MINUTES

BASEHOR CITY COUNCIL
September 17, 2002
7:00 PM
Basehor City Hall

Official Presiding: Mayor Joseph Scherer

Members Present: Joseph Odle, Chris Garcia, Burl Gratny, Julian Espinoza

Staff Present: Mike Hooper, Mary Mogle, Gene Myracle, Baron Powell and Vincent Weston

The monthly meeting of the Basehor City Council was called to order at 7:05 p.m. by Mayor Joseph Scherer. Roll call was taken with all members present. Pledge of Allegiance recited, followed by a moment of silence.

OATH OF OFFICE ADMINISTERED TO MAYOR

Joseph Scherer received official Oath of Office by city clerk, Mary Ann Mogle. Council President Scherer was voted into office on August 27th following the resignation of Mayor William Hooker.

ELECTION OF COUNCIL PRESIDENT

Mayor Scherer entertained a motion for council president.

A motion was made by J. Odle to nominate Chris Garcia as council president. Motion died for lack of second.

A motion was made by B. Gratny to nominate Julian Espinoza as council president. Motion died for lack of second.

Councilman Odle stated he felt Mr. Garcia was the only member to show interest in running for the position of mayor at the last election and has been serving on the board the longest and deserves the position of Council President.

City attorney, John Thompson, informed the Board they should table action until the next meeting with another board member would be appointed to fill the position of Joseph Scherer. The matter was tabled until the October 21, 2002 meeting.

SCANNED
2-21-07 lt

MINUTES

A motion was made by J. Espinoza and seconded by C. Garcia to approve the Minutes of August 26, Telephone Polls of August 28, September 3, 5, and 12, and worksession minutes of September 3, 2002 as printed. All aye. Motion carried 4-0.

TREASURER'S REPORT

Approve of Deny August 2002 Treasurers Report, Supplement & Investment Recommendation – A motion was made by J. Espinoza and seconded by B. Gratny to approve the August 2002 Treasurer's Report, Supplement and Investment Recommendations as presented. All aye. Motion carried 4-0.

STAFF REPORTS

City Clerk

Cable Television – City clerk, Mary Mogle, requested Council consider authorizing the Mayor and staff to contact Time Warner Cable regarding services in the area (Action Item #9). She explained Sunflower Cable (The World Company) was not providing the services they promised. Mayor Scherer reported currently Sunflower Cable has a non-exclusive cable franchise which would allow the City to negotiate with another company for services.

Monthly Report – Mrs. Mogle reported there was an error on her monthly report regarding the utility billing and will put a corrected report in their boxes.

Upgrade of FundBalance Software – The city clerk reported FundBalance would not be supporting the current software as of September 30th. The new software is $2,895.00. She noted she included $1700 in the general fund 2003 budget for the upgrade; therefore, causing the need to amend the budget in either 2002 or 2003. Currently the general fund capital outlay does not have the funds to cover the purchase. Mrs. Mogle recommended waiting to purchase the software in January 2003.

City Superintendent

Update on Lagoon Project – City superintendent, Gene Myracle, reported the contractor has completed the rerouting of the sewer line at the north lagoon and has completed 50% of filling in the lagoons. He requested a ten minute executive session at the end of the meeting to discuss a legal matter.

Falcon Lakes Lift Station – Mr. Myracle reported when the lift station was installed at Falcon Lakes it did not have a man-lift; therefore, it does not meet KDHE standards and requests a man-lift be installed (Action Item #6). He also asked that Falcon Lakes developer be required to install a two-way switch to operate the blower and man-lift since the manhole is thirty-two (32) feet deep. In its current condition, it would require a three man crew to make any repairs. Mr. Hooper reported he and Mr. Myracle are working with Smith & Loveless to discount the cost of the man-lift and installation. Currently the cost is estimated to be $34,920 for the man-lift and $2,500 for installation.

Mr. Hooper reported staff and two council members met with developer, Rustom Ferzandi, regarding this matter. He explained Mr. Ferzandi is requesting the amount be included in the benefit district and then reimbursed back to him since KDHE approved the plans without the man-lift.

Councilman Odle stated it was the developers responsibility to install the sewer service and the city was only responsible for the upgrade of the size of the lines; therefore, he did not feel it would be a reimbursable expense.

City Attorney

Update on Fire Department Agreement – City attorney, John Thompson, reported he has not been able to make contact with Chuck Magaha regarding an interlocal agreement between the Fairmount Twp Fire Department and the City of Basehor regarding the enforcement of fire codes. He requested the City authorize him to contact Mr. Magaha to draft a scope of service agreement. Once the agreement is received from the fire department, the Council can review and direct him to put it into legal format. Council agreed to consider his request as Action Item #11.

CITIZENS AND PETITIONS

Ron Owen, Basehor-Linwood USD #458, updated the Council as to the future plans of the school district. He reported the school board met with their architect and consultants regarding the construction of a new middle school and improvements to two elementary schools. The decision is based on population and growth figures for the area. On September 30th, the school board is anticipating passing a resolution stating the cost of the bond issue, location of the middle school and date of bond issue election. If the bond issue is passed in 2002, the State will contribute 34% of the construction cost. After 2002, no state funds will be received. The bond issue is anticipated to be thirty million dollars.

Mr. Owen stated the school board would like to meet with the city council on October 7 or 28 to discuss future development plans, and park & traffic issues on

Leavenworth Road. The school board would like to meet with the city council several times over the next year.

John Thurston, developer from Olathe, KS, is working with Anna Mary Landauer (155th & 24/40 Hwy) to create a workable plan for her property. He reported he met with the planning commission earlier in the month and received valuable feedback regarding setback and zoning issues. The proposed plan allows for commercial businesses on 24/40 Hwy and 155th Street with four-plexes used as a buffer zone. Currently he has interest in a convenience store, fast food restaurant and small strip mall. Mr. Thurston noted if the City is going to require him to make

the main road a primary road, rather than a secondary road, he will need to request a variance for the radius of the street. Councilman Odle suggested he consider extending the frontyard setback on 155th to allow for the widening of street in the future. Mr. Thurston stated he would take that under advisement and also reported he has received tentative approval from Kansas Dept. of Health & Environment regarding the ingress and egress for the property.

ACTION ITEMS

Item #1. Approve or Deny Contractor Payments for Falcon Lakes Project

A motion was made by J. Espinoza and seconded by C. Garcia to approve payments to contractors in the amount of $37,421.23 as submitted. All aye. Motion carried 4-0.

Item #2. Approve or Deny Payments to Ponzer-Youngquist Engineers from SRL (Design work for 24/40 Hwy Interceptor Line)

There were no requests this month.

Item #3. Approve or Deny Amendment to Scope of Services Contract with Ponzer-Youngquist for 24/40 Hwy Project

Mayor Scherer stated he has a problem with increasing a contract by $45,150 when the City does not know what the property intends to do regarding development.

A motion was made by J. Espinoza and seconded by B. Gratny to table action until they can meet with the property owner (Steve Miles). All aye. Motion carried 4-0.

Item #4. Approve or Deny Ordinances Adopting 2002 Standard Traffic Ordinance and Public Offense Code As Incorporated by Reference

A motion was made by B. Gratny and seconded by J. Espinoza to adopt ordinances incorporated by reference the 2002 Standard Traffic Ordinances and Public Offense Code. All aye. Motion carried 4-0.

Item #5. Schedule Worksession with Basehor-Linwood USD #458 Board (October 7th or 28th)

Mayor Scherer announced an area citizen, Mary Leonard, has requested a meeting with the city council regarding a school program. He requested Council consider this request be held the same time as the worksession with the school board.

Council agreed to meet at 5:00 p.m. on October 7th with Mary Leonard and 5:30 p.m. with Basehor-Linwood USD #458 school board at city hall.

Item #6. Approve or Deny Addition of Man-lift to Falcon Lakes Lift Station

A motion was made by C. Garcia to deny the request to have the city pay cost of installing man-lift. Motion died for lack of seconded.

A motion was made by J. Odle to approve the installation of a man-lift and costs be added to the Falcon Lakes benefit district with no funds being reimbursed to the developer. The motion was seconded by B. Gratny. Odle, Gratny, Espinoza-Aye. Garcia-Nay. Motion carried 3-1.

Item #7. Approve or Deny Daniels Replat

Councilman Odle questioned the city attorney as to the legal liability concerning the disputable easements if they approve the replat. Mr. Thompson responded by stating the City is not validating the easement and any action would have to be addressed in a civil action between the two property owners.

A motion was made by J. Odle and seconded by C. Garcia to approve the Daniels Replat as submitted. All aye. Motion carried 4-0.

Item #8. Approve or Deny Removable of Planning Commission Member for Failure to Attend Monthly Meetings

The code administrator explained Mr. Ray Harvey has missed three consecutive board meetings in a year. According to the bylaws, the City Council can take action to remove him.

A motion was made by J. Odle and seconded by J. Espinoza to remove Ray Harvey from the Planning Commission for failure to attending monthly meetings. All aye. Motion carried 4-0.

Item #9. Approve or Deny Authorization for Mayor to Commence Negotiations with Time Warner for Cable and DSL Franchise

A motion was made by J. Odle and seconded by J. Espinoza to authorize the Mayor to commence negotiations with Time Warner for cable and DSL franchise.

All Aye. Motion carried 4-0.

Item #10. Approve or Deny Authorization of Funds to Upgrade of FundBalance Payroll Software

A motion was made by J. Espinoza and seconded by B. Gratny to table action until the October 21, 2002 meeting. All aye. Motion carried 4-0.

Item #11. Approve or Deny Authorization for the City Attorney to Negotiate with Fire Department Regarding Interlocal Agreement

A motion was made by J. Espinoza and seconded by B. Gratny to authorize the city attorney to begin discussions with the fire department regarding an interlocal agreement for fire code enforcement as long as there is no cost to the city. All aye. Motion carried 4-0.

EXECUTIVE SESSION

Council agreed to move the executive session to the end of the meeting.

MAYOR'S REPORT

Appointment of Voting Delegate to the League of Kansas Municipalities – A motion was made by J. Odle and seconded by J. Espinoza to appoint the city clerk as voting delegate to the League of Kansas Municipalities. All aye. Motion carried 4-0.

Appointment of City Council Member to Fill Term of Joseph Scherer – Mayor Scherer announced he does not have an appointment at this time and encourages interested citizens to contact him.

COUNCIL MEMBER REPORTS

Chris Garcia

Janitorial Service - Councilman Garcia questioned the clerk as to the status of the new janitorial service. Mrs. Mogle reported the new company has been online for two weeks and so far she is pleased with the service they are providing. She noted she has checked with the other department heads and have all reported they are satisfied as well.

Julian Espinoza

Stranger Danger Awareness Program – Councilman Espinoza reported he has been working with the chief of police regarding the implementation of the "Stranger Danger" program. They will continue to work on scheduling town meetings regarding the awareness program.

EXECUTIVE SESSION

A motion was made by J. Espinoza and seconded by B. Gratny to convene into an executive session for up to twenty minutes to discuss real estate and legal matters. All aye. Motion carried 4-0. (8:17 p.m)

At 8:47 p.m, Mayor Scherer reconvened back into regular session.

A motion was made by B. Gratny and seconded by J. Odle to authorize the expenditure of $18,500 to clean up the tree line at the north lagoon. All aye. Motion carried 4-0.

ADJOURNMENT

There being no further business to discuss, a motion was made by C. Garcia and seconded by C. Garcia to adjourn the meeting. All aye. Meeting adjourned at 8:57.

Submitted for Council approval with/without corrections this ~~21st~~ 1st day of ~~October~~ Nov, 2002.

Joseph Scherer, Mayor

Attest:

Mary A. Mogle, CMC