

MINUTES

BASEHOR CITY COUNCIL MEETING

November 24, 2003

6:00 P.M. Worksession

7:00 P.M. Regular Meeting

Basehor City Hall

Presiding: Mayor Joseph Scherer

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

**Staff Present: Mary Mogle, Gene Myracle, Mike Hooper, Matt Henderson.
Baron Powell, Vince Weston & John Thompson arrived at 6:45 p.m.**

6:00 P.M. WORKSESSION

The Basehor City Council met in a worksession to discuss the sewer interceptor line that would service the Miles property south of 24/40 Hwy, east of 155th Street.

Note: Written minutes of worksessions are not required by law.

7:00 P.M. REGULAR MEETING

At 7:05 p.m., Mayor Scherer called the regular meeting to order. Roll call was answered with all members present. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

A motion was made by B. Hooker and seconded by K. Sifford to approve the minutes of November 10 and 17th as written. All aye. Motion carried 5-0.

TREASURER'S REPORT

A motion was made by K. Sifford and seconded by J. Espinoza to approve the Treasurer's Reports and Vendor Payments as presented. All voted in favor except Councilman Hooker. Motion carried 4-1.

STAFF REPORTS

City Clerk

City Clerk Mary Mogle reported the installation of the new computers and file server in the administrative office is approximately eight percent complete. She anticipated the project to be finalized within the next week or two.

SCANNED

2-15-7 *lt*

City Treasurer

Baron Powell, city treasurer, reported it would be necessary to amend the 2003 budget, which would require a public hearing in December. The amendment would allow for transfers from the Special Highway Fund to the Consolidated Highway Fund.

Chief of Police

Chief Weston recommended the appointment of Greg Hallgrimson to fill the vacant position of animal control officer. The chief reported Mr. Hallgrimson is currently serving as a part-time police officer and resides within the city limits.

Code Administrator

The code administrator, Mike Hooper, reported he had two items on the agenda. The first item was a petition for annexation submitted by Mark and Kathleen Baska. The property adjoins the Tucker and Lacy property that was annexed earlier this year. Mr. Hooper noted the petition stated the property was to be included in the benefit district. The code administrator noted a benefit district for that area has not been formed at this time. The second item on his agenda was the request from David and Cheryl Breuer to rezone the property east of Pin Oak and Wellington Place Subdivision from "R-O" Rural Residential to "R-1" Single Family Residential. The planning commission has recommended the rezoning request be approved.

The council president Julian Espinoza questioned Mr. Hooper as to the status of finding a person to fill the Planner/Code Enforcement Officer position. Mr. Hooper stated he has received six to eight applications; however, only two applicants are qualified.

City Attorney

City Attorney, John Thompson, reported a hearing was held in district court concerning the Wells Petition (Cedar Lakes lawsuit regarding rezoning of Pinehurst Development). The judge ruled the City of Basehor acted properly; therefore, the case was dismissed. Mr. Wells has thirty days to appeal and would need to post a substantial appeal bond at the time of appeal.

EXECUTIVE SESSION

A motion was made by J. Espinoza and seconded by I. Dysart to convene into an executive session for a period of up to fifteen minutes to discuss legal matters. (7:17 p.m.). All aye. Motion carried 5-0. The city treasurer and city clerk were invited into the executive session.

At 7:30 p.m, Mayor Scherer called the regular session back to order announcing that no formal action was taken in executive session.

OLD BUSINESS

Item #1. Donation to Chamber of Commerce for City Brochure-\$750 (AI #1)

The city treasurer confirmed \$750.00 was available in the budget to contribute toward the printing of a new brochure promoting the City of Basehor.

4. Schedule Meeting with League of Ks. Municipalities Regarding City Administrator Applications-12/8/03 @ 6:00 p.m. (AI #2)

Mark Tomb, League of Kansas Municipalities, has requested a worksession on December 8th at 6:00 p.m. to present the applications for the position of city administrator and discuss the next process, interviewing the applicants..

NEW BUSINESS

Item #1. Petition and Resolution for Annexation Tract of Land Located in North ½ of the South ½ of the Northeast ¼ of Sec. 9, Twp 11, Rge 22/Petitioner: Kathleen & Mark Baska (AI #3)

Councilman Espinoza expressed concerns that the petitioners were expecting to be connected to city sewers upon the annexation of this property but a benefit district has yet to be formed. The code administrator reminded the city council they have the opportunity to deny the annexation ordinance even if the county commissioners approve the resolution.

Item #2. Rezoning of Property Owned by David & Cheryl Breuer from “R-O” to “R-1” Single Family Residential (AI #4)

Mayor Scherer noted the original rezoning request made by David and Cheryl Breuer was for “R-3” Multi-family and “R-1” Single Family. The “R-3” zoning was denied by the planning commission. The rezoning request and ordinance before the city council at this meeting, is strictly for single family residential.

Item #3. Contract for Probation Services with Leavenworth County (AI #5)

There were no questions at this time

Item #4. Memorandum of Understanding Agreement with Lansing Correction Facility, State of Kansas-Inmate Work Crew (AI #6)

There were no questions at this time.

Item #5. Piper Jaffrary-Presentation and Resolution for Pinehurst Temporary Note Offering (AI #7)

There were no questions at this time.

Item #6. Cancellation of December 22, 2003 Council Meeting (AI #8)

There were no questions at this time.

Item #7. East/West Sewer Interceptor Benefit District/Miles (AI #9)

Mayor Scherer requested a worksession be scheduled for December 1st at 5:00 p.m.

Item #8. Change time of December 15, 2003 Worksession-6:00 p.m. (AI #10)

There were no questions at this time.

Item #9. Appointment of Animal Control Officer (AI #11)

Mayor Scherer reported he recommends the appointment of Greg Hallgrimson to fill the vacation position of animal control officer.

CITIZENS AND PETITIONS (presentations are limited to 5 minutes)

**Item #1. Dan Lynch, Glenwood Phase III
Re: Annexation of Glenwood Phase III**

Dan Lynch (20232 219th St, Tonganoxie, Ks) requested answers to some questions he had regarding the annexation of his property located on 158th & Evans Rd.

1. The existing treatment plant for the City of Basehor has sufficient capacity to treat the additional volume from the approximately 200 homes anticipated for the Evans Property? The schedule for the build-out is approbably 2-3 years.

Mayor Scherer – Yes

2. If the City is planning to expand their treatment plant in the near future, will the Evans project be assessed additional costs to fund the expansion.

Mayor Scherer – No

3. Will the City allow a direct connection to the Pinehurst Lift Station currently under design and is it sized for the additional volume anticipated from the Evans property?

Mayor Scherer – A direct connection would be allowed to the Pinehurst Lift Station and yes the lift station is sized to handle wastewater south of 24/40 Highway.

4. Does the City have a strong desire to annex the Evans property or are they satisfied to treat the sewage with the understanding that the sewer assessment is 1.5 times the normal city rate and the hookup charge is \$2400 instead of the \$1500 rate?

Mayor Scherer – City would be willing to annex or receive sewage without annexation.

5. Will the City assist in securing the necessary easement to cross Cedar Lakes for the connection to the Pinehurst Lift Station if the Evans Property is annexed into the City?

Mayor Scherer – Not if there is a cost to the City of Basehor.

6. Will the City accept the operation and maintenance of the 2 lift stations required for the Evans property if the property is not annexed into the City? Presumably the City will definitely accept the O & M if the property is annexed.

Mayor Scherer – Discuss at later date.

7. Are there any other possible costs associated with the development of the Evans property from the City's perspective? i.e. Excise Tax, Road Improvement Fees, etc.

Mayor Scherer – Discuss at later date.

8. The streets will be constructed according to City standards because it is within the urban growth area but it may be questionable whether sidewalks would be required.

Mayor Scherer – Sidewalks would be required.

9. Does the City provide water to the property if it is annexed?

Mayor Scherer – The subdivision would be serviced by Suburban Water District.

10. Does the City require the formation of a Homeowner's Association if the property is annexed into the City?

Mayor Scherer – No.

11. Will the City sign a Development Agreement which contains the terms and conditions of the above issues with associated costs?

Mayor Scherer - Yes

**Item #2. Chuck Wilderson, PRIDE
Re: Donation for Holiday Lighting Contest (\$100)**

In the absence of Mr. Wilderson, Mayor Scherer noted PRIDE has request an \$100 donation be made toward the annual holiday lighting contest. The donation would be used for residences within the city limits.

Item #3. Citizen Comments Regarding Agenda Items

The mayor asked if there was any one in the audience who wished to speak regarding an agenda item. No one came forward. Mayor Scherer noted there were several residents present that lived near the property being considered for rezoning (David & Cheryl Breuer, The Maples Subdivision) and asked if they wished to speak. No one came forward. The mayor asked one more time with the same results; therefore, he announced the public portion of the meeting was closed.

ACTION ITEMS

Item #1. Donation to Chamber of Commerce for City Brochure-\$750

A motion was made by K. Sifford and seconded by B. Hooker to approve a donation to Basehor Chamber of Commerce in the amount of \$750 for the printing of a brochure marketing the City of Basehor. All aye. Motion carried 5-0.

Item #2. Schedule Meeting with League of Ks. Municipalities Regarding City Administrator Applications (12/8/03 @ 6:00 p.m.)

A motion was made by J. Bonee and seconded by J. Espinoza to schedule a meeting on December 8 at 6:00 p.m. with, Mark Tomb, League of Kansas Municipalities to review city administrator applications. All aye. Motion carried 5-0.

Item #3. Approve or Deny Petition and Resolution for Annexation Tract of Land Located in North ½ of the South ½ of the Northeast ¼ of Sec. 9, Twp 11, Rge 22/Petitioner: Kathleen & Mark Baska

A motion was made by B. Hooker and seconded by I. Dysart to deny the petition and resolution for the annexation of the Baska property. Hooker, Dysart-Aye. Bonee, Espinoza, Sifford-Nay. Motion failed 2-3.

A motion was made by K. Sifford and seconded by J. Espinoza to approve the petition and resolution for the annexation of the Baska property. Discussion followed. Bonee, Espinoza, Sifford-Aye. Hooker, Dysart-Nay. Motion carried 3-2.

RES. 2003-10. A RESOLUTION OF THE CITY OF BASEHOR, KANSAS REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS TO MAKE CERTAIN FINDINGS REGARDING THE ANNEXATION OF PROPERTY.

Item # 4. Approve or Deny Rezoning of Property Owned by David & Cheryl Breuer from "R-O" to "R-1" Single Family Residential

A motion was made by K. Sifford and seconded by J. Espinoza to approve the rezoning of the Breuer property from "R-O" Rural Residential to "R-1" Single Family Residential as recommended by the planning commission. Discussion followed.

The city attorney asked the governing body to state the reasons for the rezoning and asked that the written record reflect those reasons.

Councilman Bonee noted the original request included multi-family which was denied by the planning commission and because a road agreement was not in place at the time of public hearing.

Councilman Sifford stated the basis for his vote is based on the work and recommendation made by the planning commission and staff reports.

Mayor Scherer read the motion from the minutes of the planning commission approving the rezoning. The mayor called for the question.

Bonee, Dysart, Espinoza, Sifford – Aye. Hooker – Nay. Motion carried 4-1.

ORD. 432. 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 "R-1" SINGLE FAMILY RESIDENTIAL

Item #5. Approve or Deny Contract for Probation Services with Leavenworth County

A motion was made by B. Hooker and seconded by J. Espinoza to approve the contract with Leavenworth County for probation services for year 2004. All aye. Motion carried 5-0.

Item # 6. Approve or Deny Memorandum of Understanding Agreement with Lansing Correction Facility, State of Kansas-Inmate Work Crew

A motion was made by J. Espinoza and seconded by K. Sifford to approve the Memorandum of Understanding Agreement with Lansing Correction Facility, State of Kansas for a inmate work crew. Discussion followed. All aye. Motion carried 5-0.

Item #7. Approve or Deny Resolution for Pinehurst Temporary Note Offering

A motion was made by K. Sifford and seconded by J. Espinoza to approve Resolution 2003-11 authorizing the Pinehurst Temporary Note Offering in the amount of \$4,060,000 at an interest rate of 2.5%. Discussion followed.

Greg Vahrenberg, Piper Jaffrary, stated the note offering is actually for \$4,020,000. Councilman Hooker asked Mr. Vahrenberg to explain how a temporary note works. Mr. Vahrenberg explained a temporary note is an obligation of the City by using full faith and credit for the project. Once the final cost of the project is determined, the temporary note would be rolled into general obligation bonds in the form of a benefit district. The bonds would be levied in the form of taxes against the tracts of land within the project or benefit district. This action is similar to a lien being assessed to the property. Therefore, the City would be assured in receiving funds necessary to pay the bonds.

Mayor Scherer asked that the original motion be amended to approve \$4,020,000 rather than \$4,060,000.

K. Sifford amended his original motion to approve Resolution 2003-11 authorizing the Pinehurst Temporary Note Offering in the amount of \$4,020,000. J. Espinoza seconded the motion. All voted in favor except B. Hooker. Motion carried 4-1.

RES. 2003-11. A RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF BASEHOR, KANSAS, IN THE PRINCIPAL AMOUNT OF \$4,020,000 TO FINANCE THE COSTS OF CERTAIN STREET, SANITARY SEWER AND STORM DRAINAGE IMPROVEMENTS, UNDER THE AUTHORITY OF K.S.A. 12-6A01 ET SEQ. AND K.S.A 10-123.

Item #8. Approve or Deny Cancellation of December 22, 2003 Council Meeting

A motion was made by B. Hooker and seconded by K. Sifford to cancel the December 22nd Council meeting. Discussion followed.

The city treasurer expressed concerns about canceling the December 22nd meeting. He noted that would be the soonest a public hearing to amend the 2003 budget could be held due to publication requirements.

Councilmen Hooker and Sifford withdrew their motions.

A motion was made by I. Dysart and seconded by J. Bonee to deny the request to cancel the meeting on December 22nd. All aye. Motion carried 5-0.

Item #9. Approve or Deny East/West Sewer Interceptor Benefit District/Miles

A motion was made by K. Sifford and seconded by J. Espinoza to table action regarding the East/West (Miles) Interceptor Line. All aye. Motion carried 5-0.

Item #10. Approve or Deny Change time of December 15, 2003 Worksession-6:00 p.m.

A motion was made by B. Hooker and seconded by K. Sifford to start the December 15th worksession at 6:00 p.m. All aye. Motion carried 5-0.

Item #11. Approve or Deny Appointment of Animal Control Officer

A motion was made by I. Dysart and seconded by K. Sifford to approve the appointment of Greg Hallgrimson as animal control officer. All aye. Motion carried 5-0.

Item #12. Schedule Worksession to Discuss East/West Interceptor Line (Miles)

A motion was made by K. Sifford and seconded by J. Bonee to meet in a worksession on December 1st at 5:00 p.m. to discuss the East/West (Miles) Interceptor Line. All aye. Motion carried 5-0.

EXECUTIVE SESSION

A motion was made by J. Espinoza and seconded by J. Bonee to convene into an executive session for a period of up to fifteen minutes to discuss personnel and legal matters. (8:16 p.m.). All aye. Motion carried 5-0.

At 8:33 p.m., Mayor Scherer called the regular meeting back to order announcing that no formal action was taken during executive session.

MAYOR'S REPORT

Item #1. Contractor Payments for 24/40 Hwy Interceptor Project

Mayor Scherer reported the city clerk presented him with changes to the contractor payment request that was approved at the last meeting. He asked council to authorize the city clerk to poll them after he has had an opportunity to review the recent submittal. Council agreed.

The city superintendent noted the payment request include a change order for \$9,000 worth of fencing. Council discussed the constant errors included in the engineers project cost. It was in their opinion that the engineers should be held liable at some point.

COUNCIL MEMBER REPORTS

Julian Espinoza, President

Item #1. Televised Council Meetings

Councilman Espinoza reported the city has three options if they wish to have the council meetings televised through the school's local cable channel.

- 1) Pay school staff to setup and record the meetings. Cost is unknown at this time.
- 2) Hold future council meetings at USD #458 board office and pay staff to run the media system. The cost would be approximately \$75/per hour (3 people @ \$25/ea)
- 3) City appoint a staff person to video the meetings and have the school media class edit the meeting and show on local cable channel.

Mr. Espinoza stated this was a way for the governing body to be proactive by keeping the citizens informed. Council thought this was a good idea; however, they would like more information (such as type of tape to be used) and cost estimate if the city used staff to record and the school to edit.

Item #2. Alternate Council President

Councilman Espinoza noted there are occasions when both he and the mayor are out of town and suggested appointing an alternate council president. He noted at the end of December this situation would take place leaving no council member in charge. Mayor Scherer reported he would be out of town from December 28th through January 30th. Councilman Espinoza would be out of town from December 20th through the 30th of December.

Council directed the city clerk to call the League of Kansas Municipalities as to the property process to appoint an alternate council president.

ADJOURNMENT

There being no further business to discuss, a motion was made by J. Espinoza and seconded by K. Sifford to adjourn the meeting. All aye. Motion carried 5-0. Meeting adjourned at 9:00 p.m.

Submitted for Council approval with/without corrections this 8th day of December, 2003.

Joseph Scherer, Mayor

Attest:



Mary A. Mogle, CMC City Clerk

