

---

MINUTES

BASEHOR CITY COUNCIL

April 12, 2004

6:00 PM

Basehor City Hall

**Official Presiding:** Mayor Joseph Scherer

**Members Present:** Pres. Julian Espinoza, John Bonee, Iris Dysart, William Hooker (arrived at 6:18 p.m.), Keith Sifford

**Staff Present:** David Fuqua, Mary Mogle, Mike Hooper, Gene Myracle, Baron Powell, Angie Solberg, Matt Henderson, John Thompson

---

The April 12<sup>th</sup> meeting was called to order at 6:00 p.m. by Mayor Joseph Scherer. Roll call was answered with all members present except Councilman Hooker. Pledge of Allegiance was recited followed by a moment of silence.

**MINUTES**

A motion was made by J. Espinoza and seconded by K. Sifford to approve as written the minutes of March 17, 2004 Special Meeting, March 22, 2004 Regular Meeting, March 26, 2004 Telephone Poll and April 1, 2004 Telephone Poll. All aye. Motion carried 4-0.

**FINANCIAL REPORTS**

The city treasurer pointed out several accounts receivable invoices are still outstanding and have been for over a year. He urged council to take steps to collect the unpaid bills. Mayor Scherer stated he would meet with the city administrator and city attorney within the next few days to discuss steps necessary to collect the rectify the outstanding balances.

A motion was made by K. Sifford and seconded by J. Espinoza to approve the financial reports and vendor payments as presented. All aye. Motion carried 4-0.

**STAFF REPORTS**

**City Administrator**

The City Administrator, David Fuqua, gave reports on the following items:

SCANNED

2-16-07 *dt*

- Working with KDOT, USDA, and Rural Development regarding grants for street improvements. He noted there are grants available for rural and urban communities like Basehor and would continue to work on finding funds.
- Received five resumes from applicants for the Chief of Police position
- Legislation changed the laws on use tax where the City would now receive taxes on goods that crossed the state line. This is an increase of about \$5,000 per month for the City of Basehor.

### **City Clerk**

The city clerk reported the only agenda item was regarding the process to add delinquent sewer and solid waste accounts to the ad valorem tax roll. She explained how the process worked noting that tonight's request was the first stage in collecting outstanding utility bills.

Mr. Fuqua added that he was working with the water department to see if there was a possibility of joining efforts to collect delinquent bills.

### **City Superintendent**

The city superintendent, Gene Myracle, gave the following reports:

- The request for contractor payments on the 24/40 Hwy Interceptor project are current. The only expense still open is that of the lift station which is still on order.
- The North Poplar contractor bills to be approved are to Ponzer-Youngquist for engineering reviews, change order to allow Ponzer-Youngquist to continue to apply for funding with KDHE, and the cost of changing out the impellers at the Falcon Lakes lift station.
- The contracts for the North Poplar Interceptor Project have been delivered to KDHE for review. He is currently working with property owners to obtain necessary temporary and permanent easements for the project.
- Asked Mr. Bonee if he could resubmit his request for a backhoe and job descriptions at the next meeting. Mr. Bonee stated he was not opposed to considering the matter as long as a cost analysis has been performed and available for review.

Mayor Scherer directed the city clerk to add those two topics to the next council meeting agenda.

**Code Administrator**

The code administrator reported he has submitted for council approval an ordinance approving a Conditional Use Permit request from Verizon Wireless. He noted the request was approved unanimously by the Planning Commission, with stipulations as stated in the official planning commission minutes. Mr. Hooper submitted a draft letter to the governing body regarding a delinquent accounts receivable account and requested direction to collect the money owed.

**City Engineer**

Matt Henderson, representing McAfee Engineering, presented a letter from the city engineer Joe McAfee regarding Agenda Item #10, Creek Ridge Subdivision. Mayor Scherer asked if discussion regarding this matter could wait until the Action Items so that he would only have to step down one time during the meeting. Council agreed.

**UNFINISHED BUSINESS**

**Item #1. Sewer Rates Car Wash, Residential, Commercial, Industrial**

(Councilman Hooker arrived at 6:18 p.m.)

Mayor Scherer reiterated from past council meetings he was still opposed to granting a discount since it would cause an increase to all other sewer users.

The city administrator submitted a recommendation to create a sewer classification called "Heavy Commercial". The recommendation was to charge \$5.20 per 1,000 gallons for customers who use over 175,000 gallons of water per month.

The majority of council members concurred that large water consumption users should receive some form of discount since they feel our sewer bills are higher than area cities. The city treasurer and city superintendent urged council to delay their decision until after the budget was compiled to see if the sewer fund could afford the discount.

**Item #2. Purchase of Police Vehicle and Equipment (new documentation attached)**

Mayor Scherer stated he would prefer to table action until after a new chief of police was hired. Councilman Sifford, liaison to the police department, stated the city administrator had some idea and would agree with tabling until a later date.

**NEW BUSINESS**

**Item #1. Ordinance for Conditional Use Permit for Verizon Wireless**

Ron Jones, Selective Sites (8500 W 110<sup>th</sup>, Overland Park, KS) was present to represent Verizon Wireless. Mr. Jones noted the Conditional Use Permit is renewable every five years. Although the tower's CUP does not expire for a while, they will be coming before the planning commission early so that both permits would expire at the same time.

**Item #2. Leavenworth County Port Authority Letter of Support**

Leavenworth County Port Authority requested a letter from the City of Basehor supporting the Leavenworth Area Business Center, Urban Hess Business Center and Larkin Industrial Park as designated General Purpose Foreign Trade Zones. The port authority felt by making these areas as designated foreign trade zones it would enhance business enterprise to the county.

Some council members felt there should be clarification as to what types of businesses would be involved in this classification.

**Item #3. Process to Collect Delinquent Sewer and Solid Waste Accounts**

Mayor Scherer stated this was an annual routine process to collect \$17,498.46 in delinquent sewer and solid waste accounts.

**Item #4. Contractor Payments for Pinehurst Development**

The contractor payment requests for Pinehurst Development were as follows:

McAfee Engineering - \$363, 648.27 (geotechnical & surveying)  
    \$ 6,837.50 (surveying)  
    \$ 2,237.50 (inspection fees)

**Item #5. Contractor Payments for 24-40 Hwy Interceptor Line**

The contractor payment request for 24/40 Hwy Interceptor Project is in the amount of \$119,499.17 (Pay Request No. 37). Contractor payments to be approved are Miles Excavating, Ponzer-Youngquist, McAfee Engineering, and Ray Lindsey (change out impellers) along with Change Order No 3 for Miles Excavating (adding extra depth

4" dia manhole, delete 40" steel encasement, delete 38" steel encasement and add remove/replace 7 ft. chain link fence).

**Item #6. Request from Police Department to Eliminate Parking on 155<sup>th</sup> Street**

A letter was submitted by Corp. Jason Slaughter requesting parking along 155<sup>th</sup> Street be eliminated. Sgt. Cigich stated he, as well as Corp. Slaughter, received numerous complaints from area residents regarding the limited line of site at 155<sup>th</sup> & Ripley. Mayor Scherer noted allowing vehicles to park along 155<sup>th</sup> Street causes a safety issue and deterioration to the street curbs and rights-of-way.

Council concurred there should be "no parking" on collector and arterial streets and should be strictly enforced.

Councilwoman Dysart questioned the number of accidents that have occurred at 155<sup>th</sup> & Maple and 155<sup>th</sup> & Ripley. Sgt. Cigich stated he was unsure of the exact number.

The staff was directed to compile a plan to enforce the "no parking" on arterial and collector streets within the next 180 days.

**Item #7. Extension of Maintenance Bond for Creek Ridge Subdivision**

Table discussion until Action Items.

**Item #8. Revise Job Description for Chief of Police**

Councilwoman Dysart stated she was not discontented with the job description but felt it needed further review; therefore, she was not comfortable with passing it at this meeting. She felt the city administrator should take this time to revamp the department and leave the sergeant as interim chief.

Councilman Bonee stated the job description should be consist with the city administrator replacing the mayor through the document.

The mayor questioned the city attorney as to the ramifications of delaying the hiring of a chief of police. Attorney Thompson noted there are no ramifications and recommended they state why they are delaying the appointment.

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

**Item #1. Jeral Cooper**

**Re: Commercial Building**

Appeared before the governing body to see if they would support an eleven unit business complex where the existing VFW Post is located. The complex would consist of a new VFW Post and commercial spaces. The VFW Post would have two living quarters above. The living quarters would be used to help subsidize the VFW Post operating expenses.

The governing body stated they would support the complex as long as it met the building and zoning codes.

**Item #2. Judd A. Ward, J & M Display**

**Re: Request Permit for Fireworks Display on April 24, Falcon Lakes**

Mr. Ward was not present at this time; therefore, the mayor stated if he arrived later in the meeting he would be willing to hear his request.

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

Mayor Scherer announced this was the portion of the meeting where citizens could come forward and speak regarding any agenda item. He advised them they were limited to five minute presentations.

**Robert Brandt, 15525 Hollingsworth Rd**, stated he owned property on the north side of 155<sup>th</sup> & Ripley (east of 155<sup>th</sup> St.) and the parking situation has been on ongoing problem since the town was created. Mr. Brandt reported there was one area resident that continues to complain to the local police department and an agreement was made to have his tenants park as close to the trees as possible. This would allow approximately seven feet between the vehicle and the right-of-way. He pointed out there are residents to the south of Ripley that have no driveway, some have enough for one car, or maybe two at most. He was not aware of any major accidents in this location.

**Bob Moore, 2636 N. 157<sup>th</sup> St**, stated the governing body needed to stop parking on 155<sup>th</sup> Street and through the city.

Mayor Scherer asked if there was anyone else present who wished to speak regarding an agenda item. There being no one else, he then called the public portion of the meeting closed.

**ACTION ITEMS**

**Item #1. Approve or Deny Sewer Rate Discount for Mario Moore, Basehor Suds Car Wash**

A motion was made by B. Hooker and seconded by J. Espinoza to direct the city administrator to create an ordinance creating a "Heavy Commercial" sewer rate classification at a rate of \$5.20 per 1,000 gallons for businesses using over 175,000 gallons of water per month . The rate shall increase annually in accordance with the budget. All aye. Motion carried 5-0.

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

A motion was made by Keith Sifford and seconded by K. Dysart to deny the purchase of a new police vehicle. All aye. Motion carried 5-0.

**Item #3. Approve or Deny Ordinance for Conditional Use Permit for Verizon Wireless**

A motion was made by K. Sifford and seconded by J. Bonee to approve the ordinance for a Conditional Use Permit for Verizon Wireless with additional conditions as stipulated by the planning commission. All aye. Motion carried 5-0.

*Additional Conditions:*

1. CUP valid until September 20, 2005 from the date of publication of this ordinance;
2. CUP shall automatically renew for a period of five (5) years upon the approval of the conditional use permit extension for the existing tower on the property
3. CUP shall run concurrent with the tower on the property.

**Item #4. Approve or Deny Leavenworth County Port Authority Letter of Support**

A motion was made by J. Espinoza and seconded by B. Hooker to send a letter to the Leavenworth County Port Authority supporting Foreign Trade Zoning in areas as stipulated. Discussion followed. Espinoza, Hooker, Sifford-Aye. Bonee, Dysart-Nay. Motion carried 3-2.

**Item #5. Approve or Deny Process to Collect Delinquent Sewer and Solid Waste Accounts**

A motion was made by B. Hooker and seconded by J. Bonee to authorize the utility billing clerk to start the annual process necessary to collect delinquent sewer and solid waste accounts on the ad valorem tax rolls. All aye. Motion carried 5-0.

**Item #6. Approve or Deny Contractor Payments for Pinehurst Development**

A motion was made by J. Espinoza and seconded by K. Sifford to approve the contractor payments for Pinehurst Development Benefit District as presented. All aye. Motion carried 5-0.

**Item #7. Approve or Deny Contractor Payments for 24/40 Hwy Interceptor Project**

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

**Item #8. Approve or Deny the Elimination of Parking on 155<sup>th</sup> Street**

A motion was made by K. Sifford and seconded by J. Espinoza to table action until a study could be made regarding parking on collector and arterial streets through the city. All aye. Motion carried 5-0.

**Item #9. Approve or Deny Revisions to Job Description for the Position of Chief of Police**

A motion was made by J. Espinoza and seconded by K. Sifford to approve the revisions to the job description for the position of Chief of Police as discussed. All aye. Motion carried 5-0.

**Item #10 Approve or Deny Extension of Maintenance Bond for Creek Ridge Development**

Mayor Scherer announced due to a conflict of interest he would step away from the council bench and turn this portion of the meeting over to Council President Julian Espinoza.

Engineer Matt Henderson explained 173 ft. of sanitary sewer was not inspected as required by state law. When the problem was discovered McAfee Engineering worked with the contractor who agreed to extend the maintenance bond to ensure the line was installed correctly. Since that time, his firm decided it should be a council decision, not the city engineers. If council agreed, the bond would be extended from two years to five years.

The city superintendent explained the chain of events and noted its not the material in question, but the installation. Mr. Myracle noted he is concerned that the soil is unsuitable and suggested having the 173 ft. of line televised to make sure there are no sags or bows in the line.

Pres. Espinoza questioned if the line should be dug up and inspected. Mr. Al Seeman, Amino Brothers, was present, along with the contractor, Mr. Kevin Waddell, of Redford Construction who installed the sewer line to answer questions. Mr. Seeman stated the inspector was onsite when the unsuitable soil was discovered. The inspector said the line wuld not work with that type of soil so, in conjunction with the developer Jeff Scherer, they agreed to shut down the project until a new design could be presented. Based on the new design, this section of pipe was changed from PVC to ductile iron and clay shipped in to stabilize the soil. Mr. Seeman added that he was not informed of the decision to extend the maintenance bond until late March.

Code administrator, Mike Hooper, stated in accordance with Creek Ridge subdivision agreement, he denied building permits since he did not have anything in writing stating the sewer line was approved.

Mr. Waddell, Redford Construction, reported KDHE requires fulltime inspections when sanitary lines are being installed; however, that does not mean the inspector witnesses every inch of line being installed since he may be at a different location during the course of a day. He felt acceptance tests are just as important as visual inspections. At this point, Mr. Waddell stated they would agree to extend the maintenance bond on this portion of the sanitary sewer line and televise the line in exchange for digging up the line. By digging up the line, he felt it would disturb the soil and cause more problems. The contractor also reported he was not informed he needed to submit revised drawings.

Councilman Bonee questioned if the problem was with the pipe or lack of inspections and felt that the issue must not be of importance to the developer, Jeff Scherer, since he was not present.

Joseph Scherer (from the audience) stated Jeff was out of town so he was representing Creek Ridge Subdivision. Mr. Scherer went on to say it was an oversight on their part not to have actual drawings submitted.

A motion was made by K. Sifford and seconded by B. Hooker to approve to extend the maintenance bond to five years and televse the line six months prior to the maintenance bond expiring. Discussion followed. Sifford and Hooker withdrew their motions.

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

A motion was made by K. Sifford and seconded by J. Bonee to take action at a regular meeting on April 19<sup>th</sup> at 6:00 p.m. All aye. Motion carried 5-0.

At this time, Pres. Espinoza passed the gavel back to Mayor Scherer.

**Item #11. Approve or Deny Permit to J & M Displays for Fireworks Display on April 24, Falcon Lakes**

(See After Executive Session)

**EXECUTIVE SESSION**

A motion was made by K. Sifford and seconded by I. Dysart to convene into an executive session for a period of fifteen minutes to discuss personnel and to discuss attorney-client privileged matters. All aye. Motion carried 5 -0. (8:25 p.m.)

At 8:40 p.m. the meeting was called back to order with Mayor Scherer announcing that no binding action was taken in executive session.

**Item #11. Approve or Deny Permit to J & M Displays for Fireworks Display on April 24, Falcon Lakes**

Mike Hooper requested action be taken on Action Item #11 since the wedding was to be held prior to the next council meeting.

A motion was made by J. Bonee and seconded by B. Hooker to approve a permit for J & M Displays for a fireworks display on April 24 at Falcon Lakes. All aye. Motion carried 5-0.

**MAYORS REPORT**

Mayor Scherer reminded council members that Saturday, April 17<sup>th</sup> was their governing body retreat. The city administrator and treasurer are preparing a small agenda, but the main purpose of the retreat is for the governing body to discuss the future of Basehor and for everyone to open a line of communication.

**COUNCIL MEMBER REPORTS**

There were no reports at this meeting.

ADJOURNMENT

There being no further business to discuss, a motion was made by K. Sifford and seconded by J. Espinoza to adjourn the meeting. All aye. Motion carried 5-0. Meeting adjourned at 8:45 p.m.

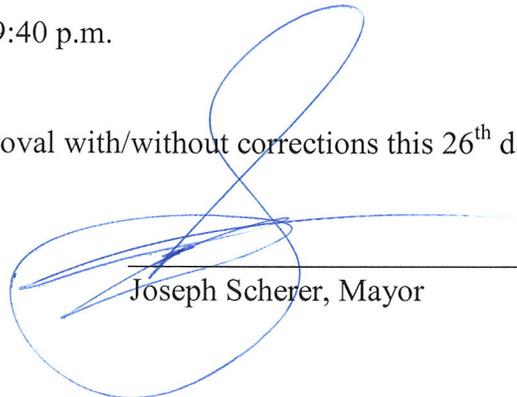
WORKSESSION

The city council met in a worksession following the regular meeting to discuss concepts for a future downtown area. Mike Hooper and Angela Solberg gave a presentation of two locations 1) 155<sup>th</sup> Street, from Elm Street northeast to 7 Hwy; 2) 158<sup>th</sup> Street, from 24/40 Hwy north to Dempsey Road.

Worksession adjourned at 9:40 p.m.

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



  
\_\_\_\_\_  
Joseph Scherer, Mayor

  
\_\_\_\_\_  
Mary A. Mogle, CMC City Clerk