
MINUTES

BASEHOR CITY COUNCIL MEETING

September 22, 2003

7:00 PM

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

**Members Present: Pres. Julian Espinoza, John Bonee, Iris Dysart,
Bill Hooker, Keith Sifford**

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

Newspaper: Josh Roberts, Basehor Sentinel

The Basehor City Council meeting was called to order by Mayor Joseph Scherer. Roll call was answered with all members present. Pledge of Allegiance was recited followed by a moment of silence.

MINTUES

A motion was made by J. Espinoza and seconded by K. Sifford to approve the minutes of August 25, 2003 and September 8, 2003 as written. All aye. Motion carried 5-0.

TREASURER'S REPORTS

A motion was made by K. Sifford and seconded by I. Dysart to approve the Treasurer's Report, Vendor Payments and Investment Recommendations as presented. All aye. Motion carried 5-0.

STAFF REPORTS

Chief of Police

Chief Weston presented a proposal for the purchase of fifteen bulletproof vests for his officers. He explained the City of Basehor was awarded a grant for up to \$50,000. The grant would pay 50% of the cost of the vests; therefore, the vests would cost the City approximately \$2,614.00 if purchased from OMB Supply.

SCANNED

2-15-07 *lt*

Chief Weston also reported Basehor Police Department would be assisting with the Homecoming Parade and Bon Fire at the High School.

Code Administrator

Mr. Hooper stated he would be addressing the following agenda items under New Business and Action Items.

- Ordinance Annexing 80 Acre Tract of Land Located East of Falcon Lakes, West of 7 Hwy (Zarda)
- Ordinance Annexing Tract of Land Located At the Southwest Corner of 166th & State Ave. (Tucker Property)
- Ordinance Rezoning 11.65 Acre Tract from R-0 to R-2 (Zarda/Hollingsworth Estates)
(Hollingsworth Estates)
- Ordinance For Conditional Use Permit on 11.65 Acre Tract (Hollingsworth Estates)
- Preliminary Plat for Hollingsworth Estates (Zarda)
- Fire Department has requested a waiver of \$150 Variance Application Fee and building permit fee for a new addition to the fire station (north of city hall)

Mayor Scherer questioned why the Planning Commission approved a Conditional Use Permit for a building that is a permanent structure. Councilman Hooker questioned why the Planning Commission minutes do not reflect that the conditional use permit was for a period of five years. Mr. Hooper stated the Zoning Ordinance allows for a five-year time frame on Conditional Use Permits whether the structure is permanent or temporary.

City Engineer

Item #1. Removal of Two Lift Stations On 155th Street.

City Engineer Joe McAfee reported his staff, with the assistance of the city superintendent, have taken field shots and elevations necessary to reroute the sewer lines located on 155th Street. The two sewer lift stations would be replaced with one station located west of 155th Street.

Item #2. Update on City Projects

Mr. McAfee reported the following on pending projects:

- Prairie Gardens Phase II – Sanitary Sewers are being inspected.
- Basehor Plaza – Still waiting on construction plans.
- Falcon Lakes, Prairie Lakes and Prairie Gardens Phase II still have unresolved issues. His firm will be mailing final letters to the developers regarding the pairs. If those repairs are not satisfied within the next thirty days, he will consider calling their maintenance bonds.
- 24/40 Hwy Sewer Project – His crew will be surveying next week.

City Attorney

Item #1. Wells vs City of Basehor Law Suit

Mr. Thompson reported on September 20th, a preliminary hearing was held in District Court on the case of Wells vs City of Basehor. At the last minute, Pinehurst developers joined the lawsuit with the City of Basehor. At this hearing a brief was filed by Mr. Well's legal counsel which needs to be answered in the next few days.

OLD BUSINESS

Item #1. Interlocal Agreement with Leavenworth County Regarding Wastewater to Cedar Lakes and Pinehurst

The city attorney stated in researching the assessment of costs for the project, it was his opinion, that the costs could be written to bind the "Homeowner's Associations" (Pinehurst and Cedar Lakes) to the cost of the upsizing of sewer pipe.

Mayor Scherer stated the cost of \$54,000 was to be paid by the City-At-Large and then reimbursed from future developments that connected to this line.

The city engineer reported the Pinehurst Development bid would include a cost to upsize the main sewer line and pump station. Cost would be charged back to the county, with the County reimbursing the City at the time a building permit was issued. Cedar Lakes would pay a connection fee to the County, then Leavenworth County would reimburse a portion to the City. The system is designed to handle the subdivisions of Glenwood, Briarwood, Cedar Lakes and an eighty-acre tract east of Glenwood development.

Council discussed the associated costs to be bore by county residents. Mr. McAfee reported the City of Basehor would maintain all sewer mains north of the lift station with Leavenworth County maintaining everything south of the lift station.

Item #2. Ordinance Renewing Sunflower Cable Franchise

Sunflower Cable general manager, Patrick Knorr, expressed some concerns regarding the language on Page 4, Section 7 of the proposed ordinance and asked that the language be changed to "electrical, cable, and telephone". Council agreed. He also asked for clarification as to the franchise tax stated in Section 10. Council stated since the franchise tax revenue was fairly insignificant the rate would remain at five (5%) percent.

Item #3. Request for Abatement of Delinquent Utility Bill at 15516 Poplar

Council agreed to have the city attorney notify the property owner that the abatement of delinquent utility bills would not be approved.

NEW BUSINESS

Item #1. Replace or Deletion of Two Lift Stations on 155th Street

No questions at this time.

Item #2. Ordinance Adopting Annexation of Zarda Property

No questions at this time.

Item #3. Ordinance Adopting Annexation of Tucker Property

No questions at this time.

Item #4. Purchase of Vests for Police Dept.

Council discussed the need for every police officer to have a new vest. Chief Weston reported that vests should be changed out at least every five years and should be made to fit each individual officer. OMB Supply had the most competitive bid of \$5,135.00. The City's cost would be 50% with the grant picking up the other half.

Item #5. Change Order to 24/40 Highway Interceptor Project

The city superintendent reported the original bid stated 150 ft. of pipe when it should have stated 300 ft. The cost of the additional 150 ft. of pipe is \$11,250.00.

The change order also reflects a decrease of \$500 for the removal of a garage. Therefore, the total amount of the change order was \$10,750.00

*Item #6. Ordinance Rezoning 11.65 Acre Tract Owned by Zarda Bros.
(Hollingsworth Estates)*

Item #7. Ordinance For Conditional Use Permit on 11.65 Acre Tract (Hollingsworth Estates)

Item #8. Preliminary Plat for Hollingsworth Estates (Zarda Bros)

Mayor Scherer combined New Business Agenda Items 6,7, and 8 into one discussion.

The mayor stated he still had a problem with having a stipulation of five years for Conditional Use Permit when the structure is permanent. It was his opinion, the Council should consider stipulating a 99-year period. The city attorney reported he was not aware of any law prohibiting an extended time frame and could amend the permit to read "renewed every five years unless challenged".

Mayor Scherer also questioned the code administrator if there were any road requirements made by the Planning Commission concerning the preliminary plat. Mr. Hooper stated the Planning Commission required the developer to improve the road east entrance on Hollingsworth Road to 7 Hwy.

RECESS

Councilman Hooker requested a five-minute recess at this time. A motion was made by B. Hooker and seconded by J. Espinoza to recess for five minutes. All aye. Motion carried.

At 8:28 p.m, Mayor Scherer called the regular session back to order.

Mayor Scherer asked for clarification from the code administrator that improvements to Hollingsworth Road would meet the City of Basehor's Technical Specifications. Mr. Hooper stated "yes".

Item #9. Change Order to 24/40 Highway Project.

Mayor Scherer explained a 15 ft. sewer stub was missing from under the street at 159th Street and Parallel. He felt the cost to make repairs should be paid by the Prairie Gardens developer and not the City of Basehor.

The city engineer stated the 15 ft. stretch of pipe was excluded from the Prairie Gardens Phase I drawings and assumes partial responsibility since he was the design engineer. The inspector should have caught the omission as well. Now to repair the problem, it would take tearing up the street to install the necessary pipe.

Mayor Scherer stated the contract states the City would connect the 24/40 Highway Interceptor main to the 15 ft. stub; however, the stub is missing and the city project needs to proceed on time. He requested permission from the city council to contact the Prairie Gardens developers and discuss how the repairs would be paid. Councilman Bonee did not feel the city should get involved since it was part of Prairie Gardens development. The city superintendent stated the developer does not want to pay for repairs and asked that it be included in the original benefit district.

Contractor, Steve Miles, stated he does not have a problem with his company doing the sewer work and another contractor doing the street work at the developer's expense. Mr. Miles went on to report the developer wants six sewer connections as soon as he runs the line and asked Council if he was to allow the developer to connect. Mr. Miles also expressed concerns about meeting the 110-day project completion time frame due to the recent problems. Mayor Scherer stated until the City accepts the project, no one can connect to the 24/40 Highway Interceptor line. The mayor also reminded the city council that once the City accepts the project, a two-year maintenance bond commences.

Mr. Miles also reported developer Steve Cole has requested a bid from him on lowering and moving sewer lines in the Basehor Plaza Subdivision. It is his opinion that Mr. Cole should work through the city engineer before he submits a bid. Mr. McAfee stated that Mr. Cole has requested a city manhole be lowered 4 ft. Mr. Hooper stated he informed the developer that nothing would be done until he review a set of construction plans. Plans for Basehor Plaza have yet to be submitted for approval. Mayor Scherer stated Mr. Cole should understand that he would be charged for all review costs regarding this matter.

Item #10. Extension of Sewer Line South of 24/40 Highway.

Steve Miles reported the 24/40 Hwy Interceptor project calls for an 18" bore with 12" pipe and a 6" line being laid from Kelley's Bar & Grille. He recommended installing a 12" line rather than 6" so that he could connect his sewer line south of 24/40 Highway immediately. This would allow for the area to be under construction only one time. He also recommended upsizing the lift station at this time as well. He

requested the City allow him to create a benefit district so he can start his sewer line (south of 24/40 Highway) and keep the project going.

The city engineer reported the lift station needs to be bigger if Mr. Miles plans on connecting and recommends the City contact Ponzer-Youngquist for a design review.

The city superintendent suggested having a day worksession with the staff, mayor and a council member within the next week so that this matter could be placed on the next meeting as an action item. Council agreed.

Item #11. Establishment and Appointment of Member to Transportation Committee

Mayor Scherer asked if Councilwoman Dysart would consider sitting on a committee to discuss future transportation needs of the City. She agreed. Other members of the committee would be the Code Administrator, City Superintendent, and a Planning Commission member. The meetings are to be held during the day in order to eliminate overtime for staff.

Item #12. Hiring of City Administrator

Mayor Scherer asked that the process to hire a city administrator commence immediately and that a contract with the League of Kansas Municipalities to assist in the creation of the position and the search for someone to fill the position be approved.

CITIZENS AND PETITIONS (All presentations limited to 5 minutes)

Item #1. (no written requests received)

Item #2. Citizen Comments Regarding Agenda Items

Mayor Scherer opened the floor to any citizen wishing to speak regarding agenda items. There was no one who came forward; therefore, the public portion of the meeting was closed.

ACTION ITEMS

Item #1. Approve or Deny Interlocal Agreement with Leavenworth County Regarding Wastewater to Cedar Lakes and Pinehurst

A motion was made by K. Sifford and seconded by J. Espinoza to approve the Interlocal Agreement with Leavenworth County Regarding Wastewater to Cedar Lakes and Pinehurst and to authorize up to \$54,000 for the City's portion of the upsizing of the sewer line (Appendix A). All aye. Motion carried 5-0.

Item #2. Approve or Deny Ordinance Adopting the Annexation of Zarda Property

A motion was made by K. Sifford and seconded by J. Bonee to approve the ordinance annexing a 80 tract of land located at 7 Hwy & Hollingsworth known as the Zarda Property. Discussion followed. All aye. Motion carried 5-0.

Item #3. Approve or Deny Ordinance Adopting the Annexation of Tucker Property

A motion was made by K. Sifford and seconded by J. Bonee to approve the ordinance annexing land at 166th & State Ave known at the Tucker Property. All voted in favor except B. Hooker. Motion carried 4-1.

Item #4. Approve or Deny Purchase of Vests for Police Dept.

A motion was made by K. Sifford to approve the 50% match grant for the purchase of bullet proof vests from OMB Supply. The cost not to exceed \$2,700.00 All aye. Motion carried 5-0.

Item #5. Approve or Deny Ordinance Renewing Sunflower Cable Franchise

A motion was made by K. Sifford and seconded by J. Bonee to approve the ordinance renewing the franchise agreement with Sunflower Broadband to include an amendment on Page 4, Section 7 to read "one or more other". All aye. Motion carried 5-0.

Item #6. Approve or Deny Change Order To 24/40 Highway Project.

A motion was made by J. Espinoza and seconded by K. Sifford to approve Change Order No. 1 for the 24/40 Highway Project. All aye. Motion carried 5-0.

Item #7. Approve or Deny Ordinance Rezoning 11.65 Acre Tract Owned By Zarda Bros. (Hollingsworth Estates)

A motion was made by K. Sifford and seconded by J. Bonee to approve the ordinance rezoning 11.65 acre tract of land from R-0 to R-2. All voted in favor except B. Hooker. Motion carried 4-1.

Item #8. Approve or Deny Conditional Use Permit on 11.65 Acre Tract (Hollingsworth Estates)

A motion was made by K. Sifford and seconded by J. Bonee to approve the Conditional Use Permit on 11.65 acre tract of land and add language of "self executing every five years" (allowing the CUP to be renewed automatically if no complaints were filed). All voted in favor except B. Hooker. Motion carried 4-1.

Item #9. Approve or Deny Preliminary Plat For Hollingsworth Estates

A motion was made by J. Espinoza and seconded by K. Sifford to approve the preliminary plat for Hollingsworth Estates (as recommended in the Agenda Item Summary) and add the word "geometric" to the requirement for improving Hollingsworth Rd. All voted in favor except B. Hooker. Motion carried 4-1.

Item #10. Approve or Deny Change Order to 24/40 Hwy Interceptor Project.

A motion was made by K. Sifford and seconded by J. Espinoza to authorize purchase of gravel needed for A-18 manhole. All aye. Motion carried 5-0.

Item #11. Approve or Deny Abatement of Delinquent Utility Bill at 15516 Poplar

Council directed the city attorney to notify the property owner that the delinquent utility account would not be abated.

Item #12. Approve or Deny Contract with League of Kansas Municipalities to Assist In the Creation and Hiring of City Administrator.

A motion was made by K. Sifford and seconded by J. Espinoza to approve a contract with LKM for the purpose of hiring a city administrator. Cost not to exceed \$3,000. All aye. Motion carried 5-0.

Item #13. Approve or Deny Request to Waive Variance Application Fee and Building Permit for Fairmount Township Fire Dept.

A motion was made by J. Bonee and seconded by K. Sifford to waive the Variance Application fee and Building Permit Fee for Fairmount Township Fire Dept. All voted in favor except J. Espinoza. Motion carried 4-1.

OTHER BUSINESS

Item #1. Wells vs City of Basehor Lawsuit

The city attorney questioned if bid for construction of Pinehurst streets and sewers could be awarded since a lawsuit was filed by Gary Wells. The city attorney stated it was his opinion that the bid could be awarded; however, he would have a definite answer on Thursday (Sept. 25) and would notify the city clerk of his findings. Trial is scheduled for November.

Mayor and Council reserved the right to be telephone polled regarding this matter.

Item #2. Miscellaneous Information

Mayor Scherer reported he received information from former mayor, Bryce Bettin, stating the town he lives in grew from a population of 5,000 to 60,000 in ten years.

COUNCIL MEMBER REPORTS

There were no Council Member reports this month.

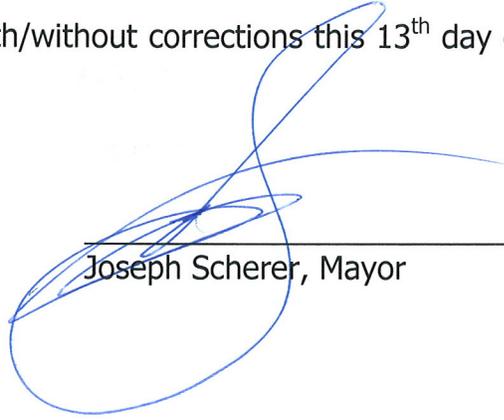
ADJOURNMENT

There being no further business to come before the governing body, a motion was made by B. Hooker and seconded by J. Espinoza to adjourn the meeting. All aye. Meeting adjourned at 9:50 p.m.

Submitted for Council approval with/without corrections this 13th day of October, 2003.



Attest:



Joseph Scherer, Mayor



Mary A. Mogle, CMC City Clerk