SCANNED
2-28-08

Minutes

BASEHOR CITY COUNCIL
January 7, 2008
(rescheduled to January 10, 2008)
6:00 p.m.
Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Pres. Terry Thomas, Iris Dysart, Terry Hill, Keith Sifford, and Jim Washington
Members Absent: none

Staff Present: Carl Slaugh, Mary Mogle, Lloyd Martley

Newspaper: Joel Walsh, *Basehor Sentinel*

WORK SESSION – 6:00 p.m.

No work session was held at this meeting.

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

All members present. The city attorney was not in attendance.

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 (none)
d. Approve calendar of events

Mayor Garcia requested discussion and possible action regarding a resolution concerning the 24-40 Corridor be added to the agenda.

A motion was made by President Thomas and seconded by Councilmember Hill to add the letter (24/20 Highway) as item "b" to Schedule Discussion Items. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

Council reserved the right to make a motion to add the resolution to Business Items based on their discussion during Scheduled Discussion Items "b".

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the Consent Agenda. Discussion followed.

Council requested the following corrections be made to the December 17, 2008 minutes:

Councilmember Dysart stated she voted against the motion on Business Item "b" (page 9) and not Councilmember Hill.

President Thomas requested the spelling of the city attorney's name be made to read "Patrick" (page 8, Business Item "a")

President Thomas stated the minutes should reflect that a motion was initially made to pay H. E. Miller & Son with a retention of 5% and that the motion was withdrawn and a second motion made to pay the invoice in full (page 14, Business Item "g").

Councilmember Thomas questioned the expenditure (Check #14895) to Sunflower Broadband in the amount of $282. Lt. Martley explained Sunflower Broadband reset their printers and set up an Internet system dedicated to the police department.

Councilmember Washington questioned the price of the light bar for new police unit noting it was his understanding the police department would use all the equipment, including the old light bar on the new car. Lt. Martley stated all equipment, except the light bar, was moved to the new vehicle. He noted the cost of the light bar was shown on his original bid submission.

Councilmember Dysart questioned the expense of the 100 LCD picture frames. Councilmember stated those were used as "Thank You" gifts at the holiday party.

President Thomas felt it was necessary to discuss the budget at the next work session. Council agreed.

A roll call vote was taken with all members voting in favor. Motion passed 5-0.

CALL TO PUBLIC

Members of the public are welcome to use this time to comment about any matter relating to City business that is listed on this Agenda. The comments that are discussed under "Call to Public" may or may not be acted upon by the Council during this meeting. There is a five-minute time limit. (Please wait to be recognized by the mayor then proceed to the podium; state your name and address).

a. Citizen Comments Regarding Agenda Items

Bill Hooker, Iron Creek Homeowners Association, appeared before the Council to discuss drainage issues in Iron Creek Subdivision. Mr. Hooker felt the City had some involvement in their drainage issues and would like to work with the City to eliminate their problems since the Iron Creek Homeowners Association could not afford to have the work done. He requested the right to discuss the matter further during Scheduled Discussion Item "a".

Mayor Garcia agreed to grant Mr. Hooker and Mrs. Cramer that right to speak later.

SCHEDULED DISCUSSION ITEMS

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

Mr. Slaugh reported there are four areas with drainage concerns, Pinehurst, High Point Downs, Iron Creek and Leavenworth Road.

Leavenworth Road (north side of road near 15806)
Mr. Slaugh stated, although the detention pond in Metzger Meadows was performing properly, he received complaints on the size of the pipes coming out of Metzger Meadows. Pictures of the water issues were shown in a PowerPoint presentation. Mr. Slaugh reported it would cost approximately $30,000 to put pipe in the ground and bury it.

Carole Cramer reported Council needed to view her backyard. Her fence has shifted, dirt at the base of her tree was eroding, dirt was pulling away from foundation, and now has cracks in her driveway. Drainage from the school, Metzger Meadows, and north comes down to her property.

Councilmember Dysart noted on February 23, 2007, the city engineer did a cost estimate to fix Mrs. Cramer's problem. (Councilmember Hill stepped down from the podium – 8:01 p.m./ returned at 8:05 p.m.) It was her understanding once the property owners corrected their problems, the City would address the drainage.

Mayor Garcia reminded Mrs. Cramer that all the property owners were notified of problems they needed to correct. One property owner has not complied. President Thomas stated the plan was that if all property owners comply by taking all obstructions down, the City would address the drainage issue.

Roger McDowell stated the volume of water coming through his back yard was more controlled, however, the velocity coming through the Cramer's property has gotten much worse.

Mr. Slaugh said the question was at what point the City had an obligation to correct drainage issues when they are caused by the natural flow of water. Mrs. Cramer explained she did not have the level of problem when she moved in 14 years ago. Councilmember Sifford

noted the area has been an ongoing problem. Mr. Slaugh noted the plan was to remove the obstructions and lay rock in the ditch. The city superintendent has estimated it would take about $10,000 in rock to eliminate some of the problems.

Pinehurst Subdivision (south of 15509 and 15505 Crimson Street near lift station)
Mr. Slaugh reported the area in question had a small stream that flows continuously. Concerns included unsightly appearance and standing water. He explained the land was currently owned by the developer; however, it was in the process of being transferred to the Homeowners Association. It was estimated that it would cost around $9,800 to lay rock along 110 linear feet in the utility easement and was the responsibility of the developer. City crews would continue to weed eat the area next to the lift station.

High Point Downs (next to David Browns residence)
Mr. Slaugh reported east of Mr. Brown's residence (Country Meadows Subdivision) was a 30 ft. drainage easement that had been excavated and pipes laid during the construction of High Point Downs subdivision. After construction, Mr. Brown was unable to use all of his property. In an effort to rectify the situation the City had two options; (1) extend the 4 ft. oval tube to the end of the block, or (2) to the end of Mr. Brown's property. The cost would be approximately $100 per linear foot. Mr. Slaugh explained former city attorney John Thompson stated the City was in their right to use the drainage easement.

Council discussed the design of the ditch and pipe, size of rock used, and final punch list prior to acceptance of the subdivision. A question posed was what staff member had the authority to make changes to construction design, whose responsibility is it to see that the punch list is accomplished, and what triggered the start of a maintenance bond.

Councilmember Sifford reported the situation with Mr. Brown's property was a morale issue. Although he agreed with the city attorney, he thought past practice was that the City restored property back the way it was prior to construction and recommended correcting Mr. Brown's situation.

Councilmember Washington said he thought design philosophy was to build retention ponds and have water released at a controlled rate. Mr. Lutgen stated that was the ultimate goal; however, an area could have several drainage areas within the development to maintain the flow.

Councilmember's Sifford and Hill agreed the project should be put back the way it was prior to construction. Councilmember Dysart reported Janelle Phillips, Landplan Engineering, informed her it was the contractor's liability since the project has not been signed off by the City.

Mr. Lutgen reported if the contractor followed the construction drawings, the contractor would have cut more into Mr. Brown's yard.

Mr. Slaugh suggested getting a quote for additional piping. President Thomas asked if that would push the problem further south. Mr. Slaugh noted property owners further south originally had a ditch.

Councilmember Dysart asked whose responsibility it was to maintain the ditch. Mr. Slaugh noted that was a question for discussion. Mr. Slaugh explained generally the City does not maintain drainage ditches.

President Thomas stated he would like to go back to the developer and address the punch list. Councilmember Dysart asked that the construction drawings be reviewed also. She noted the two pipes were not the same size and has created a sink hole. Mr. Lutgen said the city superintendent accepted the different size pipes and had the contractor pour concrete over the area where the pipes joined. Councilmember Dysart was concerned that the bond company would not cover something that was not included in the maintenance bond.

Iron Creek Subdivision (large drainage basin that runs through the subdivision)
Mr. Slaugh showed a picture of a ditch holding water that Mr. Hooker felt was part of Iron Creek's problem. The question remained if the work at High Point Downs changed or altered the drainage of Iron Creek.

The city administrator was directed to have the city attorney research the City's responsibility for correcting the drainage problems.

Councilmember Washington reported the City met with City of Bonner Springs regarding storm water drainage and felt at some point the City should have a storm water management study performed. Council agreed a study would be beneficial.

b. Discussion regarding 24-40 Corridor Study

Ed McIntosh (15315 Briar Road) explained, he along with other area business owners, submitted a letter concerning the management and signalization of the 24/40 Corridor. They presented the following recommendation:

- 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 ordera:
    - 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.
    - 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.

Mr. McIntosh requested the city administrator or mayor draft a letter to KDOT to leave 155th Street as a signalized intersection. He explained he was unable to move forward with the grocery store until this matter was resolved.

President Thomas suggested adding the fire department and police department to the third paragraph of the resolution. Council agreed.

Mr. Slaugh stated he would be presenting the letter and resolution to the 24-40 Corridor management committee on January 28th. It was his hope that the committee would endorse the letter of recommendations and resolution. If approved, the documents would be forwarded to KDOT for consideration.

Council discussed traffic patterns and future plans. Mr. Slaugh reported he was hoping to receive KDOT funding to improve 150th Street.

Mr. Slaugh reported the County has agreed to endorse the revised resolution.

A motion was made by Councilmember Washington and seconded by President Thomas to add resolution 2008-01 as revised on the agenda as Business Item "g". A roll call vote was taken with all members voting in favor. Motion passed 5-0.

5 minute break (8:25 p.m.)

Mayor Garcia called the regular meeting back to order at 8:30 p.m.

BUSINESS

a. Consider corrected ordinance setting sewer connection and monthly maintenance fees (approved 12/17/07 – corrections to be approved 1/7/08)

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to approve the ordinance as submitted. Discussion followed. Councilmember's Sifford and Dysart stated they were not in favor of increasing the monthly fees by 2.5%, but was in favor of increasing the connection fees by $250 annually. A roll call vote was taken with members Thomas, Hill, and Washington voting in favor. Members Sifford and ~~Dysart~~ *Thomas (amended 1/24/08)* voted nay. Motion passed 3-2.

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

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the payment of $22,702 to Kansas Municipal Insurance Trust for Worker's

Compensation as presented. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

c. Ordinance amending code on truck traffic (request for restriction on Donahoo Rd)

Mr. Slaugh reported the proposed ordinance was prepared by the city attorney along with supporting documentation. The ordinance called for the prohibition of any vehicle with a weight of 4 tons or more excluding vehicles making deliveries such as UPS and postal vehicles. President Thomas asked how farm equipment would be handled. Mr. Slaugh noted if there was no other way out of the field, the farmer could access the road. Council discussed different weights of vehicles. President Thomas suggested changing the ordinance to read "commercial vehicles over 4 tons".

A motion was made by President Thomas and seconded by Councilmember Washington to table action for further review. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

d. Consider proposed 2008 wage adjustments for city employees.

A motion was made by Councilmember Washington and seconded by President Thomas to table action until the city attorney could be present and pay information be provided by the city administrator as previously requested. Discussion followed. Councilmember Sifford questioned if the reason for tabling action was in regards to exempt verses non-exempt positions. Councilmember Washington stated he had just received the packet from the city attorney and had not had time to review its contents. President Thomas stated he would vote for tabling action with the understanding raises would be retroactive. Council agreed. A roll call vote was taken with all members voting in favor with the exception of members Sifford and Hill. Motion passed 3-2.

e. Consider approval to purchase police vehicle and equipment.

Lt. Martley explained he was able to purchase the vehicle in December 2007 for $2,190.25 less than originally bid. The purchase of the new vehicle in 2008 would cost approximately $25,919.00.

A motion was made by Councilmember Sifford and seconded by President Thomas to authorize the purchase of a 2008 Crown Victoria police car and equipment not to exceed $26,000. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

f. Consider appointment of police chief.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to appoint Lloyd Martley as the new police chief. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

g. Consider a resolution supporting retention of the signal light at 155th and 24-40.

A motion was made by Councilmember Sifford and seconded by President Thomas to approve the resolution as amended (to include fire station and police department in the third "Whereas" section). The city administrator questioned if Council wished to change 174th Street to 178th Street based on a recommendation by Councilmember Hill. Councilmember Sifford amended his motion to change 174th Street to 178th Street. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

CITY ADMINISTRATOR REPORT

a. Schedule Strategic Planning session

- Mr. Slaugh suggested scheduling a Strategic Planning Session for February 23, 2008 from 8:00 a.m. to noon. Council agreed.

- Meeting with Leavenworth County Commissioners and staff on Monday, January 28, 2008 at 10:00 a.m. to discuss 24/40 Corridor issues.

- Next Work Session will be January 14, 2008.

- Next regular meeting ~~will be~~ *was* moved *from January 21, 2008 (amended 1/24/08)* to Thursday, January 24, 2008 due to Martin Luther King Day holiday.

- Pinehurst South Subdivision has some platting errors. In an effort to resolve the matter, the City agreed to pay $1,000 and the property owners would match the $1,000 cost to have the property resurveyed and paperwork drawn up.

  Councilmember Dysart asked why the city would pay since they did not cause the platting errors and did not support the City paying to correct the platting errors if they were not the one who caused the problem. Mr. Slaugh stated there was a question as to the City's liability for issuing building permits.

  A motion was made by Councilmember Dysart and seconded by President Thomas to deny the payment of $1,000 to correct platting errors in Pinehurst Subdivision. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

  Councilmember Washington asked at what point siting errors develop and questioned if the building inspector checks the survey stakes. Mr. Slaugh reported the inspector has no way to certify where the house is placed and in some cases survey pins are either removed or covered up during excavation.

- County Issues – Mr. Slaugh stated he was working with the County regarding decommissioning of the lagoons at Glenwood Estates explaining there was an issue regarding the alignment of the sewer line and hope to resolve the issue by the third meeting in January. The city administrator reported the Cedar Lakes financing issues have not been resolved and would continue to work with the County to resolve the matter.

- Requested time in Executive Session to discuss non-elected personnel pertaining to the police chief's position and acquisition of real estate and requested Mike Hooper be included.

- Regional Airport – President Thomas requested an update on the status of the regional airport. Mr. Slaugh reported at the last meeting the committee discussed a draft resolution addressing cost and funding for Phase I. The FAA would not fund a second feasibility study, but may possibly reimburse partial cost of the second phase after the fact. Potential cost to the City for a study would be $3,000-$4,000.

MAYOR'S REPORT

Received email from a property owner in Pinehurst regarding sidewalks. Mr. Slaugh reported he forwarded that request to the planning director. There was a question when sidewalks should be installed; when the subdivision was constructed or when a driveway was installed. Councilmember Washington stated there was a issue in Prairie Gardens where the developer did not build sidewalks and it was left up to the property owners.

President Thomas said the spirit of the law was to put sidewalks in early so it would help to sell property.

Mayor Garcia reported he received a call regarding a school bus parked in an alley way west of 155th Street, south of Maple Street. Lt. Martley said that no one should park in an alley unless they were loading or unloading. He went on to explain the question was the location of where the alley actually was because, over time, the location of the alley has shifted. Lt. Martley confirmed with the planning director that the alley was owned by the City.

Mr. Mertz explained the bus driver requested permission from him to park her bus behind his building and that he agreed in an effort to be a good neighbor; however, the property owner to the west of his property was unhappy that the bus was parked in that location. Mr. Martley reported after being notified of the problem, he investigated the matter, and found that the bus was parked on the alley and felt the bus was an eyesore to the area. Mr. Mertz stated he would leave it up to the police department as to whether the bus could continue to park in that location.

COUNCIL MEMBER REPORTS

Iris Dysart

Councilmember Dysart stated she expected an ordinance for collection of upsize fees for Pinehurst Lift Station to be on this agenda and asked if Glenwood Estates would be included in the area assessed. Mr. Slaugh reported he was working with the city attorney and city engineer to work out a per lot fee rather than based on flow. Mr. Lutgen stated he thought it did include Glenwood Estates.

Councilmember Dysart requested the Casey's issue be added to the January 14th work session. Council agreed.

Councilmember Dysart questioned if Westar Energy had approved placement of flag brackets for the VFW flags. Mr. Slaugh reported Westar Energy had approved the placement of the brackets and required the brackets to be at least 10 ft. from their power lines. Councilmember Dysart commented the VFW appreciated the City's $1,000 donation.

Terry Thomas

President Thomas suggested addressing an ordinance regarding a smoking ban in businesses within the city limits.

Keith Sifford

In March 2007, KDOT had agreed to install rumble strips on 158th & 24/40 Highway; however, that has yet to be done. Councilmember Sifford urged the City Council to continuing working toward the installation of the rumble strips.

Mayor Garcia noted the KDOT representative that agreed to put in rumble strips has retired. He noted the city superintendent went out for bids and was unable to find a contractor that wanted to do the project.

The city administrator was directed to see if public works staff could put in rubble strips on 158th Street.

Councilmember Sifford stated he wanted to go on record that he was as frustrated as the property owners with drainage issues. He explained it was not an easy fix when you start with a board and then, through election, you have new board members and different staff. Council also has to take into consideration budget and legalities of projects.

Jim Washington

Councilmember Washington said he wanted to compliment the new police chief for addressing a street light out at the southwest corner of 158 & 24-40 Highway.

EXECUTIVE SESSION

a. Consideration of non-elected personnel matters.

A motion was made by President Thomas and seconded by Councilmember Dysart to convene into executive session for up to 25 minutes to discuss non-elected personnel regarding the police chief and 15 minutes to discuss acquisition of property. A roll call vote was taken with all members voting in favor. Motion passed 5-0. (9:32 p.m.) Mike Hooper attended part of the Executive Session.

Mayor Garcia called the regular meeting back to order at 9:50 p.m.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to set the police chiefs pay at $24.27 per hour. 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 Councilmember Sifford and seconded by Councilmember Dysart to adjourn the meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 9:57 p.m.

Submitted for Council approval with/without corrections or additions this 24th day of January, 2008.

Mayor Chris Garcia

SEAL OF THE CITY OF BASEHOR, KANSAS
CORPORATE
SEAL

Attest:

Mary A. Mogle, City Clerk