

Minutes

BASEHOR CITY COUNCIL MEETING

January 18, 2007

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Pres. John Bonee, Iris Dysart, Bill Hooker, Keith Sifford,

Members Absent: Terry Thomas

Staff Present: Carl Slauch, Mary Mogle, Gene Myracle, Dustin Smith, Terry Horner,
John Thompson, Joe McAfee

Newspaper: Lara Hastings, *Basehor Sentinel*

WORK SESSION – 6:00 p.m.

Mayor Garcia called the work session to order with all members present with the exception of Councilmember Thomas. The city attorney John Thompson was also in attendance.

1. Discussion regarding agenda items.**c. Consider authorizing use of sewage lift pump for handicap restrooms at 2812 N. 155th St. (submitted by Historical Society)**

City Superintendent Gene Myracle reminded Council that at the January 4th meeting, they had agreed to allow the pump as long as the Historical Society paid all costs associated with installation and maintenance. He explained it would be necessary to cut the floor to install the pump and then tie into the existing sewer tap at the rear of the building.

Mr. Flower questioned how the agreement would be drafted if the building would be sold in the future. President Bonee stated since it was inside the building, it would be transferred with the sale of the building and the City would continue to have no responsibility or liability.

d. Consider amendment to Municipal Policy 5.04MP, Wastewater Connection and Treatment Fees.

The city administrator explained the proposed 3% sewer rate increase from \$6.99 per 1,000 gallons to \$7.20.

Clark Thompson, Larking Group, concurred with the increase noting it would be necessary to have the increase in order to make the State Revolving Loan payments. Councilmember Dysart

noted Mr. Thompson's spreadsheet was incorrect because it showed the rate should be \$7.20 in 2006 and that is what Mr. Slaugh was requesting for this year. Mr. Slaugh stated the City Council did not approve a rate increase last year. She stated she preferred to stay with 2.75% rather than the proposed 3% and wait until the design work had been completed. Councilmember Hooker concurred. Mr. Slaugh noted if you look at the State Revolving Loan amortization schedule, the projection showed, over time, the City would have customer's to cover the cost. However, if the City did not keep up with the current schedule the City would not have an accumulation in the reserve account for future maintenance and would not be able to satisfy the State Revolving Loan payments. He felt it would cause a situation where the City would have to use property taxes to supplement the deficit in the Sewer Fund.

President Bonee stated he felt other revenue funding (i.e. building permit fees) should be used rather than increasing sewer rates.

Mayor Garcia reported last year Council chose not to increase the rate, and felt it would be easier on taxpayers to have slight increases, rather than large one-time increases.

Councilmember Bonee noted most of the figures are hypothetical. So as each subdivision comes online, the City gains revenue.

Mr. Slaugh stated it was true that Council had authority to take money from other funds. Currently, the base sewer rate was \$36.76; which he did not consider as exorbitant amount compared to other cities in the metropolitan area that had recently built wastewater treatment plants.

Mr. Thompson stated the City's rates are by no means higher, and are lower compared to Gardener and Paola.

Mr. Slaugh said the Council should decide if they wish to take money from other funds or use the Sewer Fund as a self supported department. The city administrator reported the upsize fees recently paid to Falcon Lakes was a significant impact in the Sewer Fund. He noted new customer's were already programmed into the formula and did not feel the sewer fund had ample reserve.

Councilmember Sifford felt the rate increase was necessary and felt deferring an increase would put the City "behind the eight ball", noting funding would be essential when the Council made their decision on future wastewater treatment.

Councilmember Hooker reported if the sewer plant expansion was already built, developers would be more comfortable building in Basehor and felt the extra revenue should go to reduce the debt. He did not feel the 3% increase was out of line at this time.

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Mr. Slaugh reported if the City Council took money from building permits, which would take money away from street projects. President Bonee disagreed. Mr. Slaugh explained when money was transferred from the General Fund, other departments are effected.

f. Consideration of a change of zoning from I-1, Light Industrial to I-2, Heavy Industrial for the property located at 2221 N. 147th St, as requested by Mr. Jerry Presley.

Mr. Smith reported the Planning Commission held a public hearing on January 5 and recommended denial for change of zoning. If the Council went against the Planning Commissions recommendation, it would take a 2/3 Council vote. The property owner informed him after the hearing, his intent was to do grade work and screen the property.

Planning Commission member John Flower said the screening was one of their issues with the change in zoning.

g. Consider recommendation for joint city-county road improvement priorities.

Mr. Slaugh went through the proposed 5-year county plan. The intent of the letter was to ask the County to include Basehor projects in their plan.

Councilmember Dysart stated she would like to see improvements to 147th St. from Parallel north to County Road 8 included in the County plan. Council discussed past grants that had been awarded by KDOT and turned down by the City and the current grant application for the 155th Street project.

Work Session closed at 6:54 p.m.

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

Statement of decorum for council meetings and work sessions.

All members present with the exception of Councilmember Thomas. The city attorney was also in attendance. The mayor went over meeting decorum.

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 motion was made by Councilmember Hooker and seconded by Councilmember Sifford to add Business Item "I" to the agenda to consider adoption of a resolution authorizing staff to proceed with condemnation of easement on 147th St. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

- a. Approve Minutes
 1. December 11, 2006 Work Session
 2. January 4, 2007 Work Session & Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations (none)
- d. Approve calendar of events

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

CALL TO PUBLIC

Members of the public are welcome to use this time to comment about any matter relating to City business that is listed on this Agenda. The comments that are discussed under "Call to Public" may or may not be acted upon by the Council during this meeting. There is a five-minute time limit. (Please wait to be recognized by the mayor then proceed to the podium, state your name and address).

a. Citizen Comments Regarding Agenda Items

Jim Washington (1901 160th St.) addressed Business Item F. He reported he attended the previous planning commission meetings and council meetings concerning this topic and felt "I-1" was a proper classification for the property and asked Council to approve the Planning Commissions recommendation to deny.

George Smith (14923 Parallel) supported the Planning Commissions recommendation to deny the request for rezoning to I-2 as well.

There being no further public comments, the public portion of the meeting was closed.

SCHEDULED DISCUSSION ITEMS

- a. ***BG Consultants – consideration of historical data regarding sanitary sewer proposals (Tape 1, Side B)***

Cecil Kingsley, BG Consultants, gave a chronology of the existing sanitary sewer facility. He noted in 1995 KDHE issued a couple of orders, and that was when his company was hired to perform analysis studies. During the process the City Council switched their plan to concentrate on the east side of the ridge rather than the west. The analysis showed the plant should go on the west side of the City. Six sights were analyzed in the study. The recommendation they made and approved by KDHE was at 171st and Parallel. The sight was in the design development, and then land procurement became an issue. In open meeting the Council decided not to pursue the purchase of the property located at 171st Street (Carson Property). He noted it was not the engineering decision that made the final decision of where to locate the treatment plant facility and noted the project had several delays that cost additional money. Mr. Kingsley stated BG Consultants had the history and knowledge of the existing plant to design the next expansion or treatment plant. He supported moving the treatment facility to the west side of the ridge. However, he could not give an answer without performing a present worth analysis.

Pat Cox, BG Consultants, said their job was to provide the governing body with data to assist in making an educated decision.

Mr. Kingsley said if there was a mistake made in the past, it was a time factor, starting with the initial planning, then when the analysis was finalized and Council moved forward. No one thought the plant would not go on the property at 171st Street.

Councilmember Hooker said he recalled the City requested a CD of a document and BG Consultants refused to turn it over to staff. Mr. Kingsley and Mr. Cox stated they did not recall the incident. President Bonee stated he thought it had to do with a CAD file.

b. Discussion regarding condemnation of structure at 154th & Parallel

Dustin Smith, Planning Director, reported this was preliminary stage of condemnation and he had never officially made contact with Randy McDowell regarding the condemnation.

Mr. McDowell stated he purchased Lots 5 and 6 (75 x 150) with the intent of making it into an antique store when he and his wife retired. To date he was undecided as to whether he should tear the building down or spend \$50,000-\$60,000 to renovate the building. He would like to work with the City in anyway. Building Inspector Mark Lee explained he proceeded with action because it had become an eyesore and blighted. Mr. McDowell said he would be willing to give the building to the City in order to save the history which use to be an old church.

Mayor Garcia said if Mr. McDowell wanted to make the effort to renovate and meet codes, the City would consider an extension. Mrs. McDowell informed Council that her husband was getting ready to undergo 6 months of chemotherapy and requested an extension in time.

Mr. Lee read a portion of the codes that stated if the cost of renovations were more than 50% of the value of the property, it should be condemned.

Councilmember Hooker asked Mr. McDowell if the City granted him six months to come up with a plan would that work. Mr. McDowell stated that would work.

Mr. Slauch reported the electrical was the only safety issue at this time. The building currently did not have water and sewer services. Mr. Lee noted the electric meter was still connected and should be removed.

Mayor Garcia said the City needed a timeline. Mr. McDowell stated he would definitely do something this year, renovate or demolish.

Council agreed to grant Mr. McDowell 30 days to come up with a time line either to demolish or renovate the building. Mayor Garcia directed the city administrator to place the item on the February 22nd agenda for action.

BUSINESS

a. Consider authorizing use of sewage lift pump for handicap restrooms at 2812 N. 155th St. (submitted by Historical Society)

A motion was made by Councilmember Sifford and seconded by President Bonee to approve authorization of use of a sewage lift pump for handicap restrooms at 2812 N. 155th St. as requested by the Historical Society. Discussion followed. Councilmember Hooker stated the Historical Society did not actually own the building at this time. It was decided that who ever owned the building, they would most likely use this method of treatment. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

b. Consider appointment of Board of Zoning Appeals members.

Mayor Garcia asked Council to re-appoint Bill Robinson and Jeff Scherer to the Board of Zoning Appeals. He explained there would still be a vacancy due to the resent resignation of David Roe.

A motion was made by President Bonee and seconded by Councilmember Sifford to approve the mayor's re-appointment of Bill Robison and Jeff Scherer to the Board of Zoning Appeals. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

b. Consider amendment to Municipal Policy 5.04MP, Wastewater Connection and Treatment Fees.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the amendment as presented. Discussion followed. Councilmember Dysart stated she preferred to wait to take action until after future wastewater treatment was decided. A roll call vote was taken with members Sifford and Hooker voting in favor and members Bonee and Dysart casting a "nay" vote. Mayor Garcia cast an "aye" vote breaking the tie. Motion passed 3-2.

d. Consider adoption of personnel policies:

- 1. Article O. Purchasing Cards***
- 2. Article P. Taxable Fringe Benefits***
- 3. Article Q. Cellular Telephone Use***

A motion was made by Councilmember Sifford to approve adoption of Article O, P, and Q as presented. Motion died for lack of second.

Councilmember Dysart commented on the purchasing limits shown on page 1 of Article O, Purchasing Card policy it stated \$3,000 and \$5,000. She noted it was her understanding that department heads were to have a spending limit of \$1500 and the mayor and city administrator had a limit of \$2500. Mr. Slaugh explained those limits have not changed, only the limit on the card itself. He explained the department heads were having trouble making purchases because of the billing cycles. *(Tape 2, Side 1)*

Councilmember Dysart said her motion would be to do away with credit cards entirely. Discussion followed. The planning director and city superintendent explained several situations that occurred in the past where their cards were maxed out due to billing cycles. Mr. Slaugh said there was always potential for abuse and that was why the policy was written. She amended her motion to approve Article P and Q and remove (Article O) credit card policy from the vote. The motion was seconded by Councilmember Hooker. A roll call vote was taken with members Sifford and Bonee voting "nay" and members Dysart and Hooker voting "aye". Mayor Garcia broke the tie by voting in favor. Motion passed 3-2.

A motion was made by Councilmember Hooker to deny Article O and seconded by Councilmember Dysart. Discussion followed. Councilmember Hooker asked why couldn't the existing credit cards be used, and simply increase the current limit. Mayor Garcia explained that was what was trying to be accomplished by this policy. Mr. Slaugh explained there would not be any change in the cards that were in existence, noting staff was only trying to set guidelines for the use of the cards through adoption of the policy. Councilmember Hooker withdrew his motion.

Councilmember Dysart said she still had a problem with staff using credit cards to make purchases that should be purchased through an open account. President Bonee said he understood her concern; however, by setting the policy, it regulates their spending and it was a matter of trust and accountability.

Councilmember Sifford moved to approve Article 0 and seconded by President Bonee as written. Discussion followed. Councilmember Sifford wanted to go on record stating he did not believe staff was out making irresponsible purchases and should trust staff more. President Bonee agreed stated no one wanted to make derogatory comments about existing staff; however, abuse does occur in government. A roll call vote was taken with all members voting in favor with the exception of Councilmember Dysart. Motion passed 3-1.

e. Consideration of a change of zoning from I-1, Light Industrial to I-2, Heavy Industrial for the property located at 2221 N. 147th St, as requested by Mr. Jerry Presley.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the Planning Commissions recommendation to deny the rezoning request. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

g. Consider recommendation for joint city-county road improvement priorities.

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to approve the recommendation for joint city-county road improvement priorities as presented and add improvements from 147th Street and Parallel north to County Road 8 and the intersection of 155th & Parallel. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

h. Consider job descriptions for Police Clerk-Level II and Receptionist-Level II (full-time positions)

Mr. Slauch stated on January 5th, the police clerk and receptionist positions were approved to go full-time. The current job descriptions address part-time, therefore, it was necessary to adopt job descriptions for full-time positions.

Councilmember Dysart stated under "Working Conditions" on page 2 of the job description for the police clerk it referenced the employee "may be requested to assist with prisoners". She felt the clerk should be trained properly if that was going to be included in her job descriptions. The city attorney said if an incident occurred and the employee did not have the appropriate training, it could result in a liability for the City. President Bonee felt if the statement should read " Will occasionally come in *contact* with angry citizens and prisoners".

i. Consider Resolution declaring the necessity and description of interest in land to be acquired by eminent domain. (Buehler Property, 147th St. and Parallel)

A motion was made by President Bonee and seconded by Councilmember Sifford to approve the job descriptions as presented with an amendment to the police clerks working conditions section which should read "Will occasionally come in contact with angry citizens and prisoners". A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Mr. Thompson reported the resolution was the first step the Council took that would recognize the necessity to take action to condemn property. Next step would be to pass an ordinance authorizing the condemnation.

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

RES. 2007-01. A RESOLUTION OF THE CITY OF BASEHOR, KANSAS DECLARING THE NECESSITY AND DESCRIPTION OF INTEREST IN LAND TO BE ACQUIRED BY EMINENT DOMAIN.

CITY ADMINISTRATOR REPORT

- January 23 – Industrial Site Committee meeting at 6:00 p.m., Basehor City Hall
- January 25 – City Hall Day at the Capital.
- January 19 - RFQ's due. Council could make a decision on the 5th of February or staff could make recommend the top three and hear presentations at the work session on February 12th. City Engineer Joe McAfee reported typically a committee is selected to review the RFQ's and then submit top firms for Council to make the final decision.

Councilmember Sifford went on record saying that the Council should defer to the committee and take action on Feb 5. Mr. Slaugh stated the City was still under a Feb. 1 deadline with KDHE. Councilmember Dysart said it should be up to the Council to choose who had the best qualifications. The city superintendent said it would be difficult for council members to read all the proposals by February 5th. Mayor Garcia said they should rely on city staff to assist with making the proper decision. Councilmember Hooker asked Mr. McAfee how much time they legitimately needed to review the RFQ's. Mr. McAfee explained the process he is going through in Lawrence. He suggested keeping the same committee all the way through the process. Mr. Slaugh stated price was not an issue at this point, only focusing on qualifications. Mr. McAfee thought the top three would be close in price.

Mr. Slaugh was directed to follow the schedule as submitted. Mayor Garcia appointed the city administrator, city engineer, city superintendent and Councilmember Dysart to review the proposals and make a recommendation of the top three engineering firms at the February 5th meeting.

- Requested a fifteen-minute executive session to discuss possible litigation.

MAYOR'S REPORT

Nothing to report at this time.

COUNCIL MEMBER REPORTS

Nothing to report at this time.

EXECUTIVE SESSION

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to convene into executive session for fifteen minutes to discuss potential litigation. A roll call vote was taken with all members voting in favor. The city attorney and city administrator attended the executive session. (9.05 p.m.)

At 9:22 p.m., the regular meeting was called back to order.

ADJOURNMENT

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to adjourn the meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 9:23 p.m.

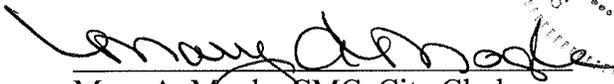
Submitted for Council approval with/without corrections or additions this 5th day of February, 2007.



Mayor Chris Garcia



Attest:



Mary A. Mogle, CMC, City Clerk