

**Minutes**

**BASEHOR CITY COUNCIL**

**December 15, 2008**

**6:00 p.m.**

**Basehor City Hall**

**Official Presiding: Mayor Chris Garcia**

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

**Members Absent: None**

**Staff Present: Carl Slaugh, Lloyd Martley, Mary Mogle, Gene Myracle,  
Patrick Reavey, Joe McAfee**

**Newspaper: Kaitlyn Syring**

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

The work session was called to order with all members present. The city attorney was not in attendance.

**Discussion of agenda items.**

***c. Consider approval of pay request #1 from CAS Construction LLC for the Wastewater Treatment Plant expansion in the amount of \$328,316.42.***

Mike Hafling, CAS Construction LLC, updated Council on the wastewater treatment project reporting the project was 7.4% complete and on schedule. A schedule was provided for projected work and payment schedule for the duration of the project. Mr. Slaugh reported pay requests would be signed by both the city administrator and KDHE.

CAS Construction has requested an adjustment on unit prices. Mr. Hafling explained the current unit pricing might need to be adjusted based on the need for additional excavation. Jeff Keller, Burns & McDonnell, noted the project was on schedule; however, the cold weather was a concern for the pouring and setting of concrete. He explained CAS Construction was trying to be as transparent as possible regarding change in unit pricing and if excavation came in lower; the City would save some money.

***h. Consider reimbursement payment to Leavenworth County for northbound turn lane at 158<sup>th</sup> Street and Highway 24-40, project completed in 2004.***

Mr. Slaugh explained the project itself was included in the preliminary Pinehurst figures (*Patrick Reavey arrived at 6:12 p.m.*) however, the actual paperwork has been sent to the caves. The project cost has been included in the Pinehurst Benefit District.

President Dysart stated she spoke with Greg Vahrenberg, Piper Jaffray, about this issue. He informed her spreadsheets produced by the previous treasurer were available. Councilmember Washington asked if the administrative fee had been transferred. The city treasurer stated she would have to research the records.

Joe McAfee reported the City has not paid the County. He went back and researched the project and did not find where a payment was ever made for inspection fees on the 158<sup>th</sup> Street turn lane. The City never received a final bill from KDOT and inspection fees were never billed as well. The only way he could be sure was to know what the interest payments were. President Dysart did not feel the amount should be taken out of the Consolidated Highway Fund or General Fund and should come out of the administrative fees if research finds that the bill was not paid. Mr. McAfee said the bill was not taken out of the administrative fee because the city would be losing money and he doubts that the County would be willing to wait 17 years to get their money.

Councilmember Washington supported having the auditors review the project to make sure the City actually owed the money and was not paid earlier.

The city administrator was instructed to make contact with Piper Jaffray to obtain the necessary information.

***i. Consider approval of a request from the Holy Angels Catholic Church for a grinder pump to be installed to serve the existing church building.***

The city superintendent reported he was approached by Jeff Scherer regarding the need to connect the existing Holy Angels church to a grinder pump. The church plans to install an in-house unit and pump to Leavenworth Road. The church had provided a maintenance agreement as required by the City. The line would be less than 50 ft. from the sewer main to the church. Currently there are three other locations in the city that are on lift pumps in addition to Cedar Lake Estates.

***l. Consider a change in approval or authorization authority limits for the city administrator.***

Mr. Slaugh reported based on discussion at the last meeting, he submitted recommendations concerning spending limits for change orders.

Mr. Keller said the City should expect change orders and recommended adjusting the city administrators spending authority. He noted a common amount ranged from \$5,000 to \$10,000. Mr. McAfee noted in the past some of his projects were held up because the city administrator did not have a higher spending limit.

Councilmember Washington said he would be willing to increase the spending authority to \$10,000 when it was in conjunction with any council approved project.

Break (6:41 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. The city attorney was in attendance.

Mayor Garcia asked for a moment of silence in memory of Diana Flower who died in a traffic accident on December 11, 2008.

#### **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. December 1, 2008 Work Session & Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events
- e. Approve year-end transfers

A motion was made by Councilmember Sifford and seconded by President Dysart to approve the Consent Agenda as presented. A show of hands was taken with all members voting in favor. Motion passed 5-0.

#### **PUBLIC HEARING - Revision to 2008 Budget, Cedar Lake Maintenance Fund**

##### ***Staff Comments***

Mr. Slauch reported the City budgeted \$10,500 in the Cedar Lake Maintenance Fund for pump repairs. Repair expenses exceeded the budgeted amount; therefore, it was necessary to amend the 2008 budget.

President Dysart noted this fund had to be amended before and felt the budget should be increased to anticipate additional expenses.

Mr. Myracle reported he met with the Leavenworth County engineer regarding current expenditures and they have agreed to increase their budget. President Dysart noted according to the agreement the operating budget was estimated to be collected [by the County] and turned over to the City for maintenance of grinder pumps with a 15% inflation factor. Mr. Myracle noted the reserved money was in the fund but was not being included in the budget.

### ***Public Comment***

Cedar Lake Estates resident Kathy Stueckemann reported during break the city clerk and city treasurer explained the amendment to her so she understood the purpose of the hearing. She reminded Council that the agreement states that the funds are to be used solely for the purpose of the maintenance of the grinder pumps. She also requested that Cedar Lake Estates be removed from the City's website where it showed they were a part of the City. Mr. Slauch explained the City received numerous calls from people interested in moving to Basehor and wanted to know what subdivisions had homeowners associations and thought the website referenced "Basehor area". Mrs. Stueckemann noted the website did not include the word "area".

### ***Council Comments***

There were no further comments from the City Council.

### **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.

### **SCHEDULED DISCUSSION ITEMS**

None

### **BUSINESS**

#### ***a. Consider amending the 2008 city budget, Cedar Lakes Maintenance Fund.***

A motion was made by Councilmember Sifford and seconded by Councilmember McDowell to approve the Cedar Lake Maintenance Fund for year 2008. A show of hands was taken with all members voting in favor. Motion passed 5-0.

Mayor Garcia announced the public hearing was officially closed.

***b. Consider approval of a resolution setting a public hearing to consider an amendment to the Transportation Development District for the Wolf Creek Junction development.***

A motion was made by Councilmember Hill and seconded by Councilmember Sifford to approve the resolution setting the public hearing for January 5, 2009 to consider the proposed amendment to the Transportation Development District [for the Wolf Creek Junction Development]. A show of hands was taken with all members voting in favor. Motion passed 5-0.

*RES. 2008-18. RESOLUTION STATING THE INTENT OF THE CITY COUNCIL OF THE CITY OF BASEHOR, KANSAS TO CONSIDER AN AMENDMENT TO THE WOLF CREEK JUNCTION TRANSPORTATION DEVELOPMENT DISTRICT PETITION AND PROVIDING NOTICE OF A PUBLIC HEARING REGARDING THE AMENDMENT ALL PURSUANT TO K.S.A. 12-17, 144*

***c. Consider approval of pay request #1 from CAS Construction LLC for the Wastewater Treatment Plant expansion in the amount of \$328,316.42.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve pay request #1 from CAS Construction LLC for the Wastewater Treatment Plant expansion in the amount of \$328,316.42. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***d. Consider changes in unit quantity prices under the WWTP contract with CAS Construction.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the changes in unit quantity prices under the Wastewater Treatment Plant contract with CAS Construction. Mr. Slauch requested clarification on the items being considered. Mr. Hafling explained CAS Construction included in their pricing a 1,000 yards of structural backfill and a 1,000 yards of non-structural backfill so at that point there would be no cost to either side; however, he did anticipate the need for additional work at the 163<sup>rd</sup> Street lift station location. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***e. Consider renewal of Cereal Malt Beverage License for Casey's General Stores***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve renewal of Cereal Malt Beverage License for Casey's General Stores. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***f. Consider renewal of retail liquor license for Shorty's Liquor (Kathy & Jim Breuer)***

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to approve renewal of the retail liquor license for Shorty's Liquor. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***g. Consider renewal of Drinking Establishment license for Kelley's Bar & Grill (D & B Associates)***

Councilmember Washington asked if all code violations been corrected. The city administrator confirmed that corrections had been made.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the renewal of Drinking Establishment license for Kelley's Bar & Grill. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***h. Consider reimbursement payment to Leavenworth County for northbound turn lane at 158<sup>th</sup> Street and Highway 24-40, project completed in 2004.***

A motion was made by Councilmember Hill and seconded by Councilmember Washington to table action until the January 5<sup>th</sup> meeting with the provision that mayor direct the staff to gather the information as discussed in the work session. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***i. Consider approval of a request from the Holy Angels Catholic Church for a grinder pump to be installed to serve the existing church building.***

A motion was made by Councilmember Hill and seconded by Councilmember Sifford to approve the request from the Holy Angels Catholic Church for a grinder pump to be installed to serve the existing church building. Councilmember Washington noted the grinder pump ordinance was confusing and asked the city attorney if the ordinance should be amended to allow the city engineer some flexibility to decide on minor grinder pump requests. Mr. Reavey suggested addressing the wording as part of the codification process. Council would also like the planning department to give Council some education and information regarding the difference between grinder pumps and lift pumps. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***j. Consider resignation of planning commission member John Flower.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the resignation of John Flower effective December 15, 2008. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***k. Consider appointment of planning commission member Jon Gallion.***

A motion was made by Councilmember Sifford and seconded by Councilmember McDowell to approve the appointment of Jon Gallion to replace planning commission

member John Flower. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***l. Consider a change in approval or authorization authority limits for the city administrator.***

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to direct the city attorney to draft an amendment authorizing the city administrator to approve change orders up to \$10,000 on project contracts that were already approved by the City Council. General spending limit would remain at \$2,500. A show of hands was taken with all members voting in favor. Motion passed 5-0.

### **CITY ADMINISTRATOR REPORT**

- **January 27, 2009 - Election registration deadline**
- **Strategic Planning Session** – Council agreed to schedule a strategic planning session for late February. Mayor and council member candidates were encouraged to attend.
- **Pinehurst Sidewalks** – Mr. Slaugh explained sidewalks were never installed on Crimson Drive and the south side of Juniper St. in Pinehurst South Subdivision. The Homeowners Association did not want the sidewalks and were willing to provide a letter to the City requesting that sidewalks not be installed. The resident's reasoning was that landscaping and driveways were already in place and construction would be at the homeowner's expense. The sidewalks are shown on the plat and the maintenance bond has already expired. Mr. Reavey reported when the Council approved the plat, it needed to be enforced.

Pinehurst South resident Sandra Grimes explained she was told by Pinehurst's marketing agent that since the walking trail was in place, sidewalks were not required. Mr. Slaugh stated he would work with the city attorney and get back with the Council. She explained the former Homeowners Association president said he was told the sidewalk was included in the price of the home and wants the sidewalk.

Mr. McIntosh, Benchmark Management, commented in the past, builders were required to put in sidewalks or an occupancy permit would not be issued.

Mr. Slaugh said the question was who was legally obligated to pay for installation, the developer, the resident, or the contractor who built the home.

- Mr. Slaugh requested a fifteen-minute executive session for attorney-client matter regarding Chestnut Lift Station.

### **MAYOR'S REPORT**

- Mayor Garcia wished everyone a Merry Christmas.

- Citizen Forum – December 18, 2008 from 6:00 - 8:00 p.m.
- The LCDC VIP event was held on December 12<sup>th</sup>. Mayor Garcia and Councilmember Hill and their spouses attended the event.

## **COUNCIL MEMBER REPORTS**

### **Keith Sifford**

Councilmember Sifford extended his condolences to the Flower family and wished everyone a Merry Christmas and a Happy New Year. He wanted to remind everyone to take a moment to realize how precious life was.

### **Roger McDowell**

Councilmember McDowell concurred with Councilmember Sifford.

### **Jim Washington**

Councilmember Washington noted he unable to attend Mrs. Flower's memorial service and asked Mr. McIntosh to express his sympathies to Mr. Flower. He also wished everyone a Merry Christmas.

### **Terry Hill**

Councilmember Hill quoted a saying "To laugh, think and cry everyday is a part of life and if you do that you are living your life to the fullest". He commented that the recent death of Mrs. Flower affected the community and all need to reflect on their day. He wished everyone a Merry Christmas.

### **Iris Dysart**

President Dysart wished a Merry Christmas to all and staff noting she appreciated all they do and with the recent events it made you reflect on life.

## **EXECUTIVE SESSION**

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to convene into Executive Session for up to fifteen minutes to discuss attorney-client privileged matter. A show of hands was taken with all members voting in favor. Motion passed 5-0. The city attorney and city administrator attended the session. (7:45 p.m.)

At 7:55 p.m., the regular meeting was called back to order. Councilmember Washington requested the record reflect that he was exiting the meeting at 7:55 p.m.

**ADJOURNMENT**

There being no further business to discuss, a motion was made by Councilmember Hill and seconded by Councilmember Sifford to adjourn the December 15, 2008 regular meeting. A show of hands was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 7:58 p.m.

Submitted for Council approval with/without corrections or additions this 5<sup>th</sup> day of January, 2008.



Mayor Chris Garcia

Attest:

Mary A. Mogle, CMC, City Clerk