

AGENDA

BASEHOR CITY COUNCIL

December 21, 2009

7:00 p.m.

Basehor City Hall

1. ROLL CALL BY MAYOR TERRY HILL AND PLEDGE OF ALLEGIANCE

2. 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 16, 2009
- b. Approve Treasurer's Report
- c. Approve calendar of events – January 2010
- d. Approve license for:
 1. Shorty's Liquor – Retail Liquor
 2. Kelley's Bar & Grill – Drinking Establishment
 3. Pastimes Bar & Grill – Drinking Establishment
 4. Falcon Lakes Golf Club – Drinking Establishment
 5. Wolf Creek Marketplace – Cereal Malt Beverage

3. 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).

UNFINISHED BUSINESS

(none to review at this time)

BUSINESS

4. 2009 BUDGET AMENDMENT PUBLIC HEARING: Public Hearing to address amendment to the 2009 Cedar Lake Maintenance Fund budget.
5. AMENDMENT TO 2009 CEDAR LAKE MAINTENANCE FUND: Consider amendment increasing 2009 Cedar Lake Maintenance Fund budget.
6. 2010 WAGE PLAN: Consider proposed 2010 Wage Plan.

7. **CODE VIOLATION:** Consider adoption of resolution 2009-22 for order of violation of Section 8-101 of Article 1 and Section 8-208 of Article 2 of Chapter VIII of the City Code for Property located at 15821 Willow Drive
8. **PERSONNEL MANUAL AMENDMENT:** Consider adoption of resolution 2009-23 amending Article A, Section A-5 of the Personnel Manual.
9. **PROPERTY ANNEXATION REQUEST:** Consider request to voluntarily annex property by Howard Theno & Sons Builders, Inc. (Sec. 13, Twp 10, Rge 22E)
10. **PROPERTY ANNEXATION REQUEST:** Consider request to voluntarily annex property by Brooke-Lynne Development, LLC (Sec. 13, Twp 10, Rge 22E)
11. **BASEHOR ATHLETIC ASSOCIATION:** Consider request for financial assistance for Field of Dreams complex.
12. **FINANCIAL CORPORATE RESOLUTION:** Consider adoption of resolution authorizing mayor, city administrator, assistant city administrator, city treasurer, and city clerk to conduct business with Commerce Bank.
13. **WOLF CREEK PARKWAY CHANGE ORDER:** Consider change order 3A for Wolf Creek Parkway project (TRF 0125)
14. **WOLF CREEK PARKWAY CHANGE ORDER:** Consider change order 3B for Wolf Creek Parkway project (TRF 0125)
15. **WOLF CREEK PARKWAY CHANGE ORDER:** Consider change order 4A for Wolf Creek Parkway project (TRF 0125)
16. **WOLF CREEK PARKWAY CHANGE ORDER:** Consider change order 4B for Wolf Creek Parkway project (TRF 0125)
17. **AMENDMENT TO ORDINANCE 503:** Consider adoption of Ordinance 564 amending Ordinance 503 pertaining to Building Code requirements for sprinkler systems.
18. **AMENDMENT TO ORDINANCE 507:** Consider adoption of Ordinance 565 amending Ordinance 507 pertaining to Fire Code requirements for sprinkler systems.
19. **CITY ADMINISTRATOR REPORT**
 - a. BLAS Donations
20. **MAYOR'S REPORT**
21. **COUNCIL MEMBER REPORTS**
22. **EXECUTIVE SESSION (if needed)**
23. **ADJOURNMENT**

Minutes

BASEHOR CITY COUNCIL

December 21, 2009

7:00 p.m.

Basehor City Hall

Official Presiding: Mayor Terry Hill

Members Present: Pres. Jim Washington, David Breuer, Iris Dysart, Dennis Mertz, Bill Moyer

Members Absent: none

Staff Present: Lloyd Martley, Mary Mogle, Gene Myracle, Patrick Reavey, Matt Henderson

Newspaper: Kaitlyn Syring, *Basehor Sentinel*

1. ROLL CALL BY MAYOR TERRY HILL AND PLEDGE OF ALLEGIANCE

Mayor Hill called the meeting to order with all members present. The city attorney was in attendance.

Mayor Hill introduced the new city engineer, Mitch Pleak. Mr. Pleak gave a brief summary of his background and thanked the City for the employment opportunity.

2. 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 16, 2009
- b. Approve Treasurer's Report
- c. Approve calendar of events – January 2010
- d. Approve license for:
 1. Shorty's Liquor – Retail liquor
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 4. Falcon Lakes Golf Club – Drinking Establishment
 5. Wolf Creek Marketplace – Cereal Malt Beverage

A motion was made by Councilmember Dysart and seconded by Councilmember Mertz to approve the Consent Agenda as presented. Motion passed 5-0.

3. 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.)

Tony Turner, representing Fairmount Township Fire Dept. requested Council postpone action on Business Items 17 and 18. Mr. Turner explained the fire department would like additional time to discuss the impact of increasing the sprinkler system code from 5,000 sq. ft. to 12,000 sq. ft.

4. 2009 BUDGET AMENDMENT PUBLIC HEARING: Public Hearing to address amendment to the 2009 Cedar Lake Maintenance Fund budget.

The public hearing was called to order by Mayor Hill.

Due to additional expenses for grinder pump repairs, it was necessary to increase the Cedar Lake Maintenance Fund from \$17,000 to \$50,000.

Mayor Hill opened the floor for comments from the audience. There being no comments, the public portion of the meeting was closed.

There being no comments from staff or Council, the public hearing was closed.

5. AMENDMENT TO 2009 CEDAR LAKE MAINTENANCE FUND: Consider amendment increasing 2009 Cedar Lake Maintenance Fund budget.

Mr. Martley reported expenditures for grinder pump repairs and replacement for 2009 exceeded the proposed 2009 budget amount. In an effort to avoid a budget violation, it was necessary to amend the Cedar Lake Maintenance Fund to cover the additional expenses. Adjustments to the maintenance fees must be requested from the County Commissioners by August and would be reviewed in 2010 to see if additional funding was needed in 2011 to sustain the fund.

Council discussed the possibility of the Fund running out of money in early 2010 and requested the city administrator bring the budget to the Council earlier in the year to address possible increase in budget for 2011.

A motion was made by President Washington and seconded by Councilmember Moyer to approve the amended budget per the exhibit noted on page 2 of the City of Basehor budget as presented. Motion passed 5-0.

6. 2010 WAGE PLAN: Consider proposed 2010 Wage Plan.

A motion was made by Councilmember Dysart and seconded by President Washington to separate the disability insurance from the Wage Plan. Motion passed 5-0.

Mayor Hill reported President Washington prepared his own proposal to present. President Washington reported the consensus of the Council was to keep with the pay matrix that was in place and provided background on the past wage scale. Based on the economy President Washington proposed a 2% increase, rather than the 5.5%, for 2010 and provide Short-Term and Long-Term Disability insurance to eligible employees at the City's cost. He felt his proposal was a fair compromise. President Washington noted some jobs were out of line and need to be addressed and suggested looking at those after the first of the year. Councilmember Moyer stated the only way he would consider this proposal is if Council agreed to make the adjustments retroactive to January 1, 2010. The majority of the Council agreed to make the adjustments retroactive and address the position adjustments within the next sixty days.

Mayor Hill reminded Council the reason to give pay raises was for morale and retention.

A motion was made by President Washington and seconded by Councilmember Mertz to approve the 2010 Wage Scale as presented by President Washington [2% increase]. Mayor Hill reiterated the proposed wage scale did not include a COLA or Merit increases. Motion passed 4-1 with Councilmember Dysart voting against.

A motion was made by President Washington and seconded by Councilmember Mertz to approve the Short-term and Long-term Disability Insurance proposals as presented [BlueCross BlueShield of Kansas] at the City's cost. Motion passed 4-1 with Councilmember Dysart voting against.

7. CODE VIOLATION: Consider adoption of Resolution 2009-22 for order of violation of Section 8-101 of Article 1 and Section 8-208 of Article 2 of Chapter VIII of the City Code for Property located at 15821 Willow Drive.

Mr. Martley reported the property at 15821 Willow Dr. was in violation of Section 8-101 and Section 8-208 in Chapter VIII of the City Code. There were large piles of debris on the outside of the home. Currently the home is vacant and in foreclosure proceedings. The proposed resolution would allow the City to move forward with clean up of the property.

Mr. Martley was asked why cleanup of the property has taken so long. Mr. Martley explained the City had been working with the property owner since they were having hard times.

A motion was made by President Washington and seconded by Councilmember Mertz to adopt Resolution 2009-22 ordering clean up of property located at 15821 Willow Dr. Motion passed 5-0.

8. PERSONNEL MANUAL AMENDMENT: Consider adoption of resolution 2009-23 amending Article A, Section A-5 of the Personnel Manual.

City Attorney Patrick Reavey explained the proposed resolution would allow changes to the Personnel Policies and Guidelines manual to be made by Resolution rather than Ordinance. This would save the City money by eliminating the cost of publication in the newspaper.

A motion was made by Councilmember Dysart and seconded by President Washington to adopt Resolution 2009-23 amending Article A, Section A-5 of the Personnel Policies and Guidelines manual. Motion passed 5-0.

9. PROPERTY ANNEXATION REQUEST: Consider request to voluntarily annex property by Howard Theno & Sons Builders, Inc. (Sec. 13, Twp 10, Rge 22E)

10. PROPERTY ANNEXATION REQUEST: Consider request to voluntarily annex property by Brooke-Lynne Development, LLC. (Sec. 13, Twp 10, Rge 22E)

Mr. Martley explained Howard Theno & Sons Builders submitted a request for voluntary annexation of Lots 1, 44, and 50 and Brooke-Lynne Development, LLC. requested voluntary annexation of 60+ acres in Theno Estates subdivision. The annexation would be consider an island annexation and require approval from the Board of County Commissioners. If approved, resolutions would be drafted and presented at the next regular meeting.

Council discussed the pros and cons of annexing property that was not contiguous to the City. Favorable reasons to annex were 1) infrastructure was built to City standards; 2) connected to City's sanitary sewer; 3) area included in Comprehensive Plan; 4) and easier to annex now then later when there were more properties to deal with. Unfavorable reasons to annex at this time were 1) repairs to infrastructure needed; 2) four properties do not want to be included in annexation; 3) developer owes \$40,000 in upsize fees; and 4) minimal revenue income until property develops.

The city attorney suggested directing staff to prepare resolutions and placing items on the January 21st Consent Agenda.

Staff was directed to prepare the necessary documents and add to the regular meeting agenda.

11. BASEHOR ATHLETIC ASSOCIATION: Consider request for financial assistant for Field of Dreams complex.

Mr. Martley reported Basehor Athletic Association (BAA) requested \$10,500 in financial assistant for calendar year 2009 and to open dialogue regarding the possibility of creating a Recreation Commission. Staff recommended Council deny the request for 2009 and consider a plan of action over the next few months with possible funding in the 2011 budget.

BAA Board Member Mike Chumley reported the \$10,500 interest payment had been paid and did not think it was necessary to move forward with the request at this time; however, he would like Council to move forward with a more in depth game plan. Although BAA had interest from another source to purchase the complex, they felt it was a valuable commodity to the community and wanted to research a long term goal with the City.

A motion was made by President Washington and seconded by Councilmember Mertz to table action until the mayor and a working group had an opportunity to meet and report back to Council regarding a plan of action. Motion passed 5-0.

12. FINANCIAL CORPORATE RESOLUTION: Consider adoption of resolution authorizing mayor, city administrator, assistant city administrator, city clerk, and city treasurer to conduct business with Commerce Bank.

Mr. Reavey reported it was standard for a bank to request the adoption of their Corporate Resolution doing business with their bank. He requested Council include in the motion the various positions authorized to conduct business on behalf of the City.

A motion was made by Councilmember Mertz and seconded by President Washington to adopt the Commerce Bank Corporate Resolution authorizing the mayor, city administrator, assistant city administrator, city clerk, and city treasurer to conduct business on behalf of the City of Basehor. Motion passed 5-0.

13. WOLF CREEK PARKWAY CHANGE ORDER: Consider change order 3A for Wolf Creek Parkway (TRF125)

Change Order 3A would authorize construction of an ADA ramp, retaining walls and a wrought iron fence within the Wolf Creek Parkway project not to exceed \$129,296.60. This request would also authorize staff to utilize state grant money [KDOT 24/40 Corridor] to fund any portion of the expenditure that exceeds funds available in TRF125.

A motion was made by President Washington and seconded by Councilmember Breuer to approve Wolf Creek Parkway Change Order 3A not to exceed \$129,296.60. Authorize staff to utilize state grant money [KDOT 24/40 Corridor] to fund any portion of the expenditure that exceeds funds available in TRF125. Motion passed 5-0.

14. WOLF CREEK PARKWAY CHANGE ORDER: Consider change order 3B for Wolf Creek Parkway (TRF125)

Change Order 3B would authorize the City to pay for moving a Westar power pole not to exceed \$3079. This request would also authorize staff to utilize state grant money [KDOT 24/40 Corridor] to fund any portion of the expenditure that exceeds funds available in TRF125.

A motion was made by President Washington and seconded by Councilmember Breuer to approve Change Order 3B authorize the City to pay Westar \$3079 to move a power pole. Authorize staff to utilize state grant money [KDOT 24/40 Corridor] to fund any portion of the expenditure that exceeds funds available in TRF125. Motion passed 5-0.

15. WOLF CREEK PARKWAY CHANGE ORDER: Consider change order 4A for Wolf Creek Parkway (TRF125)

Change Order 4A would authorize the City to pay for the installation of decorative pond walls and deciduous trees through out the Wolf Creek Parkway project not to exceed \$208,434 and authorize staff to utilize state grant money [KDOT 24/40 Corridor] to fund any portion of the expenditure that exceeds funds available in TRF125.

A motion was made by President Washington and seconded by Councilmember Breuer. After further consideration, President Washington and Councilmember Breuer withdrew their motions. No further action taken.

16. WOLF CREEK PARKWAY CHANGE ORDER: Consider change order 4B for Wolf Creek Parkway (TRF125)

Change Order 4B would authorize the City to pay for installation of conduit, wire, transformers and other items necessary for the installation of street lights along Wolf creek Parkway not to

exceed \$30,000. This request would also authorize staff to utilize state grant money [KDOT 24/40 Corridor] to fund any portion of the expenditure that exceeds funds available in TRF125.

A motion was made by President Washington and seconded by Councilmember Breuer to approve Change Order 4B authorizing the City to pay for installation of conduit, wire, transformers and other items necessary for the installation of street lights along Wolf Creek Parkway not to exceed \$30,000. Authorize staff to utilize state grant money to fund any portion of the expenditure that exceeds funds available in TRF125. Motion passed 5-0

17. AMENDMENT TO ORDINANCE 503: Consider adoption of Ordinance 564 amending Ordinance 503 pertaining to Building Code requirements for sprinkler systems.

Mr. Martley explained when the City adopted the 2003 International Building Code they chose to adopt a more stringent sprinkler system code by reducing the square footage requirement from 12,000 to 5,000. A business has expressed interest in locating in Basehor; however, the current sprinkler system code may be a “deal breaker”.

Councilmember Breuer brought up that the fire department had requested earlier in the meeting that action be tabled in order for em to discuss the effects of the amendment. President Washington noted the work session agenda had been printed in the newspaper which gave the fire department the opportunity to make a presentation at that time.

Mayor Hill stated there was some risk of losing a potential business if not approved and that Basehor had the reputation of not being the most business friendly and having the most stringent regulations.

A motion was made by Councilmember Breuer to table action until the next meeting. Motion died for lack of second.

A motion was made by President Washington and seconded by Councilmember Dysart to approve Ordinance 564 amending Ordinance 503 pertaining to Building Code requirements for sprinkler systems. Motion passed 4-1 with Councilmember Breuer voting against.

18. AMENDMENT TO ORDINANCE 507: Consider adoption of Ordinance 565 amending Ordinance 507 pertaining to Fire Code requirements for sprinkler systems.

Adoption of Ordinance 565 would amend Ordinance 507 pertaining to sprinkler systems within the 2003 Fire Code by reverting back to the 12,000 sq. ft. requirement rather than the adopted 5,000 sq. ft.

A motion was made by President Washington and seconded by Councilmember Mertz to approve Ordinance 565 amending Ordinance 507 pertaining to Fire code requirements for sprinkler systems. Motion passed 4-1 with Councilmember voting against.

19. CITY ADMINISTRATOR'S REPORT

- a. BLAS Donations – The City raised \$2,600 in money and food for Basehor-Linwood Assistance Services.
- b. Other – Councilmember Dysart requested the Accounts Receivable Report and Planning Commission meeting minutes be included in future City Administrator Reports.

20. MAYOR'S REPORT

Mayor Hill reported he and the assistant city administrator attended the LCDC retreat regarding the role of LCDC and the Chamber of Commerce in the State of Kansas. At the meeting Mayor Hill brought up the fact that LCDC spent very little time promoting development. After discussion, the group was in favor of working on development within Leavenworth County.

21. COUNCIL MEMBER REPORTS

David Breuer

Councilmember Breuer reported steps have been taken to proceed with marketing the Neighborhood Rebate Program. Councilmember Mertz reported he met last week with Councilmember Breuer and the city administrator to discuss marketing strategy. They felt it would take about \$20,000 from both public and private funding to market the program properly. LCDC has agreed to help. The funding would be used to develop and publish brochures, develop and maintain a website, and marketing.

Councilmember Moyer felt the City's portion should be designated for employee benefits.

Dennis Mertz

Councilmember Mertz asked Mr. Martley to make sure the purchasing policy was being followed. Mr. Martley reported the city administrator questioned purchasing and he felt the policy was being followed to the "T".

Bill Moyer

Councilmember Moyer reported the citizens in Cedar Lakes were sensitive to snow removal situation and he would continue to work with the city superintendent to address issues.

Councilmember Moyer asked the city attorney for an update on the Cedar Lakes annexation appeal. Mr. Reavey reported Cedar Lakes attorney Mr. Orr filed his position with the Court and he would have thirty days to file a response and thought the Court would rule in February 2010. He was confident the City met State Statutes.

22. ADJOURNMENT

A motion was made by President Washington and seconded by Councilmember Moyer to adjourn the meeting. Motion passed 5-0. Meeting adjourned at 9:00 p.m.

Submitted for Council approval with/without corrections or additions this 25th day of January, 2010.



Terry L. Hill, Mayor

Attest:



Mary A. Mogle, City Clerk

