

Minutes

BASEHOR CITY COUNCIL

July 16, 2007

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

**Members Present: Pres. Terry Thomas, Iris Dysart (via speaker phone from Liberal, Kansas),
Terry Hill, and Jim Washington**

Members Absent: Keith Sifford

Staff Present: Carl Slaugh, Mary Mogle, Terry Horner, Traci Dockery

WORK SESSION – 6:00 p.m.

Mayor Garcia called the work session to order with members Terry Thomas, Terry Hill and Jim Washington present. Council member Iris Dysart was present via speaker phone (Liberal, Kansas). Council member Keith Sifford and the city attorney were not in attendance.

1 Discussion regarding 2008 Budget.

City Administrator Carl Slaugh reported the goal for 2008 budget was to keep the mill levy constant with the 2007 budget. He explained once the State budget forms were completed he was able to increase four funds, Capital Improvement (\$375,000), Municipal Equipment Reserve Fund (\$215,000), Bond & Interest (\$215,000) and Consolidated Highway (\$350,000). By making these changes he was able to proposed a mill levy at 28.519, below the 2007 mill levy of 28.536. It would also leave room for pay adjustments. The submitted budget included 2% for COLA and 3% for merit increases. If approved tonight, the Notice of Public Hearing setting the public hearing date for August 6th, would be submitted to the newspaper. He advised the Council once the notice was published, the mill levy could not go up, but could be decreased.

Councilmember Washington questioned why the General Fund showed a significant increase from the previous proposed budget. The city administrator noted it was to cover wages originally omitted in the police department and increases in Insurance (GAAP audit) and Promotions per previous council discussion. Mr. Slaugh also reported a preliminary GAAP audit was received this week. In some cases, the city treasurer disagreed with the auditors. He advised the treasurer to use her figures for budgeting purposes and the discrepancies would be addressed later.

Councilmember Hill asked why the expenditures went up so much. Mr. Slaugh noted his original projections are based on whatever information he has available at the time. When all information required to complete the budget is received and the State budget forms are completed, it is necessary to

make adjustments in order to maintain a desired mill levy. Councilmember Washington commented the difference was in transfers and wages.

Mayor Garcia asked if the Revenue/Expenditure report included in the Council's packet was submitted based on President Thomas's request at the last meeting. Mr. Slaugh reported yes. Mayor Garcia noted it appeared the departmental budgets were on target. No further comments at this time.

2. Discussion regarding agenda items.

Mr. Slaugh requested to add two additional agenda items be added to the agenda. He explained it was necessary to act on change orders for the Hollingsworth Road Project and would explain after discussing agenda item "d".

d. Consider a proposal from Steve Miles, Miles Excavating, Inc., for construction work for the Chestnut Lift Station deactivation project.

Mr. Slaugh reported local business owner Steve Miles, Miles Excavating has requested the City allow him to perform the work to lay the sewer line for the lift station deactivation that would go across his property. Mr. Slaugh informed Mr. Miles although the City is not required to go out for bid, he did not recommend circumventing the competitive bid process. Mr. Slaugh reported Councilmember Washington requested information from past council and planning commission meetings regarding Mr. Miles subdivision Tomahawk Valley. Past minutes showed where Mr. Miles had agreed to give a utility easement when he filed Tomahawk Valley Final Plat. To date, Mr. Miles has not filed his plat; therefore, the City does not have an easement that is necessary to construct the sewer line.

Councilmember Washington said it was his understanding that the subdivision regulations gave Mr. Miles development rights for five years. Mr. Slaugh stated he would have the planning director research the matter.

Councilmember Hill said he felt Mr. Miles was asking to do the work because he was a local business owner and the development issues were secondary.

President Thomas stated he did not think just because someone has a business in Basehor, the City should award him work.

Mayor Garcia asked if there was any other documentation to substantiate the easement agreement. Mr. Slaugh stated he did not see anything that referenced the Chestnut lift station.

(Councilmember Dysart was connected via speaker phone from Liberal, Kansas – 6:32 p.m.)

- g. Consider Change Order No. 1 for Hollingsworth Road Project**
- h. Consider Change Order No. 2 for Hollingsworth Road Project**

Mr. Slaugh reported he met with the Hollingsworth Road contractor to go over items that had not been resolved. One change order already agreed upon was to raise the culvert on K-7. That change order resulted in the need to raise the road as well; which required extending the asphalt base 180 ft. at the cost of \$7,875.00. Mr. Slaugh reported he was working with KDOT about reimbursement of the cost. Mr. Slaugh reported the base portion of the road has already been completed.

Mr. Slaugh reported Change Order 2 would include an asphalt wedging at Falcon Lakes Clubhouse Drive. He explained there was a difference in the height of the road where Falcon Lakes Clubhouse Drive and Hollingsworth Road joined.

President Thomas asked how engineering services missed these two items. Engineer David Lutgen noted he mentioned the situation to the city administrator and city superintendent a month ago when it was apparent the county was building the road according to the center section, not current elevations. Currently there was a 14" difference in surfaces. Mr. Slaugh said he took responsibility not to have inspectors on site in order to keep the project moving forward. President Thomas said it would have been difficult because the City never knew when the County was working.

(Councilmember Dysart was disconnected at 6:45 p.m. and reconnected at 7:00 p.m.)

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

Council Members President Thomas, Terry Hill, and Jim Washington were present. Councilmember Dysart was connected via speaker telephone (Libral, Kansas). Councilmember Sifford and the city attorney were not in attendance.

CONSENT AGENDA

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

- a. Approve Minutes
 1. July 2, 2007 Work Session
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations (none)
- d. Approve calendar of events (no changes)

A motion was made by President Thomas and seconded by Councilmember Washington 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

No comments at this time. Public portion of the meeting was closed.

SCHEDULED DISCUSSION ITEMS

Nothing to discuss at this time.

BUSINESS

A motion was made by Councilmember Washington and seconded by Councilmember Thomas to add "e. Consider Change Order 1 to Hollingsworth Road Project" and "f. Consider Change Order 2 to Hollingsworth Road Project" to the agenda. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

a. Consider appointment of city attorney.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to approve the appointment of Patrick Reavy as the city attorney. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

b. Consider appointment of prosecuting attorney.

Mayor Garcia submitted the appointment of John Thompson as the prosecuting attorney based on discussions with the chief of police and court clerk. Court Clerk Traci Dockery reported since Mr. Thompson had been prosecuting the last few months, the court system has run much more professional and was finally back on track and requested reappointment of Mr. Thompson as city prosecutor.

A motion was made by President Thomas and seconded by Councilmember Washington to table action and discuss in executive session. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Councilmember Washington questioned if the City had an ordinance establishing or governing the office of the city prosecutor and felt it should be researched further. Newly appointed city attorney Patrick Reavy reported he did not think K.S.A 15-204 required the office of city prosecutor to be specifically designated; however, he would be happy to research and report back.

c. Consider proposals for the 2008 budget and set a public hearing date of August 6, 2007.

A motion was made by President Thomas and seconded by Councilmember Hill to approve the proposals for the 2008 budget and set a public hearing date of August 6, 2007 at 7:00 p.m. A roll call vote was made with all members voting in favor. Motion passed 4-0.

d. Consider a proposal from Steve Miles, Miles Excavating, Inc., for construction work for the Chestnut Lift Station deactivation project.

A motion was made by Councilmember Hill to accept normal bids for the lift station and give preference to local contractor Steve Miles. Motion died for lack of second.

Councilmember Washington felt the City needed an ordinance setting a threshold for competitive bidding. Mr. Slaugh suggested encompassing competitive bids in with a purchasing policy.

A motion was made by President Thomas and seconded by Councilmember Washington to deny a proposal from Steve Miles, Miles Excavating, Inc. for construction work for the Chestnut Lift Station deactivation project. Discussion followed. President Thomas explained he voted against Councilmember Hill's motion because he felt the project should go out for competitive bid and was concerned that the Council would be showing favoritism to a local company. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

e. Consider Change Order No. 1 for Hollingsworth Road Project

A motion was made by President Thomas and seconded by Councilmember Washington to approve Change Order No. 1 in the amount of \$7875.00 for asphalt tie into State Right-of-Way (East End of Project) on the Hollingsworth Road Project. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

f. Consider Change Order No. 2 for Hollingsworth Road Project

A motion was made by President Thomas to approve Change Order No. 2 in the amount of \$5118.75 for the asphalt wedging at Falcon Lakes Clubhouse Drive on the Hollingsworth Road Project. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

CITY ADMINISTRATOR REPORT

- Update on Hollingsworth Road Project - Asphalt work on Hollingsworth Road started today (July 16) with some field adjustments pertaining to centerline and a few driveways. The contractor anticipates finalizing the work on Tuesday. County has finished most of the work on the western part of the project and reported it would take approximately one year to complete the triple chip and seal process.

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- Update on 147th Street Project – The contractor is ready to proceed with the project; however, the City is experiencing some issues with the utility companies. Westar Energy will have to move some poles back one foot to the edge of the easement with an anticipated completion time of 4-6 weeks.
(Tape 1, Side B)
- Mike Duncan, Affinity Development, has requested Council attend a meeting with a financial adviser on the 25th of July at 9:00 a.m. Mayor and Council stated they were not available.

MAYOR'S REPORT

Nothing to report at this time.

COUNCIL MEMBER REPORTS

Councilmember Washington asked the city clerk to add Charter Ordinances to the website.

EXECUTIVE SESSION

A motion was made by President Thomas and seconded by Councilmember Washington to convene into executive session for fifteen minutes to discuss city attorney and city prosecutor positions. A roll call vote was taken with all members voting in favor. Motion passed 4-0. (7:22 p.m.) Mr. Reavy and Mr. Slaugh attended the executive session. Councilmember Dysart remained on speaker phone.

Mayor Garcia reconvened the regular meeting at 7:35 p.m.

d. Consider appointment of city prosecutor.

A motion was made by President Thomas and seconded by Councilmember Washington to table the appointment of the city prosecutor until the August 6th meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Mr. Slaugh asked if Council preferred the city attorney attend all city meetings and if a retainer would be charged. He felt it would a cost saving measure to have the city attorney attend meeting only when necessary. Councilmember Hill asked who would make the decision when the city attorney would attend. Mr. Slaugh felt that could be made based on each agenda.

Mayor Garcia noted there was an article in the LKM magazine regarding the city attorney's position. He felt council and citizens should only ask questions during a meeting, that way all members are made aware of what the issues are. Mr. Reavy agreed with the mayor and explained he may ask to postpone a response in order to research issues, but on most occasions he would be able to give a response at a meeting. Mr. Slaugh stated he felt ordinances, contracts, and other legal documents should be reviewed, and in most cases, drafted by the city attorney.

Councilmember Washington agreed the city attorney should write all ordinances and legal documents.

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ADJOURNMENT

There being no further business to discuss, a motion was made by President Thomas and seconded by Councilmember Washington to adjourn the July 16th meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 7:45 p.m.

Submitted for Council approval with/without corrections or additions this 6th day of August, 2007.



Mayor Chris Garcia



Attest:



Mary A. Mogle, CMC, City Clerk

(1 audio tape)