
MINUTES

BASEHOR CITY COUNCIL MEETING

May 24 & 25, 2004

6:00 PM

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

**Members Present: Pres. Julian Espinoza (arrived at 7:25 p.m.), John Bonee,
Iris Dysart, Bill Hooker, Keith Sifford**

Staff Present: David Fuqua, Mary Mogle, John Thomspson

Newspaper: Clark Corbin, Basehor Sentinel

The meeting was called to order at 6:00 p.m. by Mayor Scherer. Roll call was answered with all members present except Councilman Espinoza. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

Mayor Scherer asked that a spelling of Ms. Phillips name be changed to read "Janelle".

A motion was made by B. Hooker and seconded by K. Sifford to approve the minutes as written with the amendment to the spelling of Ms. Phillips name (page 3) as aforementioned. All aye. Motion carried 4-0.

FINANCIAL REPORTS

A motion was made by K. Sifford and seconded by I. Dysart to approve the financial reports and vendor payments as presented. All voted in favor except B. Hooker. Motion carried 3-1.

EXECUTIVE SESSION

Mayor Scherer requested a motion to change the order of the agenda allowing for a fifteen-minute executive session at this point in the meeting for the purpose of discussing personal issues concerning contract labor.

A motion was made by K. Sifford and seconded by I. Dysart to convene into an executive session for up to fifteen minutes to discuss personal issues concerning contract labor.

Mayor Scherer asked that the motion be amended to exclude the city attorney from the executive session and invite the city administrator into the discussion. Mayor Scherer asked the city attorney if this was within the law. He responded by answering yes.

Sifford and Dysart agreed to amend their motion as aforementioned. All aye. Motion carried 4-0. (6:07 p.m.)

At 6:24 p.m. the council reconvened with Mayor Scherer announcing it was necessary to recess back into executive session for an additional fifteen minutes to finalize the discussion.

A motion was made by K. Sifford and seconded by B. Hooker to continue the executive session for fifteen minutes. All aye. Motion carried 4-0.

At 6:40 p.m. Mayor Scherer called the regular meeting back to order announcing the city clerk was asked to attend the executive session for approximately three minutes to provide documents and clarification regarding its contents.

UNFINISHED BUSINESS

Item #1. Waive of Excise Tax and Subdivision Agreement for Honey Creek Farms Development

Developers of Honey Creek Farms submitted a request for waive of excise tax for their commercial and residential development located at 166th & State Avenue.

Mayor Scherer reported the code administrator included in the Council's packet options for action regarding the request. The council has the option to 1) approve the request in its entirety, 2) approve to waive excise tax on the commercial area and collect excise tax on the residential area only, or 3) deny the waiver. If the council chose to waive all or part of the excise tax, the Subdivision Agreement would need to be amended. The code administrator provided samples of the amendments.

Councilman Dysart immediately spoke up stating she was against the request, either abide by the Transportation Excise Tax ordinance in its entirety or eliminate it. Councilman Hooker agreed while Councilman Bonee and Sifford disagreed. Councilmembers Bonee and Sifford stated each subdivision is considered on a case by

case basis. Councilman Bonee stated the Honey Creek Farms developers were making improvements to the collector/arterial streets worth more than the City would reap from collected excise tax.

The mayor asked Honey Creek Farm developer, Troy Latorneau, if he wished to speak regarding the waive of excise tax. He declined noting he would prefer to have his engineer speak on his behalf. He announced his engineer, Janelle Phillips, was on vacation and could not make the meeting.

Councilman Hooker spoke up requesting the meeting move on noting it was evident the council was equally split and the mayor would cast the deciding vote. The mayor announced he would wait until the return of the council president to take action on this issue. He felt due to public perception, it was best that he not make the deciding vote.

Item #2. Fairmount Township-Improvements to Parking Lot

Roger Brandt, Fairmount Township Board member appeared at previous meetings requested a joint effort between the City and Fairmount Township to improve the parking lots of both properties.

Item #3. Ordinance Changing Speed Limits for Leavenworth Rd, Parallel, and 155th St.

The ordinance before the city council would change the speed limit throughout the city as follows:

155th Street –

- a. 40 mph between US Highway 24/40 and Pebblebrooke Retirement Community
- b. After Pebblebrooke on 155th, the speed limit will be 25 mph through downtown Basehor
- c. 40 mph between Pin Oak Drive and the city's northern limits along 155th Street.
- d. 25 mph through school zone when lights are flashing.

Parallel Street –

- a. 40 mph from city limit west to 150th St.
- b. 35 mph from 150th St. west to city limit
- c. 35 mph from city limit east to 150th St.
- d. 40 mph from 150th St. east to city limit

Leavenworth Road –

- a. 30 mph from 155th St. east to 154th Street
- b. 40 mph from 154th St. east to city limit
- c. 40 mph from city limit west to 154th St.
- d. 30 mph from 154th west to 155th St.

Councilman Hooker stated he had not received any calls since the last meeting, however, he wanted to go on record as opposing the increases. Councilwoman Dysart stated she had received calls favoring the increase, however, she was questioning the locations for the changes. Councilman Bonee stated he was not in favor of raising 155th Street to 40 mph but would be in favor of 35 mph. Councilman Sifford spoke up at this point stating the council has discussed this issue for over six hours (during previous meetings) and did not understand why the other members had changed their position.

Mayor Scherer interjected stating that it was too costly to change the speed limits by only five miles and suggested leaving the speed limits the way they are. He reported he was going to move the meeting forward and council could vote on the issue during Action Items.

Item #4. Ordinance Establishing Salaries for Elected Officials

The proposed ordinance would redistribute the mayors existing salary of \$9750.00 between the members of the governing body. This would result in a monthly salary of \$100.00 per month for each board member in accordance with a memorandum submitted by the city treasurer. (The current per diem of \$1.00 per month per each council member shall be rescinded with the passage of this ordinance.) No discussion.

Item #5. 158th Street Economic Development Grant

Mayor Scherer reported the city administrator informed him the grant for 158th Street could not be transferred to another location; therefore, it is a “dead issue”. No discussion.

NEW BUSINESS

- Item #1. Appointment of City Engineer**
- Item #2. Appointment of City Attorney**
- Item #3. Appointment of Municipal Judge**
- Item #4. Appointment of Municipal Court Clerk**

The mayor announced he would be reappointing the city engineer, city attorney and municipal judge for one year with the stipulation that they include a thirty-day release clause in their scope of service referendum. No discussion.

The municipal judge makes the appointment for the position of court clerk. Judge Pray submitted a letter appointing Traci Myracle as the court clerk.

Item #5. Appointment of Planning Commission Member

Mayor Scherer announced he would be reappointing Rick Hogue to the Planning Commission. No discussion.

Item #6. Retainer Contract with Integrated Systems for Technology Support

A proposed maintenance contract for 20 hrs of technology support at a discounted rate of \$65.50 was submitted for council approval. The contract amount of \$1310.00 plus sale tax would be divided between the administrative and police department contractual funds. No discussion.

Item #7. Amendment to State Revolving Loan Contract

An amendment to the Kansas State Revolving Loan Fund in the amount of \$500,000 was submitted for council approval. The additional money would go toward funding the North Poplar Interceptor Project. No discussion.

Item #8. Annexation Schedule and Requirements for Briarwood Commercial & Cedar Lakes Subdivision

A schedule was submitted by the code administrator outlining the process and dates for the proposed annexation of the Briarwood Commercial area and Cedar Lakes Subdivision.

Mayor Scherer stated the purpose of the annexation was to receive revenue and connection of these properties to the city sewer system.. He recommended holding a town hall meeting with property owners within the annexation area.

Item #9. Request from Ingram's Magazine to Participate in Countywide Promotion

At the mayor's request, Joe Sweeney, Ingram's Magazine gave a presentation regarding a project profiling the cities in Leavenworth County. Mr. Sweeney informed the Council that Basehor was the last city to "come on board". The cost to the city would be \$1912.00. He noted since the magazine was ready to go to print in ten days, it was imminent he obtain an answer in the next day or two.

Councilman Hooker questioned why the City of Basehor wasn't contacted earlier when all the other entities had been contacted well before now. Mayor Scherer stated he was out of town when Mr. Sweeney called.

Item #10. Request Detour Through Pinehurst Development

Pinehurst Development engineer, Joe McAfee, requested permission from the City Council to route traffic from County Road 2 through Pinehurst Development. Mr. McAfee stated normally the rerouting of traffic would not be an issue; however, the streets in Pinehurst have yet to be accepted by the city as public streets and is still the responsibility of the contractor, Miles Excavating.

(Councilman Espinoza arrived at 7:25 p.m.)

Mr. McAfee read the three bids received for a traffic signal at 155th & Pinehurst drive. He requested council award the contract to the lowest bidder, J.W. Warren.

**Continuation of Item #1. Waive of Excise Tax and Subdivision Agreement for
Honey Creek Farms Development**

Mayor Scherer updated council president, Julian Espinoza, of the discussions regarding the waiving of excise tax. He explained the council was split and he was not willing to cast the deciding vote based on public perception.

CITIZENS AND PETITIONS**Item #1. Citizen Comments Regarding Agenda Items**

Chris Garcia (15409 Martha) spoke in opposition to waiving the excise tax for Honey Creek Farms and raising the speed limits through the city.

Frank Feagles (1702 N. 155th Street) spoke in opposition of raising the speed limit on 155th Street and would like to see the current speed limit enforced more. He noted he was also speaking for several of his neighbors.

Dale Shirley (3717 N. 155th Street) was opposed to raising the speed limit stating 155th Street was already a "race track".

John Breuer (7550 Legler, Shawnee, Ks) spoke in favor of the excise tax and opposed waiving the tax for Honey Creek Farms. He noted the tax would allow the city to have better roads.

William High (3160 N. 155th St.) spoke in opposition of raising the speed limit on 155th Street. He gave a scenario where his 16 month old daughter got away from him and found her way onto 155th Street. He stated he realizes she is HIS responsibility; however, situations like this do occur.

Bob Moore (2636 N. 157th St.) opposed raising the speed limit on 155th Street but would be in favor of 35 mph as long as the flashing signals are active one hour before and one hour after school. He informed the council the regional speed limit for school zones was being raised to 25 mph. Mr. Moore ended by stating he was opposed to waiving the excise tax for Honey Creek Farms.

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

At 8:25 p.m. Sgt. Cigich entered the room announcing the area was under a tornado warning. Mayor Scherer suggested continuing the meeting until Tuesday.

A motion was made by K. Sifford and seconded by J. Espinoza to continue the May 24th council meeting to Tuesday, May 25th at 7:00 p.m. All aye. Motion carried 5-0.

Mayor Scherer announced the meeting was in recess and would continue May 25th at 7:00 p.m.

May 25, 2004
Continuation of Council Meeting

Mayor Scherer called the council meeting back to order at 7:05 p.m. with all members present except I. Dysart. (Staff present: David Fuqua, Mary Mogle, John Thompson). The mayor then announced Pledge of Allegiance would not be recited due to the absence of the American Flag and asked that the record reflect due to the remodeling of city hall, the meeting was being held at the meeting room of Consolidated Rural Water District No. 1.

The mayor announced the meeting of May 24th closed with Citizens & Petitions. This meeting would begin with Action Items.

ACTION ITEMS**Item #1. Approve or Deny Waive of Excise Tax and Subdivision Agreement for Honey Creek Farms Development**

(Councilmember Dysart arrived at 7:06 p.m.)

A motion was made by J. Bonee and seconded by B. Hooker to table action until the project engineer could appear. All aye. Motion carried 5-0.

Item #2. Approve or Deny Cost to Improve City Hall Parking Lot (Fairmount Township)

A motion was made by J. Espinoza and seconded by K. Sifford to table action until a cost analysis could be provided. All aye. Motion carried 5-0.

Item #3. Approve or Deny Ordinance Changing Speed Limits for Leavenworth Rd, Parallel, and 155th St.

A motion was made by J. Espinoza and seconded by K. Sifford to approve the ordinance as submitted. Motion failed 2-3 with Council members Hooker, Bonee, and Dysart voting against.

Councilman Bonee asked if he could make another motion at this time. Mayor Scherer stated "no". He announced this was his agenda and until the city council was all in agreement he did not want to see this subject brought back up.

Item #4. Approve or Deny Ordinance Establishing Salaries for Elected Officials

A motion was made by J. Espinoza and seconded by I. Dysart to approve the ordinance establishing salaries for elected officials as submitted. All aye. Motion carried 5-0.

Item #5 158th Street Economic Development Grant

A motion was made by J. Bonee and seconded by J. Espinoza to table action until at such time the city administrator returned with new information. All aye. Motion carried 5-0.

Item #6. Approve or Deny Appointment of City Engineer

Item #7 Approve or Deny Appointment of City Attorney

Item #8. Approve or Deny Appointment of Municipal Judge

Item #9. Approve or Deny Appointment of Municipal Court Clerk

A motion was made by J. Espinoza and seconded by K. Sifford to approve the slate of appointments for a period of one year with each contract to include a thirty-day release clause. All aye. Motion carried 5-0.

Item #10. Approve or Deny Appointment of Planning Commission Member

A motion was made by J. Bonee and seconded by K. Sifford to approve the reappointment of planning commission member Rick Hogue. All aye. Motion carried 5-0.

Item #11. Approve or Deny Retainer Contract with Integrated Systems for Technology Support

A motion was made by J. Espinoza and seconded by K. Sifford to approve the Retainer Contract with Integrated Systems for technology services as presented (20 hrs @ 65.50 per hour plus sales tax). All aye. Motion carried 5-0.

Item #12. Approve or Deny Amendment to State Revolving Loan Contract

A motion was made by K. Sifford and seconded by B. Hooker to approve the amendment to the State Revolving Loan contract as presented. All aye. Motion carried 5-0.

Item #13. Approve or Deny Annexation Schedule and Requirements for Briarwood Commercial & Cedar Lakes Subdivision

A motion was made by K. Sifford and seconded by B. Hooker to table action to June 28th meeting. Discussion followed. Council members Sifford and Hooker withdrew their first and second to the motion. A second motion was then taken.

A motion was made by J. Espinoza and seconded by K. Sifford to approve the Annexation Schedule and Requirements as submitted. All voted in favor except B. Hooker. Motion carried 4-1.

Councilman Hooker went on record as stating he was in favor of annexing the commercial area of Briarwood but was not in favor of annexing Cedar Lakes Subdivision.

Item #14. Approve or Deny Bid for Traffic Light at 155th & Pinehurst Dr.

A motion was made by J. Bonee and seconded by B. Hooker to award the bid to J. W. Warren Construction in the amount of \$42,000 as presented. All aye. Motion carried 5-0.

EXECUTIVE SESSION

Mayor Scherer stated since Action Item #15 could potentially become a legal issue he requested a twenty-minute executive session to confer with the city attorney regarding attorney-client privileged matters and personnel.

A motion was made by J. Espinoza and seconded by K. Sifford to recess into an executive session for twenty minutes to discuss personnel and attorney-client privileged matters. All aye. Motion carried 5-0. (7:25 p.m.) The city clerk was asked to attend the executive session.

At 7:42 p.m. the mayor called the regular meeting back to order announcing that no formal action was taken during the executive session.

Item #15. Approve or Deny Payment of \$22,754.50 to Miles Excavating.

A motion was made by K. Sifford and seconded by J. Espinoza to approve the payment of \$22,754.50 for work performed at 160th & Parallel. All aye. Motion carried 5-0.

MAYOR'S REPORT

There were no reports given at this time.

COUNCIL MEMBER REPORTS**Bill Hooker**

Councilman Hooker stated he thought the mayor was wrong by not allowing Councilman Bonee to make a second motion regarding the speed limit ordinance.

Mayor Scherer noted he was in control of the meeting and agenda and had a right to proceed with the meeting as he deemed necessary.

City attorney John Thompson stated the law allows for the mayor to control the meeting at his discretion.

Mayor Scherer stated he was aware that another motion could be made; however, he wants the issue to return as a "united front" with all members being in agreement.

~~Councilman Espinoza agreed with Councilman Bonee disagreeing stating he never remembers agreeing to 40 mph on 155th Street.~~ Councilman Espinoza agreed with the mayor; however, Councilman Bonee disagreed, stating he did not recall agreeing to 40 mph on 155th Street. Council member's Dysart and Hooker stated they had a right to change their mind after researching the issues. (amended 6/14/04)

ADJOURNMENT

There being no further business to discuss, a motion was made by J. Espinoza and seconded by K. Sifford. All aye. Motion carried 5-0.

Mayor Scherer announced there would be a worksession directly following this meeting to discuss a request from Jeff Theno and future growth of Basehor.

WORKSESSION

Item #1. Jeff Theno, Theno Estates Request Assistance with Easement Condemnation and Voluntary Annexation

Council discussed this issue and directed the city clerk to place it on the worksession agenda for June 21, 2004.

Note: Due to a light agenda on June 14th, Mayor Scherer directed the city clerk to add the matter to the worksession following the regular meeting.

Item #2. Future Growth of Basehor

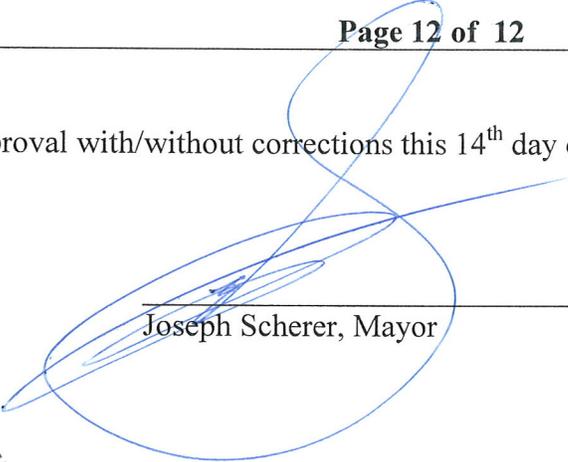
Mayor Scherer requested another Council retreat on June 22nd starting at 5:00 p.m.. Council agreed and directed the city clerk to place the matter on the June 14th agenda for action.

Note: Minutes of worksessions are not required by law, therefore, there are not written minutes available regarding Items 1 & 2.

Basehor City Clerk
May 24 & 25, 2004

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Submitted for Council approval with/without corrections this 14th day of June,
2004.



Joseph Scherer, Mayor

Attest:



Mary A. Mogle, City Clerk

