

Minutes
BASEHOR CITY COUNCIL
January 4, 2007
6:00 p.m.
Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Iris Dysart, Bill Hooker, Keith Sifford, Terry Thomas

Members Absent: John Bonee

Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle, Terry Horner, Dustin Smith,
John Thompson

Newspaper: Lara Hastings, *Basehor Sentinel*

WORK SESSION – 6:00 p.m.

Mayor Garcia called the work session to order at 6:00 p.m. All members were present with the exception of Council President John Bonee. The city attorney was also in attendance.

1. Discussion regarding agenda items.

c. Consider adoption of Sanitary Sewer Master Plan

MHS Engineering project engineer Dave Lutgen explained the sanitary sewer master plan was based primarily on three area watershed basins; Stranger Creek, Hog Creek, and Wolf Creek. He explained each watershed area was calculated based on population and future wastewater flow. Councilmember Dysart stated she disagreed with Mr. Lutgen's calculations for the Wolf Creek basin. Councilmember Thomas thought the confusions was due to the fact that the engineer used two different methods for calculating the flow.

The report recommended three alternative options for future wastewater treatment (1) expand existing treatment plant to 2.1 MGD at an estimated cost of \$5.5 million which should handle growth for the next 20 years; (2) construct new 2.1 MGD treatment plant in Hog Creek basin at an estimated cost of \$18.8 million; and (3) expand the existing plant to 1.7 MGD and construct a new .023 MGD wastewater treatment facility in the Wolf Creek basin at an estimated cost of \$6.4 million (excluding cost of interceptors).

Mr. Lutgen stated expansion of the existing plant would handle a population of approximately 11,000. He went on to describe the proposed locations for future

WWTP in each basin. He pointed out that "Figure 15" showed a build out plan for Hog Creek basin. The plan called for a WWTP to be constructed near 178th Street along with north and south interceptors. This plan would allow for the removal of every lift station with the exception of one in Crestwood Subdivision.

Councilmember Hooker requested an estimated population count for each phase of the existing plant. He did not feel the city should expand to Phase 4. He thought the difference in cost could be used toward a new plant. Councilmember Dysart provided him with a report she had received in the past.

Councilmember Thomas stated he would like to see a more uniform description of the lift stations throughout the plan and also pointed out on Map 2, Donohoo Road was shown incorrectly. He would like to see something in the plan that showed which basin was growing faster. The ratio of 12% to 85% was incorrect and should be shown as 15%. Councilmember Thomas stated Figure 12 did not show all the existing lift stations. Mr. Lutgen reported the map showed the lift stations that would remain after the other stations were decommissioned.

Mr. Slaugh stated he thought everyone understood how difficult it was to pin down population projections. The main question was to decide whether to build-out to Phase 4 or concentrate on building a new plant. He favored building out to Phase 4 because it gave the City the flexibility of developing the commercial area.

Councilmember Hooker stated it may be cheaper to do a complete build out; however, that may not be the best thing for the City. Mr. Slaugh stated there were still options to work with Bonner Springs in the future. The city superintendent concurred with the city administrator. Councilmember Hooker reiterated he did not feel the taxpayers would vote for an \$11 million bond issue. Mayor Garcia reported the City would use the State Revolving Loan rather than a bond issue.

Mayor Garcia stated the City had already made a commitment to the developers that were approved; therefore, the City had an obligation to provide treatment to those properties.

Councilmember Hooker asked the city attorney if the City would be obligated to issue building permits if the City did not have ample wastewater capacity. Mr. Thompson stated the City could withhold building permits and it would take a decision of the court to overturn their action.

Mr. Myracle felt the City should not "piece meal" the expansion of the existing plant, but follow through with a complete build out. According to KDHE, the City should be in the construction phase of the expansion in year 2007. He explained in the past the City had developed a rate plan that would pay for this plant, as well as, the upgrade via the

State Revolving Loan.

Council discussed financing of past and future wastewater treatment projects.

Work session closed at 6:56 p.m.

REGULAR MEETING – (7:00 p.m.)

(Tape 1, Side B)

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

All present with the exception of President Bonee. The city attorney was also in attendance.

CONSENT AGENDA

(Consent Agenda Items will be acted upon by one motion unless a Council member request an item be removed for discussion and separate action.)

- a. Approve Minutes
 - 1. December 11, 2006 Work Session
 - 2. December 18, 2006 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 Hooker and seconded by Councilmember Thomas to vote on Consent Agenda Items "a-2" and "b" as separate items. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Mayor Garcia asked for a motion to approve items a-1, C, D. Councilmember Dysart pointed out the December 11th minutes were not included in her packet. The other members concurred also.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to table action on Consent Agenda item "a-1" to the next meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to approve Consent Agenda Items "c" and "d". A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Mayor Garcia asked for a vote on Consent Agenda Item "a-2", December 18, 2006 minutes. Councilmember Hooker stated he had a problem with the way the motion was

stated on Business Item "d" (page 6, 2nd paragraph). He felt the positions were not reflected accurately and listed positions that the City does not have. Mr. Slauch stated the way he interpreted the motion was that all employees would receive a 2% COLA increase and then the positions stated by President Bonee would receive an adjustment with the other employees receiving the balance of the pool of money through a merit increase. Councilmember Thomas noted the intent of the motion was to give those positions who was the furthest behind in comparison of other cities received an increase and the other positions receive a merit increase if so deserved. Councilmember Hooker said he understood the "intent" of the motion; however, that is not what the wording actually meant. Mr. Slauch stated although the motion included the different positions of the police department, he interpreted it to mean all levels of police officers would be receive an increase. Councilmember Hooker stated he thought the motion should also include which positions should receive merit raises. Councilmember Thomas stated that would not be possible since some positions would not deserve a merit raise. He said the 3% would go to those with the most disparities and the remainder of the pool be distributed on a merit basis as determined by the city administrator.

Councilmember Hooker stated Item "k" should be corrected to read "northeast corner of Parallel Lane". In Business Item "e", the name should read "Cramer" rather than "Kramer".

Councilmember Dysart stated she thought President Bonee voted against Business Item "j". The city clerk stated she would have to go back and listen to the audio tape. Councilmember Thomas stated his notes showed a 4-1 vote with President Bonee voting against. (Note: The audio tape was reviewed and the 4-1 vote was substantiated.)

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the December 18th minutes with the aforementioned amendments and clarification of the motion regarding the 2007 wage increase. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Councilmember Hooker asked for an explanation of vendor payments #13520 (John F. Thompson) and #13522 (Triplett Woolfe & Garrison). It was Councilmember Hookers understanding the City was no longer using Ms. Carson's services. Mr. Thompson stated the billing was for the time Mary Carson spent on the filing of 24/40 Sanitary Sewer Taxing District court brief. He explained he thought the bills were being sent directly to the City for payment, when in fact, they were sent to his office. Once the error was brought to his attention, he forwarded the invoices to the city treasurer for payment.

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to approve Consent Agenda Item "b" as submitted. 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 Pubic" may or may not be acted upon by the Council during this meting. 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. David Breuer - Discuss development charges for Barrington Manor

Mr. Breuer failed to appear. Councilmember Hooker asked the planning director for background information regarding Mr. Breuer's concerns.

Mr. Smith reported developer David Breuer was disputing a \$1300 billing from several months ago that was associated with Barrington Manor. Mr. Slauch stated Mr. Breuer told him he was not told of the charge upfront and felt the City should have advised him of all fees prior to the work being performed.

Mr. Smith informed the Council of the new process he has put in place that would inform developers of the fees. He recommended Mr. Breuer not be charged. Mr. Slauch disagreed noting that was a standard practice at the time of Mr. Breuer's application.

b. Wes Neu, Basehor Historical Society

Re: Request permission to use sewage lift pump for handicap restroom.

Mr. Neu, 17271 Hollingsworth Road, chairman of the Trustees of the Basehor Historical Society. The Historical Society has been considering using the old library building as a temporary museum. In order to do so, it would be necessary to construct a handicap restroom facility in the lower level of the building and discontinue the use of the existing restroom facility. He requested permission to use a sewage lift pump, explaining that would allow them to tie into the existing sewer line over to the sewer main.

The city superintendent Gene Myracle noted the Council has granted variances in the past as long as the property owner entered into an agreement with a reputable contractor to maintain the pump and provide a battery backup. Mr. Myracle explained he had met with Mr. Neu and taken elevations to see where the location of the pump would need to be in conjunction with the existing sewer line. It was his professional opinion the pump would work as requested.

Mr. Neu reported the historical society would be responsible for all costs associated with the construction and maintenance of the sewer lift pump. Councilmember Dysart asked if the building would meet code in it's current condition. Mr. Neu stated he had a "walk through" with the building inspector and fire inspector and was aware of changes that need to be made prior to occupancy.

c. Michael Bauer - request to waive fee for variance in Pinehurst South subdivision

Mayor Garcia reported Mr. Bauer would not be attending the meeting. Mr. Slaugh explained that one house was placed incorrectly which caused six other homes to be built outside of the required setback. Councilmember Hooker asked that the building inspector find some way to protect the survey pins in the future. Councilmember Thomas asked if the City would share responsibility if they granted a variance.

The planning director reported there was two options (1) apply for a variance, or (2) replat the area. He also suggested Council authorize him to write a letter that could be recorded with the Register of Deeds stating the City granted a setback variance.

Planning Commission chairman Jason Logsdon (15402 Craig St.) commented when the builder applies for a building permit and provides a plot plan, it's the builders responsibility to make sure the building is located in the correct location. He recommended the property owners do a lot split.

John Flower, 15515 Cedar Lane, said he had experience dealing with this type of situation. He explained two properties in Cedar Lakes currently had the same problem which has caused the subdivision to go through a re-platting.

Mr. Smith did not recommend doing a lot split. Building Inspector Mark Lee stated he had contacted other cities regarding their process. He was told the problem was the builders fault and the property owners should not be held responsible. One of the property owners title work had shown that the building was in violation of the setback, but still closed the mortgage.

Mr. Slaugh did not feel the City had involvement at this point. Councilmember Thomas said he did not have any problem with waiving the variance fees to the property owner since it was the builder that caused the initial problem. Mr. Smith explained a land survey needed to be done in order to file for a variance and felt that cost should not be paid by the City of Basehor.

Mr. Thompson stated since the City has been made aware of the violation, they have an obligation to correct the problem and must take some sort of action to define the boundary lines. He suggested having the property owners sign what was called a boundary line agreement where it re-established their property lines and file the document with the Register of Deeds office. Mr. Smith stated he would pursue the boundary line option as so stated by the city attorney.

Building Inspector Mark Lee asked if the Council was going to allow the sanitary sewage lift pump for the Historical Society. Mayor Garcia stated since it was not an

d. Citizen Comments Regarding Agenda Items

action item, the City Council would take formal action at the next regular meeting.

Jim Washington (1901 160th St.) stated he agreed with Councilmember Hooker noting the wording of Business Item “d” of the December 18th minutes did not agree with the intent of the vote, 2% increase across the board with a 3% of the payroll pool to spreadout to take care of some of the wage inadequacies. He also commented the sewer master plan presented earlier in the meeting was a better piece of work than what was provided earlier in the year. However, he thought there were still many questions to be answered. *(Tape 2, Side A)*

Jason Logsdon stated he reviewed the flow chart in the sewer master plan and wanted to make sure the cost of operation and maintenance would be taken into consideration when making a decision to expand or build a new facility.

There being no further citizens comments, Mayor Garcia closed the public portion of the meeting.

SCHEDULE DISCUSSION ITEMS

Chief Horner requested authorization to fill budgeted positions, promote the part-time police clerk to full-time and hire another full-time police officer. He explained the clerical staff processes over 1400 citations per year and \$147,000 in court fines. He explained the full-time police officer would be funded by transferring funds from his department part-time (01-004-702) line item. The police clerk position was already listed in the budget. Chief Horner explained the City of Basehor currently employees 7 full-time police officers (excluding the HIDTA officer, Chief of Police, and detective) and 7 part-time officers. Councilmember Hooker asked if the HIDTA officer also received a 2% increase. Chief Horner stated he spoke with HIDTA officials regarding the increase and they did not see a problem with the increase. (City clerk left at 8:34 p.m. Police-court clerk Traci Myracle finished taking minutes.) The police chief stated he would not need another officer for three years. This would allow him to utilize two full-time officers per shift and cut down on part-time hours.

Councilmember Hooker questioned if the City would be divided into north and south sections to prevent having the officers in the same area. Chief Horner stated he was in the process of working out the details with Corporal Hallgrimson.

Councilmember Thomas expressed concerns with excessive use of the patrol vehicles. The police chief said he was also working on that matter as well.

Councilmember Hooker stated he would like to see a "manpower survey" showing the ratio of officers to calls. City administrator Carl Slaugh suggested the survey show officer to population rather than calls. Councilmember Hooker stated he felt the City had too many officers. Chief Horner reported in 1985 US Department of Justice did a survey that showed the ratio of officers to be one officer to five hundred citizens. The survey was not based on policy, population, or geographics.

BUSINESS

a. Consider renewal of Worker's Compensation Program with Kansas Municipal Insurance Trust (KMIT)

The city administrator highlighted the program noting the City has received an excellent rating based on the efforts of safety coordinator Gene Myracle. Councilmember Dysart asked what the premium was for last year. Councilmember Hooker stated he thought the cost increased approximately \$700. Councilmember Dysart questioned why the rate was going up by 12%. Mr. Myracle explained the City had four claims, three claims from the police department and one claim from the public works department in the last two years.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve the renewal of the Worker's Compensation Program with Kansas Municipal Insurance Trust for year 2007 (\$15,410 premium). A roll call vote was taken with all members voting in favor. Motion passed 4-0.

b. Consider approval of staffing changes and additions in administration and police departments.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve staffing changes as presented. Discussion followed. Councilmember Dysart asked if the motion included the full-time police officer. She noted the city administrator's report only recommends the moving the part-time clerks to full-time. Councilmember Sifford amended his motion to approve the part-time police clerk go full-time and a part-time police officer be promoted to full-time. A roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

Council discussed the interpretation of the vote and decided another vote needed to be taken to address the administrative position and the police officer position. Chief Horner explained his request is for the hiring of a new full-time police officer rather than promoting a part-time officer. He explained \$40,000 had been transferred from the part-time budget (01-004-702) to the full-time budget (01-004-701).

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to reconsider the previous motion. A roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to break Business Item "b" into two different action items 1) police department and 2) administrative department staffing. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

A motion was made by Councilmember Thomas and seconded by Councilmember Dysart to approve the full-time police officer to a staff of eight and make the part-time police clerk to full-time. A roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

A motion was made by Councilmember Dysart and seconded by Councilmember Thomas to move the current part-time receptionist to full-time. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

c. Consider adoption of Sanitary Sewer Master Plan

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to approve the adoption of the Sanitary Sewer Master Plan. Discussion followed. Councilmember Thomas asked if by approving the plan it was to approve the document only and not the build-out plan. Mayor Garcia stated the motion was to adopt the proposed plan document only. The Council would take action at a later date to

address the build-out options. Mr. Smith stated he would like to see a lift station addressed in the Wolf Creek basin since it has a greater opportunity to develop than the Hog Creek basin. Councilmember Dysart still had questions regarding the discrepancies in flow calculations. Mayor Garcia noted that had been discussed earlier in the meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

CITY ADMINISTRATOR REPORT

- January 23 -Industrial Site Search Committee will meet at city hall.
- January 25 -City Hall day at the State Capitol in Topeka.

MAYOR'S REPORT

- Commended the city administrator for receiving his ICMA designation as a National City-County Management Association Credential Manager. Councilmember Hooker commended Mr. Slaugh as well.

COUNCIL MEMBER REPORTS

Terry Thomas

Councilmember Thomas reported he would be out of town on business from January 15th through January 19th.

EXECUTIVE SESSION

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to convene into executive session with city council and mayor only for a period of fifteen minutes to discuss appointed positions. A roll call vote was taken with all members voting in favor. Motion passed 4-0. (8:47 p.m.)

At 9:04 p.m. the mayor called the regular meeting back to order.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Sifford and seconded by Councilmember Thomas to adjourn the January 4th meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 9:06 p.m.

Submitted for council approval with/without corrections or additions this 18th day of January 2007.



Chris Garcia, Mayor

Attested:



Mary A. Mogle, CMC, City Clerk

