

Minutes**City of Basehor
BASEHOR CITY COUNCIL
August 7, 2006
6:00 p.m.
Basehor City Hall****OFFICIAL PRESIDING: President John Bonee****MEMBERS PRESENT: Iris Dysart, Bill Hooker, Terry Thomas****ABSENT: Mayor Chris Garcia and Councilmember Keith Sifford****Staff Present: Carl Slaugh, Gene Myracle, Carole Dickey, Dustin Smith, and Terry Horner****Newspaper: Lara Hastings, *Basehor Sentinel***

WORK SESSION (6:00 p.m.)

President Bonee called the work session to order with all members present except Mayor Garcia and Councilmember Sifford. The city attorney, John Thompson, was also present.

**1) *Fact Finding Discussion Regarding Agenda Items with Department Supervisors
(no action to be taken during this session)***

Item #1: Sewer Master Plan Update, MHS Engineering

Mr. Dave Lutgen of MHS Engineering gave an update on the Sewer Master Plan. He said he would come back in two or three weeks with action options on each watershed. After decisions are made on the options, more detailed information will be provided. Based on population projections, he estimated the current plant would need Phase 2 and probably Phase 3 expansions by 2008.

Councilmember Hooker requested more time to review information like this. Mr. Lutgen agreed to provide future information in the regular packet.

City Superintendent Myracle said only residential capacity is being considered now, and a spurt of industrial users would hurt. He indicated that Kelley's, Basehor Suds Car Wash, and the High School are the largest users at this time. Councilmembers discussed ways to breakdown water usage for residential and commercial users.

Item #2: Realignment of structure within Police Department

Chief Terry Horner handed out information that was provided in the Council Packet and gave an explanation of his proposed organization change. He stated that he was looking for a way to have more accountability and structure that would not require any additional funds. The proposed organization chart he presented eliminates the corporal position, adds a second sergeant position, and creates a lieutenant position. He displayed comparisons of organization charts, case loads, and salaries for other area departments.

Councilmember Thomas questioned the numbers of calls versus citations in previous years as compared to this year. Chief Horner explained there is no correlation between calls and citations. In answer to Councilmembers' questions, he stated that testing is currently being done for the vacant sergeant position, the proposed reorganization could result in three promotions, and the salary for the lieutenant position would be based on qualifications and experience. He also stated that the City Administrator is working on an employee pay scale. He said his goal is to have two officers on the streets at all times with the sergeants on duty nights and weekends. With this plan he would not anticipate needing additional personnel until 2010. He said this is a very important decision for the future.

Bob Moore (2636 N. 157th St.) spoke in favor of the realignment stating that Chief Horner should be allowed to run his department.

Item #3: Lift station pumps

Mr. Myracle reported on the failures, due to debris, of two pumps in two weeks' time at the 163rd St. Station. He answered Council questions on ways to alleviate the debris problem and said he was looking into possible screening devices. He said this would have to be engineer-designed and would not be cheap. He explained that he had obtained a loaner pump but would like to keep the high rental cost at a minimum by obtaining two replacement pumps. In addition a pump could be rebuilt from parts of the two failed pumps to be used as a spare. He reported that the funds to cover the expenditures were available in the Sewer Maintenance Fund.

Councilmember Hooker suggested another manufacturer since \$14,000 was spent on the rebuilt pump just last year. Mr. Myracle stated that the new pumps are manufactured by Fairbanks Morse while the rebuilt pump is Gorman Rupp. Councilmember Dysart asked if cleaning the station more often would help, and Mr. Myracle said that was hard to predict.

There was no further discussion for the worksession, and a 5 minute break was taken.

2007 BUDGET PUBLIC HEARING (7:12 p.m.)

President Bonee opened the 2007 Budget Public Hearing. Mr. Slaugh reported that the budget is the same except for corrections made to Page 3 (~~\$100,00~~ transfer changed from General Fund to Sewer Capital Improvement Fund) and Page 7 (Bond & Interest amount corrected to \$488,000). He said these corrections affect the projected revenue only.
(amended 8/21/06 to read \$100,000)

Mr. Slaugh answered Councilmember Dysart's question as to why a transfer was made from the Solid Waste fund by explaining that this was a way to show personnel expenses. An alternative would be to increase the proposed personnel services line because it does not cover all of the billing clerk expense.

Councilmember Thomas questioned the drop in projected sewer revenue. Mr. Slaugh stated it was a projection based on the average rates. He said it is an "in and out" fund and not a profit-making fund. President Bonee said the rates are too high now, and Mr. Slaugh indicated that the report by Larkin will show where we stand with rates.

Councilmember Dysart asked if a previous Council vote not to transfer from a fund should stand. Councilmember Hooker said he thought the motion would be for that particular year only. Mr. Slaugh also said a vote on the budget would only last from one year to the next.

President Bonee said he felt the sewer fund is being starved and should be the top priority. He also thought the overage in the solid waste fund should be used for personnel. *(amended 8/21/06 to read "wastewater treatment" personnel)*

Councilmember Dysart questioned the interest projection on the Cedar Lakes Maintenance fund. Mr. Slaugh said the fund carries over and agreed that the projection should be higher. President Bonee said the connection fee part of this fund should be going to the plant instead of being held in reserve. Mr. Myracle stated that there is another \$40,000 still owed by the County for Cedar Lakes.

Mr. Slaugh said the sheet to be signed and forwarded to the County shows expenditures only and would not be affected by a revenue change in the Cedar Lakes account.

The public hearing was closed at 7:50 p.m.

REGULAR MEETING (directly following budget public hearing)**ROLL CALL BY PRESIDENT JOHN BONEE AND PLEDGE OF ALLEGIANCE**

President Bonee called the regular meeting to order with all members present except Mayor Garcia and Councilmember Sifford. The city attorney, John Thompson, was also present. Pledge of Allegiance was recited.

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 10, 2006 Work Session
 2. July 17, 2006 Work Session & Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to vote on the Consent Agenda with the Treasurer's Report and Vendor Payments removed for separate action. Councilmember Thomas made a correction to the July 17, 2006 Minutes--Page 4, Item #2, date should be August 7. A roll call vote was taken with all members voting in favor of approving the Consent Agenda (Treasurer's Report excluded) with the stated correction. Motion passed 4-0.

Councilmember Thomas asked about the Heartland Tow bill, and Councilmember Hooker said he had observed it was for several police vehicles. A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to approve the Treasurer's Report and Vendor Payments. A roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

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.)

a. Citizen Comments Regarding Agenda Items

Ruben Noguera, representing Albert Hoelting, requested Item J, re-consideration of rezoning for Silver Springs subdivision, be continued to the August 21 Council Meeting.

Bob Moore (2636 N. 157th Street) questioned why the City would jump over Cedar Lakes to annex Cedar Lakes V. President Bonee listed revenue as one reason. Mr. Moore also asked about the sewer rate adjustment on the agenda. Mr. Slaugh explained that adjustments are made in special cases based on water usage. Mr. Moore also suggested getting something done with Ripley Street. Mr. Myracle said the recent work done to Ripley was due to the Barron annexation agreement.

George Smith (14923 Parallel) said he was in favor of the Police Chief's proposal.

Debbie Breuer, 14127 Belrive Circle, spoke on Business Item d – exception to Pinehurst Retail for Neighborhood Revitalization application. She explained that because of an oversight, this application was not submitted with the permit or within the required 60 days of the permit. She asked that the application be allowed to go through since it was only a few days past the deadline. Although the delay was not the City's fault, she thought the City should ask questions and be a better advocate for economic development. President Bonee commented that the City should promote the Neighborhood Revitalization Program.

David Breuer (14141 Nelson Ct) asked for an update on the status of the street lights proposed for K-7 & Hollingsworth Road and K-7 and Donohoo. Mr. Myracle said Westar is waiting for a permit from KDOT for Donohoo Road, and the City is still working on easements for Hollingsworth Road. Mr. Breuer said the utilities are in the Right of Way and moving them should not be a "customer-pay" expense as claimed by SW Bell. He urged the Council to push for this project as time is running out for this year.

Councilmember Thomas asked if easements have been obtained on the south side. Mr. Slaugh said Zarda and Ferzandi are still pending. He also stated that the County is still ready to go with 15 days notice.

John Flower (15515 Cedar Lane) spoke as a resident of Cedar Lakes, not the President of the Homeowners Association, expressing concerns about Business Item H and its effect on the sewer district.

There being no further citizens wishing to speak, President Bonee called the public portion of the meeting closed.

BUSINESS***a. Consider interlocal agreement between the City of Basehor, Jeffrey Theno, and County of Leavenworth providing for the treatment of wastewater.***

President Bonee asked Mr. Thompson for comments on this item. Mr. Thompson went over his memo listing several items to insert: (1) The County should be made a party to the agreement, (2) The County would reimburse the City for legal fees instead of stepping in, (3) The last sentence of Paragraph 9 should be reworded and the reference to the Basehor Athletic Association should be removed.

Councilmembers discussed the rate of interest charged for not paying up front. President Bonee said the agreement should read 6% interest "each year" instead of "after one year". Councilmember Thomas also pointed out some format corrections. Councilmember Dysart asked how assessments are determined, and Mr. Slaugh said it was determined by lot. Mr. Slaugh asked what should be removed regarding Basehor Athletic Association, and he was asked to remove the statement regarding hookup at such time the lagoon fails. Mr. Slaugh stated that the County had already signed the agreement on August 3.

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to table this item to the next meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

b. Consider resolution annexing Theno Estates (Jeff Theno, owner)

This item was deferred until the necessary information is received.

c. Consideration for purchase of two pumps for 163rd Street lift station.

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to approve the purchase of the two new pumps as well as the expenditure to replace the damaged pump assemblies (Item g). A roll call vote was taken with all members voting in favor. Motion passed 4-0. *(amended 8/21/06 to read approved up to \$60,000)*

d. Consideration to authorize an exception to Pinehurst Retail for Neighborhood Revitalization application.

A motion was made by Councilmember Dysart and seconded by Councilmember Thomas to authorize an exception to Pinehurst Retail for Neighborhood Revitalization application. Discussion followed with Mr. Slaugh explaining that this program applies only to the "old town" for residential development but to the entire City for commercial development. He also explained the timeframe for applying. President Bonee said the

purpose is to encourage development. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

e. Consideration for realignment of structure within police department as presented by Chief Horner.

Councilmembers said they still had unanswered questions regarding the duties of the lieutenant, who would be hired and/or promoted, and how the budget would be impacted. A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to defer this item to Executive Session. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

f. Consideration of job description, wage, and hiring of part-time receptionist for Administrative Department.

Councilmembers asked about office space and overlapping of hours. Mr. Slauch said the office had been rearranged and a desk was available. He said there would be some overlap of hours with the Treasurer. Councilmember Hooker said cross training for the City Clerk was important, and President Bonee said it was important for all departments. A motion was made by Councilmember Thomas and seconded by Councilmember Dysart to approve the job description, wage and hiring of a part-time receptionist for the Administrative Department. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

g. Consideration for approval of expenditure to replace damaged pump assemblies at the primary lift station.

This item was approved with Business Item c.

h. Consideration of ordinance rezoning from R-O, Suburban Residential to R-1, Single Family Residential and Preliminary Plat for property located in the 15600 15700 block of Evans Road, to be known as Cedar Lake, Phase V (submitted by Benchmark Management Inc.)

A motion was made by Councilmember Thomas to approve the rezoning from R-O to R-1 of Cedar Lake, Phase V. President Bonee asked Mr. Thompson if this was getting the cart before the horse since the annexation was still pending. Mr. Thompson said it had been done before but there should be another review after the County's approval of the annexation. Councilmember Thomas amended his motion making approval of the rezoning contingent on a clean annexation agreement. The motion was seconded by Councilmember Hooker. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

i. Consideration of amendments to Planning Commission By-Laws.

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to approve the amendments to the Planning Commission By-Laws. A roll call vote was taken with all members voting favor. Motion passed 4-0.

j. Re-Consideration of change of zoning from R-O, Suburban Residential to R-1, Single-Family Residential and preliminary plat for Silver Springs subdivision for property located at 15977 Leavenworth Road (submitted by Albert Hoelting)

This item was continued to the August 21 meeting at the applicant's request. Councilmember Dysart requested an up-to-date plat.

President Bonee asked for consideration of the previously listed agenda items:

2007 Budget

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to approve the budget as discussed in the public hearing. President Bonee stated that he still had some concerns. A roll call vote was taken with all members voting in favor except Councilmember Dysart. Motion passed 3-1.

Kaylene Fullington – adjustment for monthly sewer bill

A motion was made by Councilmember Thomas and seconded by Councilmember Dysart to approve the two-month average, \$64.46, recommended by Staff. Councilmember Hooker asked the Billing Clerk to check to be sure the amount is at Cedar Lakes' 125% rate. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Jerry Mussett – Appeal of Assessment Fees for culvert

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to deny the appeal of assessment fees. A roll call vote was taken with all members voting in favor except Councilmember Dysart. Motion passed 3-1.

Doug Kean, Hollingsworth Estates – Appeal of Developer Assessment Fees

Mr. Slauch explained that the developer did not feel he should have to pay for having plans revised that were not being used. A motion was made by Councilmember Hooker and seconded by Councilmember Dysart to deny the appeal of these fees. A roll call vote was taken with all members voting in favor. Motion passed 4-0. Councilmember Dysart asked if the new elevation would be a problem for the developer. Mr. Myracle said there are new plans to tie in that will make the elevation work.

Rustom Ferzandi, Falcon Lakes – Appeal of Developer Assessment Fees

President Bonee said he remembered this same request from a year ago and would like to review the minutes. Mr. Slaugh reported that the City has already paid the engineer. Councilmembers discussed the fact that although KDOT did the work, City Staff still instructed our engineer to do an inspection. Mr. Myracle said the City would want a resident inspection regardless of who did the work.

A motion was made by Councilmember Dysart to wipe this fee off the books. The motion died for lack of a second. A motion was made by Councilmember Hooker to deny the appeal. This motion also died for lack of a second. A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to table this item to the next meeting so the minutes could be checked for previous action. A roll call vote was taken with all members voting in favor. Motion carried 4-0.

MAYOR'S REPORT - None

COUNCIL MEMBER REPORTS - None

EXECUTIVE SESSION

- a. Attorney-Client Privileged Matters
- b. Confidential data relating to financial affairs-trade secrets.

A motion was made by Councilmember Dysart and seconded by Councilmember Thomas to convene into executive session for thirty (30) minutes to discuss Attorney-Client Privileged Matters and financial affairs-trade secrets. A roll call vote was taken with all members voting in favor. Motion passed 4-0. (9:25 p.m.)

At 9:55 p.m., President Bonnee reconvened the regular meeting. A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to reconvene into executive session for an additional 31 minutes. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

At 10:26 p.m. the regular meeting was called back to order by President Bonee.

Councilmember Hooker asked what could be done about the old Casey's building. Mr. Thompson said it could be dealt with under the public nuisance codes. President Bonee said he believed they were waiting for a release from EPA and would then put it up for sale. Mr. Slaugh said he would call the company.

Councilmember Hooker also asked if homeowners association rules take precedent over the City, and Mr. Thompson replied that the City overrides a homeowners association.

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Councilmember Thomas made a motion to approve the restructuring of the Police Department with the two sergeant positions only and the lieutenant position eliminated. The motion died for lack of a second. There were no further motions on this item. President Bonee said more detailed information would have been helpful.

There being no further discussion, a motion was made by Councilmember Hooker and seconded by Councilmember Dysart to adjourn the meeting. A roll call vote was taken with all members voting in favor except Councilmember Thomas. Motion passed 3-1. Meeting adjourned at 10:33 p.m.

Submitted for Council approval with/without corrections or additions this 21st day of August, 2006.



Attest

A handwritten signature in cursive script, appearing to read "Chris Garcia".

Chris Garcia, Mayor

A handwritten signature in cursive script, appearing to read "Mary A. Mogle".
Mary A. Mogle, City Clerk

(Note: Minutes were transcribed by Carole Dickey, Assistant City Clerk)