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**Minutes  
SPECIAL MEETING**

**Basehor City Council  
January 31, 2005  
6:00 P.M.  
Basehor City Hall**

**Official Presiding: Mayor Joseph Scherer**

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

**Staff Present: Mary Mogle, John Thompson**

**Newspaper: (none represented)**

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The special meeting was called to order by Mayor Joseph Scherer. Roll call was answered with all members present except Bill Hooker. The city attorney was also in attendance.

The mayor read the request for special meeting that stated the topics to be discussed were 1) consider payment of \$4,458.00 for annual contributions to Leavenworth Area Development for year 2005; and 2) consider the enactment of a home rule ordinance for the development of sewer benefit districts (i.e. 24/40 Hwy Sewer Benefit District).

**Item #1. To consider payment of \$4,458.00 for annual contributions to  
Leavenworth Area Development for year 2005;**

Lynn McClure (LAD Director) and Bill Petrie (LAD Board President) were present to address any questions the City Council may have regarding LAD's participation in the Basehor community and how the annual funding contribution was figured.

President Espinoza reported Mr. Petrie gave a good presentation at the last meeting regarding the LAD organization. He went on to say he supports the payment of \$4458.00 to LAD since the contribution was budgeted.

Mr. McClure commented that it was his understanding there was a comment made about "face time" at city meetings. Mr. McClure explained he normally comes in during the day to meet with the city administrator and the organization had logged in

eighty (80) hours on Project Wildcat and nine (9) trips to the community. He asked if Council wanted him to start providing them with a log sheet. Mayor Scherer noted from past conversation, the Council had been impressed with LAD the last couple of years. He suggested once a new administrator and governing body members came on board him April, he may want to visit with them to get an idea of what they would like to see in the future. Mr. McClure stated he would like to be placed on the May agenda to update the Council.

Councilperson Dysart stated she would like to see a representative from LAD on a quarterly basis. She commented that her position had not changed regarding issuing the difference in last years funds to the Chamber of Commerce. Mr. McClure stated he appreciated her support to the local Chamber of Commerce; however, he doubt they had the staff and expertise to handle some of the projects. J. Bonee stated he would like to see the City set funds aside to donate to the Chamber of Commerce for assist with promoting economic development.

Mayor Scherer entertained a motion for approval or denial of payment to LAD in the amount of \$4458.00.

A motion was made by J. Espinoza and seconded by K. Sifford to approve the annual contribution of \$4458.00 to Leavenworth Area Development for year 2005. All aye. Motion carried 4-0.

**Item #2. To consider the enactment of a home rule ordinance for the development of sewer benefit districts (i.e. 24/40 Hwy Sewer Benefit District).**

Mayor Scherer announced due to a conflict of interest he would turned this portion of the meeting over to council president Julian Espinoza. The gavel was then past to President Espinoza and Mayor Scherer removed himself from the bench.

City attorney John Thompson informed Council under Home Rule, the City of Basehor would exercise certain legal steps outside the state statues. The charter ordinance presented before the Council insured the City of Basehor could collect funds in the event there was legal action taken against the ordinance that was past at the meeting on January 24. The proposed charter ordinance would create a one-time assessment. The property owners would have to pay their assessment up front before hooking onto the system. If they chose not to connect at that time, they would be charged the assessment prior to receiving a building permit. Mr. Thompson explained the charter ordinance would be subject to protest. If a protest petition was filed, the governing body would initiate the matter be placed on the ballot for public vote. If the charter ordinance went to the vote of the people, the city-at-large participation would increase from 32% to 100%. Mr. Thompson stated he doubt that would pass; therefore, the entire amount would go to the property owners included in the benefit district.

Councilman Bonee asked Mr. Thompson what he recommended at this point. Mr. Thompson explained there were two ways to look at the situation 1) politically, if the ordinance was challenged in court, the city would not be out any legal fees because they would be paid for by the benefit district; and 2) legally, it might be deemed unfair for those who have already agreed to pay their fair share. J. Bonee asked if an ordinance could be passed allowing those who wanted to pay their assessment upfront to do so, and those that did not, be assessed on their taxes. Mr. Thompson responded by stating more ordinances would have to be passed in order to do so.

Mr. Thompson explained if Council chose to adopt the proposed charter ordinance the spreadsheet would have to be changed to redistribute the City's 32% over all the property owners included in the district.

Mr. Thompson questioned what the City would do if property owners came in to city hall to buy building permits before the charter ordinance was in place. Mr. Bonee suggested the property owner sign an affidavit stating they were aware of the assessment and would not protest the benefit district.

Mr. Ed McIntosh, Wolf Creek Junction developer, stated it was his intent to pay his assessment up front. President Espinoza stated he would still have the opportunity to do so.

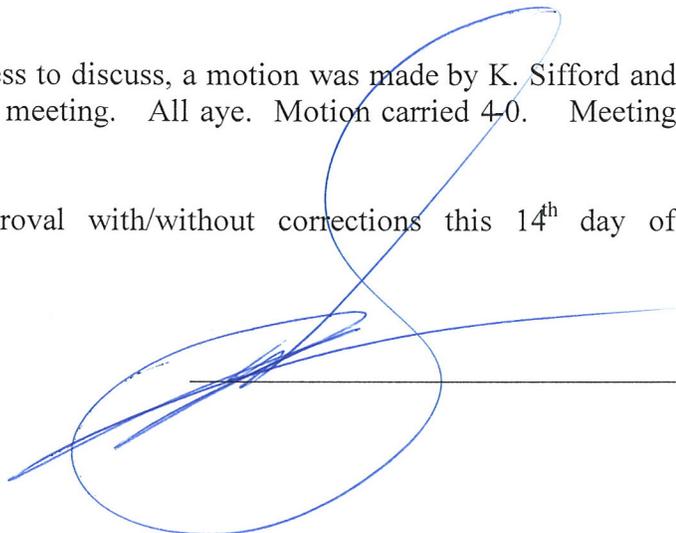
Mr. Steve Cole, Prairie Lakes developer, questioned how the property owners would be assessed since the original sewer district was to be paid over a period of fifteen years. Mr. Thompson stated the landowner or developer could pay up front or over a period of fifteen years. The first ordinance creating the quasi-sewer district would have to be rendered unenforceable in a court of law before the charter ordinance would take effect. The charter ordinance was considered "Plan B" to assure the City would receive funds to pay for the construction of the 24/40 Interceptor Line.

There being no further questions, President Espinoza entertained a motion.

A motion was made by K. Sifford and seconded by J. Bonee to approve the charter ordinance with a provision to incorporate by reference the spreadsheet identifying the property owners and assessments with the option to re-allocate the cost at a later time. All aye. Motion carried 4-0

There being no further business to discuss, a motion was made by K. Sifford and seconded by J. Bonee to adjourn the meeting. All aye. Motion carried 4-0. Meeting adjourned at 6:40 p.m.

Submitted for Council approval with/without corrections this 14<sup>th</sup> day of February, 2005.



Joseph Scherer, Mayor

