

MINUTES

BASHEOR CITY COUNCIL MEETING

February 14, 2005

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

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

**Staff Present: Mary Mogle, Gene Myracle, Angie Solberg, Terry Horner,
John Thompson and Matt Henderson**

Newspaper Present: none

The February 14, 2005 council meeting was called to order at 6:02 p.m. by Mayor Joseph Scherer. Roll call was answered with all members were present including the city attorney John Thompson. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

A motion was made by K. Sifford and seconded by J. Espinoza to approve the minutes of January 24, 2005 regular meeting, January 31, 2005 special meeting, and telephone poll of February 12, 2005 (approving the minutes of January 18, 2005) as written. All aye. Motion carried 5-0.

FINANCIAL REPORTS

Item #1. Approve or Deny Treasurer's Reports & Vendor Payments

A motion was made by K. Sifford and seconded by J. Espinoza to approve the Treasurer's Report and Vendor Payments as presented. All voted in favor except B. Hooker. Motion carried 4-1.

Item #2. Approve or Deny Investment Recommendations

A motion was made by K. Sifford and seconded by J. Espinoza to approve the Investment Report as presented. All voted in favor. Motion carried 5-0.

UNFINISHED BUSINESS**Item #1. Discussion Regarding Improvements To City Hall Parking Lot**

City superintendent Gene Myracle reported he met with the fire department regarding the cost of drainage work from their parking lot to the southeast side of the city hall parking lot. Mr. Myracle reported the fire department would reimburse the City of Basehor the cost of \$9,309.00 for the drainage work leaving the balance of \$62,352.00 as the City's cost of the \$71,600.00 bid submitted by WCDI, Inc.

Councilperson Dysart expressed concerns that the cost of the project was going to be increased based on a conversation she had with WCDI, Inc. contractor, Josh Cole. Mayor Scherer informed her the project cost could not be increased unless Mr. Cole submits change orders to the council for their approval.

Fire Chief Jeff Theno offered the fire department parking lot to store the City's rock and to use as employee parking during the construction process.

Item #2. Discussion Regarding Leavenworth County Forcemain Connection-Sewer District No. 7.

The city superintendent reported Leavenworth County Department of Public Works made the sewer connection from Sewer District No. 7 (Cedar Lakes) to the City's sewer without city staff being present for the connection and testing of the 3" and 4" forcemain. In an effort to work with the City, Leavenworth County has offered to prepare an addendum to the original agreement which would add an extended two-year warranty on the forcemain installation and connections in lieu of the testing. Mr. Myracle stated he would like to see the line tested and the extended warranty as part of the addendum. He explained to test now would require the County to cut the main, bypass into the original lagoon facility, flush the line, and reconnect to the city sewer.

The city attorney concurred with the city superintendent noting the agreement may not cover a particular instance at a later date. Council agreed with the city superintendent and directed him to draft a letter for the mayor's signature, advising Leavenworth County to test in addition to the two-year warranty.

Item #3. Discussion Regarding Waste Water Treatment Plan Capacity

Mr. Myracle requested Council schedule a work session as soon as possible to discuss future expansion of the waste water treatment facility. He explained Phase I of the existing plant had an average daily flow of 510,000 gallons with the total capacity being that of 535,000 gallons. He stated the City needs to consider building the expansion within the next eighteen months.

Council agreed to hold a special meeting in the form of a work session on March 7th at 6:00 p.m. (See Action Item #5)

Item #4. Discussion Regarding Street Lights For Phase II, Prairie Gardens

The city superintendent reported he received a request from some property owners in Prairie Gardens Phase II to install a street light in the cul-de-sac that currently does not have one, explaining Westar Energy did not include one in the original construction drawing. He announced monthly rental for a metal pole and 125 watt light would be around \$14.00 per month.

Mayor Scherer suggested the City adopt a policy requiring a certain type of pole. He recommended the homeowners associations pay for additional lights and poles once the initial construction was complete. Mr. Myracle reported he was working with the code administrator regarding future locations of poles. Council directed the city superintendent to check with Westar Energy to see if the light behind the cul-de-sac could be redirected to service both locations.

Item #5. Discussion Regarding Frontage Road Between 155th Street And 158th Street

Code Administrator Angie Solberg reported she received six responses from engineering firms expressing interest to design the frontage road from 155th Street west to 158th Street. The next step in the grant process was for the committee appointed (Bonee, Myracle, Solberg) to narrow down the selection to three firms. The code administrator informed the governing body in order to meet the grant deadlines the committee should meet as soon as possible.

Councilperson Dysart stated the cost was too high for 5/8 of a mile of road.

NEW BUSINESS

Item #1. Amendment To Deferred Compensation For City Employees Who Are Not Included In Kansas Police & Fire Retirement System

A request was made by the city clerk and city treasurer to increase full-time employees deferred compensation rate from 10% to 11.69% to match the employees who are covered under the Kansas Police & Fire Retirement System. Mrs. Mogle explained the 11.69% rate was calculated in the 2005 budget. The amendment would cost the City approximately \$6,850.00 for the current year.

The governing body discussed what recourse the City would take if the police department's rate decreased. They agreed the employee's covered under deferred

compensation would remain constant with the Kansas Police & Fire annual rate.

Item #2. Consider Amendment To The 2005 Wage Plan

A wage increase for employee Allen Johnson, Waste Water Supervisor, from \$13.726 to \$15.00 per hour was submitted for council approval. Council discussed some discrepancies on the "City Wage Schedule" as presented verses the report submitted by the city superintendent. Mayor Scherer advised Council they were only acting on line item #12 which would authorize a wage increase for Mr. Johnson with an annual salary of \$31,200.00.

Item #3. Reconsideration of Ordinance No. 453.

Ordinance No. 453 would not allow residents to protest benefit districts in their area. Mayor Scherer announced he could not in all good conscience approve an ordinance that would take away the residents right to protest a tax; therefore, it was his intention to veto the ordinance approved by the city council last month. The mayor stated he understood the intent of the ordinance was a method to correct the problems with the US 24/40 Hwy Interceptor Benefit District but felt there should be another clause included in the ordinance.

Councilman Bonee stated he felt the ordinance was necessary and would prevent residents from stating they were not informed about future benefit district assessments. He suggested maybe adding a sunset clause of five or ten years to the adopted ordinance.

The city attorney, John Thompson, stated the mayor was correct in his interpretation of the ordinance and could put a resident at a disadvantage if they wanted to protest a benefit district. He noted another option would be to require the property owner to sign an agreement acknowledging there would be the possibility of an assessment to the property. This would give the City a way of assessing a lien on the property. Mayor Scherer stated he was concerned about the long term effect of the ordinance. Councilman Hooker expressed his dissatisfaction with the city attorney noting he was paid to review the ordinance and it upset him that he came back with a different recommendation. Mr. Thompson stated it was his job to compile an ordinance based on previous council discussion, which he did; however, he had no control over governing body members coming back at a later date asking for other options. He reminded Council when the ordinance was adopted, Mayor Scherer was not present. He had no way of knowing the mayor would not support the ordinance. Mr. Thompson suggested the current ordinance remain in place until at which time it could be revised.

Item #4. Amendment to Public Works Job Descriptions

The city superintendent submitted revisions to five public works job descriptions. The main change in all the job descriptions was the removal of the line item stating the employees would supervise inmate work crews. There was no council discussion at this time.

- Waste Water Supervisor
- Waste Water Operator – Level I
- Maintenance Supervisor
- Maintenance Laborer-Level II
- Maintenance Laborer – Level I

CITIZENS AND PETITIONS (all presentations are limited to 5 minutes)

Mayor Scherer informed the Council he had an addition to this portion of the meeting explaining Mr. Donald Dyster requested to speak regarding 147th Street.

Item #1. Joe Martin**Re: Waive of Building Permit Fee for Basehor Baptist Church**

Pastor Joe Martin explained it was his oversight that Basehor Baptist Church failed to obtain a building permit prior to remodeling the church. He explained the work was being performed by members of the church to include demolition work, new sheetrock, new electrical outlets, new windows and trim, and other minor cosmetic work. He requested Council waive the building permit fee of \$1584.95 noting his congregation was small and could not afford the permit fee in conjunction with the cost of improvements. Councilman Hooker stated all electrical codes should be observed. Mr. Martin agreed noting he was a union electrician for twenty years..

The code administrator reported the building inspector had no choice but to charge permit fees at new construction prices since the City's code did not allow for a reduced rate for remodeling projects.

Council agreed the project should not be charged as new construction and should be reduced to \$50.00. The code administrator was also directed to look into a fee structure for projects such as this one.

Item #2. Donald Dyster

Re: Improvements to 147th Street (from Parallel north to city limit)

Mr. Dyster, Basehor Cabinet Shop, appeared before the city council to request they address improvements to 147th Street noting it was the worst street in Basehor.

Councilman Bonee stated the problem is the City has set their standards so high they are not able to pay for improvements in accordance with the Technical Specifications. He supported chip and sealing streets verses asphalt so that more streets could be maintained. Mr. Bonee noted he owns two lots on 147th Street and did not feel he, along with the other business owners in the area, have received any benefits from the taxes they paid.

Mayor Scherer stated the City has not ignored the business owners and property owners on 147th Street, but without the City amending their specifications, their hands were tied as to what type of improvements could be made.

RECESS

A motion was made by J. Espinoza and seconded by K. Sifford to take a five minute break before continuing Citizens and Petitions. All aye. Motion carried 5-0. (7:39 p.m.)

At 7:50 p.m., Mayor Scherer called the regular meeting back to order.

Item #2. Citizen Comments Regarding Agenda Items

George Smith spoke in opposition to moving forward with the 155th to 158th Street Frontage Road grant noting the money could be better spent in other places such as 147th Street. As a planning commission member, he would support lowering street standards in order to improve existing streets.

Debbie Breuer, owner of Basehor Town Square, wanted to amplify what Mr. Dyster and Mr. Smith previously stated. She reported it was not fair to “give” a street to other developers when previous developers had to pay for their own frontage roads.

Ed McIntosh, owner of Wolf Creek Junction, agreed with Mrs. Breuer and also supported improvements to 147th Street.

Dennis Breuer stated other commercial developments should not have to compete with the City for commercial lots.

Donald Dyster questioned the mayor as to when he could expect an answer regarding improvements to 147th Street.

Mayor Scherer stated he would meet with the appropriate staff following the council meeting.

Joe Nick, Sr. spoke in opposition of the frontage road grant noting that if the developer wanted to develop his land, he should have to pay for the frontage road.

Mayor Scherer asked twice if there was anyone else who wished to speak regarding any agenda item. No one came forward, he then announced the public portion of the meeting closed.

ACTION ITEMS

Item #1. Approve or Deny Amendment to Deferred Compensation For City Employees Who Are Not Included In Kansas Police & Fire Retirement System

A motion was made by K. Sifford and seconded by J. Espinoza to approve the amendment to increase the deferred compensation rate from 10% to 11.69% as recommended. Discussion followed.

It was suggested a clause be included in the motion stating employees receiving deferred compensation would receive the same annual rate as KPF employees since that rate was regulated by the State and would be reviewed annually at budget time. Espinoza withdrew his second.

K. Sifford agreed to include the aforementioned to his motion. J. Espinoza then seconded his motion. All voted in favor except Hooker and Dysart. Motion carried 3-2.

Item #2. Approve or Deny Amendment To The 2005 Wage Plan

A motion was made by J. Espinoza and seconded by K. Sifford to approve line #12 on the 2005 Wage Plan which would authorize a wage increase for employee Allen Johnson to \$15.00 per hour (\$31,200 annual salary). All aye. Motion carried 5-0.

Item #3. Approve or Deny Reconsideration of Ordinance 453

Mayor Scherer announced he would exercise his right as mayor to veto Ordinance 453.

Councilman Bonee commented he would like to work out a compromise with the mayor such as including a "sunset clause" into the ordinance. Mayor Scherer agreed to draft a clause that he felt would be fair to the citizens and bring back to Council for consideration.

Item #4. Approve or Deny Amendments To Job Descriptions

A motion was made by J. Espinoza and seconded by J. Bonee to approve the amendments to the job descriptions as presented. All aye. Motion carried 5-0.

Item #5. Approve or Deny Cancellation of February 22, 2005 Work Session

Mayor Scherer announced he would not be available for the February 22, 2005 work session and asked for a motion to cancel.

A motion was made by K. Sifford and seconded by J. Espinoza to cancel the February 22, 2005 work session. Discussion followed.

Council members Bonee and Dysart felt there were too many issues to discuss and the work session should not be cancelled. J. Espinoza withdrew his second. K. Sifford stated he was not in favor of withdrawing his original motion. B. Hooker seconded Mr. Sifford's motion. All voted in favor except Bonee and Dysart. Motion carried 3-2.

Item #6. Approve or Deny Reduction in Building Permit Fee for Basehor Baptist Church

A motion was made by J. Espinoza and seconded by I. Dysart to approve reducing the building permit fee from \$1584.95 to \$50.00. All aye. Motion carried 5-0.

EXECUTIVE SESSION

A motion was made by B. Hooker and seconded by J. Espinoza to convene into executive session for up to thirty minutes to discuss personnel and attorney-client privileged matters. All aye. Motion carried 5-0. The city clerk was asked to attend the executive session during the personnel portion of the executive session. (8:16 p.m.) At 8:38 p.m. the city clerk left the executive session. Mayor Scherer left the executive session at 8:50 p.m. while council discussed the US 24/40 Interceptor Benefit District.

At 8:58 p.m. council reconvened. Mayor Scherer called the regular meeting back to order.

Mayor Scherer announced the following action would be taken based on discussions that took place in executive session.

A motion was made by J. Espinoza and seconded by J. Bonee to hire a new city treasurer (name withheld until she was offered the job) with a starting wage of \$14.39 per hour and would receive a 2.75% wage increase following a 183 day training period. All aye. Motion carried 5-0.

MAYOR'S REPORT

Item #1. Information Regarding Improvements To Hollingsworth Rd.

Mayor Scherer reported he was contacted regarding improvements to Hollingsworth and Donohoo roads. He explained the Falcon Lakes Transportation Excise Tax fund currently has \$144,000 to put toward the cost of design work and improvements. An anticipated cost of \$546,000 is needed to improve Hollingsworth Road from K-7 Hwy to Clubhouse Drive. The mayor explained the new subdivision, Hollingsworth Estates, would pay approximately \$45,000 of that cost for improvements in front of their subdivision.

Council discussed design criteria, project cost, and long term expectations. (Councilman Hooker left the meeting at 9:20 p.m.).

George Smith stated he felt the City owed it to the residents to improve the roads "as best they could afford". David Povilonis was opposed to a chip and seal surface noting it was a quick fix and would not last. He did not agree with Mr. Smith stating "if you can't afford it, don't do it".

Council agreed to authorize the mayor to direct the city engineer to start working on a design plan for Hollingsworth Road.

COUNCIL MEMBER REPORTS

There were no council member reports at this time.

ADJOURNMENT

There being no further business to discuss, J. Espinoza moved to adjourn the meeting. K. Sifford seconded the motion. All voted in favor. Meeting adjourned at 9:30 p.m.

Work Session

There will be no work session following the regular meeting.

ORIGINAL

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Submitted for Council approval with/without corrections this 28th day of February, 2005.



Joseph Scherer, Mayor

Mary A. Mogle

Mary A. Mogle, CMC

