
Minutes

**Basehor City Council Meeting
April 11, 2005
6:00 p.m.
Basehor City Hall**

Official Presiding: Mayor Joseph Scherer, Mayor Chris Garcia

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

**Staff Present: Mary Mogle, Gene Myracle, Angle Solberg, Terry Horner,
John Thompson, Joe McAfee**

Newspaper Present: Josh Roberts, Basehor Sentinel

The regular meeting was called to order at 6:00 p.m. by Mayor Joseph Scherer. Roll call was answered with all members present including city attorney John Thompson. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

A motion was made by Councilmember Bonee and seconded by Councilmember Sifford to approve the minutes of March 28, 2005 and April 4, 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 President Espinoza and seconded by Councilmember Sifford to approve the Treasurer's Report and Vendor Payments as presented. Motion carried 5-0.

Item #2. Approve or Deny Investment Recommendations

There were no investment recommendations at this time.

Item #3. Presentation from Lowenthal Singleton Webb & Wilson Concerning 2004 Audit

SCANNED

2-14-07 *st*

Tom Singleton, Lowenthal Singleton Wilson & Webb, explained that each city was bound by state auditing requirements and those are the requirements in which they conducted their audit for year 2004. He suggested delaying discussion until the governing body had an opportunity to review the audit. Council agreed to have Mr. Singleton discuss the audit at the April 25, 2005 council meeting.

UNFINISHED BUSINESS

Item #1. Finish Work On North Poplar Interceptor Project

City superintendent Gene Myracle explained there are approximately eight (8) yards involved in the North Poplar Interceptor Project that continue to have issues. Mr. Myracle explained he spoke with contractor, Miles Excavating, last fall regarding complaints he received from property owners who felt their yards were not restored adequately. He further explained he was asked by some of the property owners to have sod laid rather than grass seed. Mr. Myracle reported the contractor felt they complied with the contract and would not come back to do any more work.

Councilmember Dysart asked why Mr. Myracle had not reported these issues sooner and why were city staff trying to fix the problems. Mr. Myracle stated he had discussed the issues with administration last fall and some of the work performed was for safety issues, but since he was not able to resolve the issue with Miles Excavating, he brought the issue before the Council for direction..

Councilmember Bonee stated it would set a bad precedent to sod the yards and recommended calling in the contractors maintenance bond. He stated he understood why the city superintendent responded to the complaints in the manner in which he did, but the City needs to make sure contractors know the City would call their maintenance bonds if the work were not performed adequately.

Mayor Scherer directed the city superintendent to send a letter to Miles Excavating notifying them that if the work were not finished by a specific date, the City would call in their maintenance bond.

PPRESENTATION OF PLAQUES FOR OUT GOING MAYOR AND COUNCIL MEMBER

Mayor Scherer and Council President Julian Espinoza gave speeches thanking council members and staff for their efforts during their terms in office and wished the new mayor and council member success over the next four years.

At this time, Councilmember Bonee presented plaques to the outgoing mayor and council president.

OATH OF OFFICE FOR NEW MAYOR AND COUNCIL MEMBERS

City attorney John Thompson administered Oath of Office to newly elected mayor Chris Garcia and council members Keith Sifford and Terry Thomas.

New governing body members took their place at the council bench

RECEPTION

Mayor Garcia entertained a motion to recess for fifteen minutes for a reception in honor of outgoing and incoming governing body members.

A motion was made by Councilmember Bonee and seconded by Councilmember Thomas. All aye. Motion carried (6:25 p.m.)

At 6:40 p.m., Mayor Garcia called the regular meeting back to order. He thanked members of the audience for coming and all the voters who cast their vote in the last election.

ELECTION OF COUNCIL PRESIDENT

A motion was made by Councilmember Dysart and seconded by Councilmember Hooker to elect Councilmember Bonee as the next council president. All voted in favor with the exception of Councilmember Sifford. Motion carried 4-1.

NEW BUSINESS**Item #1. Proclamation Proclaiming May 1, 2005 As Loyalty Day**

Mayor Garcia asked that a proclamation proclaiming May 1, 2005 as Loyalty Day. He noted the proclamation was passed on an annual basis. There was no discussion.

Item #2. Consider Payments for Pinehurst Development Benefit District

Final bills for Pinehurst Development Benefit District were submitted for payment. Mayor Garcia questioned the purpose of relocating an accessory building and drainage problems with a detention pond. The mayor stated he was not in favor of paying to have the building moved if it was located in an easement. Pinehurst Development owner Debbie Breuer was present and asked for a few minutes to make a telephone call to verify the purpose of moving the building. Council agreed.

Item #3. Consider Annexation of 80 Acre Tract of Land Located in the Northeast Quarter of Section 27, Township 10S, Range 22E (155th & Donahoo, owner, Kansas Cottonwood Investors Inc.)

A request from Kansas Cottonwood Investors Inc for the annexation of an 80 acre tract of land located at 155th & Donahoo was submitted for Council approval..

Councilmember Dysart stated she was not in favor of zoning the four corners of the intersection at 155th & Donahoo residential. She agreed with planning commission member George Smith that the area was valuable commercial ground and the City should plan for the future by requiring commercial development in that area.

Code administrator Angie Solberg stated that was a possible option in the future.

Item #4. Consider Internal Promotion for Maintenance Worker II Position

City superintendent Gene Myracle reported currently he was without a street supervisor and asked permission to promote Ryan Finley to that position. In addition to the promotion, he requested an eighty-nine (89) cent an hour raise.

Item #5. Consider Improvements To 147th Street and Hollingsworth Road*Hollingsworth Road:*

City engineer Joe McAfee presented options to repair Hollingsworth Road (from K-7 west to Club House Drive) and 147th Street from Parallel north to city limit (south of Leavenworth Road).

Councilmember Hooker asked if the perimeter roads around Falcon Lakes were the responsibility of the City of Basehor or County of Leavenworth. Engineer McAfee noted the roads would become the City's responsibility in year 2006. He also explained the developer of Hollingsworth Estates has been required to address all the street safety issues (i.e. line of site) on Hollingsworth Road. He recommended handling the improvements as a joint effort. The code administrator reported, at the last planning commission meeting, the Board voted to require Hollingsworth Estates developer to improve Hollingsworth Road before any certificate of occupancy would be issued.

Engineer Joe McAfee stated county engineer Gary Diddy called him to discuss the county performing ditch and culvert work on Hollingsworth Road in the near future. Mr. Diddy informed Mr. McAfee the County would not provide money toward the project, only labor. Mr. McAfee reported back in January, he presented Options A & B which were deemed too expensive; therefore, he submitted Options "C" (asphalt) and "D" (chip-n-seal). Council also discussed the costs, traffic flow, and design.

147th Street (from Parallel north to city limit south of Leavenworth Rd)

The city superintendent explained in order to maintain any type of surface on 147th Street, it would be necessary to cut ditches east and west to keep water run-off off the street and recommended concrete, not asphalt. Engineer McAfee also suggested cutting the hill down for site distance.

Councilmember Dysart questioned why the frontage road grant could not be used for 147th Street since the road was a major access to Highview Industrial Park. Mr. McAfee stated Department of Commerce does not openly transfer grant money from one project to another. He stated he doubt the City would qualify for another grant since they have already turned down two grants. Councilmember Dysart noted she spoke with Mr. Ross Markel and he indicated he would like to see the money remain in Basehor. She suggested someone contact him to see if there was a possibility of using the money for this project.

Council discussed the possibility of dedicating funds, such as franchise taxes, to use toward moving light poles, and other associated costs regarding capital improvements. Council agreed to discuss this matter in a work session.

Item #6. Consider Exhibits A, B, C to Charter Ordinance 15

Charter Ordinance No. 15 was passed and approved on January 31, 2005; however, the exhibits A, B, and C were not ready at that time. The code administrator submitted the following three attachments for council approval.

- Exhibit A Project Description
- Exhibit B List of Landowners for Phase I and II
- Exhibit C Spreadsheet of Assessments Per Property Owner

There was no council discussion at this time.

CITIZENS AND PETITIONS (presentations are limited to 5 minutes)

Item #1. John Flower

Mr. Flower requested to be removed from the agenda.

Item #2. Citizen Comments Regarding Agenda Items

Debbie Breuer (19407 218th St, Tonganoxie, Ks) gave a follow up report to New Business Item #2. She reported the relocation of the shed in question in the Pinehurst Development was necessary due to the relocation of a drainage easement.

Charles Elliott (15704 Poplar) reported he owns property north of Poplar Street that has been effected by the North Poplar Interceptor project. He noted his property looks like a “roller coaster” and the manhole was sitting up higher than the ground due to the dirt settling.

Mayor Garcia informed Mr. Elliott of previous Council discussion and vowed to have the problem addressed.

George Smith (14923 Parallel) supported commercial on all four corners of 155th & Donahoo and felt other roads in that vicinity should be reviewed for future infrastructure development. He also stated he was not in favor of annexations, unless city services were available.

ACTION ITEMS

Item #1. Approve or Deny Finish Work On North Poplar Interceptor Project

A motion was made by President Bonee and seconded by Councilmember Hooker to direct the city superintendent to send a letter to Miles Excavating addressing the City's concerns about the North Poplar Interceptor project with a deadline stipulating when the work was to be completed. If the work was not completed by the specified date, the maintenance bond would be recalled. All aye. Motion carried 5-0.

Item #2. Approve or Deny Proclamation Proclaiming May 1, 2005 As Loyalty Day

A motion was made by Councilmember Dysart and seconded by Councilmember Thomas to approve the Loyalty Day Proclamation as presented. All aye. Motion carried 5-0.

Item #3. Approve or Deny Payments for Pinehurst Development Benefit District

A motion was made by Councilmember Hooker and seconded by President Bonee to approve payments to McAfee Engineering (887.50) and A. F. Van Fleet Excavating (15,504.00) for Pinehurst Development Benefit District. All aye. Motion carried 5-0.

Item #4. Approve or Deny Annexation of 80 Acre Tract of Land Located in the Northeast Quarter of Section 27, Township 10S, Range 22E (155th & Donahoo, owner Kansas Cottonwood Investors Inc.)

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve the request for annexation as presented. All voted in favor with the exception of Councilman Hooker. Motion carried 4-1.

President Bonee stated if the City does not take action to annex the property, they would not have any control over what happens to that area. He noted he agrees with the others that commercial belongs on the four corners of 155th & Donahoo.

Item #5. Approve or Deny Internal Promotion for Maintenance Worker II Position

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the promotion, with an eighty-nine cent per hour wage increase, for employee Ryan Finley as requested. All aye. Motion carried 5-0.

Item #6. Approve or Deny Improvements To 147th Street and Hollingsworth Road

A motion was made by Councilmember Bonee to approve the Option "C" in conjunction with Hollingsworth Estates road improvements. Discussion followed. Bonee withdrew his motion.

A motion was made by President Bonee and seconded by Councilmember Thomas to table action and place the matter on the April 18, 2005 work session agenda. All aye. Motion carried 5-0.

Item #7. Approve or Deny Exhibits A, B, and C to Charter Ordinance 15

A motion was made by Councilmember Hooker and seconded by President Bonee to approve Exhibits A, B, and C as presented. All aye. Motion carried 5-0.

EXECUTIVE SESSION

1. Attorney-Client Privileged Matters

Mayor Garcia requested the executive session be moved to the end of the meeting. Council agreed.

MAYOR'S REPORT

The mayor gave the following report:

- Informed council members he would like to schedule a joint meeting with the governing body and planning commission to go over their duties as board members. He requested the council members get back with him on available dates.

- Informed council members he was working on scheduling a governing body retreat and asked them to check available dates.
- Informed council members he would be meeting with school superintendent, Dr. Hackett, on April 12th at 2:30 p.m. to discuss the 20 mph crossing guards and flashing school zone lights.
- Met earlier in the day with the county commissioners regarding sewer issues.
- He would be attending LKM training on April 23, in Clay Center, and also the Governing Body Institute on May 21st. He encouraged council members to attend. He reported he would be attending other LKM conferences in the future.

COUNCIL MEMBER REPORTS

Mayor Garcia encouraged council members to use this time to discuss items of concern.

John Bonee

President Bonee expressed his concerns with allowing property owners to stake off their own lots and recommend the City enact a policy requiring a professional surveyor stake the property. He also requested Council discuss in the near future how revenues (i.e. franchise taxes) are spent and consider obtaining right-of-ways for future development.

EXECUTIVE SESSION

The mayor questioned the city attorney as to the topic being discussed in executive session. He stated he was not aware of anything to be discussed. The city clerk noted the previous mayor thought the new mayor and council members would prefer to be updated on the status of the 24/40 Interceptor Benefit District prior to taking action, but since the Council voted to approve the exhibits, it would not be necessary to have an executive session.

The city attorney stated it was not necessary to meet, reporting he met with some of the property owners opposing the benefit district and was currently waiting for a response from them. Mr. Thompson stated he would provide a written summary and could discuss the matter in the future.

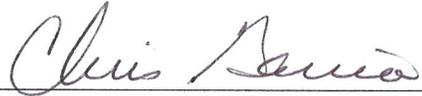
ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Bonee and seconded by Councilmember Sifford to adjourn the meeting. All aye. Motion carried 5-0. Meeting adjourned at 8:10 p.m.

Basehor City Council
April 11, 2005

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Submitted for Council approval with without corrections this 25th day of April, 2005.


Chris Garcia, Mayor

Attest:


Mary A. Mogler, CMC



The seal is circular with a dotted border. The text around the border reads "THE CITY OF BASEHOR, KANSAS" at the top and "SEAL" at the bottom. In the center, the word "CORPORATE" is written in a smaller font.