

**MINUTES**

**BASEHOR CITY COUNCIL MEETING**

**April 21, 2003**

**7:00 PM**

**Basehor City Hall**

**Official Presiding: Mayor Joseph Scherer**

**Members Present: Pres. Julian Espinoza, Chris Garcia, Burl Gratny,  
Keith Sifford (Joseph Odle-absent)**

**New Members Present: John Bonee, Iris Dysart, Bill Hooker**

**Staff Present: Carole Dickey, Mike Hooper, Mary Mogle, Gene Myracle,  
Baron Powell, Joe Tarnawski, John Thompson, Joe McAfee,**

The monthly meeting of the Basehor City Council was called to order at 7:00 p.m. by Mayor Joseph Scherer. Roll call was answered with all members present except Joseph Odle. Pledge of Allegiance was recited followed by a moment of silence.

**MINUTES**

A motion was made by K. Sifford and seconded by B. Gratny to approve the minutes of March 17, 2003 and March 27, 2003 meetings. All aye. Motion carried 4-0.

**TREASURER'S REPORT**

A motion was made by J. Espinoza and seconded by K. Sifford to approve the March 2003 Treasurer's Report and Investment Recommendations as presented. All aye. Motion carried 4-0.

**OLD BUSINESS**

**Item #1. Approve or Deny Falcon Lakes Infrastructure Fund Transfer and Conversion**

City treasurer, Baron Powell, reported the transfer recommendation in the council packet was only a recommendation. He noted the code administrator

suggested transferring the entire \$45,500 from the Falcon Lakes Infrastructure Fund for administration. Inspection fees were a budgeted amount and should be separate.

A motion was made by B. Gratny and seconded by J. Espinoza to transfer \$45,500 from the Falcon Lakes Infrastructure Fund to the General Fund and proceed with conversion from temporary notes to benefit district bonds. All aye. Motion carried 4-0.

**Item #2. Approve or Deny Petition for Annexation and Resolution (Tony Lacy, NE 1/4, Sec 10, Twp 11, Range 22E).**

A motion was made by C. Garcia and seconded by K. Sifford to approve the Petition for Annexation and the associated resolution for property located in the NE 1/4 of Section 10, Twp 11, Range 22E, commonly known as the Lacy Property.

*RES. 2003-02 A RESOLUTION OF THE CITY OF BASEHOR, KANSAS, REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF LEAVENOWRTH COUNTY KANSAS, TO MAKE CERTAIN FINDINGS REGARDING THE ANNEXATION OF PROPERTY.*

**Item #3. Approve or Deny Bid Letting for 24/40 Hwy Interceptor Project**

John Brann, Ponzer-Youngquist reported the schedule for the 24/40 Hwy Interceptor Project was as follows:

Advertise Bid	April 23, 2003
Pre-Bid Conference	May 7, 2003
Open Bid	May 27, 2003

A motion was made by J. Espinoza and seconded by B. Gratny to approve the bid letting and schedule for the 24/40 Hwy Interceptor Project. All aye. Motion carried 4-0.

**Item #4. Approve or Deny Cost Apportionment for the City, Cedar Lakes and Pinehurst**

Engineers Chester Bender (Ponzer-Youngquist) and Joe McAfee (McAfee Engineering) gave a presentation regarding the routing and costs for the proposed sewer line south of 24/40 Hwy. Council was surprised to see the city apportionment at 58%. Based on discussions, the city council was not prepared to vote at this time and felt more research was needed.

A motion was made by J. Espinoza and seconded by B. Gratny to table action on this item until the May 12<sup>th</sup> council meeting. All aye. Motion carried 4-0.

**PRESENTATIONS OF PLAQUES TO OUTGOING COUNCIL MEMBERS & OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBERS**

Mayor Scherer presented a plaque to Councilman Gratny and thanked him for his six years of service to the City of Basehor as Planning Commission and City Council Member.

John Thompson gave Oath of Office to newly elected councilwoman Iris Dysart. At this time she took the council seat of outgoing member Burl Gratny.

Mayor Scherer presented a plaque to Councilman Garcia and thanked him for his five years of service to the City of Basehor as Planning Commission Member, Council President, and Council Member.

John Thompson gave Oath of Office to newly elected councilman John Bonee. At this time he took the council seat of outgoing member Chris Garcia.

In the absence of Councilman Joseph Odle, Mayor Scherer stated Mr. Odle had been with the City since 1989 as both in the capacity of Mayor and Council Member.

John Thompson gave Oath of Office to newly elected councilman Bill Hooker. At this time he took the vacant council seat of Joseph Odle.

**RECEPTION**

Mayor Scherer announced there would be a fifteen minute recess for a reception to pay respects to the outgoing and incoming council members.

**ELECTION OF COUNCIL PRESIDENT**

A motion was made by K. Sifford and seconded by J. Bonee to nominate Julian Espinoza as council president. Bonee, Dysart, Espinoza, Sifford-Aye Hooker-Nay. Motion carried 4-1.

**EXECUTIVE SESSION**

A motion was made by J. Espinoza and seconded by K. Sifford to convene into an executive session for up to thirty minutes to discuss legal issues and personnel matters. All aye. Motion carried 5-0. (7:50 p.m)

At 8:20 p.m. Mayor Scherer called the regular meeting back to order noting that no binding decisions were made in executive session.

Mayor Scherer also asked that the Staff Reports and Citizens and Petitions be alternated so that the audience could hear staff reports before they made their presentations. He felt this might answer some questions that citizens may have regarding an agenda item. Council agreed.

**STAFF REPORTS****Chief of Police**

Councilman Espinoza questioned Chief Weston regarding a letter in their packet commending Officer Jason Slaughter for an outstanding job he did regarding a case. Chief Weston stated he did not want to comment on the case, but included the letter in the council packet for information purposes only.

Mayor Scherer reported he received a "glowing report" last week from a resident regarding Officer's Martin Cigich, Andrew Slaughter and Jason Slaughter.

**City Superintendent***Item #1. Treatment Plant Flow Capacity*

City Superintendent Gene Myracle gave a report regarding the flow capacities for Phases I through IV. The report depicted how many roof tops and businesses could possibly be constructed within the next one to fifteen years. Mr. Myracle stated it was his opinion the City of Basehor should consider taking wastewater from south of 24/40 Highway in the near future. He suggested Council consider reviewing the expansion of the plant in the year 2004 since it will take approximately two years for design and construction of a new phase.

*Item #2. Repair to Sewer Main in North Basehor (157<sup>th</sup> & Poplar)*

The city superintendent presented documentation regarding an area of sewer main (800' x 8") that needs to be replaced at 157<sup>th</sup> Terr. & Poplar. Mr. Myracle reported the line is broke and is causing sewer to backup. Sewage from Falcon Lakes Subdivision dumps into this location.

Engineer Joe McAfee presented a map showing the line in question as well as a suggestion to reroute and upsize the line from 8" to 12". Mr. Myracle stated if they do not reroute the line, it would be necessary to replace driveways, repair decks, and move accessory buildings. Councilman Bonee stated he does not have a problem with replacing the sewer main, but does have a problem with replacing driveways and moving buildings.

Mr. Myracle stated the line from Falcon Lakes south to Rankin Addition would be 800 ft.; however, if the City only wants to replace the line in Rankin Addition that would be approximately 390 ft. Bids are being received at this time. Funding was discussed. Mayor Scherer recommended contacting KDHE to see if the project would qualify under the State Revolving Loan.

The city superintendent requested polling council before the next meeting regarding the broken line at 157<sup>th</sup> Terr. & Poplar. Council agreed.

**Code Administrator***Item #1. Block Licensing*

Mr. Hooper presented a packet for council member review regarding the implementation of block licensing for contractors. He reported he would be working this into the new codes that will be finalized in late summer.

*Item #2. Interlocal Agreement with Leavenworth County*

Mr. Hooper reported over the last year and a half the County of Leavenworth in conjunction with area cities have been working on an interlocal agreement regarding building inspections and planning areas. He is anticipating the document to be ready for passage in the near future.

*Item #3. Temporary Sewer Connection for Prairie Gardens Phase II*

City Engineer Joe McAfee stated he was asked to come up with a solution to provide temporary sewers to Phase II of Prairie Gardens Subdivision. He presented a map showing the route the line could take if approved which would tie into the existing interceptor line on the Historical Society property (158<sup>th</sup> & Parallel).

Mayor Scherer gave a brief history of the project and circumstances leading to this point. (Action Item #4).

**CITIZENS AND PETITIONS**

*Jewell Fisher (15426 Hickory, Apt 12)* appeared to request a street light be installed on the east side of 155<sup>th</sup> Street & Hickory Street. A petition was presented with signatures from residences and visitors of Hickory Villa Senior Citizen Housing.

City superintendent Gene Myracle announced there is a pole at the corner that could possibly be used if approved by KPL. Mr. Myracle reported he has already contacted KPL to perform a grid study and should receive a reply soon. The approximately cost would be \$10.95 per month. (Action Item #2)

*Steven A. Oswald (not present). Requesting that tenants continue to be billed for utility services rather than landlords. See Action Item #3*

*Friends of the Library (representative not present) – Requesting a donation to the summer reading program. See Action Item #14*

*John Breuer (7550 Legler, Shawnee Ks)* stated he would forgo his presentation since the engineers covered his request to connect temporary sewer lines for Phase II of Prairie Gardens.

*Patrick Knorr, Sunflower Broadband* gave an update on the progress they are making to upgrade the cable system in the Basehor area. Mayor Scherer reported he has been working with the cable company for the last several months regarding the lack of services with the current system. Mr. Knorr stated they have been trying to find ways to fund a total upgrade; however, that would cost over five million dollars. He felt the company has come up ways to add some services in the meantime.

- ❖ Federal Grant – Basehor does not qualify since they are considered part of the metro area.
- ❖ Implement optical network upgrade for commercial businesses. The new system will be ready to service the school district in July 2003.
- ❖ Presented a map of area proposed for DSL service. This will be available for new residential areas. Approximate cost per household will be \$59-\$60/mo. Anticipate service to be ready by the end of summer.
- ❖ Upgrade head-end facility and provide advanced services to new area and will upgrade existing area in time.
- ❖ Cedar Lakes, Falcon Lakes, Prairie Lakes Estates and Glenwood will be the first to receive the new services.

*Citizen Comments Regarding Agenda Items* – Mayor Scherer announced this would be the time for any citizen to comment regarding agenda items. There were no comments. The public portion of the meeting was closed.

### **ACTION ITEMS**

#### **Item #1. Approve or Deny Rezoning of Landauer Property for Basehor Plaza Addition**

Mayor Scherer announced due to possible conflict of interest the gavel would be passed to council president Julian Espinoza during this action item.

A motion was made by K. Sifford and seconded by I. Dysart to approve the rezoning from R-0 to CP-1 for the Landauer Property (Basehor Plaza Addition, SE ¼ and part of the SW ¼ of Sec 2, Twp 11, Range 22E). Bonee, Dysart, Espinoza, Sifford-Aye. Hooker-abstain. Motion carried 4-0-1

*ORD. 406. AN ORDINANCE AMENDING THE ZONING ORDINANCE O THE CITY OF BASEHOR, KANSAS BY REZONING CERTAIN PROPERTY IN THE CITY OF BASEHOR, KANSAS FROM "R-0" – RURAL RESIDENTIAL TO "CP-1" – NEIGHBORHOOD BUSINESS*

A motion was made by K. Sifford and seconded by I. Dysart to approve the rezoning from R-0 to R-3 for the Landauer Property (Basehor Plaza Addition, SE ¼ and part of the SW ¼ of Sec 2, Twp 11, Range 22E). Bonee, Dysart, Espinoza, Sifford-Aye. Hooker-abstain. Motion carried 4-0-1

*ORD. 407. AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BASEHOR, KANSAS BY REZONING CERTAIN PROPERTY IN THE CITY OF BASEHOR, KANSAS FROM "R-0" – RURAL RESIDENTIAL TO "R-3" – MULTIFAMILY RESIDENTIAL*

**Item #2. Approve or Deny Installation of Street Light at 155<sup>th</sup> & Hickory**

A motion was made by B. Hooker and seconded by K. Sifford to approve the installation of a street light at 155<sup>th</sup> & Hickory (east side). All aye. Motion carried 5-0.

**Item #3. Approve or Deny Change in Method of Billing for Utility Accounts**

A motion was made by J. Espinoza and seconded by K. Sifford to maintain the current ordinance with no amendments. All aye. Motion carried 5-0.

**Item #4. Approve or Deny Sewer Connections for Prairie Gardens Phase II**

A motion was made by K. Sifford and seconded by J. Espinoza to approve temporary sewer connections for Prairie Gardens Phase II at the developer's expense. All aye. Motion carried 5-0.

**Item #5. Approve or Deny Temporary Sewer Connection for Prairie Lakes Subdivision**

Mayor Scherer reported since the interceptor project has been delayed, the developer of Prairie Lakes needs a means of hooking his homes to the wastewater plant temporarily. The temporary line would connect into a Sewer District #12 manhole. The developer has offered to pay Sewer District #12 a fee for the use. The homes that are connected to the line will be charged a monthly sewer maintenance fee as well.

A motion was made by J. Bonee and seconded by K. Sifford to allow the developer of Prairie Lakes to run a temporary line to Sewer District #12 at the developers expense. All aye. Motion carried 5-0.

Discussion. Councilman Hooker stated the city keeps putting the cart before the horse and needs to stop. Councilman Bonee disagreed stating the line is temporary and seems to be a "win win" situation.

A motion was made by J. Espinoza and seconded by K. Sifford to charge the developer \$100 per connected house to be paid toward the principal of Sewer District #12. The developer is to sign an agreement stating such. The line can remain in use until the 24/40 Hwy Interceptor is completed. All aye. Motion carried 5-0.

**Item #6. Schedule Public Hearing for Delinquent Sewer and Solid Waste Accounts (June 23, 2003, 7:00 PM)**

A motion was made by B. Hooker and seconded by K. Sifford to hold a public hearing on Jun 23, 2003, 7:00 PM to hear from residents with delinquent sewer and solid waste accounts prior to assessing to Ad Valorem taxes. All aye. Motion carried 5-0.

**Item #7. Approve or Deny Increase in Funds for Postal Permit**

A motion was made by J. Espinoza and seconded by K. Sifford to increase the funds for Postal Permit No. 12 to \$650.00. All aye. Motion carried 5-0.

**Item #8. Approve or Deny Ordinance Changing the Municipal Court Session from Evening to Day time.**

A motion was made by K. Sifford and seconded by J. Espinoza approving an ordinance changing the time of municipal court sessions. All aye. Motion carried 5-0.

*ORD. 408 AN ORDINANCE CHANGING THE TIMES AND PLACE OF MUNICIPAL COURT SESSIONS AMENDING BASEHOR ORDINANCE, ARTICLE 1, SECTION 9-103*

**Item #9. Approve or Deny Purchase of Park Equipment**

A motion was made by J. Espinoza and seconded by J. Bonee to approve the purchase of two 10 ft. vinyl tables and one 8 ft. vinyl table for the park. Funds to be allocated from Park Donations. All aye. Motion carried 5-0.

**Item #10. Approve or Deny Sewer Main Replacement on Poplar Street**

A motion was made by J. Espinoza and seconded by K. Sifford to table action until all bids were received. All aye. Motion carried 5-0.

**Item #11. Approve or Deny Sewer Filing for Collection System**

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

**Item #12. Approve or Deny Computer System for Wastewater and Public Works Dept.**

A motion was made by K. Sifford and seconded by J. Espinoza to approve the purchase of a computer system and software for the public works department. Funds are to be divided equally between the Sewer and Street Dept. Capital Outlay. All aye. Motion carried 5-0.

**Item #13. Approve or Deny Overlay in Rickel Subdivision**

A motion was made by B. Hooker and seconded by K. Sifford to award the bid to Bennett Paving in the amount of \$98,985.00 for overlay in Rickel Subdivision. All aye. Motion carried 5-0.

**Item #14. Approve or Deny Donation to Friends of the Library Summer Reading Program**

A motion was made by J. Espinoza and seconded by I. Dysart to donate \$100.00 to Friends of the Library Summer Reading Program. All aye. Motion carried 5-0.

**MAYOR'S REPORT**

*Item #1. Discussion Regarding Cable Franchise*

Mayor Scherer stated he was tabling this topic and planned to discuss it at the council retreat.

*Item #2. Appointment of Department Liaison's.*

Mayor Scherer appointed the following council members to the following departments.

Administrative Dept. – Iris Dysart  
Code Administration – John Bonee

Police Dept. – Keith Sifford  
Public Works – Julian Espinoza

**COUNCIL MEMBER REPORTS**

There were no reports this month.

**ADJOURNMENT**

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

Submitted for Council approval with/without corrections this 12<sup>th</sup> day of May, 2003.

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

Attest:

  
Mary A. Mogle, CMC