

---

**MINUTES**

**BASEHOR CITY COUNCIL**

**December 16, 2002**

**7:00 PM**

**Basehor City Hall**

**Official Presiding: Mayor Joseph Scherer**

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

**Staff Present: Mike Hooper, Mary Mogle, Gene Myracle, Baron Powell,  
Vince Weston**

---

The monthly meeting of the Basehor City Council was called to order by Mayor Joseph Scherer at 7:00 p.m. Roll call was answered with all members present. Pledge of Allegiance was recited followed by a moment of silence.

**EXECUTIVE SESSION**

Mayor Scherer announced there was a need for an executive session to discuss matters with legal counsel. The mayor reported he would not attend the first part of the session regarding the 24-40 Hwy Interceptor Bid because it could possibly effect him and his development, Creek Ridge (south of Parallel, west of 155<sup>th</sup> St.)

A motion was made by J. Espinoza and seconded by B. Gratny to recess into a sixty-minute executive session for the purpose of discussing matters with legal counsel. All aye. (Mayor did not attend the worksession at this time.)

At 7:40 p.m., council president Julian Espinoza invited Mayor Scherer into the executive session to discuss the remaining legal matters.

At 7:50 p.m. Mayor Scherer reconvened into regular session announcing the only topic he over heard regarding the 24/40 Hwy Interceptor Bid was that concerning inspections which did not effect him directly.

**SCANNED**

2-21-07 *gt*

A motion was made by B. Gratny to rescind original council action (of November 18, 2002, Action Item #14) awarding the 24/40 Highway Interceptor Bid to Miles Construction. The bid will be awarded at a later date after conferring with Kansas Department of Health & Environment (KDHE). The motion was seconded by J. Espinoza. All aye. Motion carried 5-0.

### **MINUTES**

Councilman Espinoza asked that a correction to the November 18, 2002 minutes be amended to show which council member seconded the motion. (Following the meeting, the clerk researched the matter and amended the original minutes to reflect that Councilman Espinoza seconded the motion).

A motion was made by J. Espinoza and seconded by K. Sifford to approve the minutes November 18, 2002 with the correction as aforementioned and the poll of November 18, 2002 as printed. All aye. Motion carried 5-0.

### **TREASURER'S REPORT**

A motion was made by C. Garcia and seconded by B. Gratny to approve the November 2002 Treasurer's Report and December 16, 2002 Supplement as printed. All aye. Motion carried 5-0.

There were no investments to address this month.

### **STAFF REPORTS**

#### **City Clerk**

City Clerk, Mary Mogle, reported she was currently working with a company known as Scantron regarding annual technology support. Research is still being performed on the company and reserved the right to poll council at a later date regarding the signing of a maintenance agreement. Council agreed.

#### **Chief of Police**

*Purchase of Vehicle* – Chief Weston submitted three bids for a new 2003 police car. The chief expressed the importance of ordering the vehicle in year 2002 in order to receive a discounted price. The 1997 police car will be rotated out of the fleet with the new vehicle becoming a marked vehicle. He also

noted additional miles are being added to the existing vehicles due to the recent annexations. He also requested an additional \$6,000 to equip the vehicle.

### **Code Administrator**

*Annexation of Zarda Property* – Code Administrator Mike Hooper reported the Leavenworth County Commissioners have thirty days to respond to the resolution passed last month concerning the voluntary annexation submitted by the Zarda Brothers. The ten acre tract is located on Hollingsworth Road, adjacent to Falcon Lakes Subdivision.

### **City Engineer**

City engineer Joe McAfee updated council on ongoing projects.

- Prairie Lakes – Performed walk-through last week.
- Falcon Lakes – Finalize asphalt repairs this week.
- Prairie Gardens – All hard surface to be laid by end of week.

### **CITIZENS AND PETITIONS**

*Evan Kunard (14510 Parallel Lane), Midwest Concrete Placement Inc.* appeared before the city council to request the "No Parking" signs that were placed on Parallel Lane last month be removed or at least allow parking on one side only. Mr. Kunard reported his employees do not have any other location to park.

City superintendent Gene Myracle stated when the subdivision was approved the developer was advised there would be no parking on the streets. Mr. Myracle stated he was not pleased with the company changing oil in their work vehicles on the street. Mr. Kunard stated they are no longer performing vehicle maintenance on the streets.

Councilman Garcia stated there is a problem with the vehicles parking on the street because larger vehicles are not able to maneuver between the cars.

The chief of police and city superintendent were directed to research the situation and make a recommendation at the January meeting.

*Patrick Knorr, Sunflower Cable* appeared to discuss the status of rebuilding and updating the existing cable system. Although they realize the

system needs upgrading, they are unable to afford the necessary work at this time. It is estimated the work will cost approximately five million dollars.

Mayor Scherer reported he spoke with Time Warner and they noted they currently work with Sunflower Cable in other locations. Mr. Knorr stated he was not aware of any partnerships with Time Warner at this time.

Councilman Sifford questioned how many subscribers were currently on the cable system. Mr. Knorr stated the system has approximately 400 customers, which is down by 100 from when the system was originally purchased from Galaxy Cable. He stated he felt that was due to residents purchasing satellite dishes.

Mayor Scherer stated the City of Basehor is not interested in getting into the cable business, however, would Sunflower Cable be interested in selling the Basehor system to Time Warner. Mr. Knorr stated they would not be opposed to entering into discussion with Time Warner.

*Don Moore appeared on behalf of Wilson Plumbing* regarding the 24/40 Highway Interceptor Sewer Project. Mr. Moore stated he bids numerous municipal projects and was always under the impression when you are the low bidder, you get the project. He questioned why this was not the case regarding the bid on the 24/40 Highway Interceptor Project. There was no response from the city council at this time.

*Steve Cole (15015 Chestnut), developer for Prairie Lakes Subdivision* asked if a special meeting would be scheduled to award the 24/40 Highway Interceptor Sewer Bid and if the bid was awarded, when would the project start. Council was unsure when they would award the bid. Engineer John Brann stated realistically the project could start in thirty days or early February. Mr. Cole stated his project is being held up by the delays.

City superintendent Myracle stated the City was not hampering Mr. Cole from finishing his project since the developer knew he had to create a separate line until the sewer line was constructed.

*David Breuer (did not appear)*

*Leon Logan (15621 Hickory)* requested the City create a plan when a sidewalk is being blocked (due to construction), something be set up to protect the pedestrians. Council said they would take it under advisement.

*Public Comments Regarding Agenda Items -* Donnie Dysart, Basehor Cabinet Shop, stated he appreciated the rock that was placed on 147<sup>th</sup> Street. He would also like to see parking on one side of Parallel Lane (Highview Industrial Park). Mr. Dysart noted he would like to see more open communications between the city and business owners regarding changes. He felt if the city would have come to the area businesses prior to installing no parking signs, other solutions to the problems may have been able to be worked out.

There being no further comments from the public regarding agenda items, the mayor announced the public portion of the meeting was closed.

**ACTION ITEMS**

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

No action required this month.

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

No action required this month.

***Item #3. Approve Resignation of Planning Commission Member (Mike Laffere)***

A motion was made by J. Espinoza and seconded by K. Sifford to accept the resignation of planning commission member, Mike Laffere. All aye. Motion carried 5-0.

Mayor Scherer noted he would advertise the open position.

***Item #4. Approve or Deny Charter Ordinance Authorizing the Assessment of Court Costs***

A motion was made by K. Sifford and seconded by B. Gratny to approve the Charter Ordinance creating a municipal court cost of \$35.00. A court mandated cost of \$9.50 would be sent to the State of Kansas with the balance of \$26.50 going into the general fund. All aye. Motion carried 5-0.

CHARTER ORD. 13. A CHARTER ORDINANCE EXEMPTING THE CITY OF BASEHOR FROM THE PROVISIONS OF KSA SUPP. 12-4112 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AUTHORIZING THE ASSESSMENT OF COURT COSTS FOR CASES HEARD IN MUNICIPAL COURT OF THE CITY OF BASEHOR, KANSAS.

***Item #5. Approve or Deny Ordinance Pertaining to Municipal Court Costs***

A motion was made by J. Espinoza and seconded by C. Garcia to approve the ordinance as submitted setting a court cost in municipal court. All aye. Motion carried 5-0.

ORD. 399. AN ORDINANCE PERTAINING TO MUNICIPAL COURT COSTS. THIS ORDINANCE SHALL SUPERSEDE ANY PRIOR ORDINANCE THAT CONFLICTS WITH THE SUBJECT MATTER OF THIS ORDINANCE.

***Item #6. Approve or Deny Vacation of Easement Request Received from Steve Cole***

A motion was made by J. Odle and seconded by B. Gratny to approve the vacation of an utility easement on Lot 20, Prairie Lakes Subdivision (.0596 acres) as requested by developer Steve Cole. All aye. Motion carried 5-0.

***Item #7. Approve or Deny Ordinance Adopting Sign Code***

A motion was made by B. Gratny and seconded by J. Odle to approve the sign ordinance as presented. All signs previous to the adoption of this ordinance would hereby be grandfathered. All aye. Motion carried 5-0.

ORD. #397. AN ORDINANCE REPEALING IN ITS ENTIRETY THE EXISTING CHAPTER IV, ARTICLE 8, SIGNS AND BILLBOARDS, OF THE CITY CODE OF THE CITY OF BASEHOR, KANSAS AND ADOPTING NEW REQUIREMENTS.

***Item #8. Approve or Deny Amendment to Municipal Policy 5.02, Monthly Sewer Maintenance Fees***

A motion was made by J. Espinoza and seconded by K. Sifford to approve the amendment to Municipal Policy 5.02PM and adopt Municipal Policy 5.03MP

increasing the wastewater fees from \$6.26 per 1000 gallons of average monthly water consumption to \$6.51 and increase the minimum monthly wastewater bill from \$8.44 to \$8.78. (This action constitutes a 4% increase) All aye. Motion carried 5-0.

***Item #9. Approve or Deny Amendment to Chapter XV UTILITIES, Article 3, Solid Waste***

A motion was made by J. Espinoza and seconded by C. Garcia to approve the adoption of an ordinance amending Chapter XV, Article 3 of the Code of Basehor, KS increasing the monthly solid waste fee to \$9.35 per household and \$50.00 for Private Hauler's permits. All aye. Motion carried 5-0.

ORD. NO. 398. AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 3, OF THE CODE OF THE CITY OF BASEHOR, KANSAS.

***Item #10. Approve or Deny Purchase of New 2003 Police Vehicle***

A motion was made by J. Odle and seconded by K. Sifford to approve the purchase of a 2003 police car from Shawnee Mission Ford in the amount of \$20,198.00 and allocate up to \$6,000.00 to equip the new vehicle. All aye. Motion carried 5-0.

***Item #11. Approve or Deny Rezoning of Property Located in Section 3, Township 11S, Range 22E (Creek Ridge Subdivision)***

At this time Mayor Scherer turned the gavel over to Council President Julian Espinoza noting he has personal interest in Creek Ridge Subdivision. The mayor left the bench and sat in the audience during this discussion.

Councilman Garcia questioned the city attorney as to legal ramifications if action was taken prior to the 14 day protest period. The city attorney stated the City could take action reserving the right of protest by petition.

A motion was made by J. Odle and seconded by B. Gratny to approve the rezoning of the property located in Section 3, Township 11S, Range 22E as requested on the contingency that no protest petition is filed within the allocated time frame. All aye. Motion carried 5-0.

A motion was made by B. Gratny and seconded by J. Odle to approve the Preliminary Plan for Phase I, Creek Ridge Subdivision. All aye. Motion carried 5-0.

A motion was made by J. Odle and seconded by K. Sifford to approve the Preliminary Plan for Phase II, Creek Ridge Subdivision. All aye except C. Garcia. Motion carried 4-1.

***Item #12. Approve or Deny Year End Fund Transfers***

A motion was made by J. Espinoza and seconded by J. Odle to approve the year end transfers and presented by the city treasurer. All aye. Motion carried 5-0.

***Item #13. Approve or Deny Employee Pay Scale for Year 2003***

A motion was made by J. Odle and seconded by B. Gratny to approve the wage increase effective 1/1/03 as presented. All aye. Motion carried 5-0.

***Item #14. Schedule Worksession and Special Meeting to Discuss  
24/40 Hwy Interceptor Bid and Miles annexation request.***

A motion was made by C. Garcia and seconded by K. Sifford to schedule a worksession on December 30, 2002 at 6:00 p.m. to discuss the annexation request made by Steve Miles and the 24/40 Hwy Interceptor Bid. A special meeting would be held at 7:00 p.m, following the worksession, to take action on the 24/40 Hwy Interceptor Bid. All aye. Motion carried 5-0.

**MAYOR'S REPORT**

**COUNCIL MEMBER REPORTS**

**Chris Garcia**

*Code Violations* - Councilman Garcia reported he was still receiving code violation complaints for the same properties that have been discussed over the last few months. It is his opinion the citations should be issued to those violators whom have not complied.

*Block Licensing* - Councilman Garcia recommended the City of Basehor start requiring block licensing for all contractors performing work within the city limits. Code administrator Hooper explained how block licensing is obtained and maintained.

### **Julian Espinoza**

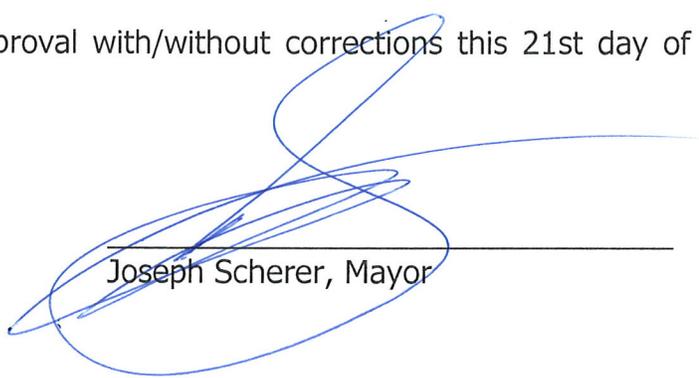
*LAD Director* - Council President Julian Espinoza introduced Mr. Bill Schulte as the new executive director for Leavenworth Area Development. Mr. Schulte stated he was looking forward to working with the City of Basehor in the future.

*Schedule Second Meeting* - It was suggested by Councilman Espinoza the governing body consider going to two scheduled meetings per month, either in the form of regular meetings or worksessions. He suggested the council members discuss the matter after the first of the year.

### **ADJOURNMENT**

There being no further matters to come before the city council, a motion was made by K. Sifford and seconded by B. Gratny to adjourn the meeting. All aye. Meeting adjourned at 10:15 p.m.

Submitted for Council approval with/without corrections this 21st day of January, 2003.

  
\_\_\_\_\_  
Joseph Scherer, Mayor

  
\_\_\_\_\_  
Mary A. Mogle, City Clerk