

MINUTES

ORIGINAL

BASEHOR CITY COUNCIL

October 11, 2004

6:00 p.m.

Basehor City Hall

Official Presiding: Julian Espinoza, Council President

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

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

Newspaper: Josh Roberts, Basehor Sentinel (left at 7:06 p.m.)

Due to the illness of Mayor Joseph Scherer, council president Julian Espinoza called the regular council meeting to order at 6:00 p.m. All members were present with the exception of Mayor Scherer. Pledge of Allegiance was recited followed by a moment of silence.

President Espinoza stated, if there were no objections, he would defer discussion of Unfinished Business until Action Items. There were no objections at this time.

MINUTES

A motion was made by B. Hooker and seconded by K. Sifford to approve the minutes of September 27, 2004 as written. All aye. Motion carried 5-0.

FINANCIAL REPORTS

A motion was made by K. Sifford and seconded by I. Dysart to approve the Treasurer's Reports and vendor payments as submitted. All aye. Motion carried 5-0.

NEW BUSINESS

Item #1. Resolution Designating Certain Staff Members To Make Deposits and Withdraw From The Municipal Investment Pool Account

The resolution designates the city treasurer, city clerk, and city administrator to make deposits or withdraws from the State of Kansas Municipal Investment Pool. There was no council discussion at this time.

Item #2. Contractor Payments for Pinhurst Benefit District 24/40 Hwy Lane Widening Project.

SCANNED

2-15-07 *lt*

A request for payment was made from Miles Excavating in the amount of \$275,278.25 for work performed on the Pinehurst Benefit District 24/40 Hwy Lane Widening Project. There was no council discussion at this time.

Item #3. Contractor Payments For North Poplar Interceptor Project

A request for payment from Miles Excavating (\$190,983.71) and mhs Engineering (17,887.00) was made for work performed on the North Poplar Interceptor Project. There was no council discussion at this time.

Item #4. Agreement With Leavenworth County Allowing City of Basehor To Use County Right-Of-Way For Honey Creek Farm Force Main

The County of Leavenworth requested the City of Basehor enter into an agreement for use of county right-of-way for the Honey Creek Farms sewer force main. The County has requested a \$5,000.00 permit fee and a one million dollar bond. President Espinoza reported Honey Creek Farms submitted a \$5,000.00 check, payable to Leavenworth County, and would be providing the bond as soon as it was prepared by the bonding company.

I. Dysart questioned the city engineer, Joe McAfee, as to the total number of acres to be serviced by the Honey Creek Farm lift station. Mr. McAfee stated the lift station would provide for 200 homes. The 8" sewer main was designed to service approximately 250 acres, which would accommodate the previously annexed Lacy and Dyster properties that consists of around 100 acres.

J. Bonee noted he felt the county was being unreasonable by requiring the developer to post a one million dollar bond and a \$5,000 permit fee. He stated it was not fair to the developers of Honey Creek to pay for two inspectors, that being the City and County, and recommended the City pull their inspectors off the project.

Curtis Oroke (Honey Creek Farms developer) stated the county engineer Gary Ditty informed him the \$5000 permit fee was to be used to compensate him for taking heat from property owners that were affected by the sewer force main. Mr. Oroke noted he also questioned the county regarding double inspection costs, but at this point, he cannot wait for the two government entities to work things out; therefore, he requested the city council approve the agreement as presented. President Espinoza apologized to Mr. Oroke stating the agreement was not initiated by the City of Basehor.

CITIZENS AND PETITIONS (PRESENTATIONS LIMITED TO 5 MINUTES EACH)

Item #1. Mr. Sid Lindelof (15110 Parallel)

Re: Petition Filed by Area Residents Regarding Excessive Speeding On Parallel St.

Mr. Lindelof informed the Council the speed limit on Parallel has been 35 mph for the thirty-eight years he has lived in Basehor. He asked for an explanation of why speeding has increased on Parallel over the last few months, especially trucks and concrete trucks.

President Espinoza read a letter submitted by Chief Horner regarding Mr. Lindelof's concerns. Chief Horner's letter indicated that thirty-six citations were issued on Parallel during the month of September with an average of 13.3 citations issued from July through September 2004. President Espinoza stated the police department was doing the best they could with their limited amount of manpower.

***Item #2. Ken Magaha, Fairmount Township Fire Department
Re: Request Support For Enforcement of Sprinkler Systems***

Mr. Magaha stated he was representing Fairmount Township Fire Department as their department fire inspector and has been given the charge to enforce the State and City fire codes for residential daycare facilities, churches, commercial and industrial businesses. Mr. Magaha explained he was appearing before the governing body to request their support for enforcement of the 1997 Uniform Fire Code concerning sprinkler systems.

Councilman Hooker questioned if the local fire department could override the state fire marshal. Mr. Magaha explained the state fire marshal would take precedents; however, since the City of Basehor has adopted the 1997 codes, the fire department would enforce those until at which time the City chose to upgrade to the current 2003 code. He went on to explain he was also having problems with local contractors using the 1993 Uniform Electrical Code and encouraged the City to upgrade to the 1997 version since it was the universal code used throughout the county of Leavenworth.

J. Boney stated it was his understanding that some areas in Basehor could not be "sprinklered" because of the inadequate size and pressure of the current water lines. Mr. Magaha noted the water lines in the major commercial areas have been upgraded to twelve inches and could handle most commercial and industrial businesses.

President Espinoza reiterated the mechanism was already in place to require sprinkler systems, it was just a matter of the city building inspection department enforcing it. Council was in agreement.

Item #3. Citizen Comments Regarding Agenda Items

President Espinoza announced this was the portion of the meeting where anyone present could speak regarding an agenda item and that all presentations were limited to five minutes each.

John Foley (15015 Parallel) reported he moved to Basehor two years ago, but noticed in the last 4-6 months, speeding on Parallel had become increasingly worse and supported more patrolling on Parallel.

President Espinoza asked twice if there was anyone else present who wished to speak regarding an agenda item. After no one came forward, he then called the public portion of the meeting closed.

EXECUTIVE SESSION (ATTORNEY-CLIENT PRIVILEGE EXCEPTION-CONCERNING PENDING LEGAL MATTERS)

A motion was made by K. Sifford and seconded by B. Hooker to recess into an executive session for thirty minutes to discuss attorney-client privilege exceptions. All aye. Motion carried 5-0. The city engineer and code administrator were invited into the executive session at this time. (6:36 p.m.)

At 7:06 p.m., Council, with the exception of K. Sifford, reconvened with President Espinoza announcing it would be necessary for them to reconvene into an executive session for up to thirty minutes to continue their discussion regarding attorney-client privilege exception.

A motion was made by B. Hooker and seconded by J. Bonee to reconvene into execution for thirty minutes to discuss attorney-client privilege exception. All aye. Motion carried 4-0.

At 7:20 p.m., Solberg and McAfee were excused from the executive session. At 7:43 p.m, President Espinoza called the regular meeting back to order announcing there was no formal action taken in executive session.

ACTION ITEMS

Item #1. Approve Or Deny A Resolution Providing Support For The Concept That Parcel Located In The Northwest Quarter Of Section 36, Township 10S, Range 22E Would Be Rezoned To "I-1" Industrial If The "Appropriate" Client Wanted To Pursue Development On This Parcel.

A motion was made by B. Hooker and seconded by K. Sifford to approve a resolution providing support for the concept that parcel located in the NW1/4 of Section 36, Township 10S, Range 22E would be rezoned to I-1 Industrial if the appropriate client wanted to pursue development on this parcel.

RES. 2004-10. Resolution Providing Support for the Concept that Parcel Located In the Northwest Quarter of Section 36, Township 10S, Range 22E Would Be Rezoned To "I-1" Industrial If The "Appropriate" Client Wanted To Pursue Development On This Parcel.

Item #2. Approve Or Deny Resolution Designating Certain Staff Members To Make Deposits And Withdraw From The Municipal Investment Pool Account.

A motion was made by B. Hooker and seconded by K. Sifford to approve the resolution designating the city treasurer, city administrator and city clerk to make deposits and withdraw from the Municipal Investment Pool Account as representatives for the city. All aye. Motion carried 5-0.

RES 2004-11. Resolution Designating Certain Staff Members To Make Deposits And Withdraw From The Municipal Investment Pool Account.

Item #3. Approve or Deny Contractor Payments for Pinehurst Benefit District 24/40 Hwy Lane Widening Project.

A motion was made by B. Hooker and seconded by K. Sifford to approve a payment to Miles Excavating in the amount of \$275,278.25 for work performed on the Pinehurst Benefit District 24/40 Hwy Lane Widening Project. All aye. Motion carried 5-0.

Item #4 Approve Or Deny Contractor Payments For North Poplar Interceptor Project.

A motion was made by B. Hooker and seconded by K. Sifford to approve payments to Miles Excavating (190,983.71) and mhs Engineering (\$17,887.00) for work performed on the North Poplar Interceptor Project. (State Revolving Loan Pay Request). All aye. Motion carried 5-0.

Item #5. Approve Or Deny To Proceed With Process To Allocate Final Construction Costs Of 24/40 Hwy Sewer Interceptor Project, Phase I and II

A motion was made by B. Hooker and seconded by K. Sifford to table action until the October 25, 2004 meeting. All aye. Motion carried 5-0.

Item #6. Approve Or Deny Agreement With Leavenworth County Allowing City of Basehor To Use County Right-of-Way For Honey Creek Farm Sewer Force Main

A motion was made by J. Bonee and seconded by K. Sifford to approve the agreement as printed. Discussion followed.

J. Bonee questioned county engineer, Gary Ditty, as to why the County was going to require an inspector when the City of Basehor already had an inspector onsite. Mr. Ditty stated the County's concern is with the ditches, entrance pipe, damage to street, traffic control plan, and dealing with affected property owners. The \$5,000 permit fee covers the three plan reviews, his time, county commissioners and county counselors time involved, and guaranteed there would be no additional engineering or inspection costs associated with this project.

President Espinoza mentioned county officials were already paid by the taxpayers and should not double charge Honey Creek Farms. B. Hooker questioned if this practice was universal with other developers. Mr. Ditty stated Honey Creek Farms was the only development to be charged a fee of \$5,000 and a one million dollar bond, typically they only charge utility companies.

President Espinoza called for a final vote. All voted in favor to approve the agreement as printed except B. Hooker. Motion carried 4-1.

MAYOR'S REPORT

Due to the absence of Mayor Scherer, there were no reports at this time.

COUNCIL MEMBER REPORTS

There were no council member reports at this time.

OTHER BUSINESS

The city clerk announced at this time there were no agenda items scheduled for the October 18, 2004 work session and questioned if the Council wished to proceed with a meeting.

A motion was made by K. Sifford and seconded by B. Hooker to cancel the October 18, 2004 work session due to lack of agenda items. Sifford, Hooker, Espinoza voted in favor. Bonee and Dysart voted against. Motion carried 3-2.

ADJOURNMENT

A motion was made by B. Hooker and seconded by K. Sifford to adjourn the meeting. All aye. Motion carried 5-0. Meeting adjourned at 7:50 p.m.

WORK SESSION

Item #1. Discussion Regarding Parking On City Street's

**Item #2. Discussion Regarding Sewer Connection Fees For Cedar Lakes Subdivision
(tabled until October 25, 2004)**

Note: Written minutes for work sessions are not required by law.

**Submitted for Council approval with/without corrections this 25th day of October,
2004.**



Mary A. Mogle, CMC City Clerk

Joseph Scherer, Mayor