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MINUTES

BASEHOR CITY COUNCIL

December 13, 2004

6:00 p.m.

Basehor City Hall

**Official Presiding:** Joseph Scherer, Mayor – Regular Meeting  
Julian Espinoza, Council President – Public Hearing

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

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

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**PUBLIC HEARING**

***RE: CONSIDER ALLOCATION OF FINAL COST FOR THE QUASI-SEWER  
BENEFIT DISTRICT FOR THE US 24/40 INTERCEPTOR PROJECT, PHASE  
I & PHASE II***

The public hearing was called to order by Mayor Joseph Scherer at 6:00 p.m. with all members present including the city attorney, John Thompson. Pledge of Allegiance was recited followed by a moment of silence. Mayor Scherer announced that due to a conflict of interest council president Julian Espinoza would preside over the public hearing and he would preside over the regular meeting directly following the public hearing. The gavel was then passed to President Espinoza.

President Espinoza stated the purpose of the public hearing was to consider the allocation of final costs for the Quasi-Sewer Benefit District for US 24/40 Hwy Interceptor Project, Phases I and II and proceeded to read a prepared statement regarding the public hearing and project. The statement has been incorporated by reference and attached to the original (adopted) minutes. The president informed the audience that no action would be taken regarding this matter until the January 24th council meeting.

**Public Comments**

President Espinoza announced this was the portion of the public hearing where concerned citizens could voice their opinions regarding the proposed benefit district. He announced that due to the large number in the audience, presentations would be limited to three minutes each.

SCANNED

2-14-7 *et*

**John Albertson (15712 Parallel Rd)** stated he owns a small tract of land behind the high school and has no intentions of developing the ground in the future; therefore, the sewer main serves as no benefit to him. He felt the cost should be assessed to those who benefit the most, which are the developers.

**Mike Hooper, represented Miles Excavating**, passed out a handout that explained the City could 1) only assess 5% administrative fees to the benefit district, not the 10% that was originally charged, 2) city-at-large must absorb the cost for properties outside the city limits, 3) Sewer District 12 was not originally intended to be included in the benefit district, 4) the upsizing costs should not be charged to the district since it was designed to handle properties outside the benefit district, and 32% stated in the resolution should be in addition to all of the above..

**Ed McIntosh, represented Benchmark Enterprises (Wolfe Creek Junction) and Cole's Properties LLC** stated he saw the need for the benefit district when it was originally formed. Mr. McIntosh noted Mr. Cole requested he go on record as stating he would be responsible for the assessments for Prairie Lakes, not the individual property owners.

**Jeff Scherer, developer for Creek Ridge** stated 1) he agreed with Mr. Hooper that administrative fees should only be 5%, 2) right-of-way cost was not taken out of line #3 and should have been factored back into the cost, 3) interest calculation did not match in first and second handout, 4) questioned if City was going to pay out-of-city costs, and if so, the interest should be included in the final costs if the city did not intend to pay off the assessments in full.

**Debbie Pearson (1316 158<sup>th</sup> Ct)** stated she has lived in Prairie Gardens for two years and this is the first she has heard of the proposed benefit district. She did not feel that it should be her responsibility to pay the assessment, but that of the developer since they did not reveal the assessment when she bought the home. She questioned if she sold her home, would the assessment transfer to the new owner. The city attorney stated if she did not choose to pay the assessment off in full, the cost would be assessed to the property and transfer to the new owner.

**Ron Owen (1321 159<sup>th</sup> St.)** questioned why the bank, shopping center, and B & B Mechanics was not included in the benefit district. He was informed that they are included in Sewer District No. 12.

City engineer Joe McAfee explained a map he had showing different service areas. The green area on the map depicted land within the city limits, also known as Phase I, that gravity flows from 155<sup>th</sup> Street to the 163<sup>rd</sup> Street lift station. The red area shows the land included in Phase II. The yellow area was for future development design such as Honey Creek and Pinehurst. The blue area includes 480 acres of additional land

that could be developed. Mr. McAfee added Kelley's Grille, Sonic, temporary bank, and shopping center had a line constructed when the bank was rehabilitated.

*Jim Trowbridge (15826 Parallel)* agreed with Mr. Albertson noting he has fourteen acres that he does not wish to develop and with this assessment his taxes would double and felt it would be an unfair tax.

President Espinoza asked if there was anyone else present in the audience who wished to speak for or against the benefit district. No one else came forward; therefore, he called the public portion of the meeting closed.

### **Council Comments**

The president asked if council members had any questions or comments at this time. There was no response; therefore, this portion of the meeting was closed.

President Espinoza entertained a motion to table action. A motion was made by K. Sifford and seconded by B. Hooker to table action. All aye. Motion carried 5-0.

### **Adjournment**

There being no further business to discuss, the public hearing was adjourned.

A ten minute recess was called at 6:40 p.m.

### **REGULAR MEETING**

At 6:50 p.m, the regular meeting was called to order by Mayor Joseph Scherer with all members present.

### **APPROVAL OF MINUTES**

A motion was made by J. Espinoza and seconded by K. Sifford to approve the minutes of November 1, 2004 Public Hearing as written. All aye. Motion carried 5-0.

A motion was made by K. Sifford and seconded by B. Hooker to approve the minutes of November 8, 2004 Regular Meeting as written. All aye. Motion carried 5-0.

A motion was made by J. Espinoza and seconded by K. Sifford to approve the minutes of the November 15, 2004 Special Meeting as written. All aye. Motion carried 5-0.

A motion was made by I. Dysart and seconded by K. Sifford to approve the November 19, 2004 Telephone Poll as written. All aye. Motion carried 5-0.

### **FINANCIAL REPORTS**

A motion was made by K. Sifford and seconded by J. Espinoza to approve the Treasurer's Reports and Vendor Payments as presented. All voted in favor except B. Hooker. Motion carried 4-1.

There were no investment recommendations at this time.

### **UNFINISHED BUSINESS**

#### ***Item #1. Annexation of Cedar Lakes Subdivision and Briarwood Commercial Lots***

Mayor Scherer reported a public hearing was held on November 1st to consider the annexation of properties in the Cedar Lakes Subdivision and Briarwood Commercial area (6 lots).

Councilman Bonee stated he was not comfortable taking action on this matter until an agreement with Leavenworth County could be reached regarding the sewers for these areas. Mayor Scherer stated the county counselor has requested to meet with the Council at their work session on December 20<sup>th</sup> regarding an agreement. B. Hooker stated he thought the City should "put it back in the County's lap to bring sewer to Basehor".

Mayor Scherer stated the County has drafted a proposed agreement but the City needs to decide if they want a "turn key project" or have the County bring the sewer to the City sewer connection (Pinehurst lift station). If they agree to a "turn key project", stipulations would include that all money collected by the County for maintenance of the grinder pumps and line maintenance would be turned over to the City as well as any future assessments. He stated it was his understanding the County would continue to assess approximately \$200.00 a year from each affected property owner over the next ten years.

Councilman Bonee stated until the County has taken care of the Cedar Lakes lagoon problem, he does not want to take action on the annexation. Council member's Hooker and Dysart agreed. President Espinoza stated the process to annex the area started over three years ago with the intent to "take advantage of the water shed area for future growth".

Mayor Scherer reminded the Board if they annex the area now, the property owners would pay 100% rather than the 125% for out-side city limit connections.

***Item #2. Ordinance Renewing Franchise Ordinance With Westar Energy***

Westar Energy representatives Dante McGrew and Alan Hagley were present to answer any questions Council may have concerning the proposed ordinance renewal. They explained the ordinance is written in accordance with council wishes for a 5% franchise fee for a period of ten years. The ordinance also includes a five year re-open clause that allows the City of Basehor to renegotiate the rate every five years.

Councilman Bonee was opposed to the 5% stating it was an unfair tax to the tax payers because every year their electricity prices increase, so therefore, the franchise tax increases on its own. Mr. McGrew noted Westar Energy preferred a twenty-year franchise agreement since that allows them to make future investments. After discussing the rate and longevity of the ordinance the majority of the council agreed to a twenty-year franchise agreement at the current rate of 3%.

Mayor Scherer cautioned council members to reconsider since the 5% was figured into the 2005 Budget as a source of revenue so that taxes would not be increased.

**NEW BUSINESS*****Item #1. Renewal of Cereal Malt Beverage License and Liquor License***

The following companies were considered for renewal for year 2005:

- 1 Casey's Retail Company (cereal malt beverage off premises)
- 2 Simple Simons (cereal malt beverage on premises)
- 3 Kelley's Grille (liquor drinking establishment)
- 4 Shorty's Liquor (retail liquor)

The police department provided a report that stated no reports or offenses of impropriety was received on any of these businesses in year 2004. There was no discussion.

***Item #2. Renew Contract With Leavenworth County for Court Services For Year 2005.***

Renewal of the contract with Leavenworth County would allow the City to jointly use the county probation services. The cost is \$100.00 per defendant. There was no discussion.

**Item #3. Wage Plan For Year 2005**

Mayor Scherer stated the proposed wage plan had minor modifications due to staffing. The plan does not call for raises, only a cost of living increase in the amount of 2.75%.

Councilwoman Dysart stated there was a \$40,000 discrepancy that she wanted explained prior to voting as well as why the city treasurer received a raise during the year from \$14.39 per hour to \$17.50 per hour and changed from hourly to salary.

The city treasurer stated he could not explain the \$40,000 difference without researching the matter. Mayor Scherer suggested tabling discussion until later in the meeting to allow the city treasurer time to research her question.

The city treasurer returned with the answers to Councilwoman Dysart's questions. Mr. Powell noted the \$40,000 increase includes payroll changes for the code administrator, chief of police, inspector and city treasurer. I. Dysart questioned why the city treasurer was raised from \$14.39 to \$17.50 without council approval and who authorized the raise. Mayor Scherer stated he authorized the increase. B. Hooker stated he did not have the authorization to grant the change. The mayor was questioned why the city treasurer received the increase and changed to salary, rather than hourly in the middle of the year. The mayor stated there were a couple of reasons, salary was easier to budget and Mr. Powell was taking on more responsibilities than he originally was hired to do.

Mayor Scherer apologized for not following proper procedures concerning Mr. Powell's increase. J. Bonee and I. Dysart emphasized when something affects the budget, the matter should be voted on by the council. President Espinoza stated the oversight was the mayor's fault and not the employees. B. Hooker stated the city administrator should take responsibility as well since he signed the memorandum.

**Item #4. Final Plat For Phase I Wolf Creek Junction (Former Basehor Plaza)**

Code administrator Angie Solberg explained Basehor Plaza has been sold and was renamed to Wolf Creek Junction. The new owners have made a request for final plat approval of Phase I. This would allow them to sell lots while they continue to redesign Phase II (east portion of property). The new owners also plan to bring a preliminary plat and rezoning to the planning commission in 2005 since they planned to make the entire property commercial, eliminating the apartment zoning.

Council returned to Item #3 discussion at this time. See above.

***Item #5. Contract Renewal With Deffenbaugh Disposal***

The city clerk reported the only change in the contract with Deffenbaugh was changing the expiration date to December 31, 2010 and listing all the holidays that Deffenbaugh would observe. The clerk noted in the past, residents were confused as to what holidays would affect the day their trash would be picked up. This way, all legal holidays would be observed. There was no further discussion.

***Item #6. Authorize Public Works Staff To Provide Labor And Equipment To Create New Driveway At Basehor Elementary In An Effort To Reduce Traffic On Leavenworth Rd.***

The chief of police worked with the school district to come up with a solution to the traffic problem on Leavenworth Rd. by constructing a road from the west elementary to the east elementary. The school district agreed to pay for materials (appx. \$5300.00) if the city agreed to use city labor and equipment to construct the road. The city superintendent estimated staff labor and equipment to cost approximately \$1,700 and take a week to complete.

Council thanked Chief Horner for coordinating the project.

***Item #7. Change Order For Pinehurst Benefit District***

- A. Change Order #7 is for the relocation of a gas main in Pinehurst. The work was performed by K. C. Construction in the amount of \$10,523.00.
- B. Change Order #8 was for inspection fees incurred while relocating the gas main in Pinehurst. The work was performed by Atmos Energy in the amount of \$1046.00.

***Item #8. Change Order #1 For North Poplar Interceptor (Miles Excavating-\$6500.00)***

Change Order #1 is for the change in plans for an additional manhole lid. The work was performed by Miles Excavating in the amount of \$1,000.00

I. Dysart questioned the city superintendent when the project would be completed. Mr. Myracle stated the project was completed three months ago. He explained it was more cost effective to have a new lid poured on site, rather than remove the manhole. Also the project bid called for seeding 2.4 acres when it was actually 4.0 acres.

***Item #9. Change Order #2 For Us 24/40 Hwy Widening Pinehurst Benefit District (Miles Excavating-\$1,470.00)***

Change Order #2 was for the installation of two new Advanced Warning Loops. The work was performed by Miles Excavating, Inc. in the amount of \$1,470.00. There was no discussion.

***Item #10. Accept Completion of Work Certificate From Kings Construction And Commence Maintenance Bond***

The city engineer reported the Completion of Work Certificate for Kings Construction would allow him to prepare the necessary paperwork to make final 10% retainage payment.

***Item #11. Request for Contractor Payment From State Revolving Loan For Administration Of Work By Others***

An invoice was mitted by Ponzer Youngquist in the amount of \$286.46 for State Revolving Loan administration services.

***Item #12. Discontinuation Of Agreement With D & B Associates Regarding Grinder Pump at 15544 State Ave.***

The city attorney reported Kansas Dept. of Health and Environment refused to assist with the change over from the grinder pump to a grease trap at 15544 State Ave. Mr. Thompson recommended Council authorize the agreement be withdrawn. I. Dysart questioned who would design the grease trap. Mr. Myracle stated the city plumbing code calculations apply, which Kelley's Grille does not meet at the time. It would be the responsibility of the owner to have the new system designed and construction in accordance with city standards.

***Item #13. Amendment To Solid Waste Ordinance Increasing Monthly Service Fee***

The city treasurer recommended increasing the monthly solid waste fee from \$9.70 to \$10.00. He reminded council the utility accounts are used as a source of revenue in order to keep the tax mill levy down.

Councilman Hooker stated he was in favor of a gradual increase while Bonee and Dysart were against any increase at all. I. Dysart noted she would be in favor of the increase if Deffenbaugh Disposal had increased their fees.

***Item #14. Consider Contract (RFP) with Shaffer, Kline & Warren To Perform The Update To the Comprehensive Plan.***

The code administrator reported the planning commission interviewed four companies before selecting Shaffer, Kline & Warren to assist with the update to the

Comprehensive Plan. Michael Duffey, representative from the proposed company was present to answer any questions council may have. He noted his company has qualified staff consisting of engineers, building architects, landscape design architects, etc.

Council agreed the expense was necessary since staff did not have time to devote to the project.

***Item #15. Consider Year End Transfers From:***

- A. General Fund To Consolidated Hwy Fund - \$141,500.00
- B. General Fund To Municipal Equipment Reserve Fund - \$45,000.00
- C. General Fund To Capital Improvement Fund - \$141,500.00
- D. Solid Waste Fund To General Fund - \$10,000

Councilman Bonee stated he was against the transfer from the solid waste fund to the general fund. Mr. Powell explained the solid waste fund did not have the flexibility that the general fund had.

***Item #16. Proposal For Risk Management Services***

The city clerk proposed hiring Charlesworth & Associates, L.C. to assist with performing a risk management study and bid. The cost would be \$4,950.00 and paid from the general fund account (01-001-768).

Councilman Bonee stated he was against the expenditure noting the work could be done in house.

***Item #17. Award Bid For Improvements To City Hall Parking Lot.***

Mayor Scherer reported two bids were submitted with the lowest bid of \$71,661.24 received from WCDI. I. Dysart asked why WCDI's bid was so much higher than the engineers estimation.

Council discussed if they should reject the bid and authorize the public works department to do the work. Mr. McIntosh stated the cost is so high because the job is small and would require a lot of handwork.

The city superintendent and engineer reminded council the fire department has been required to do some storm drainage work which would decrease the bid to \$60,431.24. Council expressed concerns that the fire department might back out on the agreement. Mr. Myracle stated they could not back out because their wall was not designed for load bearing.

The city engineer stated the fire department plans to do their storm drainage work. Mr. McIntosh agreed to remove the drainage work from his bid.

***Item #18. Schedule Regular Meeting on December 20<sup>th</sup> Regarding Interlocal Agreement With Leavenworth County.***

Mayor Scherer requested a regular meeting be held on December 20<sup>th</sup> in addition to the work session. He noted the County would like to present a revised agreement concerning acceptance of Cedar Lakes sewage.

Mayor Scherer requested a five minute recess. A motion was made by J. Espinoza and seconded by B. Hooker to recess for five minutes. All aye. Motion carried 5-0. (8:45 p.m.)

**CITIZENS AND PETITIONS (presentations limited to five minutes)**

John Bonee spoke for ***Mrs. Norma Barron*** who was not present. Mr. Bonee reported Mrs. Barron lives at the end of Ripley on the west side of the city limits. He stated the street was in bad shape and in need of repair and gravel. The city superintendent stated he has only bladed, mowed and performed snow removal in that area; however, he thought Ripley was on his five year plan and scheduled for major repairs next year.

***Mike Brown, Pinehurst Villas LLC***, was present to request prepayment sewer connection fees for Pinehurst Villas. Phase I consists of 20 units and Phase II has 33 units; however, he hadn't decided how many units in Phase II he wanted to prepay.

The city superintendent stated it would be a bookkeeping nightmare. The city clerk expressed concerns that Council would be setting precedent for other developers to make the same request and the 2005 budget was based on \$2,200 per connection, not \$1600.

Mayor Scherer and J. Bonee stated it was "just good business" to make such a request and suggested implementing a policy.

Mark Baska (24094 DeHoff Rd) reported he owned forty acres south of Honeycreek Subdivision. He questioned if the new comprehensive plan would stipulate how island annexations were handled. Mr. Baska informed the Board during the construction of Honeycreek Subdivision his trees were removed, they installed two area inlets and a detention pond on his property, which is eroding the back of his dam. He felt the city's inspectors should have stopped the developer from crossing their property line.

Mayor Scherer suggested Mr. Baska check out his property line to make sure it was correct. Mr. Baska stated his benchmark pins were in place before the project started; however, they have been moved a couple of times by the construction crews. The city engineer and city superintendent were instructed to work with Mr. Baska to address his concerns.

**John Matthews, Planning Commission Chairman**, encouraged the Board to hire Schaffer Kline & Warren to update the comprehensive plan. He noted the planning commission could handle the annual reviews, but did not feel they could accomplish the update in a timely manner without professional help.

**George Smith, Planning Commission**, reiterated what Mr. Matthews and said noting the planning commission could not update the zoning and subdivision regulations without an updated comprehensive plan.

**Chris Garcia (15409 Parallel) 1** also urged the council to approve the contract for the comprehensive plan noting it would take staff three to four years to do in house, 2) in past, builders told city where they would build, now the city should tell the builders where to build, 3) improvements to the city hall parking lot should be handled in house, 4) against prepaid sewer connection taps since it would cause a loss in revenue.

**Ed Bush, Planning Commission**, spoke in favor of hiring Shaffer Kline & Warren to perform the comprehensive plan.

**Susan Guy (1713 N. 150<sup>th</sup> St.)** stated she sat in past council meetings when the City Council said they were going to improve the parking lot, but nothing has been done to date. She reminded them the building continues to be in violation of meeting handicap codes.

Mayor Scherer asked twice if there were any other comments from the public. No one came forward, he then called the public portion of the meeting closed.

### **EXECUTIVE SESSION**

The mayor announced due to the late hour there would be no executive session.

### **ACTION ITEMS**

#### ***Item #1. Approve or Deny Annexation of Cedar Lakes Subdivision and Briarwood Commercial Lots***

A motion was made by J. Espinoza and seconded by K. Sifford to table action until January 24th regular meeting. All aye. Motion carried 5-0.

***Item #2. Approve or Deny Ordinance Renewing Franchise With Westar Energy***

A motion was made by J. Bonee and seconded by K. Sifford to approve the ordinance with Westar Energy for a period of 20 years with a 3% franchise fee to include a five year re-open clause. All voted in favor except Espinoza. Motion carried 4-1.

***Item #3. Approve or Deny Renewal of Cereal Malt Beverage License & Liquor License***

- a. Casey's Retail Company (cereal malt beverage off premises)*
- b. Simple Simons Pizza (cereal malt beverage on premises)*
- c. Kelley's Grille (liquor drinking establishment)*
- d. Shorty's Liquor (retail liquor)*

A motion was made by J. Espinoza and seconded by J. Bonee to approve the renewal of cereal malt license for Casey's Retail Company and Simple Simons Pizza and occupational tax for Kelley's Grille and Shorty's Liquor. All aye. Motion carried 5-0.

***Item #4. Approve or Deny Contract With Leavenworth County For Court Services For Year 2005***

A motion was made by B. Hooker and seconded by J. Espinoza to approve the contract with Leavenworth County for court services for year 2005. All aye. Motion carried 5-0.

***Item #5. Approve or Deny Wage Plan For Year 2005***

There was a lengthy discussion regarding the pay for city treasurer Baron Powell. I. Dysart stated she was opposed to giving a part time employee an increase of \$3.11 per hour and changed from hourly to salary and give him the 2.75% the first of the year. B. Hooker stated it was a bad move to take away his increase, but was not in favor of giving him the 2.75% raise with the other employees. The city attorney was asked how the situation should be handled. Mr. Thompson stated the Council would have to ratify or deny the original increase, then act on the wage plan as a separate issue.

A motion was made by J. Espinoza and seconded by K. Sifford to approve the wage plan as presented. Discussion followed. Espinoza, Sifford, Hooker-Aye. Bonee, Dysart-Nay. Motion carried 3-2.

Mayor apologized to council again for going beyond his realm of authority which he did not do intentionally.

B. Hooker moved that all increases be approved as presented with the exception of Baron Powell. Mayor Scherer stated he could not make that motion since the first motion approved the wage scale. Mr. Hooker stated he wanted to rescind his previous vote and change it to a nay vote. The city attorney informed Mr. Hooker he could not change his vote, the council would need to vote to "reconsider" the original vote.

A motion was made by B. Hooker to reconsider Item #5 regarding the 2005 wage plan. J. Bonee seconded the motion. Hooker, Bonee, Dysart-Aye. Espinoza, Sifford-Nay. Motion passed 3-2.

B. Hooker moved to ratify the previously approved wage plan for year 2005 and accept as presented with the exception of Baron Powell not receiving the 2.75% increase. Discussion followed. Motion died for lack of second.

Council was confused about the consideration they voted on previously. A member of the audience, Dean Oroke and the city attorney explained that when the council voted to reconsider they agreed to make a new motion. Mr. Thompson urged council to take action on Mr. Powell's original pay raise, than take action on the 2005 Wage Plan as a second action item.

J. Bonee made a motion to approve the 2005 Wage Schedule based on the number that were approved on the original 2005 budget with the city treasurer's wages raised from \$14.390 to \$14.786 per hour. I. Dysart seconded the motion. Discussion followed. Code administrator Angie Solberg stated if they approved this motion her wage along with the chief of police's wage scale would revert back. Bonee amended his motion to include the current wages for the chief of police and code administrator as printed. Bonee, Dysart-Aye. Espinoza, Sifford, Hooker-Nay. Motion died 2-3.

A motion was made by J. Espinoza and seconded by K. Sifford to approve the 2005 Wage Plan as printed with the city treasurer receiving 17.981 per hour. Espinoza, Sifford-Aye. Bonee, Dysart, Hooker-Nay. Motion failed 2-3.

The city attorney once again requested the council take action to ratify or deny Mr. Powell's raise from \$14.390 to \$17.50 per hour.

A motion was made by B. Hooker to ratify the previously approved city wage schedule for 2005 and accept as presented with the exception that Baron Powell not receive a 2.75% increase. Motion died for lack of second.

A motion was made by J. Espinoza to approve the increase the mayor so designated in September 9, 2004 at the hourly rate of \$17.50 per hour as the city

treasurer's part time hourly rate (no longer considered salary as of first pay period in January 2005). K. Sifford seconded the motion. All voted in favor except I. Dysart. Motion carried 4-1.

A motion was made by B. Hooker and seconded by J. Bonee that the city wage schedule for 2005 be approved as printed with the exception of Baron Powell not receiving a 2.75% increase. Hooker, Bonee, Dysart-Aye. Espinoza, Sifford-Nay. Motion carried 3-2.

***Item #6. Approve or Deny Final Plat For Phase I Wolf Creek Junction (Former Basehor Plaza)***

A motion was made by K. Sifford and seconded by J. Espinoza to approve the final plat for Phase I of Wolf Creek Junction as presented. All aye. Motion carried 5-0.

***Item #7. Approve or Deny Contract Renewal With Deffenbaugh Disposal Service***

A motion was made by B. Hooker and seconded by J. Bonee to approve the five year contract with Deffenbaugh Disposal as presented. All aye. Motion carried 5-0.

***Item #8. Approve or Deny Authorization For Public Works Staff To Provide Labor and Equipment To Create New Driveway At Basehor Elementary In An Effort To Reduce Traffic On Leavenworth Rd.***

A motion was made by B. Hooker and seconded by K. Sifford to approve the public works staff to provide labor and equipment to create a new driveway at Basehor Elementary school. All aye. Motion carried 5-0.

***Item #9. Approve or Deny Change Order For Pinehurst Benefit District***

***a) Change Order #7 – Relocate Gas Main (KC Const. – 10,523.00)***

A motion was made by J. Espinoza and seconded by J. Bonee to approve Change Order #7 as presented. Discussion followed. All aye. Motion carried 5-0.

***b) Change Order #8 – Relocation Fee for Pinehurst Benefit District (Atmos Energy-1046.00)***

A motion was made by J. Espinoza and seconded by K. Sifford to approve Change Order #8 as presented. All aye. Motion carried 5-0.

***Item #10. Approve or Deny Change Order #1 For North Poplar Interceptor (Miles Excavating-\$6500.00)***

A motion was made by J. Espinoza and seconded by K. Sifford to approve Change Order #1 as presented. All aye. Motion carried 5-0.

***Item #11. Approve or Deny Change Order No. 2 For US 24/40 Hwy Widening Pinehurst Benefit District (Miles Excavating-\$1470.00)***

A motion was made by J. Espinoza and seconded by I. Dysart to approve Change Order #2 as presented. All aye. Motion carried 5-0.

***Item #12. Approve or Deny To Accept Completion Of Work Certificate From Kings Construction And Commence Maintenance Bond***

A motion was made by B. Hooker and seconded by J. Espinoza to accept the Completion of Work Certificate from Kings Construction and commence their maintenance bond as recommended by the city engineer. All aye. Motion carried 5-0.

***Item #13. Approve or Deny Request For Contractor Payment Ponzer-Youngquist From State Revolving Loan For Administration of Work By Others***

A motion was made by J. Espinoza and seconded by K. Sifford to approve the request for contractor payment in the amount of \$286.46 as presented. All aye. Motion carried 5-0.

***Item #14. Approve or Deny Discontinuation of Agreement With D & B Associates Regarding Grinder Pump at 15544 State Ave.***

A motion was made by J. Espinoza and seconded by K. Sifford to approve the discontinuation of the agreement with D & B Associates regarding the maintenance of the grinder pump at 15544 State Ave. Discussion followed. All aye. Motion carried 5-0.

***Item #15 Approve or Deny Amendment To Solid Waste Ordinance Increasing Monthly Service Fee***

A motion was made by J. Bonee and seconded by B. Hooker to deny the amendment to the solid waste ordinance as presented. Bonee, Hooker, Dysart-Aye. Espinoza, Sifford-Nay. Motion carried 3-2.

***Item #16. Approve or Deny Contract (RFP) With Shaffer, Kline & Warren To Perform The Update To The Comprehensive Plan***

A motion was made by B. Hooker and seconded by J. Espinoza to authorize the code administrator to finalize a contract with Shaffer Kline & Warren and bring back to

council at a later date for final action. All aye. Motion carried 5-0.

***Item #18. Approve or Deny Year End Transfers From:***

- a) General Fund To Consolidate Hwy Fund - \$141,500.00***
- b) General Fund To Municipal Equipment Reserve Fund - \$45,000.00***
- c) General Fund To Capital Improvement Fund - \$141,500.00***
- d) Solid Waste Fund To General Fund - \$10,000***

A motion was made by J. Bonee and seconded by B. Hooker to authorize the year end transfers with the exception of "d" Solid Waste Fund To General Fund. Bonee, Hooker, Dysart-Aye. Espinoza, Sifford-Nay. Motion carried 3-2.

***Item #19. Approve or Deny Proposal For Risk Management Services***

A motion was made by J. Bonee and seconded by I. Dysart to deny the proposal for risk management services as presented. Bonee, Hooker, Dysart-Aye. Espinoza, Sifford-Nay. Motion carried 3-2.

***Item #20. Approve or Deny Award Of Bid For Improvements To City Hall Parking Lot***

A motion was made by B. Hooker and seconded by J. Bonee to approve the contract with WCDI after coordination with fire department regarding storm drainage. Motion died for lack of second.

A motion was made by K. Sifford and seconded by J. Espinoza to table until further notice. All aye. Motion carried 5-0.

***Item #21. Approve or Deny Request For Utilities And Street Maintenance At 15822 Ripley***

A motion was made by J. Espinoza and seconded by K. Sifford to table indefinitely. All aye. Motion carried 5-0.

***Item #22. Approve or Deny Request For Prepayment Of Sewer Tap Fees For Pinehurst Villas***

A motion was made by J. Espinoza to table. The motion was seconded by K. Sifford. Mayor Scherer stated Mr. Brown went away thinking he was allowed to prepay sewer taps for Pinehurst Villas. J. Espinoza and K. Sifford rescinded his original motion and restated the motion as follows.

A motion was made by J. Espinoza and seconded by K. Sifford to authorize prepayment of sewer tap fees at the mayor's discretion until such time a policy can be defined and established by Council at a future meeting. Discussion followed. Mr. Thompson informed the Council that a policy could not override an ordinance. J. Bonee stated all the man (Mike Brown) asked for was 20 units for Pinehurst Villas and that is what was published in the paper. Espinoza and Sifford rescinded their motion.

A motion was made by J. Bonee and seconded by B. Hooker to approve prepayment of sewer tap fees for Pinehurst Villas Phase I not to exceed twenty (20) taps and to be paid for on or before January 15, 2005. Discussion followed. All voted in favor except Espinoza. Motion passed 4-1.

**MAYOR'S REPORT**

There was no Mayor's Report.

**COUNCIL MEMBER REPORTS**

Councilman Hooker questioned the city superintendent as to the status of the restroom facility at the city park. Mr. Myracle informed him the footings have been dug and he anticipates the concrete to be poured on Wednesday, weather permitting.

**ADJOURNMENT**

There being no further business to discuss, J. Espinoza moved and K. Sifford seconded the motion to adjourn the meeting. All aye. Motion carried 5-0.

**WORK SESSION**

- 1. There was no work session following the regular meeting.

Submitted for Council approval with/without corrections this 10<sup>th</sup> day of January, 2005.

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Joseph Scherer, Mayor

