
**AGENDA
PUBLIC HEARING**

**BASEHOR CITY COUNCIL
June 14, 2004
6:00 P.M.
Basehor City Hall**

Official Presiding: Joseph Scherer, Mayor

**Members Present: Pres. Julian Espinoza, John Bonee, Iris Dysart, Bill Hooker
~~Keith Sifford~~—(amended 6/28/04 to show Sifford as absent)**

**Staff Present: David, Fuqua, Mike Hooper, Mary Mogle, Gene Myracle, Baron Powell
John Thompson**

The council meeting was called to order at 6:03 p.m. by Mayor Joseph Scherer. Roll call was answered with all members present except Keith Sifford. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

Mayor Scherer announced prior to the meeting a request to amend the minutes was submitted. The second paragraph on page 11 of the May 24th minutes should read as follows:

“Councilman Espinoza agreed with the mayor; however, Councilman Bonee disagreed, stating he did not recall agreeing to 40 mph on 155th Street. Council member’s Dysart and Hooker stated they had a right to change their mind after researching the issues.”

A motion was made by B. Hooker and seconded by J. Espinoza to approve the minutes of May 24th with the aforementioned correction. All aye. Motion carried 4-0.

A motion was made by J. Espinoza and seconded by J. Bonee to approve the telephone poll of June 4th as written. All aye. Motion carried 4-0.

FINANCIAL REPORT

A motion was made by J. Espinoza and seconded by I. Dysart to approve the vendor payment summary as presented. All aye. Motion carried 4-0.

There were no investment recommendations at this time.

UNFINISHED BUSINESS**Item #1. Proposed Billing Rates for McAfee, Henderson & Strick Engineering Services**

The engineering firm of McAfee, Henderson & Strick requested council approval to apply a flat 7.5% discount to their regular hourly rates for invoices billed to the city after June 1, 2004. This would be in lieu of continuing to provide special rates. Mayor Scherer recommended approval noting it would simplify the bookkeeping process.

Item #2. Schedule Council Retreat (June 22 @ 5:00 p.m.)

Mayor Scherer asked council members if they were still interested in having another retreat on June 22 as previously discussed at the May 25th worksession. He noted the retreat would be to discuss the future of Basehor and to make sure the governing body was still on the "same page". President Espinoza noted he would not be able to attend due to a previous commitment; however, all other members agreed to the date.

NEW BUSINESS**Item #1. Cereal Malt Beverage License for Casey's Retail Company**

The city clerk reported the company was in the process of restructuring, and have changed their corporate name. Therefore, it was necessary to issue a new cereal malt beverage and business license to the new corporate name.

Item #2. Conditional Use Permit for Breuer Cell Tower

Planning Commission recommended approval for the renewal of a Conditional Use Permit at 1216 N. 155th Street for a cell tower. The original permit does not come due until September, but in a effort to have the antennas located on the tower come due at the same time, Mr. Ray Breuer agreed to renew his permit early.

Item #3. Contractor Payments for Pinehurst Benefit District

Contractor payments requested for the Pinehurst Benefit District:

King Construction	67733.98
mhs Engineering	<u>12805.48</u>
TOTAL	80539.46

Item #4. Contractor Payments for 24/40 Hwy Interceptor Project

There were no payment requests at this time.

Item #5. Waive of Dog Limits for Property located at 15321 Landauer

A request was made by property owner, Toni Gutherie at 15321 Landauer, for a exception to Animal Code 2-201 which regulates the number of dogs and cats allowed per residence. The animal control officer submitted a report stating, in accordance with city code, he made an on-site inspection and spoke with area property owners. The property owner has installed a privacy fence and none of the neighbors were opposed to allowing three dogs at the residence.

The majority of council members stated the ordinance allowed for two dogs and two cats per residence and the city should adhere to the regulations.

Item #6. Condemnation of Eberth Property located at 3032 N. 156th St.

A resolution and time line was submitted by the code administrator which would authorize him to start the process to condemn a dilapidated structure located at 3032 N. 156th Street. The cost of processing and demolition is estimated to be approximately \$5000 and would be assessed to Mr. Eberth on his property taxes.

Mr. Hooper stated he was watching two other properties and would make a report at a later date.

Item #7. Renewal of One-Cent Countywide Sales Tax

The city administrator announced he has been attending countywide task force meetings regarding the renewal of the present countywide one-cent sales tax. The task force has targeted the issue to come before the voters at the April 2005 election. Mr. Fuqua noted Leavenworth Area Development has requested the cities allocate a portion of the sales tax to go directly to them which would eliminate a fluctuating annual budget.

Chamber of Commerce member Susan Guy reported LAD was requesting 17% of the sales tax be allocated by each city. The funds would be used for economic development and the Port Authority to create industrial parks. Mrs. Guy noted some cities were not in favor of paying their membership fees through sales tax. She also reported Leavenworth was upset because LAD was spending so much time working on the Basehor project (Project Wildcat).

Councilman Bonee stated he would like to see an analysis of what the city's proceeds would be if they proposed their own one-cent sales tax rather than joining forces with the county. Mr. Fuqua noted it was his understanding that if one city in the county voted down the sales tax then it would not pass.

Item #8. Five Year Street Overlay Plan

The city superintendent presented a five-year street overlay plan which outlined the areas targeted for improvements along with estimated costs for each project. Mr. Myracle reported the projects would be paid out of the Consolidated Hwy & Street Fund. Traffic counts have been performed. He noted in 1999 he maintained 15 miles of roads with that doubling in year 2004, and increases with each annexation.

Item #9. Hiring of Wastewater Employee and Job Description

The city superintendent requested authorization to start the process to hire a new wastewater operator. A proposed job description for this position was also included in their packet for approval. Council questioned why one of the other maintenance employees could not assist the current wastewater operator with daily maintenance projects. Mr. Myracle explained they have their own duties and a wastewater operator needs to be certified in both collections and confined space operations.

Item #10. Street Lighting for Pinehurst Development

The city superintendent submitted a request for 29 street lights in Pinehurst Subdivision. The monthly cost per each 150 watt high pressure sodium light would be \$11.06. Once approved, he would send a letter to Westar Energy ordering the lights.

The code administrator reported it is his intent to include this process in the revised Technical Specifications. This would allow the planning and public works department to handle these requests as a routine operation.

Item #11. Grant to Widen 155th Street from 24/40 Hwy North to Parallel

The city administrator reported he spoke with Ross Markle, Kansas Highway Commission, regarding a state grant to improve 155th Street and build a frontage road from 155th Street west to 158th Street (north of Basehor Town Square). Mr. Markle indicated he would support the match grant and suggested the City of Basehor use the State's low interest loan program to help pay its matching funds. The city administrator informed the council he would need their answer next week since the application is due August 2, 2004.

CITIZENS AND PETITIONS**1. Dan Foy****Re: Request Extension on Revitalization Plan Application**

Mr. Foy was not present to address the council.

2. Joel Henderson**Re: Payment for Expenses due to Sewer Backup at 15324 Rickel Dr.**

Mr. Henderson (15324 Rickel Dr.) addressed the council regarding a sewer backup that occurred at this property the morning of May 28th. He explained the chain of events and requested the City pay Reddi Rooter for the service call to unplug his basement drain which he stated was caused by the City having their sewer main rooter. Mr. Henderson stated the city administrator told him the City would not be responsible for any costs incurred unless the City was found negligent. The city superintendent noted no other neighbors in the subdivision experienced problems.

Mayor Scherer stated if the city showed negligence they would take responsibility; however, it did not sound like this was the City's problem. He advised Mr. Henderson to contact the city attorney if he disagreed with him.

3. Aerial FX**Re: Permit to Shoot Fireworks at Falcon Lakes on July 3, 2004**

Mr. Dick Harding (23526 W. 58th Terr, Shawnee, KS) of Aerial FX appeared to request permission to have a fireworks display at Falcon Lakes Golf Course on July 3. The display would be the finale to an all day golf tournament.

Mayor Scherer stated he was disturbed about the complaints received last year. He stated people complained that the fireworks were shot off prior to the authorized time and the fire department was not onsite.

Fire Chief, Jeff Theno, reported he was present last year when the owner of the golf course (Rustom Ferzandi) instructed the pyrotech to shoot early. Mr. Theno instructed Mr. Ferzandi he had to wait until a fire truck was onsite, which he did. Both City and Falcon Lakes displays were handled without incident.

Mr. Ferzandi came forward taking full responsibility for the misunderstandings that took place last year. He noted he has taken precautions this year to schedule the events in a more structured manner.

4. Chris Garcia**Re: No Parking on 156th Street**

Mr. Garcia appeared regarding the lack of "No Parking" signs on 156th Street. He informed Council that in 1999 the City took steps to reduce the speed limit and place no parking signs on 156th Street at the request of area property owners.

The city clerk stated she researched the minutes and ordinances from 2000 through 2004 and did not find any reference to that effect. The mayor instructed the clerk to research back one more year.

Councilman Bonee commented any street less than 24 ft. wide should not have parking on either side.

5. Citizen Comments Regarding Agenda Items

Mayor Scherer opened the floor to anyone in the audience who wished to comment regarding any agenda item.

Bob Moore (2636 N. 157th St) stated in the mid 1990's parking was not allowed from Leavenworth Rd south to Hickory Street on 156th Street. Area kids kept taking the signs down and then never replaced.

Mr. Myracle informed the Council the majority of streets in the older part of Basehor are only 19 ft. wide.

David Breuer (14114 Nelson Ct) commented on the following items:

1. If signs are not up, no one knows not to park on certain streets;
2. If someone has company or a party, where are they suppose to park;
3. Request status of installation of street light at 7 Hwy & Donohoo. He noted it was a very dangerous intersection.

The code administrator noted all new streets are being built with a street width of 28 ft. back-to-back. He recommended allowing "parking on this side only" be written into the Subdivision regulations.

Developer Rustom Ferzandi said regulations would be enforced in his subdivision if signs were posted.

The mayor instructed the city superintendent to compile a report showing the width of the streets throughout the city.

Susan Guy stated she would like to see the City work with the county and other area cities for the one-cent sales tax and urged the council not to be greedy or they could end up not receiving any additional funds.

EXECUTIVE SESSION

A motion was made by B. Hooker and seconded by I. Dysart to convene into a twenty-minute executive session to discuss personnel. All aye. Motion carried 4-0. Mr. Billy Blackwell was invited into the session. (8:00 p.m.)

At 8:25 p.m, the mayor called the regular meeting back to order.

ACTION ITEMS**Item #1. Approve or Deny Cereal Malt Beverage License for Casey's Retail Stores**

A motion was made by J. Bonee and seconded by B. Hooker to approve a Cereal Malt Beverage License for Casey's Retail Stores as presented. All aye. Motion carried 4-0.

Item #2. Approve or Deny Conditional Use Permit for Breuer Cell Tower

A motion was made by B. Hooker and seconded by J. Bonee to approve the Conditional Use Permit for the Breuer Cell Tower as recommended by the planning commission. All aye. Motion carried 4-0.

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

A motion was made by B. Hooker and seconded by J. Bonee to approve contractor payments for the Pinehurst Benefit District in the amount of \$80,539.46. All aye. Motion carried 4-0.

Item #4. Approve or Deny Contractor Payments for 24/40 Hwy Interceptor Project

There were no payment requests at this time.

Item #5. Approve or Deny Waive of Dog Limits for Property located at 15321 Landauer

A motion was made by B. Hooker and seconded by J. Bonee to deny the request for a waiver of dog limits (3 dogs) at 15321 Landauer. Bonee, Dysart, Hooker-Aye. Espinoza-Nay. Motion carried 3-1.

Item #6. Approve or Deny Condemnation of Eberth Property located at 3032 N. 156th St.

A motion was made by J. Espinoza and seconded by B. Hooker to approve a resolution to begin the process to condemn the structure at 3032 N. 156th St. All aye. Motion carried 4-0.

Item #7. Approve or Deny Renewal of One-Cent Countywide Sales Tax

A motion was made by J. Espinoza and seconded by J. Bonee to table action regarding the renewal of the one-cent countywide sales tax. All aye. Motion carried 4-0.

Item #8. Approve or Deny Five Year Street Overlay Plan

A motion was made by J. Espinoza and seconded by J. Bonee to approve the five year street overlay plan as presented. All aye. Motion carried 4-0.

Item #9. Approve or Deny Hiring of Wastewater Employee

A motion was made by J. Espinoza and seconded by J. Bonee to authorize the city superintendent to start the process to hire a new wastewater operator. Discussion followed.

Espinoza and Bonee agreed to amend their motion to authorize the city superintendent to start the process to hire a new wastewater operator and job description as presented. All voted in favor except B. Hooker. Motion carried 3-1.

Item #10. Approve or Deny Street Lighting for Pinehurst Development

A motion was made by J. Espinoza and seconded by J. Bonee to approve the street lighting plan for Pinehurst Development. All aye. Motion carried 4-0.

Item #11. Approve or Deny Grant to Widen 155th Street from 24/40 Hwy North to Parallel

A motion was made by J. Bonee and seconded by B. Hooker to authorize the city administrator to move forward with a grant for 1) frontage road from 155th west to 158th Street, north of the Town Center Square; 2) improvement to 158th Street from proposed frontage road south to 24/40 Hwy; and 3) improvement to 155th Street from 24/40 Hwy north to Parallel. All aye. Motion carried 4-0.

Item #12. Approve or Deny Extension of Revitalization Plan Application

No action taken at this time.

Item #13. Approve or Deny Request of Payment for Expenses due to Sewer Backup at 15324 Rickel Dr.

A motion was made by J. Espinoza and seconded by J. Bonee to deny the request of payment for expenses due to sewer backup at 15324 Rickel Dr. based on advice from legal counsel. All aye. Motion carried 4-0.

Item #14. Approve or Deny Billing Rates for McAfee Henderson & Strick Engineering Services

A motion was made by J. Espinoza and seconded by J. Bonee to approve the new billing rates for McAfee Henderson & Strick Engineering as presented. All aye. Motion carried 4-0.

Item #15. Approve or Deny Permit to Aerial FX to Shoot Fireworks at Falcon Lakes on July 3, 2004.

A motion was made by J. Bonee and seconded by I. Dysart to approve a permit to Aerial FX to shoot fireworks at Falcon Lakes on July 3, 2004 as long as the fire department is present. All aye. Motion carried 4-0.

Item #16. Approve or Deny No Parking on 156th Street

A motion was made by J. Espinoza and seconded by J. Bonee to table action and discuss at the June 28th worksession. All aye. Motion carried 4-0.

Item #17. Approve or Deny the Scheduling of a Council Retreat

A motion was made by J. Bonee and seconded by I. Dysart to schedule a council retreat on June 22 at 5:00 p.m., Basehor City Hall. All aye. Motion carried 4-0.

EXECUTIVE SESSION

A motion was made by J. Espinoza and seconded by I. Dysart to convene into a thirty-minute executive session to discuss personnel and legal matters. All aye. Motion carried 4-0. (8:45 p.m.)

At 9:15 p.m., the mayor called the meeting back to order announcing it was necessary to reconvene back into executive session to finish discussions.

A motion was made by B. Hooker and seconded by J. Espinoza to convene back into executive session for up to thirty minutes to continue discussion regarding personnel and legal matters. All aye. Motion carried 4-0. (9:17 p.m.)

At 9:50 p.m., the mayor called the meeting back to order. (J. Espinoza left at 9:55 p.m.).

MAYOR'S REPORT**Item #1. Discussion regarding the creation of a committee for the rewriting of the Subdivision & Zoning Regulations.**

Mayor Scherer reported the code administrator was in the process of revising the subdivision and zoning regulations. It is his intent to create a committee comprised of business owners, developers, contractors, planning board members and residents to review the revisions and give their input prior to the documents being adopted by the city council. He requested the council think about his suggestion, over the next couple of weeks, and he will bring it back up at the meeting on June 28th.

Item #2. Discussion regarding the scheduling of a town hall meeting to discuss Council's top five items of interest.

Mayor Scherer reported, following the council retreat, he would like to hold a town meeting in the board of education meeting room to discuss Council's top five or six points of interest. He felt an informal atmosphere would be beneficial.

Item #3. Replacement of Doors in Meeting Room

Mayor Scherer reported he would like to have the three doors in the meeting room replaced and the window picture framed to match the new trim work. The city clerk reported Basehor Cabinet Shop offered to stain and install the doors if we purchased and delivered them to his shop. Council agreed to have the additional work done.

Item #4. LKM Seminar – Effective Meetings/Rules and Procedure (9 am- 2 pm on 6/26/04)

The mayor announced he and the city clerk were going to attend a seminar "Effective Meetings/Rules and Procedures: in Tonganoxie on June 26th" and instructed them to contact the city clerk if they wish to attend.

Item # 5. Ingram's Ad Sponsored by Local Businesses

The mayor stated it bothered him that local businesses paid for an ad with Ingram's magazine, advertising the City, and felt that should be the responsibility of the City.

Councilman Bonee stated the Ingram's representative should have contacted the City sooner.

Council Member Reports

There were no reports at this meeting.

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OTHER BUSINESS

The city superintendent requested council permission to allow his maintenance crew to pick up tree limbs, from the recent storms, if the property owners put them at the curb. Council agreed as long as the employees were not going on private property. He reported people are delivering loads of brush to the lagoon property at this time.

ADJOURNMENT

A motion was made by J. Bonee and seconded by I. Dysart to adjourn the meeting. All aye. Motion carried 4-0. Meeting adjourned at 10:15 p.m.

WORKSESSION

Topics discussed at the worksession were as follows:

Item #1. Jeff Theno, Theno Subdivision

Request connection to City of Basehor Sewer Main and assistance with condemnation of easement.

Item #2. Honey Creek Farms

Request waiver for Transportation Excise Tax

Note: There are no written minutes for this worksession since they are not required by law.

Submitted for Council approval with/without corrections this 28th day of June, 2004.

Joseph Scherer, Mayor

Attest:

Mary A. Mogle, CMC City Clerk

