

MINUTES

BASEHOR CITY COUNCIL

July 12, 2004

6:00 PM

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

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

Members Absent: Iris Dysart

Staff Present: David Fuqua, Mary Mogle,

Newspapers Represented: Clark Corbin, Basehor Sentinel

The July 12, 2004 council meeting was called to order at 6:00 p.m. by Mayor Joseph Scherer. Roll call was answered with all members present except Iris Dysart. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

A motion was made by B. Hooker and seconded by K. Sifford to approve the minutes of June 28, 2004 as written. All aye. Motion carried 5-0.

FINANCIAL REPORTS

A motion was made by J. Espinoza and seconded by K. Sifford to approve the Treasurer's Report and Vendor Payments as submitted. All voted in favor except B. Hooker. Motion carried 3-1.

A motion was made by J. Espinoza and seconded by K. Sifford to approve the Investment recommendations as presented. All aye. Motion carried 4-0.

UNFINISHED BUSINESS

Item #1. Approve City Cost Share of 24/40 Sewer Interceptor, Phase I & II

Mayor Scherer announced he had a conflict of interest with this agenda item and requested the council's permission to handle all discussion in Action Items so he would only have to leave the bench one time during the meeting. Council agreed.

SCANNED

2-15-07 *lt*

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

Mayor Scherer announced no action would be taken due to lack of documentation. The city attorney noted he has yet to receive a legal description of the easement and location of the sewer line in question. Developer, Jeff Theno, stated he was under the impression his engineer had turned in the necessary paperwork. Mr. Thompson noted he is unable to proceed without the legal descriptions.

Item #3. Resolution Amending Charges for Insufficient Checks

The ordinance amendment, as presented, would allow an increase in fees for insufficient checks to raise from \$15.00 to \$30.00. No discussion.

Item #4. Ordinance Amending Charges and Requirements for Business License

The ordinance amendment, as presented, would allow for an increase in the annual business license fee from \$10.00 to \$50.00 and a requirement that proper zoning be obtained prior to the issuance of a license.

The city clerk requested an additional statement be included in the ordinance to the effect that "receipt of payment does not constitute issuance of a business license".

Councilman Bonee stated he was under the impression the council agreed to make it a requirement that businesses outside the city limits would also have to register and pay a higher fee than local businesses. The city clerk suggested tabling action in order to give her time to research how other cities handle their business licensing. Councilman Espinoza expressed concerns that it would be difficult to police outside companies working in Basehor.

The city clerk was directed to add this item to the July 19th work session agenda.

Item #5. Renewal of One-Cent Countywide Sales Tax

Mayor Kenneth Bernard, City of Lansing, appeared on behalf of the task force working to renew the One-Cent Countywide Sales Tax. Mayor Bernard explained the current countywide sales tax has a ten-year sunset clause, which would expire in year 2006. He explained the current one-cent goes toward payment of the new justice center and city infrastructure programs. The task force was urging all cities to participate by passing a resolution calling for the vote. He noted Council should state in the resolution how the tax dollars would be spent (i.e. street, storm sewers, special projects, equipment, etc). The estimated percent of revenue to be distributed was as follows:

City of Leavenworth – 70.0%
City of Lansing – 17.06%
City of Tonganoxie – 6.2%
City of Basehor – 4.9%
City of Linwood - .58%
County of Leavenworth – 1.26%

Business owner, Dennis Breuer, questioned Mayor Bernard asking if it was true the county considered using part of the tax as a road impact fee. Mayor Bernard stated that is undecided at this time; however, if the county and city had a joint project they needed to fund, the funds could be spent in that manner.

Mayor Scherer asked for a consensus of support from the council. At first, some members were not in favor since the larger cities received more money and were able to use their inmate population toward the population calculations; however after further discussion, the Council said they would support the One-Cent Countywide Sales Tax. Mayor Bernard stated the plan was to place the matter on the ballot for April 2005.

NEW BUSINESS

Item #1. Discussion Regarding Amendments to Chapter II, Animal Control

The proposed amendments to Chapter II of the Animal Control code was presented by police clerk Traci Myracle. The major change in the ordinance was in section 2.201(F) which changed the ratio of animals allowed per household. The current regulation allows two dogs and two cats. The amendment would allow up to three animals of one kind, such as three dogs and one cat for a total of four.

Councilman Espinoza questioned the city attorney if the action of last months meeting where they denied a homeowner three dogs would be null and void if they passed this ordinance as presented. The city attorney stated anyone with three animals of the same kind would be grandfathered. Other council members stated they would not want to live next to three barking dogs and doubted if too many citizens would either.

CITIZENS AND PETITIONS

Item #1. (no written requests received)

Item #2. Citizen Comments Regarding Agenda Items

Steve Miles (19661 171st, Basehor) questioned Unfinished Business Agenda Item #1. He stated he recently purchased land from Don Willming and this was the first he has seen regarding the special assessment on the property.

Mayor Scherer explained it was necessary to take action on the agenda item before the Council could proceed to notify any of the property owners involved of what there special assessment would be in the 24/40 Interceptor Benefit District. The mayor noted, in Mayor Pfannenstiel's time, meetings were held with property owners within the benefit district where maps and cost estimates were provided by the code administrator.

At this time, Mayor Scherer stepped down due to conflict of interest (co-developer in Creek Ridge Subdivision). Pres. Julian Espinoza assumed the chair.

City attorney John Thompson stated he was involved in the meetings where the property owners, at that time, were informed of the estimated cost assessment at which time there was no opposition. (Mayor Scherer left the meeting room at this time).

Jeff Scherer came forward stating he wants to see the past (benefit district assessments) figures because as he recalls, the property owners requested the city contribute 30% and not the 19% they were showing.

Council members Espinoza and Bonee stated they would like to see past records before he votes on the agenda item.

Dennis Breuer stated the City of Edwardsville charges a \$50 business license. It was his opinion that businesses within the City of Basehor should pay a lower rate than businesses outside the city.

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

ACTION ITEMS**Item #1. Approve or Deny Condemnation Process and Acceptance of Force Main Wastewater for Theno Farms**

A motion was made by K. Sifford and seconded by B. Hooker to table action until the necessary paperwork was received by the developer. All aye. Motion carried 4-0.

Item #2. Approve or Deny City Cost Share of 24/40 Sewer Interceptor, Phase I & II

A motion was made by K. Sifford and seconded by J. Bonee to table action and direct the code administrator to compile a time line of the project. All aye. Motion carried 4-0.

Mayor Scherer assumed the chair position at this time.

Item #3. Approve or Deny Resolution Amending Charges for Insufficient Checks

A motion was made by J. Espinoza and seconded by K. Sifford to approve the resolution was presented. All aye. Motion carried 4-0.

RES. 2004-05 . A RESOLUTION AMENDING THE CHARGES FOR INSUFFICIENT CHECKS

Item #4. Approve or Deny Ordinance Amending Charges for Business License

A motion was made by J. Espinoza and seconded by B. Hooker to table until July 26, 2004. All aye. Motion carried 4-0.

Item #5. Approve or Deny Renewal of One-Cent Countywide Sales Tax

A motion was made by J. Bonee and seconded by K. Sifford to support the proposed One-Cent Countywide Sales Tax issue. All aye. Motion carried 4-0.

EXECUTIVE SESSION

A motion was made by K. Sifford and seconded by J. Bonee to recess into an executive session for up to forty-eight minutes (or 8:00 p.m) to discuss personnel and attorney-client privileged matters. All aye. Motion carried 4-0.

Jeff Theno (15805 Fairmount Rd), Fairmount Township Fire Chief, came forward requesting an opportunity to speak regarding improvements to the parking lot.

Mayor Scherer asked if the council members who first and second the motion wished to rescind there motion in order to allow Mr. Theno to speak. Both members agreed to rescind their motion. Mayor Scherer called the regular session back to order.

Mr. Theno stated he met with the code administrator, city engineer and city planner this week regarding the improvements to the parking lot. After that discussion, the township board has decided to move on without the city and shorten the building so

there would be more parking for public meetings. He noted dirt was scheduled to be brought in next week to raise the elevation of the parking lot, and according to the city engineer, the city would not be ready to make a decision by that time.

Mayor Scherer stated it is the intent of the City to be included in the project and directed the city administrator to work with the fire department to get all the necessary paper work and cost estimates so council could take action immediately.

A motion was made by J. Espinoza and seconded by B. Hooker to recess into an executive session until 8:00 p.m. to discuss personnel and attorney-client privileged matters. All aye. Motion carried 4-0. (7:10 p.m.)

At 8:00 p.m., Mayor Scherer called the regular session back to order announcing it was necessary to convene back into executive session to discuss personnel matters and requested a motion for up to twenty minutes (8:20 p.m.).

A motion was made by B. Hooker and seconded by K. Sifford to recess into executive session until 8:20 p.m. to discuss personnel. All aye. Motion carried 4-0.

At 8:22 p.m. council reconvened with Mayor Scherer announcing there was no formal action taken in executive session.

MAYOR'S REPORT

Nothing to report at this meeting.

COUNCIL MEMBER REPORTS

Julian Espinoza

Pres. Espinoza reported he is the City's Chamber of Commerce liaison. The Chamber of Commerce has requested he make monthly presentations to the Council at their regular meetings. Council agreed.

ADJOURMENT

A motion was made by J. Espinoza and seconded by K. Sifford to adjourn the meeting. All aye. Motion carried 4-0.

WORKSESSION

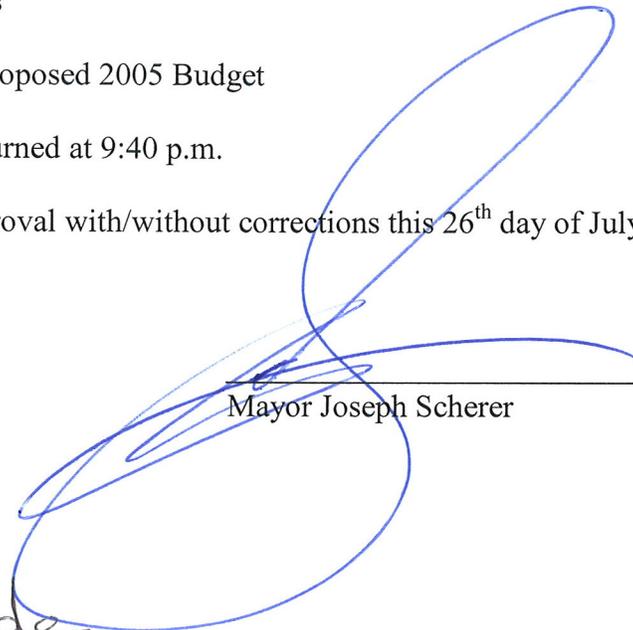
The city council met directly following the regular meeting to discuss the following items in a work session type format. Minutes are not required for work sessions, therefore, there are no written minutes regarding these agenda items.

Item #1. Discussion with Economic Development Committee Regarding Budget for Advertising, Promotions and Signs

Item #2. Discussion regarding proposed 2005 Budget

The worksession was adjourned at 9:40 p.m.

Submitted for Council approval with/without corrections this 26th day of July, 2004.



Mayor Joseph Scherer

Attest:



Mary A. Mogle, CMC City Clerk

