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MINUTES

BASEHOR CITY COUNCIL

February 28, 2005

6:00 P.M.

Basehor City Hall

**Official Presiding:** Mayor Joseph Scherer

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

**Staff Present:** Mary Mogle, Angie Solberg, Terry Horner, John Thompson

**Newspaper:** Josh Roberts, Basehor Sentinel

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At 6:02 p.m., Mayor Scherer called the regular council meeting to order. Roll call was answered with all members present including the city attorney John Thompson. Pledge of Allegiance was recited followed by a moment of silence.

**MINUTES**

A motion was made by K. Sifford and seconded by I. Dysart to approve the minutes of February 14, 2005 Regular Meeting and February 18, 2005 Telephone Poll (Withdraw From KDOC Grant) as written. All aye. Motion carried 5-0.

**FINANCIAL REPORTS**

A motion was made by K. Sifford and seconded by J. Bonee to approve the treasurer's reports, vendor payments, and investment recommendations as presented. All voted in favor except B. Hooker. All aye. Motion carried 4-1.

**UNFINISHED BUSINESS**

**Item #1. Reconsider Ordinance #458 (Vetoed by Mayor Scherer 2/14/05)  
(#458 amended to read #453 on 3/14/05 per council vote)**

At the February 14, 2005 meeting, Mayor Scherer vetoed Ordinance 453 stating he could not in good conscience sign a document that would, in his opinion, take away the voters right to protest a benefit district. Mayor Scherer agreed to sign the ordinance if different language was included. Council agreed to reconsider amendments to the ordinance at the next meeting (2/28/05).

Mayor Scherer presented the following for Council consideration:

**Section 1.** That prior to the issuance of any building permit, *or final plat approval*, the property owner ~~or developer~~ shall be required to execute an addendum to the building permit application, *or platted property*, ~~or an addendum to the subdivision improvements agreement~~ wherein the property owner ~~or developer~~ agrees to waive any right they may have to protest or challenge the construction of a collector street and sidewalk improvement district within or adjacent to ~~the subdivision in which the real property is located~~. This agreement shall be construed as a covenant to run with the land. Said property so long as said district has been implemented before said issuance of permit or final plat approval.

Councilman Bonee did not feel the changes gave the ordinance enough “teeth” to protect the City. Mayor Scherer and Councilman Bonee agreed to work on the revisions over the next couple of weeks.

### NEW BUSINESS

#### **Item #1. Amendment To Municipal Policy 5.04MP, Wastewater Connection & Treatment Fees**

Restated Municipal Policy 5.04MP allowed for a 3.25% increase in the monthly wastewater treatment maintenance fees, removed the 75 gallon calculation, clarify the procedure for protesting monthly rates, and updated the dates from 2004 to 2005.

Councilwoman Dysart spoke in opposition of raising the rate from \$6.77 to \$6.99 per 1,000 gallons, noting the former treasurer’s estimated rate in June 2004 was only 2.75%.

Councilman Hooker stated he appreciated I. Dysart trying to keep taxes down; however, cost of maintenance increases, and should be taken into consideration.

#### **Item #2. Statement Of Action Regarding Preliminary Plat Of Wolf Creek Industrial Park**

Code Administrator Angie Solberg explained the Planning Commission approved the Wolf Creek Industrial Park preliminary plat with three conditions.

1. *Structural integrity of the existing RCB shall be verified by the Developer’s Engineer in the form of a report to include shop drawings and historical inspections of the structure. Final determination will be made by the City prior to the structures acceptance as a Public Structure.*
2. *Roadway easement to be provided along the south property line.*

3. *Pinehurst Drive to have a permanent cul-de-sac where Lots 3, 5 and 2 meet.*

The code administrator explained preliminary plats do not have to be formally accepted by the council. However, they may take action to 1) accept the Planning Commissions statement of action; 2) adopt the recommendations made by the Planning Commission; 3) override the Planning Commissions recommendation by 2/3 majority vote; and 4) return the recommendations to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

The governing body agreed the Planning Commission had done a good job in addressing the issues and the statement of action should be approved.

**Item #3. Purchase Of Computer System For Planning Department**

A request was made by the planning and zoning department to purchase a new computer system for the building inspector in the amount of \$2,048.70

The code administrator explained the building inspectors current system cannot be upgraded and needs to run faster in order to run his building permit software.

**CITIZENS AND PETITIONS (All Presentations Are Limited To Five Minutes)**

**Item #1. Debbie Bonee**

**Re: Reconsideration For Neighborhood Revitalization Classification from Commercial to Industrial Use**

Mrs. Debbie Bonee (14500J Parallel) explained when she applied for the Neighborhood Revitalization Tax Rebate on the building located at 14500 Parallel the classification was shown on the application as a commercial use rather than an industrial use. It was unclear as to who put the "commercial" classification on the application. Mrs. Bonee informed the Council the building was constructed for industrial type businesses and was also zoned "Light Industrial". She requested council help her correct the error with the county appraiser.

Council President Julian Espinoza stated he felt the zoning classification dictates the use.

**Item #2. Mike Hooper, Miles Excavating**

**Re: Frontage Road from 155<sup>th</sup> Street west to 158<sup>th</sup> Street.**

Mike Hooper, project manager for Miles Excavating, appeared before the governing body to request additional time before the City officially turns down the grant with Kansas Department of Commerce for the frontage road between 155<sup>th</sup> Street west to

158<sup>th</sup> Street. Mr. Hooper explained he was working with three property owners who may be interested in participating in a benefit district to help ~~deferred~~ *(amended to read "defer" by council vote on 3/13/05)* defer some of the City's cost. He stated if the City turned the grant down, it would be very difficult to receive another one since this would be the second grant the City turned down.

Mayor Scherer reported Mr. Hooper was added to the agenda at the last minute and felt the people who appeared at the last meeting in opposition of the frontage road should be given an opportunity to comment regarding Mr. Hooper's plan.

Council President Espinoza informed Mr. Hooper a telephone poll had already been taken to withdraw from the grant and questioned the city attorney as to the steps necessary to rescind the action if the Council wished to reverse their decision. Mr. Thompson explained the Council could reconsider their previous action. Mayor Scherer informed the audience the Council acted via telephone poll because the State needed confirmation of acceptance prior to this meeting.

### **Item #3. Citizen Comments Regarding Agenda Items**

Mayor Scherer announced this was the portion of the meeting where anyone from the audience could speak concerning any agenda item.

**Joe Nick (14600 State Ave)** questioned if Kansas Dept. of Transportation was going to allow him to keep his cross-over entrance on US 24/40 Hwy when changes were made in conjunction with the Wolf Creek Industrial Park.

Mayor Scherer asked Mr. Hooper to address Mr. Nick's questions. Mr. Hooper explained the existing cross-over will become the 147<sup>th</sup> Street access in conjunction with other improvements.

**Mario Moore (155<sup>th</sup> & State, Basehor Suds)** explained last year he paid over \$16,000 in monthly sewer fees and \$15,000 to the water department and felt the cost was exorbitant and requested Council consider not increasing the sewer fees.

Mayor Scherer stated the City still has to continue to treat the car wash water just as they would a homeowner.

**Bob Moore (2636 N. 157<sup>th</sup> St)** stated Ordinance #453 should protect homeowners against not being able to sue if they were not made aware of a benefit district assessment. He also stated he supported the Council's decision to withdraw from the KDOC grant.

Mayor Scherer asked twice if there was anyone else in the audience who wished to speak regarding an agenda item. No one came forward, he then called the public portion of the meeting closed.

**ACTION ITEMS****Item #1. Approve Or Deny Amendment To Municipal Policy 5.04MP, Wastewater Connection & Treatment Fees**

A motion was made by B. Hooker and seconded by K. Sifford to approve Municipal Policy 5.04MP as restated. All voted in favor except I. Dysart. Motion carried 4-1.

**Item #2. Approve Or Deny Purchase Of Computer System For Planning Department**

A motion was made by K. Sifford and seconded by J. Espinoza to approve the purchase of a new computer system for the building inspector not to exceed \$2,048.70. All voted in favor. Motion carried 5-0.

**Item #3. Approve Or Deny Neighborhood Revitalization Classification From Commercial To Industrial Use For Debbie Bonee**

A motion was made by K. Sifford and seconded by B. Hooker to approve the request to change the Neighborhood Revitalization Classification from commercial to industrial to coincide with the zoning of the property and building structure. All voted in favor. Motion carried 5-0. (*amended to read J. Bonee abstained due to conflict of interest by council vote on 3/14/05*)

**EXECUTIVE SESSION**

A motion was made by K. Sifford and seconded by J. Bonee to convene into executive session for thirty minutes to discuss the city administrator position, employee complaint, and attorney-client privileged matters. All aye. Motion carried 5-0. (7:00 p.m.)

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

**MAYOR'S REPORT**

There was no Mayor's Report at this time.

COUNCIL MEMBER REPORTS**Julian Espinoza**

***Employment for Public Works Dept.*** - Council President Espinoza reported the city superintendent completed interviews for the positions of wastewater operator and street maintenance labor and has recommended two men for employment. The wastewater operator (David Holden) would be paid \$11.00 per hour and the street maintenance laborer (Mike Smith) would make \$10.50 per hour.

A motion was made by B. Hooker and seconded by K. Sifford (*amended to insert word "to" by council vote 3/14/05*) to approve the hiring recommendations as presented. All aye. Motion carried 5-0.

***Sewer Backup At 15308 Cedar*** – Council President Espinoza reported a sewer backup occurred at 15308 Cedar on February 22, 2005. After reviewing the situation, it was determined it was the City's problem. The insurance company was involved from the day the backup occurred approving the cleanup and repair work. He requested a bill in the amount of \$5467.36 be paid to MAAC Cleaning Services for work performed.

A motion was made by K. Sifford and seconded by B. Hooker to approve the payment of \$5467.36 to MAAC Cleaning Service and pay the hotel bills for the property owners. Discussion followed.

The city attorney was not comfortable with Council authorizing payment without receiving releases from the property owners regarding future damage. Sifford and Hooker withdrew their original motions.

A motion was made by K. Sifford and seconded by B. Hooker to approve payment to MAAC Cleaning Services in the amount of \$5467.36 and pay hotel bills upon receipt of releases from the property owners and approval from the city attorney. All voted in favor except J. Bonee. Motion carried 4-1.

ADJOURNMENT

A motion was made by J. Bonee and seconded by K. Sifford to adjourn the meeting. All aye. Motion carried 5-0. Meeting adjourned at 8:45 p.m.

**Worksession****Item #1. Discuss Amendment To Transportation Excise Tax Ordinance**

Council agreed to table discussion and allow the new administration and city treasurer to research and act on the matter at a later date.

Mayor Scherer announced the city council would meet in a special work session on March 7 at 6:00 p.m. to discuss future expansion of the waste water treatment plant.

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

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Mayor Joseph Scherer

Attest:



  
Mary A. Mogle, CMC