

Minutes

BASEHOR CITY COUNCIL

January 24, 2008

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

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

Members Absent: Terry Hill

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

Newspaper: Lara Hastings, *Basehor Sentinel*

WORK SESSION – 6:00 p.m.

The work session was called to order with all members present with the exception of Councilmember Hill. The city attorney was not in attendance.

1. Review 2007 Year End Budget Report

City Administrator Carl Slaugh gave a report of revenue and expenditures for year 2007. He noted revenue overall was up and sales tax was down by 1%. The Sewer Fund changed due to Chestnut lift station improvements not being completed. Two projects, Hollingsworth Road and 147th Street, were completed from funds in the Consolidated Highway Fund. For planning purposes, positive population growth and steady building construction maintained an increase in revenue. He explained with increasing need for maintenance and equipment in the street department, consideration would be given to purchase necessary equipment or continue to outsource.

Councilmember Washington asked if there were reserve limitations in the Equipment Reserve fund. Mr. Slaugh stated he was unaware of any limits, but would research his question.

President Thomas questioned why Sales Use tax revenue was down and why Developer reimbursements were down from the projected \$150,000 to actual \$47,000. Mr. Slaugh stated he was unaware of the cause for the decline. President Thomas thanked the city treasurer for providing the information.

1. Discussion regarding agenda items.

a. Consider 2008 Wages and Adjustments

Intern Jared Cobb reported, based on past discussion, he made the necessary adjustments to bring the Step and Position Ranges in sync. Mr. Slaugh commented when pay plans are discussed, there is always a perception that there is a biased opinion; noting it was nice to have the intern work on the project. He addressed the matter of exempt and non-exempt positions noting the city attorney provided recommendations as well as an analysis provided by Mr. Cobb. Currently there are two positions exempt, the city administrator and chief of police.

Councilmember Washington stated it was his opinion the planning director would qualify as a highly trained professional and uses independent judgment. He still needed to research the police chief's job as being an emergency responder position. The city superintendent non-exempt status was questioned as well.

President Thomas stated he did not feel the planning director qualified; however, there was a question if the city superintendent spent the majority of his time managing. Mr. Slaugh explained if the city superintendent spent more than 20% in the field, he would qualify for non-exempt. Currently Mr. Myracle spends about 50% of his time in the field and the other 50% in the office. The city administrator reported the city attorney advised if there were a judgment call, it would be advisable to err on the side of the employee. Council reviewed Bonner Springs positions currently classified as exempt and non-exempt. The study was performed by consulting agency Austin Peters Group in year 2004.

Mr. Slaugh asked if there were any questions regarding the other part of the pay plan. President Thomas stated he agreed with how the range and scale were designed. Councilmember Dysart asked if the scale would bring the positions in range or below. He explained how the pay range and scale worked and noted the proposed adjustments would bring Basehor up to 5% below the area average.

Councilmember Washington stated he did not have any problem with the proposed adjustments on page 1; however, he had exceptions to several pay proposals on the second page. He had exception to the city administrator receiving a pay increase at this time since he was a contract employee and should not receive an increase until May. Mr. Slaugh noted his starting date was in March and that was a council decision. Councilmember Washington said he also had an exception with the adjustments for the city clerk and city superintendent. He stated he would not have a problem with the adjustments if those employees were changed to exempt status. Councilmember Washington commended the supervisors for managing overtime budgets. President Thomas stated overtime was not an issue. Council discussed benefits provided to full-time employees. The City was competitive with area cities and paid out approximately 1% under the area cities. Resident Dennis Mertz provided a November 2007 FLSA update.

b Clarification of condition #17 from the City Council approval that required an "additional street connection at Crestwood Drive".

Planning Director Dustin Smith reported Item "b" was a result of a meeting he had with representatives from Affinity Development, Basehor Town Center. During this meeting, they

discussed access issues and how the street layout would work with the proposed elementary school and grocery store, as well as, Condition #17 which required the developer to connect Crestwood Drive. Mr. Smith explained the developer felt Condition #17 would cause design issues, primarily with the grocery store. But Mr. Smith thought he was clear, with the recommendation to the City Council and Planning Commission relating to the "street connection at Crestwood Drive.

Mayor Garcia expressed concern that the fire department would not be able to service the area based on the developer's proposal. Councilmember Washington contradicted Mr. Smith's report explaining some data was incorrect and supported the developers plan.

Brett Napier, engineer for Affinity Development, commented the plan shown was strictly a land plan and not the final plan and has not been engineered. Mr. Duncan reported he would be improving 155th Street to three lanes and did not feel it would be necessary to extend Crestwood Drive.

Mr. Slauch clarified the question; should Crestwood Drive extend east of 155th Street as a public through street or only an entrance to a grocery store parking lot.

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

All members present with the exception of Councilmember Hill. 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. January 7, 2008 Work Session and Regular Meeting
 2. January 14, 2008 Work Session
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

A motion was made by President Thomas and seconded by Councilmember Sifford to adopt the Consent Agenda with corrections. Discussion followed. President Thomas asked that (page 8) Business "a" of the January 7th minutes reflect that he voted against the motion and Councilmember Dysart voted in favor. He also requested (page 10) of the city administrators report should state "The next regular meeting was moved from January 21st to January 24th". Councilmember Dysart asked that the top of page 1 be changed to read "Minutes" rather than "Agenda". She also requested the February retreat be added to the monthly calendar of events. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

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

John Flower (15515 Cedar Lane) addressed the issue regarding Crestwood Drive. He explained Mr. Duncan indicated that Crestwood was a leap street and moves in connection with Elm on the west side and Elm was one of those streets that was designated to go to 158th Street as part of the through street on the west side of town.

Dennis Mertz (2905 N. 155th St.) thought the City discontinued services with Springsted. He noticed the Vendor Report showed a check being issued to them. Mr. Slaugh reported the first check was voided, the bill reduced, and reissued in the amount of \$385.71 for two hours of consulting. He also did not feel the city administrator's wages should be shown on the employee pay plan nor receive an increase in deferred compensation since he is a contract employee. He felt the police chief position should be a non-exempt position and the pay plan should reflect the new wage of \$24.27 decreasing the proposed adjustments to \$84,977.36. He supported Chief Martley's recommendation to take home vehicles and spoke in opposition of Ordinance 525 explaining from time to time he would be in violation of the proposed ordinance and requested the weight be increased to 26,000 pounds or prohibit vehicles with air brakes.

George Smith (14923 Parallel) supported the recommendation to allow police officers who lived in the City or in close proximity taking home vehicles and increasing the weight of vehicles from 12,000 to 26,000 pounds on proposed Ordinance 525.

Public portion of the meeting closed.

SCHEDULED DISCUSSION ITEMS***a. Discussion regarding ordinance prohibiting smoking in commercial and public places.***

Mr. Slaugh reported the proposed ordinance was based on ordinances adopted from the cities of Leawood, Lawrence, and Overland Park.

Councilmember Sifford agreed it would be easier to impose this ordinance at this time. (*amended 2/04/08 – Councilmember Sifford felt the City should wait until a State law was enacted.*) President Thomas said his intent was to have each business designate if they wished to allow smoking in their establishment. Council discussed if the State of Kansas would impose a statewide smoking ban in public places in the near future. If so, it would not be necessary for the City to adopt one at this time. There were no further recommendations to the ordinance at this time.

BUSINESS***a. Consider 2008 Wages and Adjustments***

Councilmember Washington suggested Council approve the wage increase of 5% shown in column 2 and 3 and approve adjustments on page 1 and hold off on adjustments for positions 6 through 10. He felt 5% in today's economy was very strong since the County recently gave a 1.5% increase.

Councilmember Washington said he had no problem with the pay scale and thought it was a good piece of work and suggested adopting it.

President Thomas stated he would also add that the city administrator's pay adjustment take place concurrent with his contract but the pay scale would be fine and the issue of exempt and non-exempt was a mute point. Councilmember Washington noted some adjustments on the second page were high.

Mr. Slauch asked when step increase should take place, January 1 of each year or on the employees hire date. President Thomas stated he felt it should be on their anniversary date until staff became larger. Council agreed this year would be enacted at the first of the year and every year thereafter, employees would receive step increases on their anniversary date in conjunction with their annual review.

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the 2008 wage adjustments effective the first pay period in 2008 with the caveat that the city administrators adjustments coincide with his contract. Discussion followed. Councilmember Dysart had a problem with certain employees receiving large increases since the city does not have the commercial tax base to support some of the increases. President Thomas stated if the City wanted parity among the employees, they could not discriminate just because they felt it was too high; however, some employees are further behind than other employees. Mayor Garcia said you could not penalize some employees and that certain positions have been underpaid for several years. A roll call vote was taken with members Thomas and Sifford voting in favor. Members Washington and Dysart voted nay. Mayor Garcia broke the tie by casting a vote in favor. Motion passed 3-2.

b. Clarification of condition #17 from the City Council approval that required an "additional street connection at Crestwood Drive".

Councilmember Sifford said he researched past meetings of August and September 2007 where discussions took place about the proposed development. According to the minutes, a motion was made to approve a resolution that Street B (Crestwood Drive) would intersect with the existing Crestwood Drive in an effort to maintain continuity. The proposed request was not with the intent and recommended making Crestwood a through street.

Councilmember Dysart referred to the August 7, 2007 Planning Commission minutes. She felt Crestwood was a “glorified cul-de-sac” and saw no reason for it to extend east of 155th Street. Councilmember Sifford stated he felt when Council reverses a decision, it sets a bad precedent. He reported street continuity was very important and the City should not allow exceptions.

Councilmember Washington said Crestwood Drive was not critical to the traffic pattern and did not feel it was necessary to make the developer redesign his proposed plan. Councilmember Sifford said as far as he was concerned; the only person that did not understand what was expected of the developer after the September 6th meeting was the developer. It was the intent of the Council that the street extend east to B street. Mayor Garcia felt there would be a major stacking problem with drivers accessing the retail area. Councilmember Dysart said the developer agreed to extend Crestwood Drive and drivers could access the development north. Mayor Garcia noted Crestwood Drive would not be a street, but used as a driveway. Councilmember Washington read a statement from staff report noting the developer was improving approximately 1600 ft. of 155th Street. President Thomas stated he did not recall agreeing to the requirement of the extension of Crestwood as a through street. Mr. Smith said the intent was Crestwood Dr. would be an improved street. After further thought, President Thomas remembered the reason Council required the developer to extend Crestwood Drive was for adequate access to the grocery store.

A motion was made by Councilmember Sifford and seconded by President Thomas to uphold the original approval of the ordinance and the intent to connect Crestwood Drive as a through street as recommended by staff. Discussion followed. Councilmember Washington stated the motion was not clear and should be more specific. Mr. Slauch recommended restating the motion to approve staffs recommendation to require the connection of Crestwood (Street B on the Preliminary Development Plan) as an actual city street and not a parking lot access road and align with the existing Crestwood Drive. Councilmember’s Sifford and Thomas amended their motions to approve the recommendation as so stated by the city administrator. Discussion followed. Councilmember Washington stated the previous minutes did not mention anything on the issue and read the motion from previous minutes. President Thomas reported minutes are not verbatim. Councilmember Sifford said the intent of Council was to make Crestwood Drive a through street. A roll call vote was taken with members Sifford and Thomas voting in favor. Members Washington and Dysart voted nay. Mayor Garcia broke the tie by voting in favor. Motion passed 3-2.

c. Approval of revised ordinance containing corrected legal descriptions and clarification language amending the Zoning Ordinance of the City of Basehor, Kansas by rezoning certain property in the City of Basehor, Kansas for Basehor City Center from CP-1, Neighborhood Business and R-O, Suburban Residential to MU-2, Mixed-Use General and PR, Planned Residential and a Preliminary Development Plan.

Councilmember Washington once again pointed out the staff report contained incorrect data and recommended tabling action.

A motion was made by Councilmember Washington and seconded by President Thomas to table action. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

d. Pinehurst Lift Station Upsize Fees – consider proposed ordinance

A motion was made by Councilmember Washington and seconded by President Thomas to approve the ordinance as written. Discussion followed. Councilmember Dysart asked if a special fund should be created in order to track the fees. President Thomas commented he would not recommend setting up a special fund since the up-size fees were only \$46,000. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Council discussed if Mr. Haley (Briarwood Subdivision) should pay the up-size fee. It was decided that Mr. Haley had agreed to pay the up-size fee when he met with Council regarding his connection to the City's sewer system.

e. Police Department Vehicle Policies

Chief Martley reported the police department and public works departments keep all vehicles in the city garages when not in use. He recommended city staff be allowed to take vehicles home if they live within a five-mile radius. He explained the City's Emergency Operation Plan does not recommend having all city vehicles in one location. This would allow staff to respond to calls quicker.

President Thomas asked if insurance cost would change if the vehicle was housed elsewhere. Chief Martley stated he checked with several insurance companies and they informed him there would be no additional cost. President Thomas suggested drafting a policy and then the Council act on the policy.

A motion was made by President Thomas and seconded by Councilmember Sifford to table action until a policy was written and present back to council for approval. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Chief Martley informed the Governing Body that police officer Bob Van Cleave was promoted to the position of Corporal effective January 26, 2008. (The city clerk administered Oath of Office to Corporal Van Cleave at the close of the meeting.)

f. Consider ordinance amending code on truck traffic.

President Thomas said he did not like the way the ordinance was written since it made reference to Falcon Lakes Parkway and Donahoo. Mr. Slaugh stated the ordinance should state residential streets and eliminate Falcon Lakes Parkway. *(Tape 2, Side A)*

A motion was made by President Thomas and seconded by Councilmember Sifford to table until corrections could be made. Discussion followed. Councilmember Sifford felt the weight limitation should be discussed further and possibly increased. Chief Martley stated he was informed by the Department of Motor Vehicle that most trucks are licensed at 12M unless it would be a commercial vehicle. Twelve Thousand pounds would include the weight of the truck, any trailer you pull, and anything that's in the truck; however, once something such as a

bobcat was attached, it would exceed the 12M limit. Chief Martley was unclear what the Council's intent was by passing the ordinance. President Thomas stated the intent was that if the truck, trailer, and bobcat had a destination in the area that would be allowed; however, if someone wanted to drive up and down the street for no apparent reason; that would violate the ordinance. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Staff was directed to research weigh limitations and make necessary corrections to the proposed ordinance.

CITY ADMINISTRATOR REPORT

- *24/40 Corridor Management Issues* – The city administrator informed the Council he would be meeting with Leavenworth County Commissioners on Monday at 10:00 a.m. to discuss 24/40 issues and signalization. KDOT informed the committee their ultimate goal was to have one-mile signalization. However, they would agree to allow the signal at 155th Street to remain for an interim period of time, contingent that once reverse frontage roads were in place, the signal light at 155th Street would be removed. KDOT said if the City wanted to keep all the lights permanently, KDOT would not be able to fund improvements through corridor management funds. President Thomas said he did not have a problem with “interim” since that could be for years before all the frontage roads were complete. Mr. Slaugh reported discussion would take place with the County regarding signalization at 166th and 178th.
- *Strategic Planning Session* – Mr. Slaugh reported he would be mailing out a survey prior to the session asking Council to prioritize projects and goals. President Thomas suggested Council attend the VFW breakfast rather than having the breakfast catered. Mr. Slaugh stated he would check to see if the VFW would be serving breakfast on February 23rd. Mayor Garcia reported he would not be able to attend the entire session due to a family commitment.

MAYOR'S REPORT

Chamber Membership Meeting – Mayor Garcia thanked the city administrator and intern Jared Cobb for compiling the PowerPoint presentation and the city clerk for organizing the meal.

COUNCIL MEMBER REPORTS

Keith Sifford

Councilmember Sifford suggested the Strategic Planning Session be rescheduled since the mayor was unable to attend. Council agreed. The city administrator would provide another date at the next meeting. He also commended the Basehor-Linwood Bobcats for their recent win at the Bobcat Invitation.

Terry Thomas

President Thomas thanked staff for the informative reports and appreciated the timely manner they were provided.

EXECUTIVE SESSION

a. Consideration of non-elected personnel matters.

None held.

ADJOURNMENT

There being no further business to discuss, a motion was made by President Thomas and seconded by Councilmember Sifford to adjourn the meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 8:25 p.m.

Submitted for Council approval with/without corrections or additions this 4th day of February 2008.



Chris Garcia, Mayor

Attest:


Mary A. Mogle, SMC, City Clerk