
MINUTES

BASEHOR CITY COUNCIL

October 25, 2004

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: David Fuqua, Gene Myracle, Mary Mogle, Angie Solberg,
John Thompson, Joe McAfee**

The regular meeting of the Basehor City Council was called to order at 6:00 p.m. by Mayor Joseph Scherer. 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 J. Espinoza and seconded by B. Hooker to approve the minutes of October 11, 2004 as printed. All aye. Motion carried 5-0.

FINANCIAL REPORTS

A motion was made by K. Sifford and seconded by J. Espinoza to approve the Treasurer's Reports and Vendor Payments as presented. All aye. Motion carried 5-0.

There were no investment recommendations to come before the governing body at this meeting.

UNFINISHED BUSINESS

**Item #1. Proceed With Process To Allocate Final Construction Costs of 24/40 Hwy
Sewer Interceptor Phase 1 & 2**

The city attorney requested this item be discussed in executive session; therefore, the item was not discussed at this time.

NEW BUSINESS**Item #1. Contractor Payments For Pinehurst Benefit District.**

King Construction submitted a request for payment from the Pinehurst Benefit District fund in the amount of \$69,119.45 for storm sewers and street work. There was no discussion at this time.

Item #2. Contractor Payment For 24/40 Hwy Interceptor & North Poplar Projects (State Revolving Loan)

Ponzer-Youngquist Engineering submitted a request for payment in the amount of \$170.00 for work performed on the 24/40 Hwy Interceptor & North Poplar Projects. There was no discussion at this time.

CITIZENS AND PETITIONS**Item #1. Tony Kramer, Leavenworth Area Development**

Mr. Kramer (31686 256th St, Easton, KS) reported as part of a continued effort to increase communications between the City of Basehor and Leavenworth Area Development, they were appearing before the governing body to give an update on LAD's proposed program for year 2005. Mr. Kramer introduced LAD director Lynne McClure who delivered the remainder of the presentation.

Mr. McClure reported LAD continues to work toward bringing commercial and industrial businesses to the Basehor area by focusing on infrastructure, marketing, and objectives for the county, as well as, City of Basehor. Mr. McClure encouraged governing body members to contact him with any questions or suggestions for future projects. President Espinoza stated he would like to see continued communications between both entities.

Item #2. Rustom Ferzandi, Falcon Lakes Development

Mr. Ferzandi appeared before the governing body to request Resolution 2004-07, supporting affordable senior citizen housing in the Falcon Lakes Subdivision, be rescinded in its entirety. Mr. Ferzandi explained after dealing with Dept. of Commerce regarding the senior citizen housing complex, he was disillusioned with the project and did not wish to work with them, but did wish to keep the current zoning structure.

Item #3. Citizen Comments Regarding Agenda Items

Mayor Scherer explained this was the portion of the meeting where members of the audience could speak regarding any agenda item. No one came forward; therefore the public portion of the meeting was closed.

ACTION ITEMS

Item #1. Approve Or Deny To Proceed With Process To Allocate Final Construction Costs of 24/40 Hwy Sewer Interceptor Phase 1 & 2

A motion was made by J. Espinoza and seconded by K. Sifford to move this agenda item until after the executive session. All aye. Motion carried 5-0.

Item #2. Approve Or Deny Contractor Payments For Pinehurst Benefit District

A motion was made by J. Espinoza and seconded by K. Sifford to approve payment of \$69,119.45 to King Construction for work performed on the Pinehurst Benefit District. All aye. Motion carried 5-0.

Item #3. Approve Or Deny Contractor Payments For 24/40 Hwy Interceptor & North Poplar Projects

A motion was made by J. Espinoza and seconded by K. Sifford to approve payment of \$170.00 to Ponzer-Younquist for work performed on the 24/40 Hwy Interceptor & North Poplar Projects. All aye. Motion carried 5-0.

Item #4. Approve Or Deny Request To Rescind Resolution 2004-07 Supporting Affordable Housing In Falcon Lakes Subdivision

A motion was made by J. Espinoza and seconded by K. Sifford to approve the request (made by developer Rustom Ferzandi) to rescind Resolution 2004-07 upon receipt of a formal letter from Mr. Ferzandi stating such. All aye. Motion carried 5-0.

EXECUTIVE SESSION

A motion was made by J. Espinoza and seconded by K. Sifford to recess into executive session for forty-five minutes to discuss personnel and attorney-client privileged and legal matters concerning 24/40 Hwy Interceptor project. All aye. Motion carried 5-0. (6:20 p.m.) Note: Only mayor, city council and city attorney attended the executive session at this time.

At 6:50 p.m., Mayor Scherer excused himself from the executive session and directed the code administrator and city engineer to attend the executive session.

At 7:04 p.m., the council members returned to the meeting room stating it was necessary to recess back into executive session for an additional fifteen minutes to finish discussing attorney-client privileged matters.

A motion was made by J. Espinoza and seconded by B. Hooker to reconvene back into executive session for up to fifteen minutes to discuss attorney-client privileged matters. All aye. Motion carried 5-0. (7:06 p.m.) The city administrator was asked to attend the executive session at this time.

At 7:23 p.m. Mayor Scherer called the regular meeting back to order announcing that no formal action was taken in executive session during his attendance. President Espinoza stated no formal action was taken during the portion of the executive session that he presided over.

Mayor Scherer passed the gavel to President Espinoza stating he was unable to handle this portion of the meeting due to conflict of interest.

Item #1. Approve Or Deny To Proceed With Process To Allocate Final Construction Costs of 24/40 Hwy Sewer Interceptor Phase 1 & 2

A motion was made by B. Hooker and seconded by I. Dysart to table action at this time. All aye. Motion carried 5-0.

President Espinoza passed the gavel back to Mayor Scherer.

Item #5. Approve Or Deny Amending Maintenance Bond For Miles Excavating Concerning Honey Creek Farms

Mayor Scherer explained a request from Miles Excavating was a last minute addition to the agenda. The mayor explained by approving the request, it would allow the contractor to exclude the construction of sidewalks in Honey Creek Farms development at this time. The removal of sidewalks from the maintenance bond would allow the City to issue building permits. No occupancy permits would be issued until the collector street sidewalks were installed. The city engineer added that Miles Excavating should provide an additional maintenance bond since it involves a collector street.

The city superintendent stated Miles Excavating would construct the sidewalks in the spring of 2005, with a new maintenance bond for the sidewalks going in effect once the sidewalks were inspected and approved. The code administrator noted the bid

amount for the sidewalk construction is being removed from the developers original construction contract with Miles Excavating. The collector street sidewalks will be bonded with a new contract.

A motion was made by J. Espinoza and seconded by K. Sifford to approve the amendment to the bond as presented. All aye. Motion carried 5-0.

MAYOR'S REPORT

Item #1. Tax Mill Levy For Year 2005

Mayor Scherer announced the final calculations for the mill levy for year 2005 have been received from the county clerk. The tax levy of 28.437 mills would be lower than this year.

Item #2. City Licensing for Year 2005

Mayor Scherer explained the city building inspector has requested a clarification on who should obtain a business license January 1, 2005. The building inspector suggested charging a lump sum for each builder rather than charging \$50.00 for each general contractor and an additional \$50.00 for each sub-contractor.

Councilman Bonee stated the ordinance should remain as written and noted it was going to be difficult for staff to enforce, but hopefully, those doing business in the City would be honest enough to come into city hall to acquire a license prior to doing work within the city limits. The city clerk questioned if contractor licensing was still going to be enacted next year along with the business license. Council agreed that a business license was ample and that no contractor licensing would be implemented.

Councilman Hooker suggested putting signs at the entrances of the city advising business owners that a license would be required.

COUNCIL MEMBER REPORTS

There were no council member reports at this time.

ADJOURNMENT

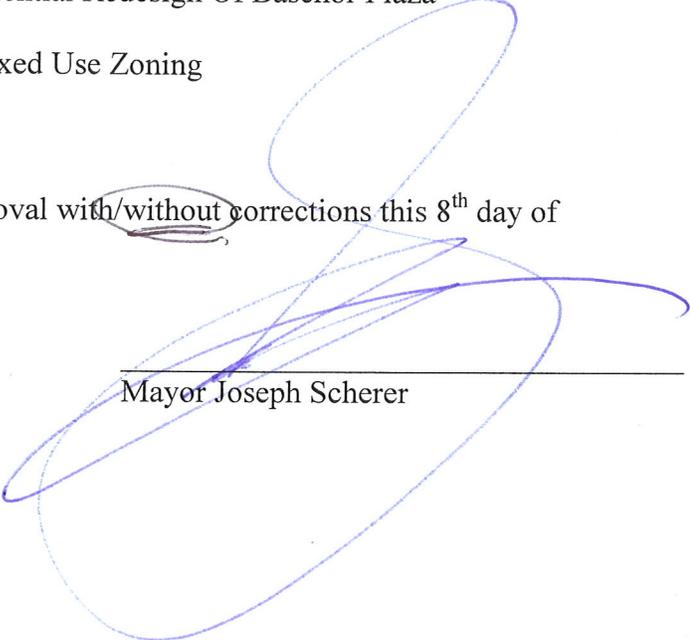
There being no further business to come before the council, a motion was made by J. Espinoza and seconded by K. Sifford to adjourn the meeting. All aye. Motion carried 5-0.

WORK SESSION

The governing body discussed the following items in an informal work session. No transcribed minutes are available for this session.

- Item #1. Discussion Regarding Westar Energy Franchise Ordinance
- Item #2. Discussion Regarding Sewer Connection Fees For Cedar Lakes Subdivision
- Item #3. Discussion Regarding Potential Redesign Of Basehor Plaza
- Item #4. Discussion Regarding Mixed Use Zoning

Submitted for Council approval with/without corrections this 8th day of November, 2004.



Mayor Joseph Scherer

Attest:



Mary A. Mogle, MC City Clerk

