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MINUTES

BASEHOR CITY HALL

March 8, 2004

7:00 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, Mike Hooper, Mary Mogle, Gene Myracle,  
Baron Powell, John Thompson, Joe McAfee**

**Newspaper: No newspaper representatives were present.**

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In the absence of Mayor Scherer, council president, Julian Espinoza called the meeting to order. Roll call was answered with all members present except Mayor Scherer. Pledge of Allegiance was recited followed by a moment of silence.

President Espinoza took this opportunity to welcome the new city administrator, David Fuqua, to the city staff.

**MINUTES**

A motion was made by B. Hooker and seconded by K. Sifford to approve the minutes of February 23, 2004 as written. All aye. Motion carried 5-0.

**TREASURER'S REPORT**

City treasurer, Baron Powell, reported he invested \$100,000 of the Transportation Excise Tax money into a certificate of deposit at the rate of 1.77%, for a period of one year.

A motion was made by K. Sifford and seconded by J. Bonee to approve the Treassurer's Report and Vendor Payments as submitted. All aye. Motion carried 5-0.

**STAFF REPORTS**

**City Administrator**

SCANNED

2-16-7 *st*

Mr. Fuqua reported this was his second week on the job and was still getting acclimated. He noted there was a lot going on in the city.

**City Clerk**

The city clerk reported the auditors started the preliminary audit for year 2003 and should have a draft ready for council review within two to three weeks.

**City Treasurer**

Mr. Powell noted he had two items to be addressed. The first item was a transfer from the Sewer fund to Bond & Interest that was necessary to make the State Revolving Loan payment, and the second item was an adjustment to the Developers Reimbursement Fund. The adjustment is for an overcharge on review fees to Basehor Suds owner, Mario Moore.

**Chief of Police**

In the absence of Chief Weston, Sgt. Cigich reported the past couple of weeks have been fairly quiet.

**Code Administrator**

Code administrator Mike Hooper reported he had three items on the agenda dealing with annexation. All three annexations have been approved by the county commissioners, now ordinances must be adopted by the city council in order to make the annexations valid. Mr. Hooper also noted he had a legal matter that he reserved for the executive session.

**City Superintendent**

The city superintendent distributed letters to council members explaining the heavy rains that occurred last week were the cause of residential sewer backups and problems at the lift station located at 155<sup>th</sup> & Cedar. Mr. Myracle noted the bypasses have been reported to Kansas Dept. of Health and Environment as required by law.

Mr. Myracle stated the lift station in question is falling into the creek, joints are leaking and the concrete base is cracking which is the cause for some of the infiltration into the well. The city administrator questioned Mr. Myracle if a cost estimate had been performed to relocate the lift station. The city superintendent stated a study has been provided by the city engineer in conjunction with the 24/40 Hwy Interceptor Project.

**City Engineer**

The city engineer reported he had two items to be addressed, first was that of the North Interceptor Project bid and second was contractor payments for Pinehurst Benefit District.

He noted the bid from Miles Excavating has been submitted to KDHE for approval and should have a response from them within the week. If the bid is accepted by KDHE he recommended council accept it as well in order to expedite the project.

Mr. McAfee reported the Pinehurst Contractor payment request included \$62,295.48 for King Construction and \$32,827.50 to McAfee Engineers for inspection fees noting there would not be any more payment requests from Larkin Excavating until the ten percent retention was ready to be released.

The city engineer noted he received a complaint from a property owner who adjoined the Pinehurst Development who expressed concerns that the contractors encroached on their property causing damage. Mr. McAfee stated he spoke with the resident and was addressing their concerns. In closing, Mr. McAfee requested time in executive session to discuss legal matters with the city council.

**UNFINISHED BUSINESS and NEW BUSINESS**

President Espinoza stated if it was acceptable with the council, these items would be held over to Action Items since all the items were fairly explanatory. Council agreed.

**CITIZENS AND PETITIONS (all presentations are limited to 5 minutes)**

**Item #1. Citizen Comments Regarding Agenda Items**

Mrs. Gail Whipple (18655 153<sup>rd</sup> St) stated she was property owner that the city engineer was speaking about earlier. She noted their pine trees and fence had been removed and replaced with rock, dirt and debris.

Mr. McAfee reported all the debris on the property was on a permanent utility easement. The area will be cleaned up and reseeded within the next couple of weeks, weather permitting; however, he had concerns that the contractor would not be receptive to replacing the pine trees on a permanent easement.

Mr. Whimple stood up at this time stating he wanted the developers to put a Johnny on the Spot on the job site. He and his wife were tired of watching the contractors urinate in their presence. Mr. McAfee stated he has addressed that matter with the contractors already. The city administrator volunteered to work with Mr. McAfee to rectify the property owner's complaints.

President Espinoza asked if there was anyone else present in the audience who wished to speak regarding an agenda. There being no one else, he called the public portion of the meeting closed.

**ACTION ITEMS**

**Item #1. North Interceptor Line**

A motion was made by K. Sifford and seconded by J. Bonee to table action and reserved the right to be polled at a later date. All aye. Motion carried 5-0.

**Item #2. Ordinance Annexing Baska Property (Sec 9, Twp 11, Rge 22E)**

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

*Ord. 436. AN ORDINANCE ANNEXING LAND TO THE CITY OF BASHEOR,  
KANSAS*

**Item #3. Ordinance Annexing Dyster Property (Sec 10, Twp 11S, Rge 22E)**

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

*Ord. 437. AN ORDINANCE ANNEXING LAND TO THE CITY OF BASHEOR,  
KANSAS*

**Item #4. Ordinance Annexing Dyster Property (Sec 10, Twp 11S, Rge 22E)**

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

*Ord. 438. AN ORDINANCE ANNEXING LAND TO THE CITY OF BASHEOR,  
KANSAS*

Councilman Hooker questioned if the plat for an addition to the apartments on 155<sup>th</sup> Street was a year older and if the plat had been pulled since that was a zoning requirement. The code administrator stated once the preliminary plat and the final plat were approved, then the time frame ceased. Mr. Hooker stated he felt the regulations should be changed to force developers and builders to complete what they start in a timely manner.

*Item #2. Street Crew Patching Post Office Parking Lot*

Councilman Hooker questioned why the city street crew was patching the post office parking lot since that is private property. President Espinoza stated he was in the post office when the postmaster received a complaint from a resident regarding the potholes on the north side of the parking lot. He then contacted the city superintendent to see whose responsibility it was, city, county, or property owner. The city superintendent reported the city right-of-way starts three feet past the corner of the post office structure. Mr. Myracle noted his crew patched the right-of-way twice during the winter months. The code administrator suggests that in the future, no parking be permitted in any rights-of-way, also adding that once the post office moves to a new facility, the property owner would have to conform to existing regulations and would not be allowed to use the front and north area for parking since they are both in easements and rights-of-way.

(Councilman Bonee was called away at 8:23 p.m. for an emergency)

**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 aye. Motion carried 4-0.

**WORKSESSION**

President Espinoza asked that a motion be made canceling the worksession since he was not privy to the topics that Mayor Scherer was to discuss.

A motion was made by K. Sifford and seconded by I. Dysart to cancel the scheduled worksession. All aye. Motion carried 4-0.

**Item #5. Contractor Payments for Pinehurst Benefit District**

A motion was made by J. Espinoza and seconded by K. Sifford to approve the contractor payments for the Pinehurst Benefit District in the amount of \$95,122.98. All aye. Motion carried 5-0.

**Item #6. Schedule Council Retreat**

A motion was made by K. Sifford and seconded by J. Bonee to table discussion regarding the retreat until the return of Mayor Scherer. All aye. Motion carried 5-0.

**Item #7. Transfer from Sewer Fund to Bond & Interest Fund**

A motion was made by J. Bonee and seconded by K. Sifford to approve the transfer of \$206,000.00 from the Sewer Fund to the Bond & Interest Fund (to make the State Revolving Loan payment). All aye. Motion carried 5-0.

**Item #8. Adjustment to Basehor Suds Developer Reimbursement Expenses**

A motion was made by J. Bonee and seconded by K. Sifford to approve the adjustment of \$175.00 for an overcharge in review fees to Basehor Suds Car Wash. All aye. Motion carried 5-0.

**EXECUTIVE SESSION**

A motion was made by K. Sifford to convene into an executive session for a period of thirty minutes to discuss legal issues. J. Bonee seconded the motion. All aye. Motion carried 5-0. (7:45 p.m.) The city superintendent, engineer and code administrator were invited into the executive session at different intervals.

At 8:15 p.m., President Espinoza called the meeting back to order reporting that no formal action was taken during the executive session.

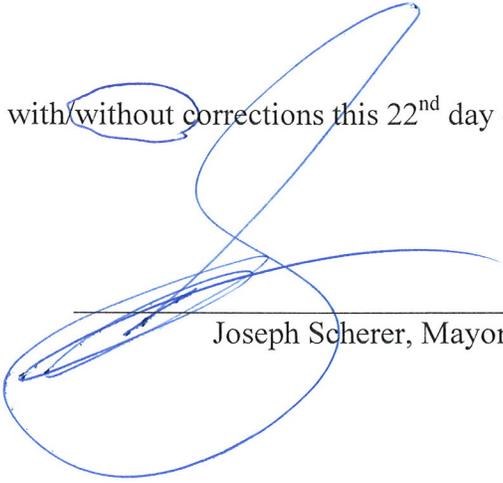
**MAYOR'S REPORT**

Due to the absence of Mayor Scherer, there was no Mayor's Report.

**COUNCIL MEMBER REPORTS****Bill Hooker**

*Item #1. Twelve-Plex Apartment Building on 155<sup>th</sup> Street.*

Submitted for Council approval with/without corrections this 22<sup>nd</sup> day of March, 2004.



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Joseph Scherer, Mayor



Mary A. Mogé, CMC City Clerk