
MINUTES

BASEHOR CITY COUNCIL

June 28, 2004

6:00 P.M.

Basehor City Hall

Official Presiding: Joseph Scherer, Mayor

Members Present: John Bonee, Iris Dysart, Bill Hooker, Keith Sifford

Staff Present: David Fuqua, Carole Dickey, John Thompson, Matt Henderson

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

MINUTES

I. Dysart stated that K. Sifford was absent from the June 14th meeting and his name should be removed from the members present listing. She also questioned whether B. Hooker attended. B. Hooker stated that although he was absent from the public hearing he was present for the council meeting.

A motion was made by B. Hooker and seconded by J. Bonee to approve the minutes of the June 14th public hearing as written and the minutes of the June 14th meeting with the aforementioned correction removing K. Sifford from the members present listing. All aye. Motion carried 4-0.

FINANCIAL REPORT

I. Dysart asked when and if the \$98,000 24/40 (Hwy Interceptor Project) expenditure was approved. Mayor Scherer said it had been approved but he did not know the exact date. B. Hooker asked if the equipment purchased from Delta Technology was for the traffic count. Mayor Scherer confirmed that was correct and stated that it was less expensive to buy the equipment than to continue to rent it.

A motion was made by K. Sifford and seconded by J. Bonee to approve the vendor payment summary as presented. All aye except B. Hooker. Motion carried 3-1

UNFINISHED BUSINESS

Item #1. Waive of Excise Tax for Honey Creek Farms

Mayor Scherer asked for a review of opinions from council members.

B. Hooker stated his stance of opposing the waiver has not changed. He said he might feel differently if the developer had asked before – and not after – the fact.

J. Bonee said he considers this more of an exchange of funds than a waiver. He is in favor because he feels the city comes out ahead in the exchange.

K. Sifford said he was against the waiver because the tax was voted in by the citizens. He also feels the city should have had a say in how the dollars were spent.

I. Dysart said she has seen discrepancies in the paperwork. She is also concerned about development on the east since 171st Street does not exist.

Mayor Scherer said the vote would appear to be 3-1 and asked J. Bonee if he had any other arguments in favor before moving forward.

J. Bonee reiterated that the road belongs to the city, not the developer. He said Basehor would profit from the waiver because the developer was providing a better road than the amount of excise tax dollars would. He asked the council to at least consider passing an ordinance to cover future instances.

Item #2. Condemnation Process and Acceptance of Force Main Wastewater for Theno Farms

Since Jeff Theno was not present, Mayor Scherer asked J. Thompson about the status of this item. J. Thompson said specific “legals” are still needed and he did not feel comfortable moving ahead at this time.

Item #3. Adjustment to Developer Reimbursement Expenses for Cole’s Properties

There was no discussion of this item.

Item #4. Revision to Service Delivery Plan Schedule for Cedar Lakes/Briarwood Commercial Annexation

Mayor Scherer said Mike Hooper had not been able to finish the information by this meeting's deadline. K. Sifford suggested a phone poll when the information is completed. Mayor Scherer called for a 30 day extension on this item.

NEW BUSINESS

Item #1. Partial Acceptance of Pinehurst Dr. and 155th St., Pinehurst Development

Mayor Scherer referred the council to a letter just received from Matt Henderson, city engineer, and asked for comments from Mr. Henderson. Mr. Henderson stated that his firm was comfortable with this acceptance and had found the road to be safe for traffic.

B. Hooker said he had received citizen complaints about the detour signage not being clear. Mayor Scherer said signage could be a condition of the acceptance. J. Bonee asked if that would be the responsibility of KDOT or the developer. Mayor Scherer said the developer would be responsible.

Item #2. Interlocal Agreement with Leavenworth County for Use of Funds to Construct 600 LF of An Additional Turn Lane On the South Leg of 158th St. At the Intersection of State Ave. In Conjunction With KDOT Project No. 52C-3708-01

I. Dysart asked if the turn lane had been included in the Pinehurst Benefit District. She was concerned about the statement that the city would reimburse the county for the turn lane. The city administrator explained that the turn lane was not included in the benefit district because it was only deemed necessary by KDOT after conducting their traffic study. He said the money would be taken from the temporary note and the city would not incur any out-of-pocket expense.

CITIZENS AND PETITIONS

1. Dan Foy

Re: Request Extension for Application Time in Applying for Neighborhood Revitalization Plan

Dan Foy (4015 North 143rd St., Kansas City, Kansas) appeared to ask for an extension for additional time in applying for the Neighborhood Revitalization Plan. He explained that he was not made aware of the program by the city. He said he is still within the county deadline but needs an extension from the city.

Mayor Scherer commented that the front of the building still needs work and asked Mr. Foy if that was in his plan for improvement. Mr. Foy replied that he did have plans to improve the front of the building; however, a recent sale of the building had fallen through because of the city's parking requirements. He said he had received little support from the city and an extension of this city deadline would really help. He also said the library had expressed an interest and promised to let him know by the end of July.

J. Bonee said Mr. Foy had kept the city from having to demolish the building and he would support an extension.

2. Citizen Comments Regarding Agenda Items

Mayor Scherer opened the floor to anyone in the audience who wished to comment regarding any agenda item.

Jerry Barlow (15320 Elm) said the excise tax waiver is a bad idea. He said the voters decided on the tax in the 2002 election and wondered if it was legal to grant waivers on a case-by-case basis. He felt this money could be put to better use since the city administrator is apparently asking for a mill levy increase. He said the developer did this on his own, so it should not be the taxpayers' responsibility.

Burdell Welsh (527 Church St.) said he owns adjoining property and informed the council that the developer has not obtained proper easements for 171st St. He said they have moved dirt without consent and only corresponded with him after threat of a lawsuit.

J. Bonee said 171st St. is not part of the waiver, but that it has to go in that location. He also asked if Mr. Welsh was also planning a development on his property. Mr. Welsh stated that he had submitted a plan to the county. Mayor Scherer explained that 171st St. was previously considered in the waiver but was thrown out in a previous meeting. He asked Mr. Welsh to call the city administrator so his complaints about the developer can be addressed.

Chris Garcia (15409 Martha) said he voted for the excise tax, which mentioned specific roads, when he was on the council. He said the intention was that the developers would pay for the increased traffic they brought. He also said it was intended to be seed money for future improvements and should not be given away. He said the next developer would want the same consideration.

B. Hooker said he remembers roads being specified as well.

J. Bonee said the tax specifies arterial roads, and since being annexed, 166th is a city arterial road.

George Smith (14923 Parallel) said he is against the waiver because certain roads were specified for improvement. He said the money is needed for projects in the city and should not be given away. He said the residents of the old downtown area deserve improvements also.

ACTION ITEMS

Item #1. Approve or Deny Waiver of Excise Tax for Honey Creek Farms

A motion was made by B. Hooker and seconded by I. Dysart to deny the Waiver of Excise Tax for Honey Creek Farms as presented. All voted in favor of denial except J. Bonee. Motion carried 3-1.

Item #2. Approve or Deny Condemnation Process and Acceptance of Force Main Wastewater for Theno Farms

A motion was made by K. Sifford and seconded by I. Dysart to refer this item back to the city attorney. All aye. Motion carried 4-0.

Item #3. Approve or Deny Adjustment to Developer Reimbursement expenses for Cole's Properties.

A motion was made by J. Bonee and seconded by K. Sifford to approve the adjustment to developer reimbursement expenses for Cole's Properties. B. Hooker said he would vote yes only because of the cost of going after the money. He asked for more diligence in collecting future debts. A vote was then taken. All aye. Motion carried 4-0.

Item #4. Approve or Deny Revision to Service Delivery Plan Schedule for Cedar Lakes/Briarwood Commercial Annexation.

A motion was made by K. Sifford and seconded by J. Bonee to grant up to a 30 day extension for action on Revision to the Service Delivery Plan Schedule for Cedar Lakes/Briarwood Commercial Annexation. All aye. Motion carried 4-0.

Item #5. Approve or Deny Partial Acceptance of Pinehurst Dr. and 155th St., Pinehurst Development

A motion was made by J. Bonee and seconded by B. Hooker to approve partial acceptance of Pinehurst Dr. and 155th St., Pinehurst Development, with the condition that

the developer must approve and pay for additional signage to clarify the detour routes, with this cost being passed on to KDOT by the developer if possible. All aye. Motion carried 4-0.

Item #6. Approve or Deny Interlocal Agreement with Leavenworth County for Use of Funds to Construct 600 LF of an Additional Turn Lane on the South Leg of 158th St. at the Intersection of State Ave. in Conjunction with KDOT Project No. 52C-3708-01

A motion was made by J. Bonee and seconded by K. Sifford to approve the Interlocal Agreement with Leavenworth County for Use of Funds to Construct an Additional Turn Lane as presented. All aye. Motion carried 4-0.

Item #7. Approve or Deny Request for Extension for Application Time in Applying for Neighborhood Revitalization Plan

A motion was made by J. Bonee and seconded by K. Sifford to approve extending the deadline to July 1 for Mr. Foy to apply for the Neighborhood Revitalization Plan.

After discussion about the possible library interest in Mr. Foy's building, a motion was made by J. Bonee and K. Sifford to amend the previous motion. All aye. Motion carried 4-0.

A motion was then made by J. Bonee and seconded by K. Sifford to approve extending the deadline to August 1 for Mr. Foy to apply for the Neighborhood Revitalization Plan. All aye. Motion carried 4-0.

EXECUTIVE SESSION

A motion was made by J. Bonee and seconded by I. Dysart to convene into a thirty-minute executive session to discuss personnel and attorney-client privileged matters. All aye. Motion carried 4-0. (7:00 p.m.)

At 7:30 p.m., the mayor called the meeting back to order announcing it was necessary to reconvene back into executive session to finish discussions.

A motion was made by B. Hooker and seconded by K. Sifford to convene back into executive session until 7:50 to continue discussion regarding personnel and attorney-client privileged matters. All aye. Motion carried 4-0.

At 7:58 p.m., the mayor called the meeting to order reporting that no formal actions were taken in executive sessions.

MAYOR'S REPORT

The mayor reported that he and the city clerk had attended the LKM seminar on June 26th on the proper order of meetings. He said they learned a lot and would be sharing the information with the council.

COUNCIL MEMBER REPORTS

There were no reports at this meeting.

ADJOURNMENT

A motion was made by J. Bonee and seconded by I. Dysart to adjourn the meeting. All aye. Motion carried 4-0. Meeting adjourned at 8:00 p.m.

WORKSESSION

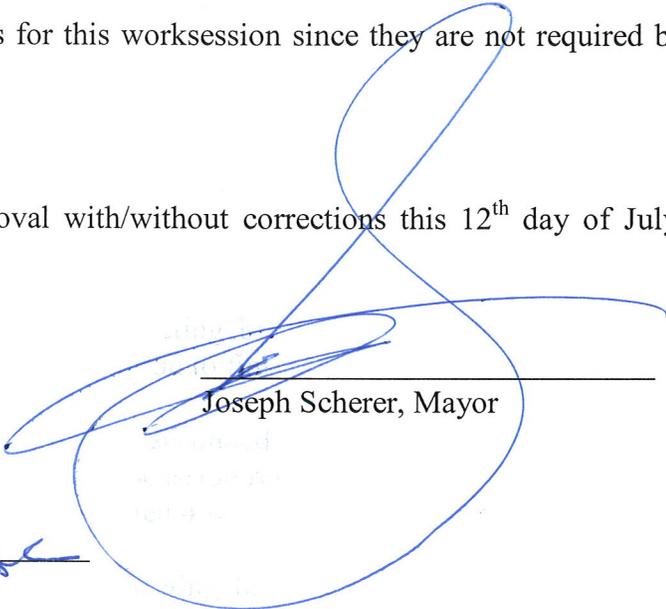
Topics discussed at the worksession were as follows:

Item #1. Discussion with Police Department Regarding Work Schedule and departmental issues.

Item #1. Discussion Regarding No Parking On Streets Throughout City

Note: There are no written minutes for this worksession since they are not required by law.

Submitted for Council approval with/without corrections this 12th day of July, 2002.



Joseph Scherer, Mayor

Attest:



Mary A. Mogle, CMC City Clerk