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**MINUTES**

**BASEHOR CITY COUNCIL MEETING**

**October 27, 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**

**Contract Staff: John Thomspson, Joe McAfee**

**Newspaper: Josh Roberts, Basehor Sentinel**

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

**MINUTES**

A motion was made by B. Hooker and seconded by J. Espinoza to approve the minutes of October 13, 2003 as written. All aye. Motion carried 5-0.

**TREASURER'S REPORTS**

A motion was made by J. Espinoza and seconded by I. Dysart to approve the Treasurer's Report, Vendor Payments and Investment Report as submitted. Discussion followed. All Aye. Motion carried 5-0.

SCANNED

2-15-7 *st*

**STAFF REPORTS****City Clerk**

Council member Espinoza questioned the city clerk as to the status of the installation of the new computer systems in the administrative office. The city clerk explained the computer technician was in the process of building the computers and anticipated all stations operable by October 31st.

**City Superintendent**

*Sewer Interceptor Repairs* - The city superintendent reported on October 26<sup>th</sup>, a 12" sewer interceptor line broke at the treatment plant with a second line breaking the next day 30 ft. from the lift station on 163<sup>rd</sup> Street. Mr. Myracle reported the cost of repairs for the break at the treatment plant would be \$3,954.50 and paid out of the Wastewater Collection System Fund. The city council directed city staff to contact the pipe manufacturer regarding the two ruptured lines.

*24/40 Hwy Interceptor Project* - Mr. Myracle reported the stub under the street at 159<sup>th</sup> & Parallel consisted of two street cuts and the installation of a 15 Ft. sewer line stub that was omitted during original construction. The developer, John Breuer, has requested the cost of repairs be added to the 24/40 Hwy Benefit District.

**Code Administrator**

*Agenda Items* - The code administrator reported he was able to obtain 100% of the property owner's signatures waiving the right to public hearing for the assessment of costs to the Falcon Lakes Benefit District. By waiving a public hearing that would reduce additional interest costs and eliminate the need to renew the temporary notes with bonds closing in February verses May of 2004.

Under New Business, the Planning Commission recommended approval of the rezoning of properties located at 155<sup>th</sup> Terr. & Maple owned by John and Debbie Bonee and property located 166<sup>th</sup> & State Ave. known as the Tucker property.

**City Engineer**

*Lift Station Project* - City engineer Joe McAfee presented a map showing the route the sewer main would need to take in order to eliminate the two lift stations

located on 155<sup>th</sup> Street. He suggested the governing body include this project in the 24/40 Hwy Interceptor project. Mayor Scherer stated this matter would be placed on the agenda for the November 17<sup>th</sup> worksession.

*Project Updates* – Mr. McAfee reported his staff was currently inspecting the Creek Ridge Subdivision project and in the process of reviewing the Basehor Plaza construction drawings.

### **City Attorney**

*Update on Wells Lawsuit* – City attorney John Thompson reported mediation for the Wells/Cedar Lakes lawsuit would take place at Basehor City Hall on the 30<sup>th</sup> of October at 9:00 a.m. If a decision was not reached at this time, trial would start on November 12<sup>th</sup> at 9:00 a.m. He requested a member of the Governing Body be given authority to participate in negotiations, if necessary, during both proceedings. The mayor would be available, and in the event that he was not available, President Espinoza would represent the Council.

### **City Treasurer**

*2003 Budget Amendment* – City treasurer Baron Powell reported it might be necessary to hold a public hearing at the end of the year to amend the 2003 Budget. He would know more once the financial records for the month of November was closed. Mr. Powell noted the Special Highway Fund has to be at a zero balance at the end of the year, and whatever funds are remaining at this time, would be transferred to the Consolidated Highway Fund. All other funds are on track.

### **OLD BUSINESS**

#### **Item #1. Ordinance Levying Assessments to Lots, Pieces, Parcels, and Tracts in Falcon Lakes Subdivision for Streets, Sidewalks, Sanitary Sewers & Storm Drainage (Action Item #3)**

There was no discussion at this time.

#### **Item #2. Schedule Council Meeting With Kansas Dept. of Transportation (Action Item #6)**

Mayor Scherer stated KDOT has requested a meeting with entities along the K-7 Hwy corridor. The meeting has been scheduled for November 4<sup>th</sup> from 1:30 to 4:30 at the KDOT office in Bonner Springs. A second meeting was scheduled with Unified Government of Kansas City Kansas, Zarda and Falcon Lakes Developers and Leavenworth County for October 28<sup>th</sup> at 3:00 p.m. He asked if all council members were able to attend both sessions. They responded with "yes".

**NEW BUSINESS****Item #1. Ordinance Rezoning Property at 155 Terr. & Maple from "R-1" Single Family Residential to "R-3" Multi-Family Residential/Owner: Bonee (Action Item #1)**

There were no questions at this time.

**Item #2. Ordinance Rezoning 80 Acre Tract of Land at 166<sup>th</sup> & State from "R-0" Rural Residential to "PR" Planned Resident and "CP-2" General Business District/Landplan Engineering (Action Item #2)**

There were no questions at this time.

**Item #3. Change Order for 24/40 Highway East/West Interceptor (Action Item #4)**

Mayor Scherer reported the purpose of the change order was to allow for the upsizing from a 6" to a 12" sewer line on the 24/40 Highway Interceptor project which would allow for the connection of the East/West Interceptor project (i.e. Miles Property).

**Item #4. Budget for City Administrator Advertising (Action Item #5)**

League of Kansas Municipalities has estimated the cost of advertising for the city administrator's position to be \$877 - \$2200. Mayor Scherer suggested starting with the recommended advertising package for \$877.00 as presented.

**Item #5. Contractor Payments for 24/40 Hwy Interceptor Project (Action Item #7)**

Contractor payments for October:

Miles Excavating - \$251,622.65

Ponzer-Youngquist - \$32,725.50  
Total \$284,348.15

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

**Item #1. (no written requests received)**

**Item #2. Citizen Comments Regarding Agenda Items**

*John Breuer (7550 Legler, Shawnee, KS)*, developer for Prairie Gardens and Pinehurst Development, asked if it was possible to start running solid waste from his subdivisions into the 24/40 Hwy Interceptor Line. Mayor Scherer stated discussion regarding the use of the 24/40 Hwy Interceptor Line would take place at the worksession on November 17<sup>th</sup>. He also asked if the contracts were signed for the Pinehurst project noting Larkin Excavating hoped to start construction on November 1st. Mayor Scherer stated the contracts were on his desk for signature and would be ready for distribution the next day.

Mayor Scherer asked three times if there were any other citizens who wished to speak regarding any agenda item. No one came forward, therefore, the public portion of the meeting was closed.

**ACTION ITEMS**

**Item #1. Approve or Deny Ordinance Rezoning Property at 155 Terr. & Maple from "R-1" Single Family Residential to "R-3" Multi-Family Residential/Owner: Bonee**

Mayor Scherer announced Councilmember Bonee would abstain from voting due to conflict of interest.

A motion was made by K. Sifford and seconded by J. Espinoza to approve the ordinance rezoning property located at 155<sup>th</sup> Terr & Maple (a/k/a Bonee Property) from R-1 Single Family Residential to R-3 Multi-Family Residential. All voted in favor with Bonee abstaining. Motion carried 4-0-1.

*ORD. 425 – AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BASEHOR, KANSAS BY REZONING CERTAIN PROPERTY IN THE CITY OF BASEHOR, KANSAS FROM "R-1" SINGLE FAMILY RESIDENTIAL TO "R-3" MULTI-FAMILY RESIDENTIAL*

**Item #2. Approve or Deny Ordinance Rezoning 80 Acre Tract of Land at 166<sup>th</sup> & State from "R-0" Rural Residential to "PR" Planned Resident and "CP-2" General Business District/Landplan Eng**

The code administrator asked that two motions be made regarding this property.

A motion was made by J. Espinoza and seconded by J. Bonee to approve the ordinance rezoning a 44.02 acre tract of land located at 166<sup>th</sup> & State Ave. (a/k/a Tucker Property) from R-0 Rural Residential to PR Planned Residential. Espinoza, Bonee, Sifford-Aye Hooker, Dysart-Nay. Motion passed 3-2.

*ORD. 426 – AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BASEHOR, KANSAS BY REZONING CERTAIN PROPERTY IN THE CITY OF BASEHOR, KANSAS FROM "R-O" RURAL RESIDENTIAL TO "PR" PLANNED RESIDENTIAL*

A motion was made by J. Bonee and seconded by K. Sifford to approve the ordinance rezoning a 35.97 acre tract of land located at 166<sup>th</sup> & State Ave. (a/k/a Tucker Property) from R-0 Rural Residential to CP-2 General Business. Espinoza, Bonee, Sifford-Aye Hooker, Dysart-Nay. Motion passed 3-2.

*ORD. 427 - AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BASEHOR, KANSAS BY REZONING CERTAIN PROPERTY IN THE CITY OF BASEHOR, KANSAS FROM "R-O" RURAL RESIDENTIAL TO "CP-2" GENERAL BUSINESS*

**Item #3. Approve or Deny Ordinance Levying Assessments on Lots, Pieces, Parcels & Tracts In Falcon Lakes Subdivision for Streets, Sidewalks, Sanitary Sewers & Storm Drainage**

A motion was made by J. Espinoza and seconded by J. Bonee to approve an ordinance levying assessments on lots, pieces, parcels and tracts in Falcon Lakes Subdivision for streets, sidewalks, sanitary sewers and storm drainage. All aye. Motion carried 5-0.

*ORD. 428 – AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES, PARCELS AND TRACTS OF GROUND IN THE CITY OF BASEHOR, KANSAS, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING CERTAIN STREET, SIDEWALK, SANITARY SEWER AND STORM DRAINAGE IMPROVEMENTS IN SAID CITY AS PROVIDED FOR BY THE GOVERNING BODY OF THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS.*

**Item #4. Approve or Deny Change Order for 24/40 Hwy East/West Interceptor**

A motion was made by J. Espinoza and seconded by I. Dysart to approve a change order in the amount of \$44,552 for bid items #23 and #24. All aye. Motion carried 5-0.

**Item #5. Approve or Deny Budget for City Administrator Advertising**

A motion was made K. Sifford and seconded by J. Bonee to approve \$1000 to advertise for the position of city administrator. All aye. Motion carried 5-0.

**Item #6. Approve or Deny Scheduling of Meeting with Kansas Dept. of Transportation**

A motion was made by J. Bone and seconded by J. Espinoza to schedule a special meeting on November 4<sup>th</sup> (1:30 – 4:30 pm) with KDOT and other K-7 Corridor entities (at KDOT office in Bonner Springs) to discuss access to K-7 Highway. All aye. Motion carried 5-0.

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

A motion was made by J. Bonee and seconded by I. Dysart to meet with representatives from Unified Government of Kansas City, Kansas, Zarda Development, Falcon Lakes Development and Leavenworth County on October 28<sup>th</sup> at 3:00 p.m. (Basehor City Hall). All aye. Motion carried 5-0.

**EXECUTIVE SESSION**

A motion was made by J. Bonee and seconded by J. Espinoza to recess into executive session for a period of twenty minutes to discuss legal and personnel matters. All aye. Motion carried 5-0. (7:55 p.m.)

At 8:15 p.m. the regular meeting was called back to order by Mayor Scherer. The mayor requested council move to recess into executive session to discuss legal matters.

A motion was made by I. Dysart and seconded by J. Bonee to recess into executive session for a period of twenty minutes to discuss legal matters. All aye. Motion carried 5-0. (8:20 p.m.)

At 8:35 p.m. the regular meeting was called back to order with Mayor Scherer announcing that no formal action was taken in executive session.

**MAYOR'S REPORT**

*24/40 Highway Project* – Mayor Scherer reported due to the recent addition of the East/West Interceptor Project, the 24/40 Hwy Interceptor Project would not be completed within the contract time period; therefore, Council should be prepared to extend the project completion date. The mayor stated he asked Steve Miles to provide a letter to the City requesting to be included in the 24/40 Hwy Benefit District. By incorporating both projects into one, this would reduce costs for those property owners included in the Benefit District. Councilman Bonee cautioned the Council to have all easements in place prior to approving the project.

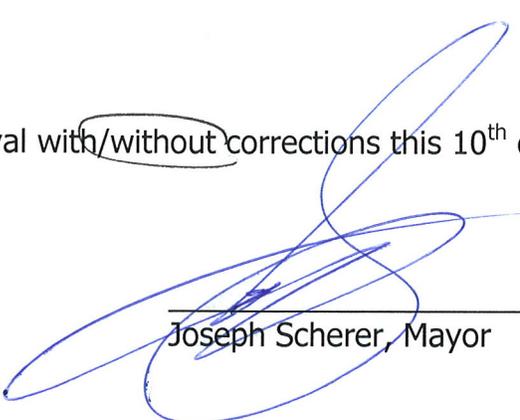
**COUNCIL MEMBER REPORTS**

There were no reports this month.

**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. Meeting adjourned at 9: 10 p.m.

Submitted for Council approval with/without corrections this 10<sup>th</sup> day of November, 2003.

  
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Joseph Scherer, Mayor

Attest:

  
Mary A. Mogle, City Clerk

