
MINUTES

BASEHOR CITY COUNCIL

August 23, 2004

6:00 p.m.

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

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

Staff Present: David Fuqua, Mary Mogle, Gene Myracle, John Thompson, Joe McAfee

Newspaper: Josh Roberts, Basehor Sentinel

Mayor Scherer called the meeting to order at 6:05 p.m., with all members present. The mayor asked the record to reflect that the city attorney John Thompson was present. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

B. Hooker asked that the word "The" be changed to "They" in the August 9th Eberth Condemnation Public Hearing minutes (page 1, paragraph 3).

A motion was made by K. Sifford and seconded by J. Espinoza to approve the August 9th Eberth Condemnation Public Hearing minutes with the amendment as aforementioned. All aye. Motion carried 5-0.

I. Dysart asked that the record be amended in the August 9th Regular Meeting minutes (page 7, paragraph 1) to show she voted to "table action and discuss in a work session".

A motion was made by K. Sifford and seconded by J. Bonee to approve the minutes of August 9 regular meeting with the amendment as aforementioned. All aye. Motion carried 5-0.

A motion was made by K. Sifford and seconded by B. Hooker to approve the August 16 Budget Public Hearing minutes as written. All aye. Motion carried 5-0.

SCANNED

2-15-07 *BT*

FINANCIAL REPORTS

Item #1. Treasurer's Report & Vendor Payments

A motion was made by J. Espinoza and seconded by J. Bonee to approve the Treasurer's Report and Vendor Payments as presented. All aye. Motion carried 5-0.

Item #2. Investment Recommendations

A motion was made by K. Sifford and seconded by J. Espinoza to approve the investment recommendations as submitted. All aye. Motion carried 5-0.

UNFINISHED BUSINESS

Item #1. Improvements To City Hall Parking Lot

I. Dysart expressed concerns about drainage, cost, and design for the proposed improvements to the city hall parking lot.

The city engineer, Joe McAfee, explained his staff provided three different cost analysis since they had very little information to go by other than design according to "city standards". The proposals included costs for (1) curb and gutter with asphalt; (2) asphalt only; and (3) chip and seal surface only. An 18" pipe would be installed on the north side of the parking lot connecting into a sump inlet that would carry a 100 year storm.

B. Hooker questioned if the proposed engineering costs would change at any time during the project. Mr. McAfee stated the cost would not change. K. Sifford asked the city engineer if he were concerned that city hall would flood at any time. Mr. McAfee stated he was not concerned about flooding, a curb inlet on the south side of the City's parking lot would direct the water to the ditch. B. Hooker stated he was in favor of the curb and gutter with asphalt design, noting the City could recoup the cost if the property was sold in the future.

I. Dysart wanted a guarantee from the city engineer that city hall would not flood. Mr. McAfee said he would guarantee the project.

Item #2. Authorize Planner To Start Process To Hire A Consulting Firm To Assist With Update To Comprehensive Plan

At the August 9th meeting, a representative from Landplan Engineering informed the Council it would cost approximately \$20,000-\$40,000 to update the comprehensive plan and take seven to eighteen months to finalize the project.

City Administrator David Fuqua reported the funds are available in the budget to perform the work. I. Dysart stated she wants to know exactly how much the plan is going to cost before she votes to do the project. Mayor Scherer stated the purpose of authorizing the planner to start the bidding process was to find out what it would cost. If the cost is more than the Council anticipated, they can reject the bids and have staff do the plan.

Planning Commission member George Smith informed the Council that two years ago the planning commission recommended changes to the outdated plan, but never were changed or submitted for public hearing.

K. Sifford stated the comprehensive plan needs to be updated, and tonight's action was just to start the process. J. Bonee did not feel the City was ready to bid out the project since the topography maps they ordered months ago were not in house at this time. Mayor Scherer suggested tabling action for two more weeks.

Item #3. Job Description For Building Inspector/Code Enforcement Officer

Councilman Hooker submitted changes to the job description for council approval. J. Espinoza stated he thought the council agreed at the work session the previous week, that the job description in it's current state was adequate. Council discussed some of the recommendations. I. Dysart expressed her concern with the age requirement. She did not feel that someone age of 21 could have the necessary qualifications the job description was requiring.

After further discussion, Council agreed to leave the document as submitted.

Item #4. Cost To Construct A Restroom Facility At City Park

City superintendent G. Myracle reported he met with the general contractor that constructed the restroom facility for the City of Tonganoxie and received some good information from him. The City of Tonganoxie has agreed to loan Basehor their building plans, which would save plan costs. G. Myracle noted he was working on trying to get volunteer help to keep the cost down. Elite Electric has volunteered to do the electrical work.

B. Hooker stated he was in favor of proceeding with the project now and not wait for a grant. G. Myracle reported the water, sewer, and conduit for electricity has already been run to the location. If approved, he would like to start dirt work next week and hope to be done with the project in thirty days.

The 30x40 ft. structure would be made from cinderblocks with a 12x6 work area. It would have automatic locks that would lock and unlock at stipulated times of the day, epoxy paint for quick cleanup and motion lights installed on the outside of the facility.

Item #5. Necessary Repairs to the 163rd Street Lift Station

G. Myracle explained the lift station at 163rd Street consists of 64 horsepower motors that are held down by three guide rails. One guide rail has broke and needs to be pulled out and remounted. For \$2,153, Lee Mathews Equipment Company would install the mounting hardware and make necessary repairs to the other rail assemblies if needed.

Item #6. Bid for Asphalt Overlay on Streets

G. Myracle submitted three bids for asphalt overlay of streets located south of Parallel, east of 155th Street. The low bid was received from Bennett Paving in the amount of \$74,500 for 7,400 lineal ft.

Item #7. Bid for Maintenance Work on 158th Street

G. Myracle submitted a \$16,000 bid from Leavenworth County to make necessary repairs to 158th Street, from Parallel south to 24/40 Hwy. G. Myracle explained the street is deteriorating and needs to be resealed and certain areas cut out and repaired now before more severe problems arise.

Item. 8. Update on Wastewater Plant Theft

G. Myracle reported thanks to the Basehor Police Department working to recover stolen items, he has received back all but about \$20,000 worth of merchandise. The insurance company would be sending the City a check to cover the items not recovered on the vehicle that were attached, towing charges, and vehicle repair costs.

He reported the new alarm system installed at the wastewater facility was working and a price for an alarm system at city hall should be available next week.

NEW BUSINESS

Item #1. Resolution Supporting Affordable Senior Citizen Housing Within Falcon Lakes Subdivision

Mayor Scherer announced the resolution before them was an extension of the one passed in 2003. The previous one expired; therefore, it was necessary to renew the

resolution stating a new expiration date. The project would continue to be owned by Falcon Lakes LLC.

Item #2. Appointment Of Chief Of Police

Mayor Scherer reported a few months ago a committee was formed to search for a new chief of police. The committee has decided on candidate Terry Horner. The mayor stated within the last couple of days, the committee has received information regarding some allegations regarding Mr. Horner's previous employment and requested Mr. Horner address them in open session. Mr. Horner explained the three incidents. M. Sifford stated charges were never filed against Mr. Horner, his background checked out, and he has no criminal history.

The mayor asked if anyone from the audience had questions for Mr. Horner. Citizen Bob Moore asked the candidate how he stood on "ticket fixing". Mr. Horner stated it was against the law for an officer to fix a ticket. Once the officer writes the ticket, only the prosecutor has the authority to make that decision.

In conclusion, Mr. Horner stated he was proud of the accomplishments he has made over his twenty-one years in law enforcement and felt he could be an asset to the City of Basehor.

RECESS

A motion was made by J. Espinoza and seconded by K. Sifford to recess for five minutes. All aye. Motion carried 5-0. (7:45 p.m.)

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

Item #3. Notice To Proceed With The Pinehurst Benefit District Lane Widening Project (Contractor: Miles Excavating)

Mayor Scherer stated action to approve the Notice To Proceed was a formality since the project has already been approved by the City Council.

Item #4. Resolution Declaring An Interest In And Establishing A Hearing Date For The Considering The Annexation Of Cedar Lakes And Briarwood Commercial Area

Council discussed a time frame when property owners in the Briarwood Commercial area would be required to connect to city sewers. The city administrator noted the 2004 budget assumes the area would pay sewer connection and maintenance fees in year 2004.

Mayor Scherer suggested discussing the matter in executive session since some legal issues needed to be addressed prior to taking action.

Item #5. Contractor Payment Request for Pinehurst Benefit District

A request for payment in the amount of \$57,890.83 to King Construction was submitted for approval. Mr. Myracle announced the intersection at 155th & 24/40 Hwy would be re-opened next week.

CITIZENS AND PETITIONS

Item #1. Carla Kaiser, Basehor Community Library

Mrs. Kaiser, director for the Basehor Community Library, thanked the City Council for making them aware that angle parking was up for discussion. She reported the library board had not met; however, they are concerned for the safety of their patrons as well. She stated she was not sure if angle parking would satisfy the site hindrance, not to mention the inconvenience to the library patrons to drive around the block just to park. Library officials would like to meet with the city administrator and other members of the council or city staff to discuss options. The director noted the library board was also looking into other options for a new library facility with the first step taking place on September 1. A survey would be mailed to citizens in the library district asking for their input. The library boards ultimate goal continues to be the construction of a new facility.

Mayor Scherer stated he would like to have a meeting to include Mr. Runnels and other affected property owners to discuss other options.

Item #2. Citizen Comments Regarding Agenda Items

Mayor Scherer asked if there was anyone present who wished to speak regarding agenda items.

Chris Garcia (15409 Martha) gave some history on the library parking and sidewalks noting the area in question was not the City's property, but belonged to the County. He stated it was questionable whether the City of Basehor even had authority to change the parking area. Mr. Garcia stated he was not in favor of angle parking since it would not change the site problem.

George Smith (14923 Parallel) encouraged the Council to add the update to the comprehensive plan to their work session and reiterated his support to hire a consultant. He stated if he was on the Council and had to choose between updating the comprehensive plan, or updating the parking lot, he would choose the comprehensive plan since it was the most important thing. The plan would tell what direction the City was headed.

Dennis Nichols (210 N. 147th St.) commended the City for installing the new pedestrian walk signs and spoke against spending tax dollars to upgrade the city hall parking lot when what the City needs was a new city hall.

Mr. Nichols also questioned if the new walking trail at the city park was for walking only, or were skateboards and bicycles allowed. The city superintendent noted signs are posted at the park stating no skateboards or bicycles are allowed on the trail. Mrs. Kaiser stated she rides her bike on the trail and did not realize it was against City regulations. She suggested making the signs more visible.

Barbara Ciferri (14105 Wingfoot Ct) spoke in opposition to the proposed resolution supporting the construction of a nursing home in Falcon Lakes Subdivision. She noted when they purchased their home, they along with their neighbors, were not informed of the proposed facility. She reported Falcon Lakes deed restrictions prohibit car ports, but the resolution calls for car ports. She and her neighbors are concerned about increase in traffic flow and if the residents were going to pay their fair share of homeowner's association dues and use their facilities.

Mayor Scherer stated Falcon Lakes LLC has only asked for City support in order to submit a request to the Department of Commerce for low-interest money to build the project, the developer would still have to meet design criteria. The mayor suggested Falcon Lakes property owners meet with the developer about their concerns and request a traffic study be performed.

J. Bonee stated the City cannot deny the project if the property is zoned properly, they can only approve or deny the design plan. B. Hooker wanted to go on record as being opposed to the project when it first came before the Council and continues to oppose the project.

Sharad Doshi, representative for Falcon Lakes LLC, asked that the record be set straight that the project is not a nursing home, but affordable housing for senior citizens. Each resident must meet income guidelines and be 55 or older. Mr. Doshi explained the project would most likely use the Clubhouse Drive entrance and explained that the developer was not requesting any tax abatements and the project would have their own pool area with the developer paying the homeowners association dues.

Mayor Scherer went on record stating the City of Basehor was not trying to hide any thing from the residents, this project has been in the newspapers and discussed several times in open session over the last year and a half. At this time, Mayor Scherer announced he received a notice from the city administrator that a tornado had touched down in Douglas County, and anyone wishing to leave may do so; however, he would continue the meeting.

Russell Jacobson (14106 Wingfoot Ct) requested the Council table action on the resolution for thirty days. He noted the residents of Falcon Lakes did not have a good relationship with their developer and would like an opportunity to express their concerns with him. He asked to be notified in the future of anything that effects their community (Falcon Lakes Subdivision) noting that the word "affordable" scares the heck out of them when they have spent their life savings on their homes.

Mayor Scherer stated to deny at this meeting, would not benefit the city in any way. The council would only be expressing their support so the developer could continue to pursue financing.

ACTION ITEMS

Item #1. Approve or Deny Improvements to City Hall Parking Lot

A motion was made by K. Sifford and seconded by J. Espinoza to approve the engineer to design the city hall parking lot to city standards with curb & gutter and asphalt not to exceed \$60,532.00 and the project to be awarded to the lowest qualified bidder. Discussion followed. All aye. Motion carried.

Item #2 Approve or Deny to Authorize the Planner to Start Process to Hire A Consulting Firm to Assist with Update to Comprehensive Plan

A motion was made by I. Dysart and seconded by B. Hooker to discuss at a work session and table action until an exact cost could be obtained. Discussion followed. Motion failed 2-3 with Sifford, Espinoza and Bonee voting against.

A motion was made by K. Sifford and seconded by J. Espinoza to authorize the planner to proceed with a RFP to bid the update to the comprehensive plan and bring back at a work session. All voted in favor except I. Dysart. Motion carried 4-1.

Item #3. Approve or Deny Job Description for Building Inspector/Code Enforcement Officer

A motion was made by K. Sifford and seconded by J. Espinoza to approve as submitted. Sifford, Espinoza, Bonee-Aye. Hooker-Dysart-Nay. Motion carried 3-2.

Item #4. Approve or Deny Resolution Supporting Affordable Senior Citizen Housing within Falcon Lakes Subdivision

A motion was made by J. Espinoza and seconded by J. Bonee to approve the resolution in the same format as printed last year with the exception of extending the expiration date. Discussion followed. Sifford, Espinoza, Bonee-Aye. Hooker-Dysart-Nay. Motion carried 3-2.

Mr. Russell questioned if the Council could be held liable if they denied the project during the design phase. Mayor Scherer stated the City has not liability at this point, only supporting, not approving the project.

Item #5. Appointment of Chief of Police

A motion was made by K. Sifford and seconded by J. Bonee to approve the appointment of Terry W. Horner to the position of chief of police. All aye. Motion carried 5-0.

Item #6. Approve or Deny Cost to Construct a Restroom Facility at City Park

A motion was made by K. Sifford and seconded by J. Bonee to approve the construction of a restroom facility at the city park as presented. All aye. Motion carried 5-0.

Item #7. Approve or Deny Notice to Proceed with the Pinehurst Benefit District Lane Widening Project (Contractor: Miles Excavating)

A motion was made by J. Bonee and seconded by K. Sifford to approve the Notice to Proceed as presented. All aye. Motion carried 5-0.

Item #8. Approve or Deny Resolution Declaring An Interest In and Establishing a Hearing Date for the Considering The Annexation of Cedar Lakes and Briarwood Commercial Area

A motion was made by K. Sifford to table action until after the executive session. J. Espinoza seconded the motion. All aye. Motion carried 5-0.

Item #9. Approve or Deny Repairs to 163rd Street Lift Station

A motion was made by K. Sifford and seconded by J. Espinoza to approve the repairs to the lift station located on 163rd Street not to exceed \$2,300.00. All aye. Motion carried 5-0.

Item #10. Bid for Asphalt Overlay on Streets

A motion was made by K. Sifford and seconded by J. Espinoza to accept the bid from Bennett Paving in the amount of \$74,500 for overlay work on city streets. All aye. Motion carried 5-0.

Item #11. Bid for Maintenance Work to 158th Street

A motion was made by J. Espinoza and seconded by K. Sifford to approve the bid from Leavenworth County Public Works in the amount of \$16,000 for maintenance work on 158th Street as presented. All aye. Motion carried 5-0.

EXECUTIVE SESSION

A motion was made by B. Hooker and seconded by K. Sifford to recess into executive session for forty-five minutes to discuss personnel and attorney-client privileged matters. All aye. Motion carried 5-0. (9:20 p.m.)

At 10:10 p.m., Mayor Scherer called the regular meeting back to order announcing that no formal action was taken in executive session.

Item #8. Approve or Deny Resolution Declaring An Interest In and Establishing a Hearing Date for Considering The Annexation of Cedar Lakes and Briarwood Commercial Area

B. Hooker went on record stating he was in favor or annexing Briarwood Commercial area, but opposed the Cedar Lakes Annexation.

A motion was made by J. Espinoza and seconded by K. Sifford to approve the Resolution declaring an interest in and establishing a hearing date for considering the annexation of Cedar Lakes and Briarwood Commercial Area and verifying legal description as so stated, as long as it takes in no more property south of 24/40 Hwy as so states. And that written documentation that the existing businesses would not be required to hook to or pay for sewer service until they so choose by majority, or failure of their system violates state statutes. Discussion followed. All voted in favor except Councilman Hooker. Motion carried 4-1.

MAYOR'S REPORT

There was no mayor's report at this time.

COUNCIL MEMBER REPORTS

Bill Hooker

Councilman Hooker questioned the status of the Eberth Condemnation. Mayor Scherer stated Mr. Eberth has 90 days from the time the resolution was passed to bring his structures up to city code.

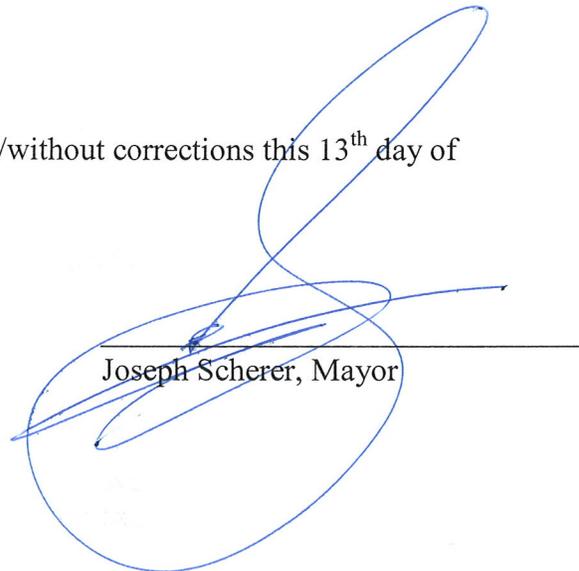
ADJOURNMENT

There being no further business to discuss, a motion was made by B. Hooker and seconded by K. Sifford to adjourn the meeting. All voted in favor. Meeting adjourned at 10:15 p.m.

Submitted for Council approval with/without corrections this 13th day of September, 2004.




Mary A. Mogle, CMC City Clerk



Joseph Scherer, Mayor