

SCANNED

6-25-08

CD

Minutes

BASEHOR CITY COUNCIL

June 2, 2008

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia**Members Present: Pres. Iris Dysart, Terry Hill, Keith Sifford, and
Jim Washington****Members Absent: Roger McDowell****Staff Present: Carl Slaugh, Mary Mogle, Dustin Smith, Lloyd Martley, Patrick
Reavey****WORK SESSION - 6:00 p.m.**

The work session was called to order with all members present with the exception of Councilmember McDowell. The city attorney was in attendance.

1. Discussion of agenda items.***b. Consider approval of equipment bids for the Wastewater Treatment Plant expansion.***

City Administrator Carl Slaugh reported three equipment bids were received. Burns & McDonnell engineer Jeff Keller reported EIMCO was the highest bid.; however, they are known to provide better service and equipment. Mr. Keller reported he prepared a life cycle cost comparison and explained that the low bidder did not include pricing for variable drive motors which cost approximately \$90,000 and a bid bond. He noted the bids came in under the engineer's original estimate of \$700,000.

EPS	\$565,330	Additional Equipment - \$90,000 est. No bid bond
EIMCO	\$659,938	Additional Equipment - \$21,000 est.
WesTech	\$604,143	

Councilmember Sifford asked the city attorney if the City would be in violation of State laws if the Council did not choose the low bid. Mr. Reavey stated case law he may hold the City liable for paying the low bidder what it cost to complete and submit the bid.

Mr. Myracle gave comments regarding equipment provided by each company. He stated he was concerned with the brand of gearboxes provided by WesTech explaining they had a history of needing to be replaced within three years of installation.

President Dysart questioned if approval of the contract could wait until after the construction bid was issued. Mr. Keller stated normally the contractor wants to know in advance what type of equipment they were going to be installing prior to submitting a bid.

Councilmember Washington asked if it was possible to postpone action until the next regular meeting in order to acquire answers to Council's questions. Mr. Keller stated delaying action would not affect the construction bid schedule. Councilmember Sifford stated he would not have a problem voting to accept EIMCO's bid since they are proven to have better equipment and service.

d. Consider renewal of medical and dental insurance for period July 1, 2008 to June 30, 2009.

Mr. Slaugh explained in order to keep premiums down, it may be necessary to increase the deductible which would increase the employee's out-of-pocket expenses. MARCIT's and State of Kansas Large Group rates are higher than Blue Cross Blue Shield of Kansas.

Councilmember Washington stated the Council might want to look at the budget for next year and require that bidding take place 180 days prior to renewal. Council member's Washington, Sifford, and Hill felt it was in the best interest of employee morale not to make changes at this time.

Fifteen-minute break. (6:45 p.m.)

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

The work session was called to order with all members present with the exception of Councilmember McDowell. The city attorney was in attendance.

PUBLIC HEARING - Wastewater Treatment Plant Expansion, review of engineer's cost estimate and impact on sewer user charges or other taxes which will fund the improvements.

Staff Comments:

Mr. Slaugh reported the public hearing was a requirement of KDHE in order to receive a State Revolving Loan. Jeff Keller, Burns & McDonnell engineer, had indicated the last review was still in line with the original cost estimate. Mr. Slaugh explained how the

customer base had changed and how user fees were calculated. He explained building permit issuance had declined to only eight permits for the first five months of 2008. It was his opinion if the City continued to increase fees by 2.5%, the City should be on target with loan payments. A list of public hearing attendees would also need to be provided to the State and requested everyone in the audience sign the meeting sheet.

Public Comments:

There were no public comments made at this time.

Council Comments:

Councilmember Washington felt Burns & McDonnell had done an excellent job of keeping the project on track and keeping the Council informed.

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. May 19, 2008 Work Session & Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve the Consent Agenda as presented. 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).

Tara Krouse, 15427 Poplar Street, presented photographs of Poplar Street in Pin Oak Subdivision in need of repair. She explained she had public works out last year to remove a piece of rebar that was protruding from the curb.

David Brown, 15399 Meadows Street, stated he still has drainage issues on the east side of his home. Mr. Slauch stated the only company that would give a bid was at a per hour rate. Mr. Brown explained other property owners were not affected (prior to construction of High Pointe Downs) and all the rock has washed out. President Dysart asked if the city engineer signed off on the project and if a maintenance bond had been activated. The city superintendent stated the punch list was performed and project closed out by MHS Engineering.

Mr. Slaugh stated the contractor constructed the project according to design; therefore, the City would not be able to go back on the contractor. President Dysart disagreed. The company dumped riprap and they were supposed to use 18" rock. She felt the open ditch was a possible hazard and the grade did not match the design. Mr. Brown stated he felt his property had been devalued. Mr. Slaugh stated it would take approximately \$10,000 to repair Mr. Brown's yard and \$30,000 to install pipe to the end of the block.

SCHEDULED DISCUSSION ITEMS

a. Mike Duncan, Affinity Development (request cancelled)

b. LCDC Quarterly Report

Tony Kramer, LCDC President, gave an update on second quarter projects. LCDC was working toward bringing down barriers between local and county government. Mr. Kramer explained they would be involving local governments more in strategic planning. On June 18th, a dinner would be held to include mayors and council members.

Steve Jack, Executive Director, reported LCDC continued to promote Leavenworth County through Kansas Department of Commerce recruitment dinners. Ingram's would be marketing Leavenworth County in their spring edition and would also be participating in Ingram's Destination Leavenworth County in November 2008. Another project was to collaborate with county rural water districts to create a regional utility mapping system. A Utilities Task Force has been formed to assist with the project. Six firms have submitted feasibility study proposals for Leavenworth County Air & Business Park Committee

c. David Brown – storm drainage issue

Councilmember Washington asked the city attorney what the property owner's rights were when a property owner purchased property with a drainage easement. Mr. Reavey stated it would depend on the width of the drainage easement. He understood the changes Mr. Brown has gone through; however, in accordance with Kansas Law, as long as the changes have been made within the drainage issue, the City would not have any liability. Mr. Reavey explained there was a recent court case that upheld the City's stand. Mr. Slaugh stated the utility/drainage easement was 30 ft. wide. Mayor Garcia stated he agreed with the city attorney and once an easement was recorded, the property could be used as indicated on the plat.

Councilmember Sifford stated in January 2008, it was decided the City was within their legal rights to use the easement as intended; however, it was his understanding the City agreed to put Mr. Brown's property back to a usable status. He did not feel it was a legal issue but that of a moral issue and felt Mr. Brown deserved to be told if the City was or was not going to repair Mr. Brown's property. Councilmember Sifford stated he did not think it was an issue of extending the pipe to the end of the block, but merely to the end of Mr. Brown's property. He was also questioning why a bid had not been obtained to

date. Mr. Myracle stated King Construction gave him an estimate of \$100 per lineal foot. President Dysart stated since the water did not drain correctly; therefore, it would not drain out of the ditch. Councilmember Sifford stated the design was initially approved by the Council. Councilmember Hill stated he did not disagree with using a moral issue to make decisions; however, he felt it was reasonable to think the property owners would spend \$10,000 to fix the problem themselves. The developer had a legal right to build the drainage ditch. He did note the rocks should be put back in accordance with the original design requirements.

Councilmember Washington did not feel silt should be flowing in the manner it was and questioned if the detention pond was working properly.

Mr. Slaugh stated he took an action item off the agenda because he did not have a firm quote. Councilmember Washington requested a firm quote be presented at the next regular meeting.

Mr. Myracle stated High Pointe Downs satisfied all the punch list requirements and MHS signed off on the project. He reported the City and County had spent approximately \$65,000 to clean the ditch in past years.

Mayor Garcia did not feel the City should be liable for installation of a pipe. He was concerned that this would set precedent for future requests. Councilmember Sifford noted all the City was going to do was make a good faith effort to put Mr. Brown's property back close to the way it was verses the property's on Leavenworth Road that had always had a drainage problem. Mayor Garcia reiterated that was the purpose of a drainage easement. Councilmember Washington stated the City should do a better job of keeping track of developments and design.

d. Mark & Twila A. Heinen - street maintenance

Mrs. Heinen, 3303 N. 154th Terr, stated she and her husband spoke to the mayor last year regarding the condition of the curb and gutter in her subdivision and the large amount of sand left from the winter months. She felt the additional sand has become a safety hazard and thought it was time maintenance be performed on the streets.

Mayor Garcia apologized to Mrs. Heinen if he gave her the impression that he would take care of the problem immediately.

Councilmember Sifford stated he felt the road should be repaired. Councilmember Washington stated the City should implement a rotation program. Mr. Slaugh stated there was a challenge that every subdivision has some deterioration and work repairs in the budget. Mayor Garcia agreed; however, there was only so much money and Council did not want to increase the mill levy.

Mr. Myracle reported in 2001 the City edge milled and over laid Pin Oak Subdivision. He stated the last two years his staff cleaned out the curbs and did not want Council to think that no maintenance had been done in the past. *(Tape 2, Side A)*

Mr. Slaugh stated an inventory of streets was performed last year in conjunction with the GASB audit. A priority list could be finalized and presented to Council for approval. Councilmember Sifford felt "piece milling" might be the only way some of the projects could be completed. Mr. Myracle stated he thought the estimate to replace curbs in Pin Oak was around \$112,000. Mr. Myracle reported he would provide Council with an updated bid.

e. Benefit District Policy for the City of Basehor

Councilmember's Washington and Hill noted this was a very important issue and suggested tabling for discussion at a work session.

Mr. Slaugh stated he would appreciate some feed back from Council on creation of benefit districts in general (i.e. impact on debt limit, concerns, debt ratio, require letter of credit). Councilmember Hill stated he wanted to make sure the City did not exceed their debt limit and was not comfortable with the comment "on the hook" made at the last meeting. He also wanted to make certain from where and when revenue would come. Mayor Garcia stated he felt the developer should pay for improvements within their subdivision. He supported a benefit policy that way developers know the City's stand prior to development.

Councilmember Washington wanted to make sure the policy was drafted for all developments and not pointed toward one development. Councilmember Hill stated he agreed as long as it did not put the City at risk. Councilmember Washington stated there would always be some risk and it would be up to the Council to mitigate that risk. Councilmember Sifford stated it was his opinion that Council should not discuss benefit districts and if a developer wanted to develop, it should be at their cost. He felt the benefit district proposed by the school district was the same as proposed by Affinity Development which posed the same risk.

f. Building permit and excise tax audit

Councilmember Washington asked if the City double collected excise tax on two properties in Pinehurst. Mr. Smith confirmed there were two properties in Pinehurst. Mr. Slaugh suggested Council change Ordinance 397 where commercial properties would be assessed at the time a building permit was issued. This would eliminate the situation of duplicate collection.

Councilmember Washington felt the City should stay with the current system of collecting residential excise tax at the time of building permit issuance and commercial at the time of development.

President Dysart stated the eleven acres in question in Pinehurst had been replatted to residential and felt the excise tax fees had already been paid and should not be paid back.

Councilmember Washington stated he felt the money should be paid back and tracked in the future.

BUSINESS

a. Consider Business and Industries Proclamation

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the Business and Industries Proclamation. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Mr. Slaugh informed Council there would be a dinner on June 25 honoring area businesses.

b. Consider approval of equipment bids for the Wastewater Treatment Plant expansion.

Mr. Slaugh recommended deferring action until June 16th for further research.

A motion was made by Councilmember Washington and seconded by President Dysart to table action until June 16th. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

c. Consider approval of an agreement to form a Kansas Group Funded Insurance Pool in partnership with the Mid-America Regional Council Insurance Trust (MARCIT). (defer to later date until revised documents are provided)

Mr. Slaugh reported MARCIT has eight cities that are part of the MARCIT. Special legislation was approved to allow MARCIT create a district in Kansas. Revisions were needed to the document and would be submitted for Council action in the future.

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

d. Consider renewal of medical and dental insurance for period July 1, 2008 to June 30, 2009

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve renewal of medical insurance with Blue Cross Blue Shield of Kansas for Option 1 for period July 1, 2008 to June 30, 2009. A roll call vote was taken with all members voting in favor. Motion passed 4-0. *(Tape 2, Side B)*

A motion was made by Councilmember Washington and seconded by Councilmember Hill to add Business item "e" to the agenda to consider renewal of dental insurance with MARCIT, Delta Dental for period July 1, 2008 through June 1, 2009. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

e. Consider renewal of dental insurance for period July 1, 2008 to June 30, 2009

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to renew dental insurance with MARCIT, Delta Dental for period July 1, 2008 through June 30, 2009. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

CITY ADMINISTRATOR REPORT

- Final pricing for the 163rd Street lift station repairs would be presented at the June 16th meeting.
- June 7th – Basehor Dairy Days
- June 10th – PRIDE has requested the governing body attend the State PRIDE judging in an effort to show local support.
- June 14th - City-wide garage sale
- Requested a five-minute Executive Session to discuss non-elected personnel

MAYOR'S REPORT

- Encouraged people to attend the 3rd annual Dairy Days, June 7th
- Mayor's Forum would be held June 26

COUNCIL MEMBER REPORTS

Keith Sifford

Councilmember Sifford announced due to family commitments he would not be at the June 16th meeting.

Terry Hill

Councilmember Hill reported he had an opportunity to participate in the Youth Friends program at Basehor Linwood High School and recommended others participate if given the opportunity.

Mayor Garcia stated he participated for the last three years and felt the program was very rewarding for him and hoped it student felt the same.

Chief Martley reported Parallel from the high school west to 160th Street would be temporarily closed next Saturday morning due to the 5K Fun Run. His officers would be assisting with the event. They would also provide a police escort for the Basehor PRIDE

judging event on June 10th, as well as the Christian Motorcycle Ride on June 14th. They anticipate over 100 riders in town along with all the garage sale traffic.

EXECUTIVE SESSION

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to convene into Executive Session for five minutes regarding non-elected personnel. A roll call vote was taken with all members voting in favor. Motion passed 4-0. (9:04 p.m.) The city administrator attended the session.

At 9:09 p.m., the regular meeting was called to order.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to add Business Item "g" to the agenda considering adjustment to the police chief's compensation. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

g. Consider adjustment to police chief's compensation.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to place the police chief's compensation at Step 2 of the Personnel Policy on the six-month anniversary of his appointment. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

ADJOURNMENT

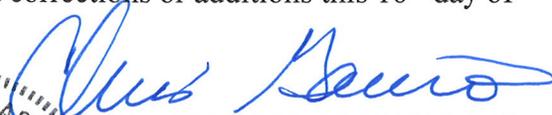
There being no further business to discuss, a motion was made by Councilmember Sifford and seconded by President Dysart to adjourn the June 2, 2008 regular meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 9:11 p.m.

Submitted for Council approval with/without corrections or additions this 16th day of June, 2008.

Attest:


Mary A. Mogle, CMC, City Clerk




Mayor Chris Garcia

Digital Audio #03
2 Audio Cassettes