR § 541.700

29 CFR § 541.701

Congressional Regulations on Administrative Exemption

29 CFR § 541.200

29 CFR § 541.201

29 CFR § 541.202

29 CFR § 541.203

Excerpts from Court Cases Determining Whether Executive Exemption Applies:

3. Exempt Officers

Perhaps the most significant dispute between the parties is whether lieutenants, sergeants (collectively, the superior officers), and detectives are exempt from the FLSA's overtime provisions. The FLSA exempts any employee who serves in a bona fide "executive" or "administrative" capacity. 29 U.S.C. § 213(a)(1). The Department of Labor (DOL) has promulgated extensive regulations that are used to determine whether the executive or administrative capacity exemptions apply.

A. Executive Exemption

Before August of 2004, the DOL regulations provided a "short test" for employees who earned more than \$250 per week (as is the case for all plaintiffs here). Under the short test, an executive employee was one who: (1) earned more than \$250 per week, and "(2) whose primary duty is management of the enterprise in which [he] is employed ... [and] (3) who customarily and regularly directs the work of two or more other employees." Former 29 C.F.R. § 541.1. As of August 23, 2004, this test was amended to include a fourth requirement that the employee also

have “the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees are given particular weight.” 29 C.F.R. § 541.100.^{FN9}

Here, despite plaintiffs' arguments to the contrary, sergeants and lieutenants clearly fall within the executive exemption. The pertinent DOL regulation states that typical management duties include interviewing, training, directing work, maintaining records, appraising work performance, handling employee complaints, and apportioning work. 29 C.F.R. § 541.102. As defendants note, sergeants are usually assigned as Station Supervisors during two of their four weekly shifts each month. Sergeants assigned to the Patrol Services Division direct as many as nine to ten patrol officers who are assigned to a shift. They work relatively free from supervision and exercise their judgment and discretion without direct oversight by their commanding lieutenants. They are often the only superior officers on duty at the station or on patrol. They direct the response to and the investigation of crimes and accidents. They are more highly compensated than patrol officers, and receive additional compensation as supervisors.

The main point of contention relates to the most recent version of the DOL regulation, which creates the additional requirement that to be an “executive,” an employee must have the authority to hire or fire other employees, or to make recommendations regarding hiring and firing that are given “particular weight” by the final decision maker. 29 C.F.R. § 541.100(a)(4). Because Natick operates under the civil service system, superior officers do not have the ultimate authority to hire or fire patrol officers. Nonetheless, superior officers play an influential role in the process by evaluating and interviewing new hire candidates as well as candidates for promotion. They are also play a significant role in disciplinary determinations. While they are constrained by civil service rules in exercising these functions, if the test were to be interpreted too literally, virtually no superior officer would be exempt under the FLSA, a result contrary to the purpose of an Act intended to protect ordinary wage earners who have little or no discretion over the manner in which they perform their jobs, and not those who make and enforce workplace rules. Superior officers, by virtue of their independence from close supervision and their powers to direct the work of their subordinates are “executive” employees within any meaningful sense of the term. They are therefore exempt under the terms of the FLSA.

Murphy v. Town of Natick, 516 F.Supp.2d 153, 159 -160 (D.Mass. 2007)

iii. Application of the Executive Exemption to Plaintiffs

It is clear to the court that Plaintiffs perform management duties within the meaning of the FLSA executive exemption. As noted above, the regulations set forth a list of examples of work considered exempt, and the Plaintiffs perform the majority of the duties listed in the regulations. They participate in interviewing and selection of civilian and sworn employees; train police officers; set and adjust the hours of work for police officers; direct the work of police officers; handle complaints within the police department and from the public; plan the work of police officers; and review the police officers' reports. With the exception of Roberts, none of the sergeants regularly spends time in the field with the officers they supervise. However, even Roberts testified that while he spends approximately one fourth of his time in the field with his

officers, he does so because it is his preference for managing his officers and for keeping up his training. Furthermore, while in the field, Roberts does not respond to accidents or make DUI arrests.

In performing work done normally by the police officers, Plaintiffs act outside of the scope of their daily duties. For example, Hadl testified that she writes traffic tickets only if patrol officers are unavailable or she witnesses a serious accident. Similarly, Patrick performs police officer's duties only when the shift is undermanned or extremely busy. And Sergeant Pryor testified that he personally investigates "some, but not very many" cases, while most of his time is spent supervising detectives and developing plans for conducting investigations. The fact that Plaintiffs sometimes work alongside police officers does not preclude the application of the executive exemption. "Although Plaintiffs may, at one time or another, perform all the duties carried out by their subordinates, their accountability for everything that takes place under their command and their ability to exercise discretion sets them apart from inferior officers."

In *Anderson v. The City of Cleveland, Tennessee*, the court rejected a bid by lieutenants in Cleveland's police department to qualify for overtime pay on the basis that they were not exempt executive employees. Duties performed by lieutenants in that case were very similar to the duties carried out by the Plaintiffs here. The court held that the exemption applied even though lieutenants sometimes worked alongside their subordinates in the field because the primary value of such lieutenants to the defendant city was as supervisors, not as foot soldiers in fighting crime. "Plaintiffs ... testified they spend very little time performing basic police work like making arrests, issuing citations and investigating crime, and when they work alongside their men, it is in a backup or support capacity. The evidence also shows Plaintiffs were regularly evaluated on their supervisory and managerial capabilities, indicating Plaintiffs [sic] primary value to the City was as supervisors rather than ordinary police officers."

The court finds the *Anderson* case to be particularly instructive. The Defendant in this case does not view the Plaintiffs as ordinary police officers, nor do the Plaintiffs view themselves as such. During their depositions, Plaintiffs repeatedly described themselves as supervisors. The bulk of Plaintiffs' tasks falls squarely in the category of management duties. The Plaintiffs rarely work in the field alongside the officers they supervise. The Defendant clearly values the supervisory aspect of Plaintiffs' jobs, leaving essentially all *1161 the responsibility for running their respective units to the sergeants. It would be unreasonable to conclude that lieutenants, rather than sergeants, are the first line of supervisors in the LKPD. The court has no evidence that lieutenants actually perform any of the shift-management tasks necessary for the efficient operation of a police department. With the exception of statements by the Plaintiffs that lieutenants oversee sergeants, the court has not been informed specifically as to the actual tasks performed by lieutenants.

The court's conclusion is supported by case law. In *Auer v. Robbins*,^{FN73} the United States Court of Appeals for the Eighth Circuit considered whether detective police sergeants were covered by the maximum hour/overtime provisions of the FLSA. That court decided the detective sergeants qualified as exempt "executive" employees under the FLSA.^{FN74} In *Auer* the detective police sergeants supervised the work of 13 to 16 detectives.^{FN75} The subordinate detectives were required to provide sergeants with all information concerning police matters, and sergeants

reviewed information concerning interrogations and interviews.^{FN76} The sergeants consistently used discretion to ensure the case load was being managed correctly, and, although sergeants might sometimes become directly involved in investigations, their primary duty was to manage and oversee the investigative function and report results up the chain of command.^{FN77}

The United States Court of Appeals for the Ninth Circuit reached the same conclusion in *Barner v. City of Novato*. That case held that the plaintiffs were exempt when they managed a recognized subdivision of the police department, even though the officers often performed the same duties as their subordinates. The Ninth Circuit stated that even though the plaintiffs might occasionally perform a task as menial as railroad crossing guard work, they carried the rank of lieutenant or captain and had supervision over an entire aspect of police department operation, such as services, patrol, and youth services.

The court's conclusion is not altered by the argument that the performance of many of the Plaintiffs' duties is subject to the direct oversight of either the lieutenants or the Chief of Police. Defendant acknowledges as much in its Reply.^{FN81} However, the presence of a hierarchical structure does not negate the supervisory nature of work performed at various levels. If that were the case, as Defendant aptly puts it, only one person in any given organization could ever be considered exempt within the meaning of the FLSA. Just because Plaintiffs' decisions could be, and occasionally were, overridden, does not mean they were restricted or prohibited from making the decisions in the first place. In *Hinsdale*, the court concluded that the plaintiff was an exempt executive employee even though her decisions were "subject to parameters set by the defendant or to review by the defendant's Board."^{FN82} It is the nature of Plaintiffs' *1162 duties that controls the inquiry of whether their work was managerial, not the extent to which someone else may have had the authority to override the performance of such duties. And, it is clear to the court that the Plaintiffs' day-to-day duties fall squarely within the definition of "managerial duties" promulgated by the Department of Labor regulations. No reasonable person would conclude otherwise.

FN81. For example, Defendant agrees that the final say in both hiring and termination of sworn employees does not belong to the sergeants. Defendant also concurs that sergeants do not have totally unfettered discretion in assigning work and often collaborate on that task with lieutenants.

FN82. *Hinsdale*, 1997 U.S. Dist. LEXIS 18802, * 48, citing *Masilionis v. Falley's Inc.*, 904 F.Supp. 1224, 1229 (D.Kan.1995).

Nickell v. City of Lawrence, Kan., 352 F.Supp.2d 1147, 1160 -1162 (D.Kan. 2004).

[Code of Federal Regulations]
[Title 29, Volume 3]
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[Page 178]

TITLE 29--LABOR

CHAPTER V--WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 541_DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE,
ADMINISTRATIVE, PROFESSIONAL, COMPUTER AND OUTSIDE SALES EMPLOYEES
--Table of Contents

Subpart B_Executive Employees

Sec. 541.100 General rule for executive employees.

(a) The term ``employee employed in a bona fide executive capacity'' in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary basis at a rate of not less than \$455 per week (or \$380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities;

(2) Whose primary duty is management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof;

(3) Who customarily and regularly directs the work of two or more other employees; and

(4) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

(b) The phrase ``salary basis'' is defined at Sec. 541.602; ``board, lodging or other facilities'' is defined at Sec. 541.606; ``primary duty'' is defined at Sec. 541.700; and ``customarily and regularly'' is defined at Sec. 541.701.

[Code of Federal Regulations]
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[Page 178]

TITLE 29--LABOR

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--Table of Contents

Subpart B_Executive Employees

Sec. 541.102 Management.

Generally, ``management'' includes, but is not limited to, activities such as interviewing, selecting, and training of employees; setting and adjusting their rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used; apportioning the work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees or the property; planning and controlling the budget; and monitoring or implementing legal compliance measures.

[Code of Federal Regulations]
[Title 29, Volume 3]
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[CITE: 29CFR541.700]

[Page 196-197]

TITLE 29--LABOR

CHAPTER V--WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 541_DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE,
ADMINISTRATIVE, PROFESSIONAL, COMPUTER AND OUTSIDE SALES EMPLOYEES
--Table of Contents

Subpart H_Definitions and Miscellaneous Provisions

Sec. 541.700 Primary duty.

(a) To qualify for exemption under this part, an employee's ``primary duty'' must be the performance of exempt work. The term ``primary duty'' means the principal, main, major or most important duty that the employee performs. Determination of an employee's primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole. Factors to consider when determining the primary duty of an employee include, but are not limited to, the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee.

(b) The amount of time spent performing exempt work can be a useful guide in determining whether exempt work is the primary duty of an employee. Thus, employees who spend more than 50 percent of their time performing exempt work will generally satisfy the primary duty requirement. Time alone, however, is not the sole test, and nothing in this section requires that exempt employees spend more than 50 percent of their time performing exempt work. Employees who do not spend more than 50 percent of their time performing exempt duties may nonetheless meet the primary duty requirement if the other factors support such a conclusion.

(c) Thus, for example, assistant managers in a retail establishment who perform exempt executive work such as supervising and directing the work of

[[Page 197]]

other employees, ordering merchandise, managing the budget and authorizing payment of bills may have management as their primary duty even if the assistant managers spend more than 50 percent of the time performing nonexempt work such as running the cash register. However, if such assistant managers are closely supervised and earn little more than the nonexempt employees, the assistant managers generally would not satisfy the primary duty requirement.

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[Page 197]

TITLE 29--LABOR

CHAPTER V--WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 541_DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE,
ADMINISTRATIVE, PROFESSIONAL, COMPUTER AND OUTSIDE SALES EMPLOYEES
--Table of Contents

Subpart H_Definitions and Miscellaneous Provisions

Sec. 541.701 Customarily and regularly.

The phrase ``customarily and regularly'' means a frequency that must be greater than occasional but which, of course, may be less than constant. Tasks or work performed ``customarily and regularly'' includes work normally and recurrently performed every workweek; it does not include isolated or one-time tasks.

[Code of Federal Regulations]
[Title 29, Volume 3]
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[Page 180]

TITLE 29--LABOR

CHAPTER V--WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 541_DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE,
ADMINISTRATIVE, PROFESSIONAL, COMPUTER AND OUTSIDE SALES EMPLOYEES
--Table of Contents

Subpart C_Administrative Employees

Sec. 541.200 General rule for administrative employees.

(a) The term ``employee employed in a bona fide administrative capacity'' in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary or fee basis at a rate of not less than \$455 per week (or \$380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities;

(2) Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and

(3) Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

(b) The term ``salary basis'' is defined at Sec. 541.602; ``fee basis'' is defined at Sec. 541.605; ``board, lodging or other facilities'' is defined at Sec. 541.606; and ``primary duty'' is defined at Sec. 541.700.

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[Title 29, Volume 3]
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From the U.S. Government Printing Office via GPO Access
[CITE: 29CFR541.201]

[Page 180]

TITLE 29--LABOR

CHAPTER V--WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 541_DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE,
ADMINISTRATIVE, PROFESSIONAL, COMPUTER AND OUTSIDE SALES EMPLOYEES
--Table of Contents

Subpart C_Administrative Employees

Sec. 541.201 Directly related to management or general business operations.

(a) To qualify for the administrative exemption, an employee's primary duty must be the performance of work directly related to the management or general business operations of the employer or the employer's customers. The phrase "directly related to the management or general business operations" refers to the type of work performed by the employee. To meet this requirement, an employee must perform work directly related to assisting with the running or servicing of the business, as distinguished, for example, from working on a manufacturing production line or selling a product in a retail or service establishment.

(b) Work directly related to management or general business operations includes, but is not limited to, work in functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; computer network, internet and database administration; legal and regulatory compliance; and similar activities. Some of these activities may be performed by employees who also would qualify for another exemption.

(c) An employee may qualify for the administrative exemption if the employee's primary duty is the performance of work directly related to the management or general business operations of the employer's customers. Thus, for example, employees acting as advisers or consultants to their employer's clients or customers (as tax experts or financial consultants, for example) may be exempt.

[[Page 181]]

[Code of Federal Regulations]
[Title 29, Volume 3]
[Revised as of July 1, 2006]
From the U.S. Government Printing Office via GPO Access
[CITE: 29CFR541.202]

[Page 181-182]

TITLE 29--LABOR

CHAPTER V--WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 541_DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE,
ADMINISTRATIVE, PROFESSIONAL, COMPUTER AND OUTSIDE SALES EMPLOYEES
--Table of Contents

Subpart C_Administrative Employees

Sec. 541.202 Discretion and independent judgment.

(a) To qualify for the administrative exemption, an employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance. In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct, and acting or making a decision after the various possibilities have been considered. The term ``matters of significance'' refers to the level of importance or consequence of the work performed.

(b) The phrase ``discretion and independent judgment'' must be applied in the light of all the facts involved in the particular employment situation in which the question arises. Factors to consider when determining whether an employee exercises discretion and independent judgment with respect to matters of significance include, but are not limited to: whether the employee has authority to formulate, affect, interpret, or implement management policies or operating practices; whether the employee carries out major assignments in conducting the operations of the business; whether the employee performs work that affects business operations to a substantial degree, even if the employee's assignments are related to operation of a particular segment of the business; whether the employee has authority to commit the employer in matters that have significant financial impact; whether the employee has authority to waive or deviate from established policies and procedures without prior approval; whether the employee has authority to negotiate and bind the company on significant matters; whether the employee provides consultation or expert advice to management; whether the employee is involved in planning long- or short-term business objectives; whether the employee investigates and resolves matters of significance on behalf of management; and whether the employee represents the company in handling complaints, arbitrating disputes or resolving grievances.

(c) The exercise of discretion and independent judgment implies that the employee has authority to make an independent choice, free from immediate direction or supervision. However, employees can exercise discretion and independent judgment even if their decisions or recommendations are reviewed at a higher level. Thus, the term ``discretion and independent judgment'' does not require that the decisions made by an employee have a finality that goes with unlimited authority and a complete absence of review. The decisions made as a result of the exercise of discretion and independent judgment may consist of recommendations for action rather than the actual taking of

action. The fact that an employee's decision may be subject to review and that upon occasion the decisions are revised or reversed after review does not mean that the employee is not exercising discretion and independent judgment. For example, the policies formulated by the credit manager of a large corporation may be subject to review by higher company officials who may approve or disapprove these policies. The management consultant who has made a study of the operations of a business and who has drawn a proposed change in organization may have the plan reviewed or revised by superiors before it is submitted to the client.

(d) An employer's volume of business may make it necessary to employ a number of employees to perform the same or similar work. The fact that many employees perform identical work or work of the same relative importance does not mean that the work of each such employee does not involve the exercise of discretion and independent judgment with respect to matters of significance.

(e) The exercise of discretion and independent judgment must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources. See also Sec. 541.704 regarding use of manuals. The exercise of discretion and independent judgment also does not include clerical or secretarial work, recording or tabulating data, or performing other mechanical, repetitive, recurrent or routine work. An employee who simply tabulates data is not exempt, even if labeled as a ``statistician.''

[[Page 182]]

(f) An employee does not exercise discretion and independent judgment with respect to matters of significance merely because the employer will experience financial losses if the employee fails to perform the job properly. For example, a messenger who is entrusted with carrying large sums of money does not exercise discretion and independent judgment with respect to matters of significance even though serious consequences may flow from the employee's neglect. Similarly, an employee who operates very expensive equipment does not exercise discretion and independent judgment with respect to matters of significance merely because improper performance of the employee's duties may cause serious financial loss to the employer.

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[Page 182-183]

TITLE 29--LABOR

CHAPTER V--WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 541_DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE,
ADMINISTRATIVE, PROFESSIONAL, COMPUTER AND OUTSIDE SALES EMPLOYEES
--Table of Contents

Subpart C_Administrative Employees

Sec. 541.203 Administrative exemption examples.

(a) Insurance claims adjusters generally meet the duties requirements for the administrative exemption, whether they work for an insurance company or other type of company, if their duties include activities such as interviewing insureds, witnesses and physicians; inspecting property damage; reviewing factual information to prepare damage estimates; evaluating and making recommendations regarding coverage of claims; determining liability and total value of a claim; negotiating settlements; and making recommendations regarding litigation.

(b) Employees in the financial services industry generally meet the duties requirements for the administrative exemption if their duties include work such as collecting and analyzing information regarding the customer's income, assets, investments or debts; determining which financial products best meet the customer's needs and financial circumstances; advising the customer regarding the advantages and disadvantages of different financial products; and marketing, servicing or promoting the employer's financial products. However, an employee whose primary duty is selling financial products does not qualify for the administrative exemption.

(c) An employee who leads a team of other employees assigned to complete major projects for the employer (such as purchasing, selling or closing all or part of the business, negotiating a real estate transaction or a collective bargaining agreement, or designing and implementing productivity improvements) generally meets the duties requirements for the administrative exemption, even if the employee does not have direct supervisory responsibility over the other employees on the team.

(d) An executive assistant or administrative assistant to a business owner or senior executive of a large business generally meets the duties requirements for the administrative exemption if such employee, without specific instructions or prescribed procedures, has been delegated authority regarding matters of significance.

(e) Human resources managers who formulate, interpret or implement employment policies and management consultants who study the operations of a business and propose changes in organization generally meet the duties requirements for the administrative exemption. However, personnel clerks who "screen" applicants to obtain data regarding their minimum qualifications and fitness for employment generally do not meet the duties requirements for the administrative exemption. Such personnel clerks typically will reject all applicants who do not meet minimum

standards for the particular job or for employment by the company. The minimum standards are usually set by the exempt human resources manager or other company officials, and the decision to hire from the group of qualified applicants who do meet the minimum standards is similarly made by the exempt human resources manager or other company officials. Thus, when the interviewing and screening functions are performed by the human resources manager or personnel manager who makes the hiring decision or makes recommendations for hiring from the pool of qualified applicants, such duties constitute exempt work, even though routine, because this work is directly and closely related to the employee's exempt functions.

(f) Purchasing agents with authority to bind the company on significant

[[Page 183]]

purchases generally meet the duties requirements for the administrative exemption even if they must consult with top management officials when making a purchase commitment for raw materials in excess of the contemplated plant needs.

(g) Ordinary inspection work generally does not meet the duties requirements for the administrative exemption. Inspectors normally perform specialized work along standardized lines involving well-established techniques and procedures which may have been catalogued and described in manuals or other sources. Such inspectors rely on techniques and skills acquired by special training or experience. They have some leeway in the performance of their work but only within closely prescribed limits.

(h) Employees usually called examiners or graders, such as employees that grade lumber, generally do not meet the duties requirements for the administrative exemption. Such employees usually perform work involving the comparison of products with established standards which are frequently catalogued. Often, after continued reference to the written standards, or through experience, the employee acquires sufficient knowledge so that reference to written standards is unnecessary. The substitution of the employee's memory for a manual of standards does not convert the character of the work performed to exempt work requiring the exercise of discretion and independent judgment.

(i) Comparison shopping performed by an employee of a retail store who merely reports to the buyer the prices at a competitor's store does not qualify for the administrative exemption. However, the buyer who evaluates such reports on competitor prices to set the employer's prices generally meets the duties requirements for the administrative exemption.

(j) Public sector inspectors or investigators of various types, such as fire prevention or safety, building or construction, health or sanitation, environmental or soils specialists and similar employees, generally do not meet the duties requirements for the administrative exemption because their work typically does not involve work directly related to the management or general business operations of the employer. Such employees also do not qualify for the administrative exemption because their work involves the use of skills and technical abilities in gathering factual information, applying known standards or prescribed procedures, determining which procedure to follow, or determining whether prescribed standards or criteria are met.

To: Carl Slaugh
From: Jared Cobb
Date: 4 January 2008
Subject: FLSA Classification Analysis

Introduction:

The following memo covers an analysis of the FLSA classification status of several positions with the city—Police Chief, City Clerk, Planning Director, and City Superintendent. Herein I will explain the basics of the three applicable FLSA exemptions, how the duties, responsibilities, and functions of each employee correspond with the exemption criteria, and will finish with a recommendation regarding the classification of each position.

FLSA Exemptions:

There are six exemptions in total (executive, administrative, professional, computer employee, outside sales, highly compensated employees) that are laid out in the legislation. However, only three apply to the positions in question. These are the executive, administrative, and professional exemptions. All three establish criteria for determining the classification of positions. It is also important to note that all criteria for each exemption type must be met for the position to be classified as exempt. A summary of each is provided below.

Executive Exemption

- The employee must be compensated on a salary basis (as defined in the regulations) at a rate not less than \$455 per week.
- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise.
- The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent.
- The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.

Administrative Exemption

- The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week.
- The employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers.
- The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

Professional Exemption

- The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week.
- The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment.
- The advanced knowledge must be in a field of science or learning.
- The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

Police Chief:

The executive exemption applies to the position of police chief. As stated in the position description, the police chief is responsible for the management, budget preparation, and the resolution of personnel issues, citizen complaints, and concerns of the police department. Therefore, the position satisfies all four principal criteria. The employee is compensated on a salary basis of more than \$455 per week, manages the affairs of the department, which consists of more than two full time employees, and personnel hiring or disciplinary recommendations are given particular weight by the Council.

City Clerk:

The position of city clerk should be classified as non-exempt. The position does not fall under the executive exemption because the employee is not responsible for the management of the organization, a department, or any subdivision thereof. Moreover, the position does not meet the qualifications for an administrative or professional exemption either. With regard to the former, the position does not require the exercise of discretion and independent judgment with matters of significance. Most of the essential position functions fall within the category of routine or procedural (e.g. payroll, recording council minutes, procurement). With the latter, the professional exemption, the position does not require a prolonged course of specialized intellectual instruction and thereby does not qualify for the exemption.

Planning Director:

The administrative and professional exemptions apply to the planning director. In this case two exemptions apply due to the multiple roles required of the position. While the planning director performs a number of administrative tasks, including, but not limited to preparing staff reports, writing legal notices, and advising developers of the most recent planning codes and city ordinances, the position also requires significant professional expertise. This expertise has been acquired through specialized intellectual instruction and thereby permits the director to exercise discretion, to make judgments, and provide recommendations to the planning commission and Council regarding planning related activities.

In sum, the planning director meets the qualification for both exemptions on the following grounds. The director receives more than \$455 per week in salaried compensation; primary duties involve the performance of work requiring advanced

knowledge and discretion, the advanced knowledge is in a field of science or learning (planning), the knowledge was acquired by a prolonged course of specialized intellectual instruction (BA degree in Planning), and the performance of office or non-manual work is directly related to the general business operations of the city. Furthermore, the executive exemption does not apply to this position because the planning director only supervises 1.5 full-time equivalents.

City Superintendent:

The city superintendent should be classified as a non-exempt position. While the position entails some executive and administrative duties, such as supervising and managing the operations of the wastewater, streets, parks, and other public facilities, these activities do not comprise more than 50% of the superintendent's time. To the contrary, a considerable amount of the work performed can be characterized as manual or technical in nature. Such activities include, but are not limited to, performing sewer line inspections, verifying inspections completed by each department, and assisting engineers with assigned projects. This alone eliminates consideration for the executive and administrative exemptions.

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider appointment of police chief.

Department: Administration

Background/Description of Item:

Police Chief Terry Horner applied for a medical retirement under Kansas Police and Fire rules. The request was approved effective December 15, 2007.

Lt. Lloyd Martley has been directing the affairs of the department on an interim basis pending a decision for replacement by the governing body.

Funding Source:

Recommendation: Consider selection and appointment of a new police chief for the City of Basehor.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: January 7, 2008

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approval to purchase a police vehicle with 2008 funds.

Department: Police

Background/Description of Item:

At the Dec. 3, 2007 city council meeting approval was given to purchase a new police vehicle in 2007 and one in 2008. The 2007 purchase has been completed. The details of the 2008 vehicle purchase, including the necessary equipment, is attached.

The total cost for the new Ford Crown Victoria is \$28,100 which includes a base price of \$23,000, plus a new light bar for \$1,800 and transfer of some existing equipment.

The police department has submitted a request to purchase one or two additional police vehicles to replace existing vehicles in the fleet. The City purchased a new vehicle in 2006 and one in 2007, both 2007-year model Crown Victoria Fords.

As of 10/31/2007 \$19,398 had been spent in 2007 police vehicle maintenance and repair costs (\$3,770.83 parts, \$15,628.70 vehicle/equipment maintenance & repair).

		Mileage (Nov. 1)
2007 Crown Vic	Unit 1	42,121
2007 Crown Vic	Unit 5	5,782
1999 Explorer	Unit 4	81,366

Vehicles to be replaced:

2001 Crown Vic	Unit 3	168,474	traded in on 2008 Crown Vic
2003 Crown Vic	Unit 2	142,228	(blown engine) – traded in on 2008 vehicle

	Base	Base + Equip
2008 Crown Vic	\$22,149	\$26,949
2008 Chevy Impala	\$24,346	\$29,046
2008 Dodge Charger	\$23,500	\$29,200

Note (Jan. 10, 2008): the two vehicles recently purchased came in under the amounts approved by the city council (see attached).

Funding Source: Police

Recommendation: Approve purchase of one new 2008 Crown Victoria police vehicle plus equipment for an amount not to exceed \$28,100.

Prepared by: Carl E. Slaugh, City Administrator
 Council Date: January 7, 2008

2008
Ford Crown Victoria

2008 Vehicle	22,149.00
2001 Trade-in	-1,000.00
Removal of equip from 2001 Install of equip in 2008	2,000.00
Purchase of new light bar	1,800.00
Vehicle lettering for new 2008	570.00
Misc. wiring/programming	400.00
Total purchase for 2008 vehicle	25,919.00

Summary for purchase of 2008 Crown Victoria

2008 Vehicle	22,149.00
2003 Trade-in	-1,200.00
Removal of equip from 2003	247.50
Install of equip in 2008	1,543.25
Purchase of new light bar	1,500.00
Vehicle lettering for new 2008	570.00
Total purchase for 2008 vehicle	24,809.75
Council allowed	27,000.00
Savings of	+2,190.25

AGENDA ITEM INFORMATION FORM

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