

Minutes

BASEHOR CITY COUNCIL

June 16, 2008

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Pres. Iris Dysart, Terry Hill, Roger McDowell, Jim Washington

Members Absent: Keith Sifford

**Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle, Dustin Smith,
Lloyd Martley, Patrick Reavey, Dave Lutgen**

WORK SESSION - 6:00 p.m.

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

1. Discussion of agenda items.

b. Consider acceptance of the audit report for 2007 for the City of Basehor

Audrey Oderman, Lowenthal Singleton Webb & Wilson explained the various sections of the 2007 Audit. She reported controls over the building permit revenues were still lacking certain controls; however, all other areas received the highest recommendation that could be received which was that no violations were found. She felt controls in building permits have been tightened in 2008 and recommended some minor changes in utility billing and municipal court, but the audit covered what was in place for 2007.

Councilmember Washington asked since there was an outstanding KDHE loan, the audit shows a split in government activities and business activities. Mrs. Oderman reported the auditors went through each General Obligation Bond and then went back to the bond covenant and sewer improvements and followed those guidelines. She was unable to give exact information at this time. He felt that would be important since 30% bond capacity would apply toward debt limit. She stated she would provide the information via email.

Mrs. Oderman explained although line items in certain funds went over, the total General Fund did not exceed budget.

President Dysart questioned the transfer of excise tax funds. Mrs. Oderman reported for auditing purposes, they refer to transfers as consolidation of funds. Councilmember Washington pointed out the ordinance creating the excise tax requires the City to have a separate fund and currently the city consolidated it into another fund and felt the City was in violation of its own ordinance. Mrs. Oderman suggested Council discuss the matter with their city attorney.

Mrs. Oderman reported the City did not have a large amount of debt based on its population.

President Washington felt the KDHE loan amount shown in the audit was incorrect. Mrs. Oderman stated she would review the amount as well.

President Dysart commented that last year the auditors stated they would have the audit sooner than last year; which they did, and did not understand why staff did not forward to Council at that time. The city clerk reported the staff received a preliminary draft in April but did not receive the final document until Thursday of last week.

Councilmember Washington asked why the treasurer's comments were not forwarded to the auditor. Mr. Slauch reported it was strictly staff comments.

Councilmember Washington questioned the auditor's opinion regarding credit card use noting two receipts out of twenty-five purchase tested were missing. Mrs. Oderman reported the receipts missing were gas charges.

Mrs. Oderman reported bank reconciliation controls were good, but controls for payroll and accounts payable should have written policies in place.

President Dysart questioned comments regarding process controls. Mrs. Oderman reported additional controls need to be implemented in the utility billing department and building inspection department. She recommended the city clerk's office keep a separate database from the building inspection department.

Councilmember Washington asked the city clerk how her department shows write-off's for utility billing. Mrs. Mogle explained adjustments are approved by the city administrator or herself and write off's are brought before the City Council for action unless other policies are in place.

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

Jeff Keller, Burns & McDonnell, reported he evaluated the equipment bids for the Wastewater Plan expansion and provided changes explaining dollar amounts changed minimally.

Mr. Slauch reported staff was recommending EIMCO based on familiarity and history of the company and equipment.

WesTech	\$604,143
EIMCO Water	\$680,938
EPS	\$589,583

Councilmember Washington stated he would have preferred receiving a written report from staff regarding equipment concerns and conversations with other cities.

Ten-minute break. (6:50 p.m.)

Note: The work session was not audio cassette recorded.

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

The regular meeting was called to order with all members present with the exception of Councilmember Sifford. The city attorney was 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. June 2, 2008 Work Session & Regular Meeting
 2. June 9, 2008 Work Session
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

Councilmember Washington requested the following changes be made to the June 2, 2008 Minutes:

Page 6 of 9 - Correct spelling to read "mealing" rather than "milling" as shown.

Page 7 of 9 - It was never Councilmember Washington's intent to reimburse Pinehurst Development \$43,712 but to pay back the four properties that had been double billed excise tax.

Extracted from 6/2/08 Agenda Information Summary:

15604 Pinehurst Dr.	Dan Henry Const.	\$4,627.44
15506 Pinehurst Dr.	First State Bank	\$5,920.20
15415 Pinehurst Dr.	Medicine Store	\$4,680.00

15541 Wolf Creek Pkwy	Casey's Retail	\$4,713.48
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A motion was made by Councilmember Washington and seconded by Councilmember Hill to approve the Consent Agenda with corrections as previously stated. 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).

1. Comments from public regarding agenda items.

No public comments.

SCHEDULED DISCUSSION ITEMS

a. Twila A. Heinen – discuss cleaning of street and curb repair at 154th & Popular.

Mrs. Heinen (3303 N. 154th Terr.) reported she was back because she felt the City was capable of performing repairs in her subdivision this year. She read emails from the city administrator to a Pin Oak resident regarding deteriorating curbs, exposed rebar, and street repairs. She felt since this request was made in 2007, the work should have been scheduled for 2008. Several Pin Oak residents were present.

Mrs. Heinen reported several council members informed her that excise tax was available to make necessary repairs. She read sections from the excise tax charter ordinance. She also noted she was told the City had collected approximately \$2 million in the excise tax fund; however, she was unable to find out how much money was available in the fund. Mr. Slauch displayed a report that showed a projected \$1.7 million in revenue. He stated this plan would show major projects; however, there was not a plan in place to show minor projects. President Dysart reported the 2007 audit report shows a balance of \$1,211,732. Councilmember Garcia reported some projects pending with state grants must set aside matching funds.

Mrs. Heinen stated according to the flyer that went out the excise tax would be set aside for repairs to 150th Street, 155th Street, 158th Street, Parallel, and Leavenworth Road. She explained Parallel, 155th Street, and Leavenworth Road are county roads and should be repaired by the county, not the city. Mayor Garcia reported he directed the city superintendent to obtain bids; which he did. The bids were too high and the project needs to be placed on a prioritized list. He added the excise tax fund is meant to be seed money. Mrs. Heinen said she is asking for the work to be done this year since it was requested in 2007.

Councilmember McDowell asked where was the superintendent was in compiling a project list. Mr. Myracle reported he has a meeting with the city engineer later in the week. He explained to fix the subdivision right would cost about \$211,000. Mr. Myracle explained work that had been done in the past in Pin Oak Subdivision. Mrs. Heinen said she was not talking about sweeping the street, but repairing it. Councilmember Hill stated having a priority list would help citizens to understand when repairs would be made to their areas. Mr. Myracle stated the Council's timetable for bringing this list to them was August.

Mr. Schlict said it was evident where the different phases' overlays were done. Councilmember Washington suggested putting out a formal RFP to have the 1992 work redone. Mayor Garcia asked if Wellington Place was going to be done at the same time and what projects would be put off to do this.

Mr. Lutgen reported MHS Solutions has a program that prepares a project list for the City of Leavenworth and it has worked very well. Mr. Lutgen was directed by Council to provide a proposal for Council action at the July 7 meeting on the cost of preparing a prioritized street list. Councilmember Washington stated this type of information from the engineers would be an objective projection tool.

Discussion followed regarding the breakdown of the excise tax funds collected, what expenditures had been and could be made from the remaining funds. Councilmember Washington said the flyer that went out regarding the excise tax was irrelevant since it was not stated in the adopted ordinance.

Mrs. Heinen asked when the deterioration debris from the streets would be cleaned up. Mr. Myracle stated the streets would be swept when Council directed him to do it. Council asked why they would have to direct this action. Mr. Slauch reported the City does not own a street sweeper and it would take a lot of man-hours to clean all the streets in the City. Mr. Myracle said he would like direction from the Council because he would not be in a position to provide this service to all subdivisions that might request it. Mr. Myracle stated the City owns a broom that attaches to the unloader. Council discussed other options such as renting equipment. Councilmember Washington said he felt Pin Oak had a unique situation since the street is deteriorating.

BUSINESS

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

A motion was made by Councilmember Washington to direct staff to issue purchase orders to EIMCO equipment per engineering documents. After Engineer's suggestion, Councilmember Washington withdrew his motion.

Councilmember Washington then moved to direct that EIMCO be the preferred vendor for this particular phase of the Wastewater Treatment Plant expansion. The motion was

seconded by Councilmember Hill. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

b. Consider acceptance of the audit report for 2007 for the City of Basehor compiled by Lowenthal, Singleton, Webb and Wilson.

Councilmember Hill moved to approve the acceptance of the audit report for 2007. The motion was seconded by Councilmember Washington. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

c. Consider amendment to Ordinance 397 regarding excise tax procedures.

Councilmember Washington stated it was his recollection that consensus of Council was that the ordinance as it stood was fine and the current system of collecting the excise tax was the preferred way to go. Also, he stated there was some issue with the replat of Pinehurst making it unclear who would get the \$43,000 double payment back. He said the Administrator's statement indicates there is a revised database in place that will allow this to be tracked correctly and not double-collected in the future. He said he opposed the change and recommended complying with Sec. 1-B, Item 6, which states that these funds should be in a separate account.

President Dysart said she would like to see the excise tax kept in a separate fund as designated in the ordinance. She felt Council had already made it clear that the money would not be refunded to Pinehurst.

Councilmember Hill moved to deny the change in excise tax procedures. The motion was seconded by Councilman Washington. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

d. Consider approval to refund excise tax to certain properties that were double billed.

Councilmember Washington pointed out some of the area that was rezoned should be placed on the refund list as well. Mr. Smith explained he would not be able to determine exactly how much because the boundary was simply a line on a map. Councilmember Washington stated he realized it would be difficult to track but it may be necessary to split the amount on a couple of properties. Mr. Smith explained two permits had been issued (one is a model home and one has a foundation). Councilmember Washington then stated one would get all the money back and the other one would receive a split and asked staff to bring these two properties back for separate Council action.

Councilmember Washington moved to approve the refund of the transportation excise tax to the four properties as listed: 15604 Pinehurst Dr., 15506 Pinehurst Dr., 15415 Pinehurst Dr., and 15541 Wolf Creek Parkway. President Dysart seconded the motion. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

On the second item, Councilmember Washington moved to deny any refund of transportation excise tax on the property that was rezoned in Pinehurst Subdivision. Motion was seconded by President Dysart. Roll call vote was taken with all members voting in favor. Motion passed 4-0.

Mr. Slaugh made a comment regarding Councilmember Washington's statement regarding excise tax. Mr. Slaugh reported funds are being deposited into an account as designated in Item 6 of the ordinance but listed in the Consolidated Highway Fund. President Dysart stated it would be easier to know the balance if there was a separate fund.

e. Consider approval of payment for repairs to 163rd Lift Station

A motion was made by Councilmember Washington to approve the repairs as requested [in the total amount of \$33,107.33]. The motion was seconded by Councilmember Hill. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

f. Consider proposed changes to the Municipal Court fine schedule.

Police Chief Martley reported over the past several months he has received calls from citizens and officers about how high the fines were. He explained certain fees were increased considerably by a previous mayor and council because they had not been raised for over 10 years. After an area study, it was determined the City was actually about \$20 more than surrounding cities. Chief Martley felt fines should be brought in line with the area. Bonds, however, are being raised because they were below the area standard.

Councilmember Washington asked if the fines were at a maximum rate. Chief Martley reported criminal offenses have minimum and maximum amounts and are assessed by the judge; however, traffic offenses have set amounts.

Councilmember Washington asked if it was necessary for Council to approve the proposal. Mr. Reavey reported by Statute the municipal judge has the discretion to set the fines and bonds.

Councilmember Washington moved to have a resolution prepared for Judge Pray stating that the new fines meet with Council approval. Mr. Reavey stated a voice vote would suffice, Councilmember Washington amended his motion to accept Judge Pray's recommendations. The motion was seconded by Councilmember McDowell. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

h. Consider an appointment to the Board of Zoning Appeals.

Mayor Garcia requested Council approve the appointment of John Dockendorf to the Board of Zoning Appeals noting he would fill the vacant position of Vern Lynn. The mayor reported he provided the candidate information regarding the Board of Zoning Appeals and obtained his resume. Councilmember Washington moved to confirm the

mayor's appointment of John Dockendorff. The motion was seconded by Councilmember Hill. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

CITY ADMINISTRATOR REPORT

Mr. Slaugh reported he was working with the County on annexation of Cedar Lakes and Glenwood Estates. He reported not all properties are connected to the City's sanitary sewer system. He stated the City could combine all properties into one parcel and approve in one annexation, but his recommendation is to do a unilateral annexation of Cedar Lakes and then move forward with Glenwood once they connect to sanitary sewers. He explained not all properties would be connected to sanitary sewers.

Mayor Garcia asked if it would require another public hearing. Mr. Reavey stated another hearing would be necessary. Councilmember Washington stated it appeared to be a viable plan of action and liked Mr. Slaugh's approach to square off the boundaries along Evans Road. Mr. Slaugh anticipated moving forward on Cedar Lakes on July 21.

Regarding the legal documents to allow MARCIT to expand into the State of Kansas, Mr. Slaugh reported the documents were not ready for Council review. An extension has been granted by the State and the item will be placed on a future agenda.

Mr. Slaugh said an overweight vehicle will come through on 155th Street and Parallel on June 23. No Council action is required.

Mr. Slaugh said Construction Drawings and Bid Spec books need Council Review. They will be made available to Council in the form of a CD.

Councilmember Washington pointed out the city administrator reports noted reviews were made on storm water problems in Prairie Gardens. He reported the retention basin was included in the Master Plan and is becoming a real problem. Mr. Lutgen stated his firm does not have drawings of the basin. Mr. Smith stated the retention basins are on the construction drawings and he needed to look for the storm water study.

It was reported that the new Animal Control Vehicle is on the street and ready for duty.

Mr. Slaugh said MHS Solutions was still working on 150th Street, revising plans and preparing legal documents for easements and rights-of-way. Once documents are completed, he would bring the matter back to the Council for action.

MAYOR'S REPORT

Mayor Garcia reported the next Mayor's forum June 26, 6 – 8 p.m.

COUNCIL MEMBER REPORTS

Councilmember Washington asked if the maintenance fund could be used to repair ditches on 147th Street. Mayor Garcia agreed it does look bad, but said the Council did not want to spend money for sod. Councilmember Washington said it does not drain. Mr. Lutgen stated a maintenance bond could be pulled if the work was unfinished. Councilman Washington said the Council had already accepted the project. Councilman Washington asked staff, city engineer, and city attorney to check into a solution.

Mr. Slauch stated different street projects have different project specifications. He noted the contract specified "seeding", but was unsure it specified maintenance after seeding. Councilman Washington stated there maybe some EPA situations as well since it was disturbed soil and did not have 80% grass coverage.

Councilmember Hill said he would like to see a report on the status of the grocery store area, including 150th Street. He would also like to know what KDOT is wanting, what it would cost to comply, and what funds are available for TDD or grants. He would like to figure out where the project is sitting at this point and what direction needs to be taken in the future. He feels the project needs to move ahead and there has to be a starting point. He said other area other property owners are affected as well as Mr. McIntosh.

President Dysart asked about the quote for David Browns property that was due tonight. Mr. Myracle stated he had estimates from Westland for about \$8,000 and the materials would be supplied by PreTech. Mr. Myracle said he would have the exact figures next week. President Dysart asked to have this as an agenda item next meeting. She asked why High Pointe Downs was not required to mow the field east of Mr. Brown. Mr. Myracle reported they were mowing today. She also asked if the City has received a letter of denial from KDOT on 153rd Street. Mr. Slauch reported his conversation with Jim Pickett that KDOT has not taken action on 153rd and payment for lack of highway access. Mr. McIntosh stated he received a call from Mr. Pickett and to date nothing has been resolved. He said he thinks they are waiting to see who wants what. Councilmember Hill said the report he requested tonight should help with the cloudiness.

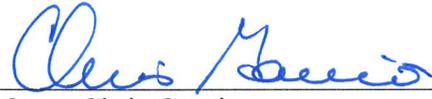
EXECUTIVE SESSION

None

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember McDowell and seconded by President Dysart to adjourn the meeting. A roll call vote was taken with all members voting in favor. Meeting adjourned at 8:35 p.m.

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



Mayor Chris Garcia

Attest:


Mary A. Mogle, CMC, City Clerk

(1) Audio Cassette Tape – Regular Meeting Only taped.
Digital Recording 20080616

(Minutes transcribed with the assistance of receptionist Carole Dickey)