FILE

MINUTES

BASEHOR CITY COUNCIL
November 1, 2002
6:00 PM
Basehor City Hall

Official Presiding: Mayor Joseph Scherer

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

Staff Member: Mike Hooper, Mary Mogle, Gene Myracle, Vince Weston (Baron Powell, absent)

The monthly meeting of the Basehor City Council was called to order at 6:04 p.m. by Mayor Joseph Scherer. Roll call was taken with all members present. Pledge of Allegiance was recited followed by a moment of silence.

APPROVAL OF MINUTES

Councilman Garcia requested all the minutes, with the exception of the October 7th meeting, be acted on at one time.

A motion was made by C. Garcia and seconded by B. Gratny to approve the minutes of September 17 meeting and worksessions, October 21st meeting and poll and October 24th poll be approved as printed. All aye. Motion carried 4-0.

A motion was made by J. Espinoza and seconded by B. Gratny to approve the minutes of October 7, 2002 as printed. Odle, Espinoza, Gratny-Aye. Garcia-Nay Motion carried 3-1.

TREASURER'S REPORT

(Council agreed to release September 2002 accounts payable checks on 10/21/02)

APPOINTMENT OF CITY COUNCIL MEMBER

Mayor Scherer requested Council approval for the appointment of Keith Sifford to fill the vacant seat (of Joseph Scherer) on the city council.

A motion was made by J. Espinoza and seconded by B. Gratny to approve the appointment of Keith Sifford to the Basehor City Council. Discussion followed.

Councilman Odle and Garcia expressed their desire to have time to interview Mr. Sifford prior to making a decision.

Espinoza, Gratny – Aye. Garcia, Odle – Nay Mayor Scherer – abstained. The matter will be placed on the November 18th agenda for action.

ELECTION OF COUNCIL PRESIDENT

Action was tabled until a appointment of a new council member could be made.

STAFF REPORTS

City Clerk

KMIT Award – The city clerk announced the City of Basehor received the Gold Star Safety Award from Kansas Municipal Insurance Trust. By receiving this award, this will allow the City to receive a 7% discount on the worker's compensation insurance in year 2003. She commended the city superintendent for all his hard work in achieving all the requirements necessary.

City Superintendent

Purchase of Barriers for City Park – City superintendent, Gene Myracle, requested approval to purchase 196 barrier posts for the city park. He reported the posts would go from east of the gazebo north to the creek area. Mr. Myracle stated a donation of $1,120.00 was made by the PRIDE organization to help pay for the posts, the balance will come from the general park fund.

Laboratory Equipment – Councilman Gratny questioned the superintendent as to what effect the recent charges against the lab company would have on the City of Basehor and what the status of purchasing lab equipment for the wastewater treatment facility.

Mr. Myracle explained the charges against the lab company would have no effect on the City of Basehor because the City was not using the company at the time the violations occurred, and in addition the testing the company had done was not what was being questioned by KDHE.

The superintendent reported in-house lab testing should start after the first of the year. The lab equipment list is currently being reviewed by KDHE.

Code Administrator

Discussion Regarding Ordinance Regarding Extraterritorial Jurisdiction – Code Administrator, Mike Hooper, reported over the last year the County of Leavenworth, Cities of Leavenworth, Lansing, and Basehor have been working to uniite guidelines for extraterritorial jurisdiction. He noted the current zoning, subdiviison and comprehensive plans mirrors the county's plan already. Mr. Hooper requested the council review the ordinance as submitted and take action at the November 18th meeting.

Mayor Scherer stated he has met with the mayor's of Bonner Springs and Linwood to discuss setting general boundary lines.

CITIZENS AND PETITIONS

Rustom Ferzandi, Falcon Lakes Development – Representing Mr. Ferzandi was development manager, Jeff Snell. Mr. Snell (2602 Bridlewood, Springhill, KS) reported last month the city council denied Mr. Ferzandi's request to reimburse him the cost of the man-lift to be installed at the Falcon Lakes lift station. Mr. Snell stated Mr. Ferzandi submitted a set of sewer plans that were approved by both the City and KDHE that originally did not call for a man-lift. Now the City is wanting to charge $40,000 to the benefit district. He explained when the benefit district was created, it was the developer's understanding he would be reimbursed by the City for the upsizing of the interceptor line and feels that reimbursement is warranted for the man-lift. (Refer to Action Item #5)

Citizen Comments Regarding Agenda Items – At this time, Mayor Scherer opened the floor to anyone from the audience who wished to comment on any agenda item. He explained each presentation would be limited to five minutes.

Joseph Perry (13100 Kansas Ave, Bonner Springs, KS), legal counsel for Pinehurst Development, reported that modifications were made to the previous annexation agreement regarding the 5% connection fees.

Councilman Odle stated he personally took the letter as a threat because it states if the City does not abide by all the wishes of the developer, the developer has the right to deannex. He stated if the City is forced to raise the fees by 5% or more, then Pinehurst Development should be required to pay their fair share just

like all the other citizens in Basehor. Mr. Perry stated the developer had to make financial projections which requires a standard maintenance of fees.

Councilman Gratny stated he did not think the property owner could deannex if the City holds the bonds. Mr. Perry disagreed with Councilman Gratny.

Councilman Espinoza stated the agreement includes matters that were not agreed upon when City officials and the developers met originally. He agreed with Councilman Odle that the agreement in its present state was "handcuffing" the City.

Council agreed to schedule a worksession to discuss the agreement in depth. (Refer to Action Item #6)

There being no further comments from the audience, Mayor Scherer closed the public portion of the meeting.

ACTION ITEMS

Item #1. Approve or Deny Payments to Contractors of Falcon Lakes Subdivision

A motion was made by J. Odle and seconded by J. Espinoza to approve payments in the amount of $73,940.99 to O'Donnell & Sons Construction for work performed in Falcon Lakes Subdivision. All aye. Motion carried 4-0.

Item #2. Approve or Deny Payments to Ponzer-Youngquist for Design Work on the Sewer Interceptor Line (SRL Request #30)

A motion was made by B. Gratny and seconded by J. Espinoza to approve the payment of $11,270.00 for design work on the Sewer Interceptor Line as presented. All aye. Motion carried 4-0.

Item #3. Approve or Deny Payment Request to State Revolving Loan for Fill and Work at North and South Lagoons (SRL Request #31)

A motion was made by J. Odle and seconded by J. Espinoza to approve payment to Miles Excavating, in the amount of $161,332.90 for work performed at the north and south lagoons. All aye. Motion carried 4-0.

Item #4. Approve or Deny Application to Dept. of Commerce & Housing for Affordable Housing (Commercial Group, Don Cooper)

A motion was made by J. Odle and seconded by B. Gratny to deny the Resolution supporting affordable housing application. All aye. Motion carried 4-0.

Item #5. Approve or Deny Request to Reconsider Vote for Reimbursement to Developer for Man-lift in Falcon Lakes Subdivision

A motion was made by J. Odle and seconded by C. Garcia to deny the request for development reimbursement for the man-lift at Falcon Lakes Subdivision. All aye. Motion carried 4-0.

Item #6. Approve or Deny Annexation of Pinehurst Development

A motion was made by J. Odle and seconded by B. Gratny to table action and schedule a worksession. All aye. Motion carried 4-0.

Item #7. Approve or Deny Membership to Mid-America Regional Council

A motion was made by C. Garcia and seconded by J. Odle to deny membership ($451.00) to MARC for year 2002 . All aye. Motion carried 4-0.

Item #8. Approve or Deny Appointment of Planning Commission Member

Mayor Scherer requested approval for the appointment of Jason Logsdon to fill the term of Ray Harvey on the planning commission.

A motion was made by C. Garcia and seconded by J. Espinoza to table the appointment until the council members had an opportunity to meet Mr. Logsdon. All aye. Motion carried 4-0.

Item #9. Approve or Deny GAAP Waiver Resolution

A motion was made by B. Gratny and seconded by J. Espinoza to approve the GAAP Waiver Resolution as printed. All aye. Motion carried 4-0.

Item #10, 11 and 6. Schedule Worksession Concerning Wastewater Connection & Maintenance Fees, Pinehurst Annexation Agreement And Meet with School Board Regarding Proposed Bond Issue

Council agreed to hold a worksession on November 6, 2002 at 6:00 p.m. to discuss 2003 wastewater connection and maintenance fees, Pinehurst Development Annexation Agreement and meet with school board regarding the school bond issue.

Item #12. Approve or Deny Purchase of Permit and Code Enforcement Software.

A motion was made by C. Garcia and seconded by J. Espinoza to purchase the Permit and Code Enforcement Software for $2500.00. All aye. Motion carried 4-0.

Item #13. Approve or Deny Sewer Lines in Falcon Lakes Development

Mr. Hooper noted the developer is requesting four sewer lines not be accepted within Falcon Lakes Subdivision. Engineer, Matt Henderson, noted the lines were not inspected and the developer is requesting the easements be vacated.

Mr. Snell noted the lines may have to be relocated upon final decision regarding the highway entrance.

A motion was made by Councilman Odle and seconded by C. Garcia to approve the acceptance of sewer lines and not relinquish the easements in Falcon Lakes as requested by the developer. All aye. Motion carried 4-0.

Item #14. Approve or Deny City Hall Roof Repair and Coating

A motion was made by J. Odle and seconded by B. Gratny to approve up to $10,385.00 to repair the city hall roof. All aye. Motion carried 4-0.

Item #15. Approve or Deny Membership to KP & F (Kansas Police & Fire Retirement System)

A motion was made by J. Odle and seconded by C. Garcia to approve membership to Kansas Police & Fire Retirement System for all full-time police officers. Odle, Garcia, Gratny-Aye. Espinoza-Nay. Motion carried 3-1.

Item #16. Approve or Deny Membership to KPERS (Kansas Public Employees Retirement System)

A motion was made by C. Garcia and seconded by B. Gratny to deny membership to Kansas Public Employees Retirement System for all full-time employees (excluding police officers). All Aye. Motion carried 4-0.

Item #17. Approve or Deny Ordinance Rescinding Charter Ordinance No. 7 (changing quorum from 4 to 3)

A motion was made by J. Odle and seconded by B. Gratny to approve to rescind Charter Ordinance No. 7. All aye. Motion carried 4-0.

Item #18. Approve or Deny Purchase of FundBalance Payroll Software

A motion was made by B. Gratny and seconded by J. Espinoza to authorize the payment of $2,895.00 to FundBalance for Win32 Payroll software. All aye. Motion carried 4-0.

Item #19. Approve or Deny Purchase of Barrier Posts at City Park

A motion was made by J. Espinoza and seconded by B. Gratny to approve the purchase of barrier posts for the city park and use park donations and general park department funds. All aye. Motion carried 4-0.

Item #20. Approve or Deny Resolutions Proceeding with Condemnation of Easements (Willming Property)

A motion was made by J. Espinoza and seconded by J. Odle to approve the resolution proceeding with condemnation of easement on the Willming Property. All aye. Motion carried 4-0.

Item #21. Approve or Deny Ordinances Ordering Condemnation of Easements (Willming Property)

A motion was made by J. Espinoza and seconded by B. Gratny to approve the ordinance ordering condemnation of easement on the Willming Property. All aye. Motion carried 4-0.

Item #22. Approve or Deny the Replacement of the ING Retirement Program for Police Officers with KP & F Retirement Program.

A motion was made by B. Gratny and seconded by J. Odle to drop the police officers from the ING Retirement Program and enroll the department with the Kansas Police & Fire Retirement System program. Odle, Garcia, Gratny-Aye. Espinoza-Nay. Motion carried 3-1.

MAYOR'S REPORT

Item #1. Discussion Regarding Road Maintenance Interlocal Agreement

Mayor Scherer reported since the road maintenance agreement will expire next year, he would like to schedule a worksession. The clerk was directed to add the matter to the next agenda.

Item #2. Discussion Regarding Cable Television Provider

Mayor Scherer reported he and the city clerk met with the owners of Sunflower Cable to discuss future upgrade plans for the system. Mr. Simmons noted to upgrade the Basehor trunk line, it would take five million dollars, which the company does not have at this time. The World Company would like the City of Basehor to consider some type of funding or bonds to help assist them in the repairs needed for the system.

Mr. Scherer also noted he has been in contact with Timer Warner and Charter Cable regarding a cable franchise.

Item #3. Discussion Regarding Public Information Officer

Mr. Scherer noted currently the city clerks acts as the main public information officer. At this time, there will be no changes to the resolution.

Item #4. Discussion Regarding the Implementation of Court Costs

The mayor reported he met with Judge Pray and court staff regarding the implementation of a court cost. Currently City of Tonganoxie has $30 court cost with City of Lansing implementing an $18 court cost. This matter will be placed on the November 18th meeting for action.

Item #5. Meeting with State School Board Steering Committee

Mayor Scherer asked if any council members would be interested in meeting with the school superintendent steering committee on November 6th at 5:30 p.m. Councilman Espinoza volunteered, the other members would check their schedules.

Item #6. Representative for Leavenworth Area Development

Mayor Scherer and Councilman Espinoza will remain as city representatives.

Item #7. Letter of Accommodation for Sgt. Cigich and Officer Jason Slaughter

Mayor Scherer reported he received a letter of accommodation from an area resident regarding the excellent work by Sgt. Cigich and Officer Jason Slaughter on a hit and run case at the shopping center.

Item #8. Participation in Youth Friends Organization

The mayor explained representatives from the Youth Friends organization requested volunteer participation from city staff and governing body members to mentor to area youth. He noted his first reaction was to not participate in the program; however, after further consideration he would like to alternate on a monthly basis with councilmembers. If an employee wishes to use their compensatory time-off or vacation to participate, he would not be opposed to that arrangement.

Item #9. Schedule Quarterly Meetings with School Board Members

School board would like to hold quarterly meetings with the governing body. Requested Council look at their calendar and see what dates would work for them.

Item #10. Kansas Dept. of Transportation Match Grant

Mayor Scherer announced the City has received tentative approval for a grant to upgrade 158th Street. The City's portion of the grant will be $600,000 which is most likely be paid by creating a benefit district and city-at-large funds.

COUNCIL MEMBER REPORTS

Joe Odle

Councilman Odle commended Sgt. Cigich and Officer Jason Slaughter for their dedicated work on the hit-and-run case. He requested the letter from the resident on in each employee's file.

ADJOURNMENT

There being no further business to come before the City Council, a motion was made by J. Espinoza and seconded by C. Garcia to adjourn the meeting. All aye. Meeting was adjourned at 8:15 p.m.

Submitted for Council approval with/without corrections this 18th day of November, 2002.

Joseph Scherer, Mayor

Attest:

Mary A. Mogle, CMC