ORIGINAL

Minutes

BASEHOR CITY COUNCIL
December 3, 2007
6:00 p.m.
Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Pres. Terry Thomas, Iris Dysart, Keith Sifford, Jim Washington
Members Absent: Terry Hill

Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle,

WORK SESSION – 6:00 p.m.

The work session was called to order by Mayor Garcia with all members present with the exception of Councilmember Hill. The city attorney was in attendance.

1. Discussion regarding agenda items.

e. Consider adoption of proposed Personnel Policy & Guidelines

City Attorney Patrick Reavey reported after the last meeting, he made additional changes to the proposed policy where there was language that addressed "at-will" employment.

E-3(c) Holidays.

Mr. Slaugh reported there had been an interpretation in the past where employees were paid double time and one half. However, the current policy reads any employee working a holiday would receive one and one-half times their wages.

Consensus was an employee working a holiday would receive holiday pay plus time and one-half wages effective January 1, 2008.

E-4(e) Council discussed vacation carry over policy. No additional changes recommended.

E-5. Add E-5(h) Clause - "Upon termination, no compensation for accumulative sick leave will be paid."

E-6. Change 3 to 30. No other recommended changes.

E-8. Jury Duty.
Councilmember Washington asked if the ten days was a state statute. Mr. Reavey stated it was not a state statute. No additional changes recommended.

F- No additional changes recommended .

H – Use policy recommended by city attorney.

I – No additional recommended changes.

J – No additional recommended changes.

K- No additional recommended changes.

L –

Councilmember Washington asked the city attorney to review L-1. Mr. Reavey stated the Open Records Act does not allow emails to be confidential. Mr. Slaugh stated any communication between employees is open record and anything from council member regarding city business would fall into open records. Mr. Reavey stated it would also come down to whom owns the equipment. Council discussed what items may be considered confidential (i.e. criminal investigation, personnel).

M – No additional recommended changes.

N – President Thomas asked for clarification on "non profit organization". He asked how would an employee know if the place they ate was a non profit organization. Mr. Slaugh gave examples of what would be considered exempt.

P - No additional recommended changes.

Q – No additional recommended changes.

R – No additional recommended changes.

S,T,U,V, W X – Reserved for future policies.

Y – No additional recommended changes.

Z – Change Z2(b) to 7 "calendar" days. No other recommended changes.

Appendix A – Mr. Reavey suggested not including the job descriptions in the policy. Mr. Slaugh stated he would like to include the job descriptions as an appendix and just have the statement concerning review of the document state that it applies to the basic document and not attachment A.

Planning Zoning Enforcement Officer – Remove #13.

Job Descriptions – Approved recommended changes.

Pay Plan

Mr. Slaugh reported the proposed Pay Plan establishes job range and pay scale. Each range is a $2.00 difference. The plan establishes a minimum and maximum for each position. The plan would also give some flexibility when hiring new employees who have previous experience. Cost-of-living would be established by the Governing Body on an annual basis.

Council asked that the Personnel Policy, Job Descriptions, and Pay Plan be voted on separate of the 2008 Wage Adjustments.

d. Consider approval to begin design of improvements to 150th Street from Craig Street north to Parallel Road.

Mr. Slaugh reported new figures were provided before the meeting and included a decrease in project costs. Mr. Lutgen stated they took additional time to review the project after the first submittal.

Option 1 – Asphalt w/ curb & gutter - $830,632, reduced to $671,424
Option 2 – Asphalt w/ ditches - $644,281, reduced to $496,595
Option 3 – Chip and Seal - $576,246, reduced to $419,861

Council discussed the possibility of obtaining easements from property owners. Mr. Slaugh said some issues needed to be addressed before property owners will sign agreements, such as what trees would be removed and how much property would be acquired.

Mr. Slaugh reported he was working on a Capital Improvement Plan and would have a draft ready by the 17th of December.

REGULAR MEETING – 7:00 p.m.
(Tape 1, Side B)

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

The regular meeting was called to order by Mayor Garcia with all members present with the exception of Councilmember Hill. The city attorney was 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. November 12, 2007 Work Session
   2. November 19, 2007 Work Session and Regular Meeting
b. Approve Treasurer's Report & Vendor Payments
c. Approve investment recommendations
d. Approve calendar of events

Councilmember Washington (page 5 of 12, paragraph 6) thought the sentence should be rewritten to read "$4.68 per thousand gallons per minute of flow". City Clerk to research and correct minutes if necessary.

(Note: Transcribed verbatim from 11/19/07 tape – Mr. McAfee stated "...to keep it simple and do by gallons per minutes that's very simple, it's just basically going to be $468 ***per*** *gallon per minute that your subdivision puts into Pinehurst".) – Mary A. Mogle, City Clerk*

Councilmember Washington stated he did not recall stating in his motion "until such time an estimate could be obtained from Piper Jaffray" (page 8 of 12). Clerk to research and correct minutes if necessary.

(Note: Transcribed verbatim from 11/19/07 tape – Councilmember Washington "moved to deny further usage of this consultant until such time as we have a proposal from Piper Jaffray on the Town Center.") - Mary A. Mogle, City Clerk

Councilmember Washington noted spelling needed to be changed (page 10 of 11) from "recues" to "recuse".

Councilmember Dysart noted on page 10 of 11, Business Item "g" should be "k".

A motion was made by Councilmember Washington and seconded by President Thomas to approve the Consent Agenda with aforementioned corrections. 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

George Smith (14923 Parallel) promoted asphalt with curb and gutter based on the fact that it would be several years before it would be completed. He felt 150th Street would receive additional traffic once the grocery store was constructed. Curb and gutter would also allow property owners to retain more of their property than ditched streets. Mr. Smith requested Norman and Susan Guy be given special consideration in this process since their home sits close to the street currently.

Sandra Grimes (15402 Crimson) felt employees need a clear-cut guideline to follow. She supported the purchase of three new police vehicles and more full-time employees rather than depending on part-time officers. She expressed her support for Chief Horner.

Susan Guy (1713 150th Street) requested the City expedite improvements to 150th Street noting the 24-40 Highway project will cause additional traffic. She also felt the proposed wages for the animal control were too low.

Amy McConnaughey (1811 150th St.) stated 150th Street was unsafe and requested improvements to 150th Street be expedited.

Dennis Mertz – (2905 155th St.) requested Council not adopt the Personnel Policy. He did not feel the city planner should make more than the city superintendent and chief of police.

John Flower (15515 Cedar Lane) asked that Council consider improvements to 150th Street from Parallel south to 24/40 Highway, not just from Craig Street north.

Public portion of the meeting closed.

SCHEDULED DISCUSSION ITEMS

BUSINESS

a. Consider year-end transfer of funds and set public hearing date to amend 2007 budget.

Mr. Slaugh reported the Cedar Lakes Fund had to be amended since expenditures exceeded the budgeted amount. Year-end transfer of funds would move excess money into the Capital Improvement Fund and Equipment Reserve Fund for future projects.

Councilmember Dysart questioned how the transfer amount of $160,000 from the General Fund to the Municipal Equipment Reserve Fund was calculated and where it was shown on the Revenue/Expenditure Report (page 1). Mr. Slaugh explained the amount was lumped together from other funds. He explained Ordinance 243 would have an amendment changing "Infrastructure" to "Capital Improvement" based on a recommendation from the auditors.

Councilmember Dysart reported currently Leavenworth County collects $95 per home in Cedar Lakes for maintenance of grinder pumps. The revenue collected is $10,260 and expenditures to date have exceeded over $14,000. She thought the City should request additional funding from Leavenworth County. Mr. Slaugh stated he and the city superintendent would be meeting with the Leavenworth County staff on Wednesday to address the issue.

A motion was made by Councilmember Washington and seconded by President Thomas to schedule a public hearing on December 17th at 7:00 p.m. to consider the amendment to the 2007 Cedar Lakes fund. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Council agreed to discuss year-end transfers at the work session on December 10th and requested the city treasurer be in attendance to answer questions.

b. Consider approval to begin design of improvements to 150th Street from Craig Street north to Parallel Road.

Mr. Slaugh reported a meeting was held with 150th Street property owners and there were a lot of issues that need to be addressed such as funding, right-of-way, tree removal, retaining walls, street lights, etc. Some of the answers may not be answered until the design is completed. He was trying to provide a Capital Improvement Plan to assist Council in making their decision.

President Thomas asked what the difference was between curb & gutter verses chip and seal in regards to drainage. He felt ditches would be better since it would absorb into the ground and not cause a drainage issue downstream in the Wolf Creek area. Mr. Lutgen explained storm water would go the same place whether it was curb & gutter or chip and seal.

Councilmember Washington asked how the City would constitute a benefit district on 150th Street. Mr. Slaugh stated that was the difficult part since 150th Street would be used by other residents. He asked if there was a possibility receiving funds from KDOT since the K-7 project would be impacting traffic on 150th Street.

Mr. Slaugh stated KDOT they would agree to help on some of the connecting roads only if the City would agree to remove the stoplight at 155th Street.

Councilmember Dysart stated the curb & gutter installed by the Prairie Lakes developer was in bad condition and asked if the City had ever put in curb & gutter outside of a development. Mr. Slaugh stated all the work has been done by developers. She was concerned that the City would set precedent if the Council chose to install curb & gutter on 150th Street.

Mr. Myracle was asked if he recommended chip and seal or curb & gutter. He felt by going to curb & gutter, the property owners would be able to maintain their front yards better. He noted the City did require High Pointe Downs to curb and gutter from 155th Street east to their development since they were required to have a second entrance.

A motion was made by President Thomas and seconded by Councilmember Sifford to approve engineering design for Option 1 in the amount of $671,424 [Construction estimate $671,424; design fee $45,450]. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

c. Consider approval to H.E. Miller & Sons for payment #3 on the 147th Street project.

Mr. Slaugh reported meetings took place with Mr. Miller in an effort to resolve the difference in cost of $9,330 on the 147th Street Improvement project without resolution.

Councilmember Dysart questioned the calculations on the pay request noting it appeared the City would be overpaying the contractor. Mr. Slaugh suggested tabling action for further review.

A motion was made by President Thomas and seconded by Councilmember Sifford to table action for further research. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

d. Consider proposal to purchase Ford, Chevrolet, or Dodge police vehicles.

Lt. Martley presented a proposal for replacement of police vehicles. If Council approved the purchase of Crown Vic, he would be able to put a vehicle on the street by the end of the year. He would also be able to transfer the equipment from the car with

the blow engine to the new vehicle. It would take approximately 2-3 months to order a Chevy Impala and not all current equipment would be transferable. *(Tape 2, Side A)*

Estimated costs:

2008 Crown Vic w/ equipment	$26,949
2008 Chevy Impala w/ equipment	$29,046
2008 Dodge Charger w/ equipment	$29,200

Lt. Martley requested Council approve purchase of two Crown Vic's in year 2007 and one in 2008. With the purchase of two vehicles in 2007, the department would be able to replace the vehicle with the blown engine and the one with the highest mileage.

Councilmember Washington addressed the source of funding commenting that Chief Horner had reported at an earlier meeting he had approximately $30,000 in his personnel budget. Mr. Slaugh reported at the end of October the police department's fund had about $40,000 in available funds from the part-time and overtime budgets.

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the purchase of Crown Victoria not to exceed $27,000. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

e. Consider adoption of proposed Personnel Policy & Guidelines

A motion was made by President Thomas and seconded by Councilmember Sifford to approve Personnel Policy & Guidelines with recommended changes excluding the proposed 2008 wage adjustments. A roll call vote was taken with all members voting in favor with the exception of Councilmember Washington. Motion passed 3-1.

f. Consider approval of ordinance to proceed with condemnation of right-of-way on Baker property.

Mr. Reavey stated he did not have an opportunity to research the matter and was not prepared to speak on the topic.

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

CITY ADMINISTRATOR REPORT

- 12/7/07 – LCDC Annual meeting
- 12/13/07 – Chamber Annual membership meeting

- **Bonner Springs Joint Session –** Mr. Slaugh reported the Bonner Spring's city manager has requested a meeting be schedule with the mayor's of Basehor and Bonner Springs and Leavenworth County Commission. However, Mr. Slaugh felt the Council should discuss the issues prior to meeting and suggested adding the topic to the December 10th work session. Council asked if KDOT representatives would be available on the 10th. Mr. Slaugh stated the representative for this project would not be available.

- **Cedar Lakes Grinder Pump Maintenance –** Expenditures are exceeding revenues and plan to meet with the County Commissioners on Wednesday.

- **VFW Payment –** Mr. Slaugh asked if Council's intent was to issue a $1,000 check to the VFW in 2007 and again in 2008. Councilmember Dysart stated it was her intent when she made the motion to pay the VFW $1,000 every year around Veteran's Day, to include this year. Council agreed that every year a payment of $1,000 would be made in the month of November in honor of Veterans Day.

- **24-40 Highway Corridor –** Mr. Slaugh reported KDOT has agreed to leave the streetlight at 155th Street; however, they would not participate in funding for reverse frontage road or corridor funding. He reported he would try to set up a meeting with KDOT and some of the prime developers.

- **KDOT Payment –** KDOT has declined to reimburse the City for the 180 linear feet. of right-of-way on Hollingsworth Road that was paved with asphalt. Mr. Picket informed the city administrator the area was the City's responsibility to maintain.

- **Executive Session** – Mr. Slaugh requested a 20-minute Executive Session to discuss non-elected personnel.

MAYOR'S REPORT

Citizens Forum – Mayor Garcia reported attendance at the Citizen Forums have been sporadic so he has decided not to hold one in December and would schedule one per quarter in 2008. He reminded the public he was only a phone call away and his door was always open if they needed to talk to him.

Employee of the Year - Gene Myracle was named employee of the year..

COUNCIL MEMBER REPORTS

Jim Washington

Accounts Receivable – want to know when Mr. Breuer was going to pay his past due bill. Mr. Slaugh stated he has spoken with Mr. Breuer and felt the amount would be paid by the end of the year. He noted building permits are being withheld until balances are paid.

Mr. Slaugh asked the city attorney if a builder buys a lot within a subdivision with an open balance, can the City withhold building permits. Mr. Reavey said if ownership has changed, he did not feel the City had the authority to withhold permits. He explained a lien can only be placed on property for nuisance type issues.

Iris Dysart

Pinehurst Lift Station – Councilmember Dysart stated she would like to see the attorney prepare an ordinance setting the upsize fees for the Pinehurst Lift Station. Mr. Reavey agreed to prepare the ordinance for a future meeting.

Terry Thomas

Meeting with Bonner Springs went very well.

EXECUTIVE SESSION

a. Non-elected personnel

A motion was made by Councilmember Sifford and seconded by President Thomas to convene into Executive Session for up to fifteen minutes to discuss non-elected personnel. A roll call vote was taken with all members voting in favor. Motion passed 4-0. The city administrator and city attorney attended the session. (8:48 p.m.)

Mayor Garcia called the regular meeting back to order at 9:10 p.m. with all members in attendance.

Mr. Reavey referenced the previous minutes noting the Council did not give direction as to how they wanted the upsize fees paid. President Thomas said it was his understanding the rate would be researched and based on calculations provided by the city engineer. He thought the rate would be $4.68 per 1,000 gallons per minute of flow.

ADJOURNMENT

There being no further business to discuss, a motion was made by President Thomas and seconded by Councilmember Sifford to adjourn the meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0. (9:11 p.m.)

ORIGINAL

Submitted for Council approval with/without corrections or additions this 17th day of December, 2007.

Mayor Chris Garcia

SEAL OF THE CITY OF BASEHOR, KANSAS
CORPORATE
SEAL

Attest:

Mary A. Mogle, CMC, City Clerk