

Minutes  
**CITY OF BASEHOR**  
**City Council Meeting**  
**August 1, 2005**  
**6:00 p.m.**  
**Basehor City Hall**

**Official Presiding: Mayor Chris Garcia**

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

**Member Absent: Terry Thomas**

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

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**6:00 p.m. – 6:55 p.m. Work Session**

- 1) Introduction of New Police Officer and Investigator

Chief Horner introduced Officer Lloyd Martley as the new Investigator and Thomas Wiles as the new full-time police officer. Both officers were promoted in July.

- 2) Recognition to police department for "Click It Or Ticket" program.

Chief Horner announced his department received an Outstanding Achievement Award from the State for their participation in the "Click It Or Ticket" program. He explained the grant process and the types of citations that were issued during the two week program.

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

The following topics were discussed:

- Cammarata Annexation
- Improvements to 147<sup>th</sup> Street
- Honey Creek establishing an escrow account for future stop light.
- Sonic Drive-in Sprinkler System request.
- Recorded Media Municipal Policy: Dysart and Bonee thought the retention year was to be three years, not the one year listed in the proposed policy.
- Request for repairs to the Norma Simpson property.
- Construct salt building in September or October.
- Update on construction of restroom facility.
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SCANNED

2-14-07 *lt*

Mayor's Report

- Starting 8/15/05, Mayor would start taking a voice roll call vote on all action items.
- Advised Council \$36,600+ needs to be trimmed from the budget. Asked Council to start thinking about where they want to make cuts in the general fund. The decision would need to be made on or before the public hearing.
- Attended LKM seminar (7/30/05) regarding running meetings, conflict resolution, and developing municipal policies. Will discuss further at the next council retreat.
- Code Procedures – Recommends adopting LKM Code Procedures for all boards to follow.
- Change in agenda: Thirty-minute executive session at end of meeting to discuss the 24-40 Interceptor Benefit District. Remove items d, e, h, and j from agenda.

Note: There are no written minutes for work sessions.

Work Session adjourned at 6:56 p.m.

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**7:00 P.M. –Regular Meeting**

**Roll Call by Mayor Chris Garcia and Pledge of Allegiance. All members present with the exception of Councilmember Terry Thomas**

***Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.***

**Consent Agenda**

- a) Approve Minutes of the Council Meeting of
  - 1) July 7, 2005 Regular Meeting
  - 2) July 18, 2005 Special Meeting
  - 3) July 25, 2005 Special Meeting
- b) Approve Treasurer's Report & Vendor Payments
- c) Approve Investment Recommendations (none for this meeting)
- d) Approve Calendar of Events

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to approve the consent agenda as presented. All voted in favor 4-0.

The city clerk advised the Council the page numbers were incorrect on the July 18, 2005 minutes and would be changed in the original minutes.

**Chamber of Commerce Report:**

There was no report due to the absence of Chamber of Commerce President Debbie Breuer.

**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) James & Cathy Breuer*****Re: Request City Adopt Sunday Liquor Sales***

Mr. James Breuer submitted a petition with 1199 signatures supporting Sunday liquor sales. He requested Council consider adopting an ordinance that allows his business (Shorty's Liquor Store) to be open on Sundays until 11:00 p.m. and all major holidays. No action was taken at this time.

**b) Mark Baska*****Re: Criminal Activity On the Part of Honey Creek Development***

Mr. Mark Baska questioned if he had ingress/egress access to his property and if the detention pond met city specifications. The city engineer stated Mr. Baska's property does have access and the detention pond met city specifications. If the pond backs up, the City would have to look into the matter. Mr. McAfee informed the governing body he turned his records over to Mr. Baska's attorney six months ago and has not heard from her since. Mayor Garcia directed Mr. Baska to meet the Honey Creek developers regarding his concerns. No action was taken at this time.

**c) Citizen Comments Regarding Agenda Items**

**Richard Nemchek** spoke against Sunday liquor sales and suggested allowing the voters to make that choice at the election polls.

**Ed McIntosh, representative for Cammarata property**, questioned what the next step was for annexing the Cammarata property. He also questioned if the city engineer was going to give him the cost for the maintenance bond for lowering a section of the 12" force main at Wolf Creek Junction. Joe McAfee, city engineer, stated the price would be set at 125% of the construction cost. He informed Mr. McIntosh once the plans were

reviewed, he would submit a letter to the City Council for action at the August 15<sup>th</sup> meeting.

**Charlie Cammarata (19049 166<sup>th</sup> St.)** asked for clarification that Mr. McAfee would have a letter to the Council on August 15<sup>th</sup> to proceed with the annexation of his property. Mr. McAfee stated if there were no problems with the plans, he should be able to have a recommendation ready for the August 15<sup>th</sup> Council meeting.

**Curtis Oroke, Honey Creek Farms developer,** stated they have had problems with Mr. Baska and felt there were personal issues between him and the developers. He explained Honey Creek Farm was taking on water from Mr. Baska's property, they brought water, sewer, gas, and streets to the property line. He explained Mr. Baska's pond had trees and muskrats which are causing damage to his pond. Mr. Oroke suggested the City remain neutral since he anticipates ending up in court.

Chief Horner explained Mr. Baska filed a criminal report against the Honey Creek developers and expects prosecution. He stated he informed Mr. Baska the report was forwarded to the county attorney for review and action. The chief explained it was his opinion the matter was civil, not criminal.

**George Smith (14923 Parallel)** questioned what Business Item "j" was about. Mayor Garcia informed him it was pertaining to the 24-40 Interceptor Benefit District.

Mayor Garcia asked twice if there were any other members of the audience who wished to come before the council regarding an agenda. No one came forward, he then called the public portion of the meeting closed.

Mayor Garcia asked the city attorney if he could refuse to allow Mr. Baska to speak at another meeting since he did not live within the city limits. Mr. Thompson stated the mayor was in charge of the meeting and legally, the City had no obligation to allow anyone to speak at meetings.

### **Scheduled Discussion Items**

#### **a) Discussion regarding right-of-way management ordinance.**

The city clerk presented a right-of-way management ordinance recommended by the League of Kansas Municipalities for council consideration. The city engineer and city superintendent recommended adopting the ordinance noting it would help to regulate work being performed in the City's right-of-way by utility companies.

- b) *Discussion regarding possible solutions to before and after school traffic problems.*
1. *Pickup lanes at west elementary to reduce before and after school traffic.*
  2. *Construct private driveway west of 155<sup>th</sup> Street to Klamm St. for bus traffic.*
  3. *Construct private driveway from teacher parking lot north to Klamm St.*

Chief Horner reported he met with the school district regarding ways to address the traffic problem on Leavenworth Road. Council discussed the proposed aforementioned methods and agreed it should be Basehor-Linwood USD 458's responsibility to find a way to handle the traffic problem caused by school traffic.

- c) *Discussion regarding utility easement located in High Point Downs Subdivision.*

Joe McAfee, city engineer, reported he received a letter from Landplan Engineering explaining an accessory building was located on an easement in High Pointe Downs. Mr. McAfee noted the easement was 60 ft. wide, noting normal utility easements are 20'-40'. Mr. McAfee was directed to research ownership of the easement and report back at the August 15<sup>th</sup> meeting.

- d) *Discussion regarding damage to sprinkler system at Sonic Drive-In.*

The city superintendent explained the manager for Sonic contacted him a couple of weeks ago asking for the City to pay a bill in the amount of \$1435.00 for a sprinkler system that was damaged during 24-40 Interceptor Project construction two years ago. Mr. Myracle felt it was not the City's responsibility to pay the invoice, but that of the contractor. The city attorney concurred with Mr. Myracle. Council directed the city attorney to write a letter to Sonic informing them the City had no responsibility and would not pay the invoice as requested. Mayor Garcia added this matter to the agenda as Business Item "h" for formal action.

## **Business**

- a) Consider request for rezoning "R-0" Suburban Residential to "R-1" Single-Family Residential, submitted by Shawn Mock on the following described property:

A +/-26,400 sq. ft. tract of land in the Northeast Quarter of the Northeast Quarter of Section 34, Township 10 South, Range 22 East of the Sixth Principal Meridian in the City of Basehor, Leavenworth County, Kansas. More commonly known 2946 N. 156<sup>th</sup> Street.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the rezoning request as presented. All voted in favor. Motion carried 4-0.

***b) Consider payment in the amount of \$3,520 to Chamber of Commerce for entrance signs.***

A motion was made by Councilmember Hooker and seconded by President Bonee to pay \$3520.00 to the Chamber of Commerce for city entrance signs as presented. All voted in favor. Motion carried 4-0.

The city clerk was directed (to notify the city treasurer) to adjust the salaries within the Planning & Zoning Department to pay for the signs.

***c. Consider agreement with Benchmark Enterprises for lowering of 12" force main, 24/40 Interceptor Benefit District.***

A motion was made by President Bonee and seconded by Councilmember Dysart to table action until the August 15<sup>th</sup> Council meeting. All voted in favor. Motion carried 4-0.

***d. Schedule final interviews with city administrator applicant's #3 & #4.***

A motion was made by President Bonee and seconded by Councilmember Dysart to schedule final interviews with city administrator applicant's #3 & #4 for August 3<sup>rd</sup> and 4<sup>th</sup> at 7:00 p.m., Falcon Lakes Club House. All voted in favor. Motion carried 4-0.

***e. Consider recalling contractor Performance Bond for North Poplar Interceptor Project***

Mayor Garcia stated yards involved in the North Poplar Interceptor project are continuing to have problems and the contractor has not resolved the problems. It was noted the maintenance bond should be recalled, not the performance bond.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to authorize the city engineer to start the process of recalling the contractor maintenance bond for the North Poplar Interceptor project. All voted in favor. Motion carried 4-0.

***f. Consider 1.03MP Audio & Video Retention Municipal Policy***

A motion was made by Councilmember Bonee to approve 1.03MP Audio & Video Retention Municipal Policy as submitted with the exception of changing one year retention time to three years. All voted in favor. Motion carried 4-0.

- g. Consider adopting a Home Rule Ordinance to create Taxing districts within the city limits of the City of Basehor pursuant to K.S.A. 12-617 and K.S.A. 12-618.*

The city attorney requested this agenda item be discussed in executive session.

- h. Consider reimbursement for damage to sprinkler system at Sonic Drive-In.*

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to deny the claim made by Sonic and instruct the city attorney to send a letter to Sonic informing them the City of Basehor had no liability or obligation to pay the claim. All voted in favor. Motion carried 4-0.

### **Mayor's Report**

The mayor had no additional reports other than what was presented in the work session.

### **Council Member Reports**

#### ***Keith Sifford***

Councilmember Sifford commended the police chief and his department for receiving the State "Click It Or Ticket Outstanding Award".

#### ***Iris Dysart***

- Questioned if Falcon Lakes paid the \$4450.00 invoice for inspection fees. Mayor Garcia stated he was to meet with Mr. Ferzandi on August 2 at 4:00 p.m.
- Questioned where the \$50,000 Leavenworth County issued them for maintenance of the Cedar Lakes grinder pumps. The city clerk reported the previous city treasurer evidently thought the funds were to go toward the connection fees because that is where he deposited the money. She informed the Council she spoke with the county counselor who confirmed the money was for maintenance of the grinder pumps; therefore, she instructed the city treasurer to create a fund for Cedar Lakes revenue and expenditures.
- Questioned why Leavenworth County had not sent the balance of money owed for Cedar Lakes. They were given deadlines by the City which they had not met to date. The city attorney recommended sending a letter putting the County on notice that they are in violation of the agreement and if they did not pay the balance owed within a certain time frame a ten percent interest fee would be assessed. Mr. Flower, Cedar Lakes resident, reported the County was receiving taxes from Cedar Lakes residents and not forwarding the funds to the City.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to authorize the city attorney to notify Leavenworth County, the City of Basehor was not waiving the dates and requested the funds to be paid in full by August 15 or 10% interest would be assessed. Discussion followed.

Councilmember Hooker asked to amend his motion to include a stipulation that the County start furnishing accounting reports substantiating sewer tax money received from Cedar Lakes residents. Councilmember Sifford agreed to amend his motion to include the stipulation. All voted in favor. Motion carried 4-0.

**Executive Session**

- a) Attorney-Client Privileged Matters
  - 1. 24-40 Interceptor Project

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to convene into an executive session for a period of thirty minutes to discuss attorney-client privileged matters pertaining to the 24-40 Interceptor project. All voted in favor. Motion carried 4-0. (8:40 p.m.)

Mayor Garcia called the regular meeting back to order at 9:10 p.m. announcing it was necessary to convene back into executive session for an additional thirty minutes to finalize their discussion regarding the 24-40 Interceptor project.

A motion was made by President Bonee and seconded by Councilmember Sifford to convene into an executive session for a period of thirty minutes to discuss attorney-client privileged matters pertaining to the 24-40 Interceptor project. All voted in favor. Motion carried 4-0. (9:15 p.m.)

At 9:50 p.m., the regular meeting was called back to order by Mayor Garcia.

A motion was made by President Bonee and seconded by Councilmember Sifford to enter into an engagement agreement with finance attorney, Mary Carson. All voted in favor. Motion carried 4-0.

Councilmember Sifford asked the city attorney since the developers were the ones who requested the 24-40 Interceptor be constructed, and were aware there would be a benefit district created, shouldn't they be held accountable for the assessments. Mr. Thompson stated a judge would look at that when ruling.

***John Bonee***

President Bonee stated he would like to see the public works department work on more important projects and contract out menial jobs.

**Adjournment**

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to adjourn the meeting. All voted in favor. Motion carried 4-0. Meeting adjourned at 10:03 p.m.

Submitted for Council approval with/without corrections or additions this 15<sup>th</sup> day of August, 2005.



Chris Garcia, Mayor

Attest:



Mary AC Mogle, City Clerk



The seal is circular with a dotted border. The text around the border reads "SEAL OF THE CITY OF BASEHOR, KANSAS". In the center, the word "SEAL" is written in large, bold, capital letters.