

Minutes

BASEHOR CITY COUNCIL

August 4, 2008

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

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

Members Absent: Roger McDowell

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

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 McDowell. The city attorney was in attendance.

Discussion of agenda items.

b. Consider approval to solicit bids for construction of the wastewater treatment plant expansion.

The city administrator reported the next step for the wastewater treatment plant expansion was to solicit bids. He noted if Council approved this agenda item, bids would go out this week and opened on September 4th at 3:00 p.m. Actual bid selection would take place at the September 15th meeting. KDHE requires the City to send a letter of approval of contract documents may send a letter concurrently with solicitation of bids.

c. Consider the contract with Burns & McDonnell Engineers for construction services.

The city administrator reported Burns & McDonnell Engioneers submitted a bid for a resident inspector with an hourly rate of \$100 per hour (\$204,700); he felt that was too expensive and solicited bids. Mr. Slaugh explained the same resident inspector that would perform services for Burns & McDonnell for \$100 per hour agreed to perform the services for \$75 per hour (\$142,950) as long as the City hired him as a temporary employee for the duration of the project. MHS Solutions proposed using one of their inspectors at the billing rate of \$35-\$65 per hour (\$92,575). Mr. Slaugh reported Burns

& McDonnell would prefer the inspector work directly for them and that staff was comfortable using MHS Solutions inspector.

d. Consider a change in price quote from EIMCO for equipment for the wastewater treatment plant expansion

Mr. Slaugh reported EIMCO proposed using EMU brand mixers; however, public works staff preferred Flygt brand mixers. The mixers provide aeration and movement of the fluids in the tank. It was estimated to cost \$20,000 more for the Flygt brand. Mr. Myracle explained Flygt had a better warranty, estimated longer life, and quicker response for equipment replacement and repairs. President Dysart stated she spoke with the Flygt representative and he informed her that the correct price was \$27,048. Council and staff discussed the advantages and disadvantages of the different brand of mixers.

e. Consider a change of relationship with Piper-Jaffray from financial advisor to Piper Jaffray & Co. underwriter status for issuance of temporary notes, Series 2008

Mr. Slaugh reported based on Municipal Securities Rulemaking Piper Jaffray could not serve as underwriter and financial advisor at the same time for the same bond project; therefore, it would be necessary to sign a letter temporarily terminating the financial advisor relationship.

l. Review results of the sewer line filming project and consider proposals for moving ahead with sewer line repairs Sewer Line Rehab

The city superintendent presented a list of seven locations in the southern part of the City in need of 8" sewer line replacement. Mr. Myracle reported he reviewed 25,000 lineal feet of televised sewer line films and picked out sewer lines that were in need of replacement due to age, tree roots, and ground movement with rock penetration. He stated since the lines already existed, it would not be necessary to have the work engineered since he and his staff were trained to use a transit to insure proper installation and grade. He estimated the replacement to cost about \$47.00 per lineal foot. The contractor would be required to provide a performance bond and the City would provide a bid document. Councilmember Washington felt the City would receive a better bid if all locations were bid at once.

h. Consider approval of a charter ordinance amending charter ordinance #3 to correct the reference to K.S.A. 79-1122.

The agenda should read charter ordinance 3, not 6 as shown.

Five-minute recess (6:55 p.m.)

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 McDowell. The city attorney was in attendance.

The mayor introduced Ron and Alexander Coleman. Mayor Garcia announced that Alexander was working toward his Eagle Scout badge and attending the meeting was part of a requirement for the Citizenship in the Community merit badge.

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. July 21, 2008 Work Session & Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events
- e. Proclamation on International Homeless Animal Day August 16, 2008

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to vote on item "e" separately. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve items "a" through "d" as submitted. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Councilmember Sifford stated he felt this proclamation was a noble cause; however, he did not hold to the philosophies and beliefs of the ISAR organization and did not want his name or the city of Basehor associated with the ISAR organization and recommended the governing body research the organization on the internet.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to deny the proclamation as submitted. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

PUBLIC HEARING - 2009 Budget

Staff Report

Mr. Slauch highlighted the proposed 2009 budget announcing the 28.598 mill levy would increase slightly from year 2008 mill levy at 28.547.

Public Comment

None

Council Comments

None

The public hearing was closed.

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).

No public comments. Public portion of the meeting closed.

SCHEDULED DISCUSSION ITEMS

a. Joe Kleidosty – monthly sewer bill charges

Mr. Kleidosty (14124 Merion Ct.) reported he felt that he had been overcharged \$212.17 on his sewer bill [base rate of \$38.81) when he first moved in and felt the current ordinance had been interpreted incorrectly. He referenced item 9 of Municipal Policy 5.04MP. He did not feel that this item applied to him since he did not have an actual water usage since he was a new customer and lived there prior to June 15th as referenced in the policy. He pointed out the new ordinance states new residents would be charged for 6300 gallons and advised Council that if he did not receive satisfaction, he would be filing a claim with the Kansas Consumer Action. He stated he did receive a welcome packet after the fact and admitted that he did in fact handle his paperwork via fax.

Mr. Reavey concluded that the ordinance was properly enforced and whether the resident was aware of the ordinance does not apply. The city attorney referenced item 10 of the policy that stated the new charge would not be retroactive and take effect with the next monthly billing cycle. Mr. Kleidosty stated he felt the City put the language in for existing customers, not new customers.

Mr. Slauch pointed out the City does not receive water usage records on a monthly basis. Once a year the local water departments provide the City with the monthly usage for December, January and February and then the Council sets the rate that would finalize the calculation.

Mr. Reavey stated the ordinance was a benchmark until a new amount was set and felt the denial of the refund was consistent with the ordinance.

BUSINESS

a. Consider adoption of proposed 2009 Budget.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the 2009 Budget as presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

b. Consider approval to solicit bids for construction of the wastewater treatment plant expansion.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the solicitation of bids for construction of the wastewater treatment plant expansion. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

c. Consider the contract with Burns & McDonnell Engineers for construction services.

(Extracted from PowerPoint Presentation)

	Burns & McDonnell	Private Contract	MHS
Per Hour	\$100/hr	\$75/hr	\$45
Estimated Hours	1907	1906	1920
Total	\$204,700	\$142,950	\$92,575

A motion was made by Councilmember Washington and seconded by President Dysart to approve the contract with Burns & McDonnell Engineers for construction services (resident inspector) not to exceed \$204,700. A roll call vote was taken with all members voting in favor with the exception of Councilmember Hill. Motion passed 3-1.

d. Consider a change in price quote from EIMCO for equipment for the wastewater treatment plant expansion.

A motion was made by Councilmember Washington and seconded by President Dysart to table action until the August 18th meeting and review additional information and data at the August 11th work session. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 3-1.

e. Consider a change of relationship with Piper-Jaffray from financial advisor to underwriter status for issuance of temporary notes, Series 2008.

A motion was made by Councilmember Sifford and seconded by President Dysart to approve the proposed change of relationship with Piper Jaffray from financial advisor to

underwriter status for issuance of temporary notes, Series 2008. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

f. Consider appointment of a replacement Court Appointed Attorney.

The municipal judge recommended Geoffrey Sonntag to replace Roger Horsky as public defender for the City. Mr. Horsky recently resigned to take another position elsewhere.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to approve the appointment of Geoffrey Sonntag as the new court appointed attorney [public defender]. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

g. Consider amendment to ordinance setting State mandated court fees.

A motion was made by Councilmember Sifford and seconded by Councilmember Dysart to approve the amendment [increase reinstatement fees from \$50 to \$59] to ordinance setting State mandated court fees. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Ord. 538 - AN ORDINANCE AMENDING CERTAIN MUNICIPAL COURT COSTS.

h. Consider approval of a charter ordinance amending charter ordinance #3 to correct the reference to K.S.A. 79-1122.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the charter ordinance amending charter ordinance #4 to correct the reference to K.S.A. 79-1122. A roll call vote was taken with all governing body members voting in favor. Motion passed 5-0.

CHARTER ORDINANCE 19 – A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE 6 TO CORRECT THE REFERENCE TO K.S.A 79-1122

i. Consider approval of a charter ordinance repealing charter ordinance 5 which provides for removal of employees if “good cause” is established and implements “at-will” doctrine consistent with the personnel manual.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to approve the charter ordinance repealing charter ordinance 5 which provides for removal of employees if “good cause” is established and implements “at-will” doctrine consistent with the personnel manual. A roll call vote was taken with all governing body members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

CHARTER ORDINANCE 20 – A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE 5 WHICH PROVIDES REMOVAL PROVISIONS FOR FULL-TIME CITY EMPLOYEES

- j. Consider a charter ordinance repealing charter ordinances 2, 4, and 9, which ordinances exempt the city from laws that have now been repealed by the state legislature.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the charter ordinance repealing charter ordinances 2, 4, and 9, which ordinances exempt the city from laws that have now been repealed by the state legislature. A roll call vote was taken with all governing body members voting in favor. Motion passed 5-0.

- k. Consider a charter ordinance exempting the City of Basehor from the provisions of K.S.A. 15-209 regarding residency requirements and providing substitute provisions.***

A motion was made by Councilmember Washington and seconded by Councilmember Hill to approve the charter ordinance exempting the City of Basehor from the provisions of K.S.A. 15-209 regarding residency requirements and providing substitute provisions. A roll call vote was taken with all governing body members voting in favor. Motion passed 5-0.

- l. Review results of the sewer line filming project and consider proposals for moving ahead with sewer line repairs.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to authorize staff to contract for sewer line repairs as stipulated in the Sewer Rehab project document and the sum not to exceed \$150,000. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

- m. Consider an appointment to the Park Board.***

Mayor Garcia presented the appointment of Patricia “Pat” Rogers to fill the vacant position of Debbie Bonee on the Park Advisory Board.

A motion was made by Councilmember Sifford and seconded by President Dysart to approve the appointment of Patricia “Pat” Rogers to the Park Advisory Board. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

- n. Discussion regarding Deffenbaugh Services***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to place Deffenbaugh Services on the agenda as a discussion item. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Mr. Slauch reported over the last couple of months the City has experienced poor service which prompted him to send a letter to Deffenbaugh putting them on notice that it was a possibility that the City would pull their contract. The city administrator explained the challenge was if the City did choose to go out for bid, they would mostly likely not receive as competitive bid as what Deffenbaugh was currently charging.

Paul Howe, Deffenbaugh Disposal, acknowledged receipt of the letter and was in the process of addressing the issues. He explained the company has been through some changes and since December they have made significant changes in equipment and software. He explained that in the fall, a new GPS system would be installed in each vehicle that would track all residential stops. He promised to monitor the situation over the next few weeks.

Councilmember Sifford stated he did not see the harm in soliciting for bids. President Dysart said she was not aware that the City was receiving complaints. The city clerk explained the administrative staff normally receives one or two complaints a month; however, the last couple of months the complaints have been numerous, primarily from the Pinehurst, Prairie Gardens, and Cedar Fall area. Consensus was that it did not warrant changing providers based on a handful of complaints.

CITY ADMINISTRATOR REPORT

- **Prairie Lakes requests a second hearing on the 20 mph issue.**

Prairie Lake residents would like to have items back on the agenda. The police chief reported 30 mph signs and children at play signs have been installed and additional radar enforcement has been performed without results. He did not feel lowering the speed limit would make a difference.

- **Cedar Lakes Annexation**

An Open House has been set for August 25th at Glenwood Ridge Elementary School from 6:00 to 8:00 p.m. Staff members will be present to answer resident concerns.

- An informational meeting will be held on August 28th at 6:00 p.m. Basehor City Hall with residents along 150th Street to discuss construction and easement acquisition.
- 24-40 Hwy & K-7 Interchange area will be closed on Friday starting at 8:00 p.m. through Saturday in order to remove the southbound bridge. KDOT anticipates detouring the west bound traffic onto Parallel and 155th Street.
- Received agreements for \$600,000 Corridor Funding. An item would be placed on the next agenda for council action.

- **Pin Oak Subdivision repairs.**

The city superintendent reported street and curb inspections have been completed in the Pin Oak Subdivision. Since funds were limited, he recommended repairing the areas that had major “flaking” at the cost of approximately \$8,000 (250 ft. @ \$29.25 per lineal foot). The city administrator announced this item would be placed on the August 18th agenda for formal action.

MAYOR’S REPORT

Mayor Garcia announced he received a call from a resident informing him that people were dumping items other than yard waste (i.e. brush, grass clippings) at the city park. He suggested the area be patrolled and signs installed prohibiting dumping other than yard waste. Mr. Myracle reported last week he and his crew chipped the brush into mulch and that prior to that he and a representative from the fire department met. at the location and did not find anything other than yard brush and some 4x4’s.

COUNCIL MEMBER REPORTS

Iris Dysart

- Requested a progress report on David Brown’s property. Mr. Myracle stated weather permitting; the work would start on Friday.
- Complained about tall weeds on the library’s property on 158th Street. Mr. Flower reported the library sodded the property and was informed by the landscaping company not cut the grass until the sod took hold. He anticipated being able to mow next week.

Patrick Reavey

The city attorney updated the governing body on the recent changes to the Open Meetings Act (HB2947). House Bill 2947 prohibits any meeting between more than two council members if the item was to be discussed at a council meeting.

Councilmember Washington stated the law changed to the majority of the membership and sub sequential meetings was not authorized in the previous law.

Mayor Garcia reported it was not necessary to have a charter ordinance increasing the quorum from 3 to 4 any longer and suggested repealing the current charter ordinance so there would not be an issue holding a council meeting in the future.

EXECUTIVE SESSION

None

ADJOURNMENT

A motion was made by Councilmember Sifford and seconded by President Dysart to adjourn the August 4th meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 8:32 p.m.



Mayor Chris Garcia

Attest:


Mary A. Mogle, CMC, City Clerk

Approved 8-18-08