

**Minutes**  
**BASEHOR CITY COUNCIL**  
**October 6, 2008**  
**6:00 p.m.**  
**Basehor City Hall**

**Official Presiding: Mayor Chris Garcia**

**Members Present: Pres. Iris Dysart, Terry Hill, Roger McDowell, Keith Sifford,  
and Jim Washington**

**Members Absent: None**

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

**Newspaper: Lara Hastings, *Basehor Sentinel***

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**WORK SESSION - 6:00 p.m.**

All members present with the exception of Councilmember Hill. The city attorney was in attendance. *(Tape 1, Side A)*

**Discuss MHS Solutions work within the city.**

At the September 15<sup>th</sup> Council meeting, Councilmember Washington expressed his concern with MHS Solutions performing work for the school district, Sewer District No. 3, and the City. He felt it was a conflict of interest and suggested the city engineer Joe McAfee update the Council on the work MHS Solutions was performing in the area.

Mr. McAfee reported his company has four projects they are working on in the area. He gave timelines for each project. *(Councilmember Hill arrived at 6:09 p.m.)*

- USD #458 Elementary School and Middle School as civil engineer
- Sewer District No. 3, County project.
- Hidden Ridge permitting requirements
- Fox Ridge of Prairie Gardens

Mr. McAfee explained he received permission from the Council to perform work for developers of Pinehurst Development and Prairie Gardens. About eight months ago he received permission from the Council to perform work for the school district on the new schools. He explained First State Bank contacted him regarding permitting issues on Hidden Ridge. MHS Solutions researched and found that the development failed to obtain several permits. That work was billed to the City of Basehor, and then Basehor bills First State Bank for their work. The actual permit application work was being billed directly to First State Bank. MHS Solutions took on this project in an effort to

protect the City from a liability standpoint. They were recently awarded the bid for engineering services regarding the decommissioning of the Glenwood lagoon. Mr. McAfee reported he was unhappy that MHS Solutions was not hired to perform the inspections on the wastewater treatment facility expansion as well as other past projects that his staff was qualified to perform.

Councilmember Washington stated the Council did not have any question regarding Mr. McAfee's qualifications, but it was an issue of perception. He did agree with the solution for Hidden Ridge but did not recall a discussion regarding his work for the school district. Mr. McAfee stated he did come to Council about working with the school district prior to entering into a contract. Mayor Garcia asked Mr. McAfee to give a weekly report informing the Council of projects he was working on in the area. Mr. McAfee stated he would communicate more with Council in the future. Councilmember Sifford stated he remember him coming before the Council. Mr. Reavey stated he remembered the conversation and that Mr. McAfee was advised to step away from project if conflict arose between the school district and the City. President Dysart asked if he was through with Fox Ridge. Mr. McAfee stated he did not think Fox Ridge would be doing any work in the near future based on the economy. She noted she felt it was a conflict of interest working for a developer. Councilmember Washington asked the city attorney if there was a problem with MHS working with Hidden Ridge. Mr. Reavey stated the only problem he could see if there was a dispute MHS Solutions would need to step away from the project.

#### **Discussion of agenda items.**

***Ed McIntosh, Benchmark Management*** reported in the last month he has made progress with KDOT regarding the 150<sup>th</sup> Street and 24-40 Hwy intersection. Although KDOT denied his request for a right-in/right-out access at 153<sup>rd</sup> Street, they have agreed that changes needed to be made at the intersection of 150<sup>th</sup> Street and 24-40 Hwy and are willing to assist with procuring additional right-of-way (triangle section of ground east of the current intersection), fund design work, clean up tires, and fund tearing down the existing building. Miles Excavating would have a full service intersection that would service the top eight acres. He requested permission for the city administrator to work with KDOT and himself to finalize the necessary paperwork. KDOT would pay him for the 153<sup>rd</sup> Street right-in/right-out with the money going toward improvements to 150<sup>th</sup> Street connection. The final documents would be submitted to the city attorney and council for final approval. Councilmember Washington stated it was a good solution and supports the intent of the Corridor plan. The city administrator was directed to place the item on the October 13<sup>th</sup> work session for discussion.

#### ***i. Consider ordinance and lease agreement with KDOT for certain communication equipment.***

Mr. Reavey reported statues allow State agencies to issue funds for public equipment. He noted Councilmember Washington had a concern with the ordinance allowing for the mayor and city clerk to make changes after adoption of the ordinance. Mr. Reavey

explained that was typical language and the interest rate still had to be inserted when bonds were sold.

Chief Martley reported the lease would include twenty-four radios. The pricing should read \$68,832.06 with an administrative fee of \$6,000 reducing the cost to \$74,832.06. This would allow Basehor to communicate with the County's dispatch center and other public service agencies. Chief Martley thought the administrative fee included insurance coverage as well. Councilmember Sifford asked if the ordinance was ready for approval. Mr. Reavey stated it was ready for adoption as submitted.

Five-minute break (6:57 p.m.)

### **REGULAR MEETING – 7:00 p.m.**

#### **ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE**

All members present. The city attorney was in attendance. *(Tape 1, Side B)*

#### **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.)*

- b. Approve Minutes
  - 1. September 8, 2008 Cedar Lake Public Hearing
  - 2. September 15, 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 McDowell to approve the Consent Agenda as presented. A show of hands 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. Lois Fulkerson, Steven Rosenthal – Street conditions at 2954-56 N. 155<sup>th</sup> Terr.  
(moved to 10/20/08)*

*Jeff Scherer (1706 N. 150<sup>th</sup> Street)* provide a letter to Council regarding changes to the proposed Zoning Regulations. He noted he would like to see the maximum density in the

multi-family zoning district increased from eight units up to twelve which would be at the end of the scale for the surrounding communities.

**Cathy Stueckemann (15501 Cedar Lane)** spoke regarding Business Item “c” and “d”. Mrs. Stueckemann thanked her husband and Cedar Lake for their contents and decorum at the public hearing on September 8<sup>th</sup>. She noted some discrepancies in the minutes of September 8 Cedar Lake Public Hearing. The home owners of Cedar Lakes feel that the City cannot thrive on residential roof top taxes and the City should concentrate on economic development. She pointed out the minutes should have reference time, date, and place per State statute. She asked how many commissioners read through all the statements provided. Mayor Garcia and Councilmember Washington stated they reviewed the statements and President Dysart stated she was satisfied with the testimony at the hearing and would use the statements for review if necessary. Mrs. Stueckemann asked if Council had contacted each other via telephone or email to discuss the matter. No contact had been made. Councilmember Washington noted that would be a violation of the Open Meetings Act. She asked if anyone spoke with the city administrator about the issue and if any of the questions been addressed. Mayor Garcia stated he had spoke with the administrator. Mr. Slaugh stated the questions had not been addressed at this time. Finally, she noted the Cedar Lake residents’ expectations were that Council review all the written statements provided at the hearing and also expected the Council to act on an ordinance rejecting or approving the annexation. She asked Council to clarify the procedure.

Mr. Reavey stated the public hearing was held pursuant to State statute. The resolution was not sent by certified mail and all property owners receive notice and by operation of law the notice provision was not followed. If Council wants to pursue the annexation the City would need to send out new notices and hold another public hearing. Mrs. Stueckemann felt the residents should have been notified prior to this meeting or insert the language in the agenda letting the residents know that the process was going to start over. Councilmember Washington pointed out that Item “c” posed the question if the process should start over.

**John Flower (15515 Cedar Lane)** appeared on behalf of the Planning Commission to address Business Item “g”. From a planning commission perspective they realized they had not reviewed the driveway situation of the split lot for Lots C-5A and C-5B. Currently there are four driveways on the split property; however, they are shared and do not line up with existing drives to the north. They are asking that one driveway be removed from lot.

Councilmember Washington asked the planning director what process had been taken since the last meeting and why weren’t minutes provided. Mr. Smith explained the planning commission reversed the condition for the shared access and then was reviewed again by the planning commission on September 2. An excerpt of the September 2 minutes were included in the packet. Mr. Flower explained later the Council made the decision he asked the planning director the plat. After further review, he realized a mistake was made and brought it back to the planning commission for reconsideration.

President Dysart asked what the City's regulations were for entrances within 506 ft. Mr. Smith did not know of any regulations stipulating footage between driveways. Mr. Flower noted the planning commission granted four drive ways and three were defined, but the fourth driveway would be up to the property owner to decide where it would go. He explained the change in driveways would align with the existing driveways across the street.

Councilmember Washington confirmed there would be two driveways on C5A and another drive on C5B and one left for C6.

*Jennifer Yanes (15768 Pine Ct.)* asked who made the decision not pursue the [Cedar Lake Estates annexation] ordinance. Mayor Garcia stated he thought it was based on issues brought up at the hearing. Mr. Reavey stated there was not much decision to be made, if the Council would have chosen to adopt an ordinance, it would be null and void. As a legal matter, the process needs to be started over.

Closed public portion of the meeting.

## **SCHEDULED DISCUSSION ITEMS**

### ***a. LCDC Quarterly Report by Steve Jack***

Tony Kramer, LCDC President, appeared on behalf of Leavenworth County Development Corporation (LCDC). Mr. Kramer reported LCDC held a successful golf tournament. Area governing body members and county officials will be invited to attend a breakfast roundtable meeting to discuss regional issues. A restructuring of committees was also underway. Committees would meet in a task force situation on an "as needed" basis. Annual meeting would be held on December 5<sup>th</sup> and on December 12<sup>th</sup> a VIP Event would be held in an effort to build a network between members and area business owners.

Steve Jack, LCDC Executive Director, introduced Victoria Rowley as the new Economic Development Coordinator. Mrs. Rowley will lead a more aggressive company baseline, improving informational brochures such as tax information. Mr. Jack reported on new leads and prospects. Out of seventeen prospects, only two are still interested in the area. He felt this year would bring in the same amount of prospects as last year. He explained the reason for project elimination was based on the fact that Leavenworth County did not have existing building space large enough to accommodate their needs.

Councilmember Sifford asked if the two leads were interested in the Basehor area and how many companies located in Basehor as a direct result of LCDC. Mr. Jack stated one company was looking at a site north of 24-40 Highway and only two companies have located in Leavenworth County in the past year.

***b. Pinehurst Excise Tax Refund/Credit - Jeff Sutton representing Pinehurst Development***

Mr. Sutton, legal counsel for Pinehurst Development, explained there were some issues regarding excise tax paid at the time the property was platted. The property has since been rezoned at the request of the developer. He suggested issuing a tax credit to Pinehurst Development rather than issue a check back to the developer. This would allow the tax to go back to the property owner and the City would not be out all the money in one lump sum.

Councilmember Sifford asked the city attorney to give a legal opinion. Mr. Reavey explained the ordinance reads that the “excise tax is levied by this article and platting of real property or building in the City”. The excise tax must be paid when platted and that is what the developer did initially. After payment was made, the developer decided they wanted to develop the land as residential rather than commercial. So what was being asked is to refund excise tax and treat as a residential project. Mr. Reavey noted the ordinance included provisions to allow for credits; however, he did not feel “change of zoning” applied. He asked Mr. Sutton if there was a particular article that he felt applied. Mr. Sutton stated Article D provided for credit toward taxes previously levied. Mr. Reavey stated he did not see legally any requirement for refund. Mr. Sutton wanted to clarify it was not a “refund” but a “credit”.

Councilmember Sifford pointed out whether the property was commercial or residential, the developer would receive the money back when the lots were sold. Mr. Sutton stated there was no guarantee when the property would be sold. Councilmember Washington stated it was very clear that this tax was charged at the time of platting and it was incumbent on the developer to get back when property sold. Councilmember Hill agreed. Mr. Sutton stated there were court cases where changes were made after the fact, and credits had been issued. Councilmember Hill stated the change was requested by the developer, not something beyond the developer or City’s control.

***c. Consider request by USD 458 to waive excise tax fees.***

David Howard (14206 Madden Lane) explained at the last Council meeting the Council denied waiving the building permit and excise tax fees for the new elementary school. Tonight USD #458 School District was requesting waive of excise tax fees only. He noted it was reasonable for two taxing entities to work together. He pointed out the services the district currently provides for the community and City. He requested the discussion item move to an action item this evening.

A motion was made by Councilmember Washington and seconded by President Dysart to add Business Item “j” to the agenda to consider waive of excise tax fees for the school district. A show of hands was taken with all members voting in favor. Motion passed 5-0.

**BUSINESS****a. Consider approval of Authorization No. 3 for professional engineering services (resident observer) to Burns & McDonnell Engineering Company, Inc.**

Jeff Keller, Burns & McDonnell, explained the city administrator has provided in his report the revised fees of \$190,666 for the resident inspector and provided a report that explained the company's reason for allowing the resident inspector to come under their jurisdiction. The additional hours included engineering services and support as needed. Also the State Revolving Loan fund paperwork was developed with the understanding that the resident inspector would be provided through their company. Mr. Reavey stated at the last meeting there was some questions regarding the liability insurance for the resident observer. Upon his review of the parent agreement, Burns & McDonnell was not liable for anything under the contract. The contract language stated Burns & McDonnell was not responsible for project costs or making sure that the plans were followed by the contractor. Mr. Reavey stated Burns & McDonnell's legal counsel echoed his findings.

*(Tape 2, Side A)*

Councilmember Sifford stated the situation was bothersome to him. According to legal counsel Burns & McDonnell was not liable no matter what. He noted that Mr. Mitchell gave him the impression if the City did not use Burns & McDonnell for resident inspector, there would be overruns and he would not guarantee engineering support. Councilmember Sifford noted there was too great of a cost difference between Burns & McDonnell and the other companies that provided bids. Councilmember Hill stated it was relayed to Council that communication would be better if the resident inspector worked for Burns & McDonnell and asked if there was a comparison on change orders. Mr. Keller stated it was not a \$60,000 difference, it was a difference of \$19 per hour and that typically it was utility companies who provided their own inspectors. The average of change orders was approximately 4-6%. Councilmember Washington referenced an email received from Rod Geisler, KDHE, that stated large projects such as Basehor's typically did not use inspectors outside of the engineering firm and recommended using Burns & McDonnell's inspector. He also noted that KDHE was the City's banker on this project; therefore, the City should follow their recommendations.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve Authorization #3 with Burns & McDonnell in the amount not to exceed \$191,000. A show of hands was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

**b. Consider approval of the revolving loan (KWPCRF) Agreement with KDHE for Wastewater Treatment Plant Expansion.**

Mr. Slaugh provided Council with corrected loan information with the estimated loan amount excluded line rehab. He explained since the bids came in higher than anticipated, the amount of the loan needed to be increased and recommended setting the loan amount to \$6,424,516 and increase the term of the loan from twelve years to twenty. The interest rate of 2.82% would remain the same for the twenty-year loan. If Council

chose to go with the twenty-year payback, it would increase the interest amount by \$905,000. Over the last six months, the City has used reserve funds within the Sewer Capital Improvement Fund to make engineering payments. This has left the reserve fund unable to fund line rehabilitation cost. However, the City could request reimbursement for engineering costs through the State Revolving Loan.

Councilmember Sifford asked if there was some way to earmark additional sewer fees to go toward the loan payment. Councilmember Washington was concerned that adding additional language might “muck” up the process at this point. President Dysart questioned why the loan amount continues to change. Mr. Slaugh explained the administrative legal fees were reduced by \$30,000 and line rehab was removed. President Dysart questioned the amount of engineering fees paid to date. Mr. Keller stated the \$30,000 was part of the \$362,000 figure. Total engineering fees are \$741,566. Mr. Slaugh reported the City has already paid \$52,400 and \$362,000. If the Council decided not to ask for reimbursement for those fees, there would not be enough money in the Sewer Capital Improvement Fund for line rehab. Mr. Slaugh reminded Council the figures provided are projected. The actual costs would not be known until the end of the project.

President Dysart stated when the 24-40 benefit district was formed, the auditor recommended payment be placed in the sewer fund rather than the bond & interest fund. She had an issue taking general fund money and transferring to sewer fund for payment of SRL. Mr. Slaugh stated Council could continue to transfer from General Fund to Sewer Fund to help pay for line rehabilitation. If the City keeps up with the consistent rate increases and growth rate, the fund should keep a float. President Dysart noted the original loan amount submitted by Burns & McDonnell was \$4 million, now it has increased to over \$4.9 million and felt sewer bills would be so high that no one would want to build in Basehor. Councilmember Sifford stated the reason for going with a twenty-year plan was so rates would not be so high and if the expansion did not occur, there would be a moratorium placed on building. Councilmember Hill noted the City recently passed a benefit district for a major development across from city hall and the City needed the expansion in order to grow. Mr. Slaugh stated the City had sewer rate studies performed in order to get to the point where they are today.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the loan application with KDHE in the amount of \$6,424,516 for a term of 20 years and authorize the mayor to sign the necessary documents. A show of hands was taken with all members voting in favor. Motion passed ~~4-0~~ (amended to 5-0 on 10/20/08)

***c. Consider starting the annexation process over again for the Cedar Lake Estates subdivision.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to start the annexation process over again for the Cedar Lake Estates subdivision. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***d. Consider a proposal to begin the effort in annexing the Cedar Lake Estates subdivision.***

Mayor Garcia commented if Council set a new hearing date now, the hearing would be held during the holidays since State statues had a 60-70 day notice requirement. He also reminded Council that about 50% of the governing body may be changing in April 2009.

Mr. Slaugh stated the City needs to prepare documents and resolution first. He suggested using MHS Solutions to prepare the necessary documents. Their fee would be \$2,630.00 Mr. Lutgen stated he would have the documents ready by the November 3<sup>rd</sup> meeting.

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to approve MHS Solutions to prepare [Cedar Lake Estates annexation] documents not to exceed \$2700.00. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***e. Consider ordinance adopting by reference proposed Zoning Regulations***

Planning Director Dustin Smith stated to go from 8 to 12 units per acre as requested by Jeff Scherer was excessive. Certain amenities are given a certain point value according to the list. Developers can add other amenities in exchange for items on the list but must be approved by the planning commission.

Councilmember Sifford stated Mr. Scherer provided information regarding the density requirements from surrounding cities and asked if it would be a deterrent to Basehor to lower the density requirements. Mr. Smith stated if Council did not adopt the proposed changes, it would go back to the planning commission for further review.

Mayor Garcia asked if schools and churches would require a conditional use permit under the proposed changes. Mr. Smith stated his reasoning behind the decision was that conditional use permits were designed to have a higher level of review since there were higher impacts on a residential area and would allow the City to place additional requirements. Councilmember Hill asked if a dance studio or Montessori school need a conditional use permit. Mr. Smith said a dance studio would not be permitted and a Montessori school would require a special use permit.

Mr. Slaugh stated he did not feel churches and schools should be a conditional use since it was unlikely a school would be torn down in five years. Mr. Smith said it was also an effort to notify property owners in the area as well.

Councilmember Washington would like to see the planning commission address the church/school issue and look into the density requirements as well as Basehor's square foot requirement since Basehor's proposed change was higher than area.

Mr. Reavey asked if churches and schools have a particular zoning district. Mr. Smith stated that was not typical of zoning districts. Councilmember McDowell asked if it was

typical to have schools obtain special use permits. Mr. Smith reported he surveyed twelve cities and of those twelve, six required special use permits.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to forward the changes back to the planning commission for further review of density requirements and requirements for conditional use permits for schools and churches. A show of hands was taken with all governing members voting in favor with the exception of Councilmember Hill. Motion passed 5-1.

***f. Consider ordinance to revise guidance on use of right-of-way to include designated easements.***

Mr. Slauch reported currently there were no ordinances in place governing use of right-of-way in designated easements.

Mr. Reavey stated he thought it would be best to direct staff to research the matter prior to adopting an ordinance. He did not think the city could legally impose requirements on easements since they are normally an agreement between property owners and utility companies.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to direct staff to research guidelines . A show of hands was taken with all members voting in favor. Motion passed 5-0.

***g. Reconsideration of lot split of Lot C-5, Pinehurst North, as requested by Gary Holst.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to affirm the action of the planning commission. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***h. Consider approval of bids for street maintenance projects for 2008.***

Project engineer Dave Lutgen pointed out a change that was made to the 2008 Street Maintenance Project following the September 15<sup>th</sup> meeting. Elm Street ponds with water and was not sure they would be able to do the project this year since it was a major repair project due to the weather. He provided two alternates for Council approval. Total project cost estimated at \$148,645. Holland Construction was low bidder at \$142,256.25.

Engineers Base Estimate		\$126,409.00
Alternate #1	155 <sup>th</sup> Street Terrace from Walnut Court to Crestwood	\$ 11,789.30
Alternate #2	Walnut Court from 155 <sup>th</sup> St. Terrance to Cul-De-Sac	\$ 10,446.70

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve Holland Construction’s bid and approve to do Alternate #1 and

Alternate #2. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***i. Consider ordinance and lease agreement with KDOT for certain communication equipment.***

A motion was made by Councilmember McDowell and seconded by Councilmember Hill to approve the ordinance and lease agreement as written. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***j. Consider waiver of excise tax fee for USD #458 for Elementary School in the amount of \$42,000.***

A motion was made by Councilmember Washington and seconded by President Dysart to waive excise tax for elementary school at Basehor Twon Center in the amount of \$42,000. A show of hands was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

## **CITY ADMINISTRATOR REPORT**

- League of Kansas Municipaliteis Conference, Wichita, KS – October 12-14<sup>th</sup>
- Legislative Breakfast Meeting - Dec. 2<sup>nd</sup> at Lansing Community Center
- 150<sup>th</sup> Intersection – place on agenda for October 13<sup>th</sup> work session.

## **MAYOR'S REPORT**

- Commended the Basehor Historical Museum Society for a great job at their Open House held on October 4<sup>th</sup>.
- Alley on 155<sup>th</sup> Terr. – Mayor Garcia questioned the city superintendent if the alley located on 155<sup>th</sup> Terr. [south of Leavenworth Road] ever been maintained by city staff. He explained he received a phone call from Lois Fulkerson stating the City caused the problem. He asked city staff to contact Mrs. Fulkerson and Mr. Rosenthal to see the matter could be resolved. Mr. Slauch reported he spoke with J.D. McDowell and the alley has been used as a private drive for two properties. He recommended vacating the alley and returning the land back to the two property owners and let them deal with the issue.

Mr. Smith stated a lot of homes in the older part of town have alleys behind the homes and did not recommend vacating any alley. Mr. Slauch stated the alley only benefits two property owners. Councilmember McDowell stated Mrs. Fulkerson indicated the City caused an erosion problem by some work they had done in the past. Mr. Myracle explained two years ago, the property owners created a brush pile and

created flooding issues. The City excavated the old tube out and replaced the tube. He noted the property owners were advised at that time the city did not maintain alleys. The only other work performed on 155<sup>th</sup> Terrace was a street overlay and trimmed trees back to the right-of-way.

## **COUNCIL MEMBER REPORTS**

### **Iris Dysart**

- Casey's Law Suit - President Dysart questioned how the Casey's court hearing came out. Mr. Slauch stated the case did not go to court. The city prosecutor stated the City should add language to their ordinance to handle situations like Casey's in the future. At this point Casey's has denied access to staff to inspect the grease traps and felt the City should to add a couple of paragraphs similar to Johnson County which requires an inspection of grease traps every 90 days.
- Mayor & Council Pay Increase – President Dysart posed the question of mayor and city council pay increase. The city clerk reported the 2009 Budget included \$17,200 for the governing body's wages which had been decided during the budget process. Councilmember Washington confirmed that council members would receive \$200 per month and the mayor would receive \$100 per week.

### **Roger McDowell.**

Councilmember McDowell asked if certain controversial issues could be moved to the beginning of the meeting. Mayor Garcia stated council members could vote at the beginning of the meeting to amend the agenda.

### **Keith Sifford**

Councilmember Sifford stated he was glad to see the issue involving USD #458 was finally resolved. He explained he voted against the agenda item because he felt the school district should have included the fees in their bond issue and it was the cost of doing business.

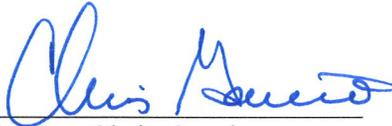
## **EXECUTIVE SESSION**

**None**

## **ADJOURNMENT**

There being no further business to discuss, a motion was made by Councilmember McDowell and seconded by Councilmember Sifford to adjourn the meeting. A show of hands was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 9:50 p.m.

Submitted for Council approval with/without corrections or additions this 20<sup>th</sup> day of October, 2008.



Mayor Chris Garcia



Attest:

  
Mary A. Mogle, CMC, City Clerk