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MINUTES

BASEHOR CITY COUNCIL MEETING

January 12, 2004

6:00 P.M.

Basehor City Hall

**Official Presiding: Julian Espinoza, Council President**

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

**Staff Present: Mike Hooper, Mary Mogle, Gene Myracle, Vince Weston,  
Baron Powell, Joe McAfee, John Thompson**

**Newspaper: Josh Roberts, Basehor Sentinel**

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**6:00 P.M. WORKSESSION**

City Council met with the Leavenworth County Commissioners regarding Joint Agreement for an Urban Growth Management Plan. (Note: By state law, worksessions do not require written minutes.)

**7:00 P.M. COUNCIL MEETING**

Council Espinoza called the meeting to order at 7:05 p.m. announcing that Mayor Scherer was out of town on personal business; therefore, he would preside over the meeting. Roll call was answered with all council members present. Pledge of Allegiance was recited followed by a moment of silence.

President Espinoza announced it would be necessary to hold a forty-five minute executive session following the Treasurer's Report and apologized to the audience for any inconvenience.

**MINUTES**

President Espinoza reported the following amendments needed to be made to the minutes of December 8, 2003. Those amendments were as follows:

1. *Page 5 of 8, Paragraph 1:*  
Dysart did not make a motion to select an alternate council president. Request this paragraph be stricken from the record.
2. *Page 7 of 8, Paragraph 5:*  
Amend Timber Lakes Subdivision to read Glenwood Estates Subdivision

SCANNED

2-15-07 *ST*

A motion was made by B. Hooker and seconded by J. Bonee to approve the minutes of December 8, with aforementioned corrections, December 12, 2003 Telephone Poll (East/West Interceptor Line), December 16, 2003 Special Meeting, December 22, 2003 Public Hearing, and two sets of minutes for special meetings held on December 22, 2003 Special Meeting. All aye. Motion carried 5-0

**TREASURER'S REPORT**

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

**EXECUTIVE SESSION**

A motion was made by K. Sifford and seconded by J. Bonee to recess into an executive session for a period of forty-five minutes for personnel matters (interview candidate for the position of city administrator). All aye. Motion carried 5-0. (7:10 pm)

At 7:55 p.m. President Espinoza called the regular meeting back to order announcing that no formal action was taken while in executive session.

**STAFF REPORTS**

**City Clerk**

City clerk Mary Mogle reported the premium for worker's compensation insurance for year 2004 would be \$13,990.00. She noted the experience rating increased from .88 to .90 due to injury claims.

**Chief of Police**

Chief Weston reported the police service calls increased by 105 in year 2003. He attributes the increase to recent annexations and rapid growth in the community.

The purchase of a new police car and additional staff personnel was presented by the police chief. He included three bids of which Rusty Eck Ford being the lowest bid and noted the personnel issue was to be discussed in executive session.

**Code Administrator**

Code Administrator Mike Hooper reported his only agenda item was that of approving the boundary ordinance. He noted when a city has annexed land during the

year, they are required by law to adopt a new ordinance to include all land within their city limits.

**City Attorney**

City attorney John Thompson reported Mr. Wells has appealed Judge King's decision regarding the Pinehurst Development. He reserved the right to discuss this matter in executive session.

**NEW BUSINESS**

**Item #1. Worker's Compensation Insurance Premium for 2004-KMIT (AI #1)**

No discussion at this time.

**Item #2. Purchase of Police Car and Equipment (AI #2)**

Councilman Hooker questioned the chief of police on how many vehicles were currently in his department. Chief Weston stated he has three marked Crown Victoria's, one 4-wheel drive explorer used for specialty purposes (such as bad weather), one unmarked vehicle that he drives and one animal control truck. Chief Weston noted all the vehicles are high mileage except one that is still under factory warranty.

**Item #3. Bond Ordinance, Resolution and Escrow Trust Agreement for Falcon Lakes Benefit District. (AI #3)**

Greg Vahrenberg, Piper Jaffray was present to explain it is necessary to pass a bond ordinance and resolution in order to pay off the 2003 Falcon Lakes Temporary Notes and proceed with transferring them into 2004 General Obligation Bonds. A \$25,000 Escrow Trust Agreement was created to pay off any invoices that came due after the January 29<sup>th</sup> closing date. Mr. Vahrenberg was pleased to announce the general obligation bonds were sold at 3.99%.

**Item #4. Contractor Payments for Pinehurst Development Project (AI #4)**

President Espinoza announced the contractor payment request for Pinehurst Benefit District totaled \$306, 434.71.

McAfee Engineering (inspection costs)	19,036.25
King Construction (street construction)	116,174.88
Larkin Excavating Inc. (sewer main construction)	171,223.58

**Item #5. Boundary Ordinance (AI #7)**

There were no questions at this time.

**CITIZENS AND PETITIONS**

President Espinoza announced all presentations are limited to five minutes unless council asks questions of the presenter.

**Item #1. Mario Moore**

**Re: Variance on Sewer Rate for Car Wash (AI #5)**

Mario Moore, owner of the car wash located at 15530 State Avenue appeared before the city council to request a reduction in his sewer rate. He noted his sewers bills are averaging around \$1,250.00 per month. He presented a report that suggested a new scale be adopted using three different rates, that being residential, commercial, and industrial. Mr. Moore noted he spoke with one car wash owner who stated the city he was located in charged him 60% of the residential rate. Mr. Moore requested to be billed 70-75% of the City of Basehor's residential rate.

Councilman Bonee questioned the code administrator and city superintendent as to other methods of treatment for this type of business. The code administrator noted it was suggested to Mr. Moore to put in a re-circulation system at which time Mr. Moore informed him it was cost prohibitive. The city superintendent reported industrial businesses are normally billed at a higher rate, since in most situations it was necessary to treat chemical and metal waste.

Councilman Sifford cautioned the council that the manner in which they handled this request would set precedent for future businesses that located in the City of Basehor. Councilman Hooker noted that since Mr. Moore owned a business that totally relied on water usage, he should be given a special rate.

Council agreed to discuss Mr. Moore's request at January 20th worksession.

**1. Chris Donnelly, LAD**

**Re: Annual Contribution to Leavenworth Area Development (AI #6)**

Leavenworth Area Development (LAD) president, Chris Donnelly, was present to address the city council on two matters. First he wanted council to know it is LAD's intention to have better communications between LAD and city governments and second was to request an annual contribution of \$1,239.00. Mr. Donnelly updated the city council on future projects, incentive programs, and plans for the organization. He

explained that LAD only deals with manufacturing and industrial type businesses, not retail.

The LAD president went on to report that in the past contributions have been made on a voluntary type basis; however, the LAD board is looking into a method of assessment that would be fair and equitable to all cities in Leavenworth County. He anticipates that method to be based on the area cities assessed valuations.

**Item #3. Citizen Comments Regarding Agenda Items**

President Espinoza opened the floor to those in the audience who wished to speak regarding any agenda item. He asked twice with no response; therefore, the public portion of the meeting was closed.

**ACTION ITEMS**

President Espinoza noted he would be adding three more action items to the agenda, 8) high speed internet contract; 9) Corporal Salary; and 10) Planner Salary.

**Item #1. Approve or Deny Worker's Compensation Insurance Premium for 2004-KMIT**

A motion was made by K. Sifford and seconded by J. Bonee to approve payment to Kansas Municipal Insurance Trust in the amount of \$13,990.00 for worker's compensation insurance for the year 2004. All aye. Motion carried 5-0.

**Item #2. Approve or Deny Purchase of Police Car and Equipment**

A motion was made by K. Sifford and seconded by I. Dysart to approve the bid from Rusty Eck Ford for the purchase of a new police car and purchase of equipment. Sifford and Dysart-Aye. Hooker, Espinoza, Bonee-Nay. Motion died 2-3.

A motion was made by J. Bonee and seconded by B. Hooker to add this item to the January 20<sup>th</sup> worksession. All voted in favor except K. Sifford. Motion carried 4-1.

**Item #3. Approve or Deny Bond Ordinance, Resolution and Escrow Trust Agreement for Falcon Lakes Benefit District.**

A motion was made by J. Bonee and seconded by B. Hooker to approve the bond ordinance and resolution was presented. All aye. Motion carried 5-0.

*ORD. 433 AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$3,415,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2004, OF THE CITY OF BASEHOR, KANSAS UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, K.S.A 10-327 ET SEQ., K.S.A 12-6a01 ET SEQ., ALL AS AMENDED.*

*RES 2004-01.*

*A RESOLUTION AUTHORIZING THE ISSUANCE AND DELIVERY OF \$3,415,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2004, OF THE CITY OF BASEHOR, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO CONSTRUCT CERTAIN STREET, SIDEWALK, SANITARY SEWER AND STORM DRAINAGE IMPROVEMENTS TOGETHER WITH ALL THINGS NECESSARY AND INCIDENTAL THERETO AND TO REFUND CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS AND AUTHORIZING THE EXECUTION OF AN ESCROW TRUST AGREEMENT BY AND BETWEEN THE CITY AND SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, ALL PURSUANT TO K.S.A. 10-427 ET SEQ., K.S.A. 12-6a01 ET SEQ. AND ARTICLE 1 OF CHAPTER 10 OF THE KANSAS STATUTES ANNOTATED, ALL AS AMENDED.*

**Item #4. Approve or Deny Contractor Payments for Pinehurst Development Project**

A motion was made by J. Bonee and seconded by I. Dysart to approve contractor payments in the amount of \$306, 434.71 as presented. All aye. Motion carried 5-0.

**Item #5. Approve or Deny Variance on Sewer Rate for Basehor Suds Car Wash**

A motion was made by K. Sifford and seconded by J. Bonee to table action and add this request to the January 20<sup>th</sup> worksession. All aye. Motion carried 5-0.

**Item #6. Approve or Deny Annual Contribution to Leavenworth Area Development (LAD)**

A motion was made by J. Bonee and seconded by J. Espinoza to approve the contribution of \$1,239.00 to Leavenworth Area Development. Discussion followed. B. Hooker called for the question thus resulting in a favorable vote of 5-0.

**Item #7. Approve or Deny Boundary Ordinance**

A motion was made by K. Sifford and seconded by B. Hooker to approve the boundary ordinance as presented. All aye. Motion carried 5-0.

**Item #8. Contract for Services with Sunflower Cable**

President Espinoza announced currently the City of Basehor pays \$78 per month for internet services with two different companies (Direcway & AOL). Sunflower Broadband has offered to install high speed internet at city hall for a discounted price of \$1,290.00 to be paid over a period of eleven months (\$117.28/mo). At which time, monthly services will be charged at 50% of the regular price.

A motion was made by B. Hooker and seconded by J. Bonee to approve the contract with Sunflower Broadband to install cable highspeed internet service at city hall for \$1290.00 with a payment plan of eleven months. All aye. Motion carried 5-0.

**Item #9 & 10 (See Executive Session)**

**EXECUTIVE SESSION**

A motion was made by J. Bonee and seconded by K. Sifford to recess into an executive session for up to forty-five minutes regarding personnel and legal matters. All aye. Motion carried 5-0. (9:15 p.m.) The chief of police and code administrator were invited into the session at different intervals.

At 10:00 p.m., President Espinoza called the meeting back to order announcing it was necessary to recess into executive session for an additional twenty-five minutes.

A motion was made by I. Dysart and seconded by J. Bonee to recess into executive session for twenty-five minutes to discuss personnel and legal matters. All aye. Motion carried 5-0. (10:05 p.m.)

At 10:30 p.m. the president called the meeting back to order announcing as a result of discussions in the executive session the following action would be taken.

**Action Item #9. Salary of the Police Corporal Position.**

A motion was made by K. Sifford and seconded by J. Bonee to approve the increase in salary for the corporal's position from \$29,500 to \$30,400.00. Discussion followed. All voted in favor except B. Hooker. Motion carried 4-1.

**Action Item #10. Hiring and Salary for Position of Planning/Zoning Inspector**

A motion was made by K. Sifford and seconded by J. Bonee to approve the hiring of a Planning/Zoning Inspector (Angela Solberg) and increase the base pay from \$29,410 to \$37,000.00. Discussion followed. All voted in favor except B. Hooker. Motion carried 4-1.

**EXECUTIVE SESSION**

A motion was made by J. Bonee and seconded by B. Hooker to recess into executive session for up to twenty minutes to discuss legal matters. All aye. Motion carried 5-0. The city superintendent and engineer were invited into the executive session. (10:40 p.m.)

At 11:10 p.m, President Espinoza called the regular session back to order announcing that no formal action was taken in executive session.

**MAYOR'S REPORT**

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

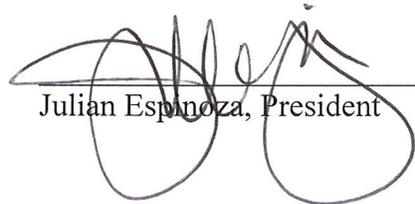
**COUNCIL MEMBER REPORTS**

There were no reports this month.

**ADJOURNMENT**

A motion was made by K. Sifford and seconded by J. Bonee to adjourn the meeting. All voted in favor. Meeting adjourned at 11:20 p.m.

Submitted for Council approval with/without corrections this 26<sup>th</sup> day of January, 2004.

  
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Julian Espinoza, President

  
Mary A. Mogler, CMC City Clerk