

Minutes

BASEHOR CITY COUNCIL

December 17, 2007

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Chris Garcia

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

Members Absent: none

Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle, Dustin Smith, Lt. Lloyd Martley,
Patrick Reavey

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.

Discussion regarding 24-40 Corridor Plan.

Mr. Slaugh reported Kansas Department of Transportation (“KDOT”) representative Christy Pyle was present to give more detail on the 24-40 Corridor plan.

Mrs. Pyle asked if council members had questions. President Thomas said his concern was at what point did KDOT start counting the mileage and if the speed limit was reduced, would Basehor be granted more traffic lights.

Mrs. Pyle said KDOT did not share the same views as Basehor since KDOT considers K-7 Hwy as the beginning of 24-40 Highway. (Councilmember Hill arrived at 6:03 p.m.) She noted as part of the new design K-7 Highway would no longer connect 141st to State Avenue once the project was completed.

President Thomas stated Basehor paid to participate in the study; however, he felt the wishes of Basehor had fallen on deaf ears. Mrs. Pyle said if Basehor wants the signal light to remain at 155th Street, then other concessions would need to be made. President Thomas said KDOT informed them they would not participate in funding other projects, if the light remained at 155th Street and felt that was a form of blackmail.

Mrs. Pyle said in order to maintain a 60 mph highway, KDOT needed to limit traffic signals. If lights were perfectly spaced, the speed limit would remain 65 mph. She explained if the City of Basehor wanted to accept 24-40 Highway as a city street, they could allow the light at 155th Street.

Mrs. Pyle explained adding more lights to the area would hinder traffic flow to Tonganoxie in a timely manner and suggested the City set a hypothetical timeline on the removal of 155th Street once 158th Street traffic signal was installed. Councilmember Washington said it should be a benchmark timeline and felt that residents would eventually adapt to new routes. Mrs. Pyle stated KDOT could draft an interlocal agreement with the understanding once 158th Street traffic light was installed, steps would be taken to remove the traffic signal at 155th Street.

Councilmember Hill said he did not feel that Basehor should be treated different than the city of Tonganoxie. Tonganoxie has seven tenths of one mile spacing and Basehor should receive the same consideration. Mrs. Pyle said Tonganoxie only had one signal light that was shorter than one mile. Councilmember Hill said the city was only asking for five signalized intersections and frontage roads.

Councilmember Washington asked what were other design options (i.e. right-in/right-out) were available. Mrs. Pyle said they had not explored other options such as three-quarter turns. Councilmember Washington suggested looking into a three-quarter turn at 155th Street.

Mr. Slaugh asked Mrs. Pyle if KDOT would approve signalized intersections at 142, 150, 155, 158, 166, and 174th Street. Mrs. Pyle stated in terms of experience KDOT found that limited signals allow people to get to work in a timely manner. Business owners find their customers want to get their businesses in a short amount of time.

Mr. Slaugh asked if the speed limit would remain 65 mph. Mrs. Pyle stated KDOT would be working with each city regarding the speed limits. Currently, people want slower speed limits so they can patronize local businesses; however, as the corridor grows, people will want to get to their destiny quicker.

Mayor Garcia ask what the possibility of the Memorandum of Understanding (“MOU”) not being honored in the future. Mrs. Pyle said MOU’s were not legally binding and could be amended by future Councils.

Mr. Slaugh asked if KDOT would allow the City to have all the signal lights they asked for and still receive future funding. Mrs. Pyle did not think KDOT would provide future funding for frontage roads if the City chose to retain 155th Street.

Mr. Flower asked according to the current traffic studies at 155th Street, how much increased traffic would it take to remove the light at 155th St. Mrs. Pyle said it would take 3-5 times more traffic to remove the light. He asked about 158th Street. She said 158th Street could probably

take a light within 3-5 years. He felt KDOT would be willing to remove the light at 155th Street on warrant.

Councilmember Washington stated 150th Street had a connectivity problem and would definitely need to be signalized.

George Smith said one-mile spacing was great; however, the city was talking about one intersection and he felt 65 mph was too fast. He felt development would take place north of 155th Street since the area could be served by sewers.

Mrs. Pyle said the study included one-mile north and south of 24/40 Highway. KDOT found that every road that intersected with the corridor had issues so they asked the city administrator and city planner to come up with a plan. Mr. Smith did not feel that one additional traffic signal would make that big of a difference. Councilmember Hill asked if KDOT thought about how fire trucks would get through 155th Street. Mrs. Pyle said that was taken into consideration and it was felt emergency vehicles would get around the same way as residential traffic.

David Breuer asked the status of the grant to improve 155th Street. Mr. Slauch reported the announcements have not been made yet. If awarded, funding would not be available until year 2010.

1. Discussion regarding agenda items.

Due to time constraints agenda items were not discussed.

Seven minute break (6:53 p.m.).

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

All members present. The city attorney was in attendance.

PUBLIC HEARING- Demolition of structures

15411 Parallel Road, Randy and Robin McDowell

Mr. McDowell requested permission to wait until spring to tear his building down.

President Thomas noted he thought the city gave him until December to come up with a resolution. Mr. McDowell said he thought the structure was sold; however, the person backed out.

Councilmember Washington asked if the city could condemn the building and give Mr. McDowell permission to remove the structure himself. Mr. Slauch stated the city first needed to declare the building as unsafe, and then the city could consider the demolition of the structure.

Mr. Reavey agreed that the purpose of the public hearing was for Council to hear from the property owners and staff and then the city could give the property owner a reasonable time to tear down the structure. If that time frame was not met; then the City would direct staff to move forward with demolition. He noted normally thirty days was a minimum time granted.

Mr. Smith said he was trying to use funding from 2007 budget for demolition but did not appear that would happen.

President Thomas asked Mr. McDowell if ninety days would be a reasonable time. Mr. McDowell asked if he could have until the end of April.

Mr. Reavey asked Mr. McDowell if he agreed the building was unsafe and should be torn down. Mr. McDowell said the building set too low and when it rains, the building takes in water.

The building inspector gave a report on the items that he deemed unsafe:

- Unfit for human habitation, no water, sewer, electrical.
- Structure takes on water. Roof and chimney are need of repair.
- Blighted influence upon the surrounding area.
- Felt it would cost more than 50% of the fair market value to repair.

Mr. Reavey asked if the building was structurally safe. Mr. Lee said the bottom of the building was rotted out. Mr. McDowell said the roof did not sag.

Citizen Comments – none

1104 N. 150th Street

Ed McIntosh, 15395 Briar Dr. reported he has a contract with the property owner to buy the property and planned to move the building to his personal property in the county. He also requested a reasonable amount of time to remove the structure.

The building inspector gave the following report:

- Structure appeared to be used by hitchhikers and vagrants.
- Piles of clothing and furniture laying around.
- Building did not have electrical or sewer services.

- Hole in the roof covered by a mattress.
- 50-60 tires lined up along the fence line.

Citizen Comments – none

2805 N. 155th Street.

Brett Conrad, attorney for Mr. Cooper, reported the property was not like the two aforementioned properties. The eight problems noted in the letter are items that could be repaired easily. Mr. Cooper had a structural engineer inspect the property and found the building to be structurally safe. It appeared that the termite damage was not recent. The building had electrical service to it until the City and fire department had the electrical service disconnected. He felt his client should be given the opportunity to meet with staff about specific repairs and then make repairs.

President Thomas asked if the structural engineer submitted a written letter. Property owner Gerald Cooper said he did submit a packet for the council that included a letter from the engineer. He felt he could meet with Mr. Lee and stated other items he intended to do in an effort to revert the structure back as residential. Originally he was going to build a strip mall; however, his plans have changed and reiterated that he wanted to keep the building as residential.

Mike Magaha, Fairmount Township Fire Dept., noted he spoke with Mr. Cooper the day they did the inspection. He explained Mr. Cooper told him the day of the inspection that he did not want to put any more money into it and asked why Mr. Cooper's engineer did not want to put his stamp on the report. Mr. Cooper said he probably would if the City would require it.

Mr. Magaha explained the electrical problems he witnessed. The hood system was full of grease and the boiler was not in working order. It was his professional opinion the building was unsafe for habitation.

Mr. Lee reported when he and Mr. Magaha made the inspection on June 19, 2007, they went over the list of 16 items that were serious violations with Mr. Cooper. It was his opinion repairs would equal more than 50% of the fair market value. Mr. Lee stated he did not receive a report from the structural engineer. He noted structural damage was significant and felt the entire building needed to be rewired.

Mr. Magaha noted the second floor walls were buckled and the only thing holding the ceiling up was the wall paneling.

Mr. Greer said his client had never received a list that was referred to by the building inspector and suggested the City give Mr. Cooper additional time to meet with staff and discuss what items need to be addressed. From there, Mr. Cooper could decide if he would be willing to repair or tear down the structure.

President Thomas asked if 150 days would be ample time. Mr. Lee stated he felt 150 days was too lenient and suggested 30 days since Mr. Cooper had already had ample time to make repairs and had not made an effort to do so.

Mr. Reavey noted the statute reads the City must give a time period to the landowner to commence removal or rehabilitation. The property owner cannot start and then stop; they must complete the project within the time frame.

Mr. Lee noted they did not arbitrarily walk into Mr. Cooper's place of business. The building was open for business and serving breakfast to the public. Mr. Cooper indicated they were not treated very nicely during a fire inspection performed by Mr. Magaha. Mr. Fred Box stated he personally went on the inspection and did not feel there were inappropriate actions.

Mayor Garcia said Mr. Cooper did not make an effort to meet with staff after the first meeting.

Citizen Comments - none

PUBLIC HEARING – 2007 Budget Amendment – moved to Dec. 27

President Thomas said one of the questions was where the \$160,000 came from. Mrs. Adams noted the \$160,000 referenced was a year-end transfer, not a budget amendment. She explained which fund was affected noting that \$151,000 was taken from different department line items that were under budget.

Public Comments – none

Staff Comments - Mr. Slaugh reported originally \$4662 was budgeted in 2007 for maintenance of the Cedar Lakes grinder pumps. However, repairs exceeded the budget and became necessary to amend the 2007 Budget to \$17,392.

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 3, 2007 Work Session and Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events
- e. Approve renewal of Liquor and Cereal Malt Beverage License for Kelley's Grille & Bar, Simple Simons, and Shorty's Liquor
- f. Approval renewal of contract with Leavenworth County for probation services for year 2008.

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to move item "e" to Business Item "l" and move item "f" to Business Item "m". A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to approve Consent Agenda Items "a" through "d" as presented. A roll call vote was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

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).

CITIZEN COMMENTS REGARDING AGENDA ITEMS

Dennis Mertz (2905 N. 155th St.) commented on the the following items:

i. Wage Plan Adjustments – noted on October 8th a packet was given to the Council showing wages and percentages for each employee from different cities. In his opinion there was still a problem with the pay plan pay scale showing the city superintendent and chief of police as Scale 9 and felt those positions should be higher than the city planner.

g. Payment to H.E. Miller Construction - requested Council vote to retain 5% on the payment to H.E Miller & Sons until the grass and ruts were repaired, and all punch list items were satisfied.

b. Demolition contract - Requested property owners be given sixty days to come up with a plan and six months to repair or demolition plan.

Ed Bush (1606 N. 156th Terr.) requested permission for the VFW to place flags along 155th Street on designated holidays. They would install brackets and hang 3x5 flags. Mr. Bush reported Westar Energy representative Jeff Martin informed Mr. Bush the request had to come from the City. The flags will hang for a single day, Flag Day, Memorial Day, Veterans Day, and Fourth of July. Since they will be hung at eye level, they will not need additional help from staff or fire department.

Mr. Myracle asked what type of brackets they would be using. Mr. Myracle explained he received a letter from Westar Energy stating the City could not use the screw type brackets and had to use bands. Post Commander Fred Box explained the bracket was about four inches long would have three screws. The flags have been paid for by Basehor businesses.

Mayor Garcia suggested sending Westar Energy a letter explaining the type of bracket to be used to make sure there was no misunderstanding.

Sandra Grimes (15402 Crimson) agreed with Mr. Mertz regarding the wages, supported the VFW placing flags along 155th Street, and requested Council reconsider increase in sewer connection fees and monthly sewer maintenance fees.

Mrs. Grimes asked if there was information on the Sunset Ridge project and if the proposed project was a new location. Mayor Garcia noted it was only a letter of support and would be located in the Pinehurst North development. The developer would need to provide plans to the planning department at a later date. Councilmember Washington explained the project would need to start from scratch.

David Greer, land planner for the Sunset Ridge project addressed Business Item “e”. He explained it was the same project they submitted for the property north of the shopping center. The new project would be located on larger tract of land.

Councilmember Washington asked who the participants in the senior housing project were, explaining that it was his understanding one of the participants had a past due bill with the City. Mrs. Breuer stated her children were the owners of the property.

Councilmember Dysart asked if there would be 49 units on three plus acres. Mr. Greer confirmed there were 49 units on three acres and the only thing that had changed was the location.

Mrs. Breuer asked Councilmember Dysart asked if she managed the Hickory Villa senior citizen site. Councilmember Dysart answered yes.

The public portion of the meeting was closed.

SCHEDULED DISCUSSION ITEMS

BUSINESS

a. Consider approval to move ahead with condemnation of structures.

City Attorney ~~Patrick~~ Patrick (amended 1/10/08) Reavey stated he thought it was appropriate to table demolition and recommended revising the language in the resolution to read “the property owner has the option to repair or remove in _____ (designated by Council) days”. Council would decide the number of days for each property.

15411 Parallel Rd.

A motion was made by Councilmember Sifford and seconded by Councilmember Washington to deem the structure at 15411 Parallel as unsafe and dangerous and allow the owner 150 days to repair or remove the structure. A roll call vote was made with all members voting in favor. Motion passed 5-0.

1104 N. 150th Street

A motion was made by Councilmember Sifford and seconded by Councilmember Dysart to deem the structure at 1104 N. 150th Street as unsafe and dangerous and allow the owner 150 days to repair or remove the structure. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

2805 N. 155th St.

A motion was made by Councilmember Sifford and seconded by President Thomas to deem the structure at 2805 N. 155th Street as unsafe and dangerous and allow the owner 90 days to repair or remove the structure. Discussion followed. Councilmember Dysart asked if it would be discriminatory to allow less time than the other two properties. The city attorney stated it was not discriminatory and was at Council's discretion. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

b. Consider awarding contract(s) for demolition of three structures in the city of Basehor located at 15411 Parallel, 1104 N. 150th Street, and 2805 N. 155th Street

A motion was made by Councilmember Washington to table action. After further consideration, Councilmember Washington withdrew his motion.

A motion was made by Councilmember Washington and seconded by President Thomas to delete Business Item "b". Discussion followed. Councilmember Sifford asked how Council would know when the time limit had expired. Councilmember Washington reminded Councilmember Sifford that the city attorney previously reported that the City would have to enact another resolution directing staff to take action to make property safe. Mr. Reavey concurred with Mr. Washington. The planning director reminded the governing body that leniency had already been built in and that one property had already been given more than a year without any action taken. A roll call vote was taken with members Thomas, Washington, and Hill Dysart (amended 1/10/08) voting in favor. Members Sifford and Hill voted no. Motion passed 3-2.

c. Consider request from VFW to place 3x5 American flags on telephone poles for Memorial Day, Flag Day, 4th of July, and Veterans Day

A motion was made by President Thomas and seconded by Councilmember Hill to send a letter of support letter to Westar Energy and request direction on the type of brackets to be used. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

d. Consideration of accepting proposed street right-of-way, utility easements and temporary construction easements from the Catholic Archdiocese related to the alignment of 152 Street at Leavenworth Road.

Mr. Smith reported this item was an unconventional way of obtaining right-of-way. He explained in December 2005 a preliminary plan was placed on hold since the developer was in the process of obtaining a right-of-way from the Archdiocese for a street from Barrington Manor south to Leavenworth Road. Recently the developer was able to obtain the property from the Archdiocese and explained the future alignment that would connect with the proposed City Center. He explained when the Archdiocese comes in February with their plans for a new educational center; he would be requiring the street to be redirected and the street alignment proposed by Barrington Manor be vacated.

Councilmember Sifford thought it made more sense to align the street in accordance with Map 2.

Father Allen noted the Archdiocese has a mutual agreement with Mr. Breuer to build a road as presented and noted it would create a hardship to shift the road west. Mr. Smith stated the Archdiocese would need to redesign their detention pond if the street was realigned and commented if the Archdiocese was in disagreement with moving the road, the plat would most likely be denied.

Ed Schlagel, Schlagel Associates & Engineers, reported he had been working with Mr. Breuer for a couple of years to obtain the street easement that had been previously approved by the City. Originally the City approved the road alignment across from Mr. Ussery's driveway and now they want it to align with a development that may never come. It was his professional opinion that the closer intersections are, the more dangerous they become. Mr. Schlagel reported there was an open tributary on the church property and was one of the reasons for the alignment of the road. He reminded Council they have before them, signed documents, according to what was requested by the City in the past.

Mr. Breuer asked if the preliminary plat been approved on the Town Center (also referred to as "City Center") and to his knowledge no one had purchased the property at this time. Mr. Breuer stated he could not move forward on his development until he made arrangements for a road going from Barrington Manor to Leavenworth Road. He said nothing had changed from the original time he appeared before the Council.

Councilmember Sifford said he appreciated Mr. Breuer's comments but did not understand why he would want to "deadend" his property and it appeared that the road should be realigned for future growth.

Mr. Schlagel noted the City would decrease the distance from a public road to a new road. Various ways to realign the City Center road was discussed. Councilmember Sifford read a statement from Planning Commission member Jason Logsdon opposing the alignment proposed by Mr. Breuer because it did not allow for future growth.

President Thomas asked if the Musett property had been purchased. It was noted there was an option on the property. President Thomas noted the City was asking the developer to move their road when the other property did not have a final plan.

Councilmember Dysart asked why the City was considering this item tonight when the Planning Commission would be addressing the Catholic Church plat in February. It was her opinion the Council should not take action until the Planning Commission addressed the requests from the Archdiocese and Barrington Manor.

Mr. Smith stated the item was placed on the agenda tonight at the request of Mr. Breuer so he would know what he needed to do to finalize his preliminary plat.

The city attorney asked the planning director what the Planning Commission had actually approved. Mr. Smith stated Council approved the Preliminary Plat; however, it has expired and needs to be resubmitted.

Mr. Slaugh commented what Council was considering was to delay one developers project while another developer may or may not bring in a plan.

Councilmember Washington felt he would support the Planning Commissions recommendation for Alignment "A"; however, he felt it was incumbent to have all parties involved meet and come up with a plan that works for all.

Councilmember Hill said he took exception that the City tells a developer to do something and then change their minds. The Archdiocese goes through the motions of approving the right-of-way and two months later are informed they must do something different.

Councilmember Sifford reiterated that he would like to see all parties sit down and try to work out a plan to make "Map 2" work out.

Councilmember Dysart reiterated that it should be up to the Planning Commission to work things out with Archdiocese and Mr. Breuer.

Mr. Smith said he thought before tonight that Mr. Breuer was in agreement with the future realignment of the road. Mr. Breuer stated he has no control over the Archdiocese property. Mr. Schlagel noted he did not think the City would want direct access onto Leavenworth Road. Mr. Smith stated the developer made the road 28 ft. and was not considered as a collector street explaining the Comprehensive Plan did not show it as a collector. Councilmember Dysart read

a portion of Mr. Schlagel report stating the street would be considered a collector street. Mr. Smith stated it could not be a collector street since it was not designed with a 36 ft. back-to-back curb and gutter.

A motion was made by President Thomas and seconded by Councilmember Washington to approve Exhibit A as recommended by the P.C. A roll call vote was taken with all members voting in favor with the exception of Councilmember Dysart. Motion passed 4-1.

A motion was made by President Thomas and seconded by Councilmember Sifford to recess for five minutes (8:55 p.m.) A roll call vote was taken with all members voting in favor. Motion passed 5-0.

Mayor Garcia called the regular meeting back to order at 9:00 p.m.

e. Consider a resolution of support for a tax credit application to be filed with the Kansas Housing Resources Corporation for Sunset Ridge senior affordable rental housing complex.

Mayor Garcia reported the proposed resolution was a non-binding document that would allow the property owner to submit a tax credit application with the Kansas Housing Resources Corporation for Sunset Ridge senior housing.

A motion was made by Councilmember Sifford and seconded by President Thomas to approve the resolution based on the fact this was a non-binding document. Councilmember Dysart stated she would vote for the resolution if a clause was added identifying the section the development would legally be governed by and that the complex was low income. Mr. Reavey reiterated the document was not legally binding and the applicant had to follow all the steps necessary in meeting planning requirements. President Thomas noted the document stated the developer would need to go through the proper planning process. Mayor Garcia noted it has always been his understanding the document was non-binding. Councilmember Sifford amended his motion to require the resolution state the statute. President Thomas agreed to amend his motion as well. Councilmember Washington stated he wanted to inform Council that some of the parties involved are applicants have a past due bill from year 2002. Mayor Garcia asked the city attorney if that was something the City should use to deny this request. The city attorney commented he did not think it was; however, he was not prepared to comment on the matter at this time. A roll call vote was taken with all members voting in favor with the exception of Councilmember Washington. Motion passed 4-1.

f. Consider repealing Municipal Policy 5.04/05 and amending Municipal Code 15-239-240 to increase the sewer connection fees and monthly sewer maintenance rates for the City of Basehor.

Mr. Slaugh reported, in the current Municipal Policy, sewer connection fees would increase \$250 annually (January 1) and KDHE loan agreement indicated sewer maintenance fees would increase by 2.5% (May 1). In order to maintain a solvent Sewer Fund, Mr. Slaugh presented an ordinance which recommended increasing the monthly maintenance fees 2.5% and increasing the sewer connection fee to \$3500. He showed spreadsheets depicting the cost of the existing and future loans to the State Revolving Loan and operation expenses of the Sewer Fund. If based on 70 users, the Sewer Fund would start losing money in year 2010 and if based on 100 users, the Sewer Fund would become sustainable.

President Thomas stated he did not have a problem with increasing the connection fee, but did not support the 2.5% monthly maintenance fee. Mr. Slaugh said if the City did not keep up with annual increases, they would need to make it up at a later time.

Councilmember Washington gave examples of other cities with lower sewer rates. Mr. Slaugh noted the Council has the choice of raising the rates that would meet the demand of the payment schedule or not approve the increase.

Mayor Garcia reported a previous Council approved a rate schedule showing the city would increase the rate by 2.5% and every study that had been done showed the City needed to stay on track. Mr. Slaugh felt if the sewer connection fees were not increased, it would put a greater burden on the taxpayer for their monthly fees.

Councilmember Washington reported in 2004 the fee increased \$700 and then \$250 every year thereafter. Councilmember Dysart expressed her concern that the City would price them selves out of the housing market.

Mr. Slaugh commented intern Jared Cobb used the rate study performed by Larkin Group along with additional growth projections. He felt the City would hit a deficit period in approximately six years.

A motion was made by Councilmember Sifford to approve the ordinance as presented. Motion died for lack of second.

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to increase individual sewer billing rate by 2.5% effective May 1, 2008 and increase sewer connection fee by \$250 effective January 1, 2008. A roll call vote was taken with members Washington, Dysart, and Hill voting in favor. Members Thomas and Sifford voted against the motion. Motion passed 3-2.

Mr. Reavey recommended bringing the ordinance back to the next meeting with corrections.

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to direct staff to make the necessary changes and have the city attorney approve for content and

resubmit for final adoption at the next council meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

g. Consider pay request #3 and Change Order #4 (Final) to H.E. Miller & Sons for work performed on 147th and Parallel Street project.

A motion was made by Councilmember Washington and seconded by President Thomas to approve payment less five percent (5%) retention. Discussion followed. Councilmember Dysart said she thought ten percent (10%) should be retained until the punch list was completed as recommended by Mr. Mertz. Councilmember Sifford said he had a problem with the City withholding \$58,204.67 from a contractor when he has completed the work and supported paying H.E. Miller & Sons the full amount owed. Mr. Slauch said the city engineer and staff determined the grass standing was ample and would sustain erosion. In the contract, it states wehn all punch list items have been resolved, the remaining five percent (5%) retainage would be released. He commented if future problems arose, the City would fall back on the maintenance bond posted by the contractor. Concerns about possible drainage and erosion problems were discussed. The city attorney stated the appropriate thing would be to go back on a maintenance bond if something was wrong with the project. *Based on discussion, Councilmember's Washington and Thomas agreed to rescind their original motion. (amended 1/10/08)*

A motion was made by President Thomas and seconded by Councilmember Sifford to approve payment in the amount of \$58, 204.67 as presented. A roll call vote was taken with members Thomas, Sifford, and Hill voting in favor. Members Washington and Dysart voted no. Motion passed 3-2.

h. Consider approval of an ordinance to proceed with condemnation of right-of-way for the Hickory Street extension over the Baker property.

A motion was made by Councilmember Sifford and seconded by President Thomas to approve discontinuing the process to acquire right-of-way from Mr. Baker. Discussion followed. The planning director asked if the City would need to start the process over again if the developer wanted to move forward with his project (Silver Springs) Councilmember Dysart asked why the city would want to stop the process since they had paid an attorney and engineer to start the process. Mr. Smith noted the preliminary approval is no longer valid and the City would have to pay to have a survey done. The developer would need to submit construction drawings and the developer was not willing to do that at this time. Councilmember Dysart noted Hickory Valley gave a thirty foot easement and the City should move forward to build the street for the betterment of the City and not for the developer. Councilmember Sifford stated although he agreed with Councilmember Dysart, he made the motion to suspend the process because staff has estimated the cost to be an additional \$7,000. Councilmember Dysart suggested assessing the costs to the developer. The city attorney did not feel those charges could be assessed back to the

developer. A roll call vote was taken with members Thomas, Sifford, and Hill voting in favor. Members Washington and Dysart voted no. Motion passed 3-2.

i. Consider 2008 Wage Plan Adjustments.

Mr. Slaugh reported after reviewing wage plans of Lansing, Tonganoxie and Basehor it was apparent that wage adjustments needed to be made. He said an adjustment needed to be made to the proposed plan as well. He explained the corporal position was too low and the various levels of the police officers lose their significance. He recommended changing the Corporal pay from \$15.27 to \$15.73.

Councilmember Washington commented he thought it was a good piece of work but wanted to make sure everyone was in the proper step and longevity. He also felt it needed to be determined if Mr. Cobb set the scale up with a 2008 number and once the scale is in place, there should be no merit increases. He suggested a formal system of bonuses be put in place that would not necessarily be given every year. He requested copies of a couple employees W-2's noting their overtime should be taken into consideration. Councilmember Hill stated base wages could not be based on overtime since overtime was not guaranteed and that some employees would rather be home with their families than working for overtime pay.

Mayor Garcia said he liked the idea of the scale based on the position, not based on the person. He agree on the bonus plan as recommended by Councilmember Washington and commented once the plan was adopted, the City would still be under the area pay. Mr. Slaugh stated the pay plan would be five percent (5%) below the area median.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve the 2008 Wage Plan adjustments as submitted. Discussion followed. Councilmember Washington stated two positions should be exempt positions and that is why he wanted to see their W-2's. Mr. Slaugh asked what impact the W-2 would have on the pay plan. Councilmember Washington said you have to take a look at the actual earnings since overtime was being paid. Mr. Slaugh did not see that it should affect whether the employee was exempt or non-exempt status and suggested having the city attorney research the Fair Labor Standards Act ("FLSA") to see if the employees were classified properly. Councilmember Washington stated there also needed to be a legal ruling whether the police chief should have been considered exempt status. President Thomas noted the Wastewater Operator II showed in Range 3 on one document and Range 4 in another and would like to see that corrected before a vote was taken. Councilmember Hill reported in his HR experience, the rate of pay and overtime should not be taken into consideration on a wage scale, but only regular pay. The city attorney requested the issue of the police chief be discussed in Executive Session. Councilmember Washington requested to discuss all positions in Executive Session. Mr. Reavey informed the Council they could not discuss a "collective group" in closed session; however, if they wanted to discuss one or two positions that was acceptable. Councilmember Washington stated he wanted to discuss two employees.

Mr. Cobb stated he would be glad to review and correct the documents. President Thomas commented the pay plan should follow the pay scale.

A roll call vote was taken with members Sifford and Hill voting in favor. Members Thomas, Washington, and Dysart voted no. Motion failed 2-3.

Staff was directed to correct the pay scale and pay plan and place on the January 7, 2008 agenda for action.

j. Consider request from Planning Director to attend 2008 American Planning Association national conference from April 27-May 1, 2008.

A motion was made by Councilmember Washington and seconded by President Thomas to approve the request from the planning director to attend the 2008 American Planning Association national conference from April 27-May 1, 2008. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

k. Approval to make year-end transfers.

A motion was made by President Thomas and seconded by Councilmember Sifford to approve year-end transfers as submitted. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

l. Approve renewal of Liquor and Cereal Malt Beverage License for Kelley's Grille & Bar, Simple Simons, and Shorty's Liquor

A motion was made by President Thomas and seconded by Councilmember Washington to approve renewal of liquor for Kelley's Grille & Bar and Shorty's Liquor and Cereal Malt Beverage license for Simple Simons. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

m. Consider approval of renewal of contract with Leavenworth County for probation services for year 2008.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve renewal of the contract with Leavenworth County for probation services for year 2008. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

CITY ADMINISTRATOR REPORT

- Public Hearing will be held on December 27 to amend the 2007 Cedar Lakes Fund.
- Next regular Council meeting will be held on January 7, 2008.

- Next Planning Commission meeting will be held on January 8, 2008.
- Set a date at the next meeting for a Strategic Planning Session

MAYOR'S REPORT

Mayor Garcia wished everyone a Happy Holiday and reminded the public he would not be holding a Citizen forum this month. Next one would be held in March.

COUNCIL MEMBER REPORTS

Keith Sifford

Councilmember Sifford wished everyone a Merry Christmas and Happy Holidays!

Terry Hill

Councilmember Hill wished everyone Merry Christmas and Happy New Year!

Iris Dysart

- Requested a work session be scheduled to discuss collection of outstanding accounts receivable.
- Requested update on an ordinance addressing the collection of up-size fees for Pinehurst Lift Station. Mr. Reavey noted he was working with the city administrator to see if the Pinehurst lift station upsize fee should be a separate ordinance or included in the proposed Municipal code. Mr. Slaugh stated they would work to have it ready to place on the January 7th agenda.
- Requested an update on the Casey's issue – Mr. Slaugh reported the citation was being reviewed by the city attorney. Councilmember Washington asked "what citation". Mr. Slaugh stated violation of the code. Councilmember Dysart stated the matter needed to be resolved.

EXECUTIVE SESSION

A motion was made by President Thomas and Councilmember Sifford to convene into Executive Session not to exceed thirty-seven minutes. A roll call vote was taken with all members voting in favor. Motion passed 5-0. (10:15 p.m.) The city attorney and city administrator were in attendance.

At 10:55 p.m., Mayor Garcia called the regular meeting back to order with all members present.

A motion was made by Councilmember Sifford and seconded by President Thomas to accept the resignation of police chief Terry Horner effective December 15, 2007. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

ADJOURNMENT

There being no further business to discuss, a motion was made by President Thomas and seconded by Councilmember Dysart to adjourn the December 17, 2007 regular meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 11:00 p.m.

Submitted for Council approval with/without correction or additions this 7th day of January, 2008.



Mayor Chris Garcia



The seal is circular with a dotted border. The text around the border reads "SEAL OF THE CITY OF BASEHOR, KANSAS". In the center, it says "CORPORATE SEAL".

Attest:



Mary A. Mogle, CMC, City Clerk