
MINUTES

BASEHOR CITY COUNCIL

November 8, 2004

6:00 P.M.

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

Members Present: Pres. Julian Espinoza (arrived at 6:16 p.m.), John Bonee,
Iris Dysart, Bill Hooker, Keith Sifford

Staff Present: David Fuqua, Angie Solberg, Mary Mogle,
John Thompson (arrived at 6:26 p.m), Joe McAfee

Newspaper: Josh Roberts, Basehor Sentinel

The regular meeting was called to order by Mayor Joseph Scherer at 6:05 p.m. Roll call was answered with all members present except council president Julian Espinoza and 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 B. Hooker to approve the minutes of October 25, 2004 as printed. All aye. Motion carried 4-0.

FINANCIAL REPORTS

A motion was made by K. Sifford and seconded by I. Dysart to approve the Treasurer's Reports and Vendor Payments as submitted. All aye. Motion carried 4-0.

A motion was made by K. Sifford and seconded by I. Dysart to approve the investment recommendations as presented by the city treasurer. All aye. Motion carried 4-0.

UNFINISHED BUSINESS

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

SCANNED

2-14-7 *AK*

Mayor Scherer asked that discussion regarding this agenda be tabled until after the council president and city attorney arrive.

Item #2. Discussion Regarding Condemnation On Eberth Property At 3036 N. 156th St.

Mayor Scherer reported ninety days ago the city council approved to proceed with condemnation on the structures located at 3036 N. 156th Street. To date, Mr. Eberth has made cosmetic repairs, but questioned if repairs to the structural integrity of the buildings were adequate. The mayor recommended the building inspector make an onsite inspection before the council made their final decision to condemn the buildings.

Councilperson Dysart asked, if Mr. Eberth kept the property "presentable", would the City look at it in a different manner. J. Bonee stated he hated to condemn the property at this point since Mr. Eberth has been making some progress; however, he would want to know what Mr. Eberth's intentions were before making a final decision. He noted his main concern is for the safety of the area children. J. Bonee also questioned if Mr. Eberth obtained a building permit. The code administrator noted that no permits have been issued to date.

The city administrator reported the foundation of the home was crumbling and the front porch was falling toward the south; however the inside was dry.

Councilman Sifford noted the repairs made to date fall short of what Mr. Eberth and his attorney was instructed to do three months ago.

Item #3. Improvements to City Hall Parking Lot

Mayor Scherer announced the City did not receive any bids for the improvements to the city hall parking lot; therefore, it was his recommendation to authorize the city superintendent to act as the general contractor for the project. It was the mayor's opinion the job would be cheaper if orchestrated by city staff.

The city engineer stated no one saw the notice in the paper and it would take an additional 2-3 weeks to republish and bid. He also reminded council it was too late to lay asphalt and concurred that it was best if the city superintendent acted as the general contractor. (Espinoza arrived at 6:16 p.m.)

NEW BUSINESS

Item #1. Appoint Representative For Countywide One-Cent Sales Tax Committee

The city administrator reported the county commissioners have asked that each city appoint a representative to sit on the "Countywide One-Cent Sales Tax Committee". The purpose of the committee would be to assist with promoting the tax issue within their jurisdiction for the April 2005 ballot.

Council unanimously agreed to designate the city administrator as the representative.

Item #2. Incentive Package For ABLE, Inc.

Brian Albers (Vice President) and Kevin Shepley (President) of ABLE Inc. gave a presentation regarding their company. Mr. Shepley explained their company produced software and textbooks that assist students with taking tests. Mr. Shepley went on to say their company was growing at a rate of 20% per year, currently employe 21 people with an anticipated growth of 45 employees by year 2009. Since the jobs were high tech, the average annual salary was approximately \$54,000. The company anticipates spending 1 ½ to 2 million dollars for land, building (12,000 sq. ft.), and equipment. The company would not generate any additional traffic other than a UPS truck a couple times of day and employee vehicles.

(John Thompson arrived at 6:26 p.m.)

Mayor Scherer questioned if the owners were asking for something special from the City. Mr. Shepley stated they would like to receive a tax abatement, hopefully the maximum allowed.

The city administrator stated Representative Kenny Wilk informed him ABLE, Inc. would qualify for State tax credits on the building and possibly employees. Mr. Fuqua also noted the Dept. of Commerce may have grants available.

Mayor Scherer stated the council would discuss the incentive package at the work session on November 15th and make a formal presentation at a later date.

Item #3. Purchase Salt & Sand Storage Bin

A request was made by the public works department for a new salt and sand storage bin. The cost of the building would be \$5,000 and paid from capital improvement funds. Council directed the city administrator to have the city superintendent look into the price of a metal roof verses the polyurethane as presented. Council reserved the right to be polled once the price was obtained.

CITIZENS AND PETITIONS (Presentations Limited To 5 Minutes Each)

1. Chuck Wilderson, PRIDE

Re: State of Kansas Pride Award of Excellence

Mr. Wilderson, Gold Pride, presented the City with the State Pride "City of Excellence" award they won this year. Mr. Wilderson explained the group competed against sixty-five other entities with only nineteen winning awards. The group also received a \$500 cash prize in addition to the award. He went on to thank the City and staff for all their efforts and support over the last year and asked for continued support.

George Smith, PRIDE, stated they were honored to receive the award which was a "result of a lot of good people doing a lot of work". Mr. Smith stated the group would be competing for the STAR award next year which requires them to perform a major community service project such as building a structure in the park or a humanitarian act. Mr. Espinoza suggested putting up a display case in the meeting room of city hall to showcase all the awards PRIDE won over the years. Mr. Smith stated he and the city clerk had discussed several options earlier.

2. Citizen Comments Regarding Agenda Items

Mayor Scherer announced this portion of the meeting was for anyone from the audience to comment regarding any agenda item and that all presentations were limited to five minutes each.

Bob Moore commented the Eberth property "has come a long way" in the last three months and should be granted additional time to comply before taking action to condemn. Mr. Moore noted properties owned by Wiley, Pfannenstiel, and the mayor should be inspected as well. Mr. Moore reported most companies use cinder blocks and tarps for their salt & sand storage bins. Lastly, he did not feel the city should spend taxpayer money to build trophy cases, the money should go to repair dilapidated streets. President Espinoza stated the case would be paid from donations, not tax dollars, and further more, in an effort to address the street needs, the city adopted a five-year street plan this summer.

The mayor asked if anyone else in the audience wished to comment regarding an agenda item. Since no one came forward, he called the public portion of the meeting closed.

The city attorney asked if the items under "Unfinished Business" could be addressed as this time. Council agreed.

UNIFINISHED BUSINESS

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

Mr. Thompson reported he had a resolution prepared; however, before taking council action, he requested discussing the matter in executive session. Council agreed.

2. Discussion Regarding Condemnation On Eberth Property At 3036 N. 156th St.

Mayor Scherer informed the city attorney that the council discussed this topic prior to his arrival and it was the consensus of the governing body to have the building inspector make contact with Mr. Eberth regarding his intentions for future repairs.

The city attorney stated from a legal standpoint, the council should be precise as to what they expect of Mr. Eberth. To date, it appears that most of the repairs made to the property at 3036 N. 156th St. were cosmetic and questioned if the council was comfortable with that.

Councilman Bonee stated as long as the property was secured (safe), eye appealing, and insured, he was comfortable with allowing the structures to remain.

Mr. Thompson cautioned the council about not taking precautions regarding the structural integrity. He gave an example of a church in Leavenworth that collapsed and killed two people, resulting in the City of Leavenworth being sued for negligence.

Councilman Hooker stated he felt Mr. Eberth should be required to hire a structural engineer at his own expense and make whatever repairs to the property noted in the engineers report. It was suggested that a certified letter be sent to Mr. Eberth, along with a courtesy call, informing him that a report from a structural engineer would be necessary.

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

Action tabled until after the executive session.

Item #2. Approve Or Deny To Move Forward With Condemnation On Eberth Property At 3036 N 156th St.

A motion was made by J. Espinoza and seconded by B. Hooker to table action on the condemnation until after receipt of a letter or report from a structural engineer. Discussion followed. All aye. Motion carried 5-0.

Item #3. Approve Or Deny Appointment of Representative For Countywide One-Cent Sales Tax Committee

It was unanimously agreed that the city administrator would represent the City on the Countywide One-Cent Sales Tax Committee. No formal motion was made.

Item #4. Approve Or Deny Incentive Package For ABLE, Inc.

A motion was made by K. Sifford and seconded by B. Hooker to table action and place on the November 15, 2004 work session agenda. All aye. Motion carried 5-0.

Item #5. Approve or Deny Purchase of Salt & Sand Storage Bin

A motion was made by B. Hooker and seconded by K. Sifford to table action until further information could be obtained, with council reserving the right to be telephone polled. All aye. Motion carried 5-0.

Item #6. Approve or Deny To Authorize City Superintendent To Proceed With Improvements To City Hall Parking Lot.

A motion was made by J. Espinoza and seconded by K. Sifford to authorize the city superintendent to proceed with improvements to the city hall parking lot. Discussion followed.

Councilman Bonee stated he distributed a couple of requests for bids last week and would like to wait for those bids to be turned in. Hooker and Dysart agreed. Mayor Scherer and President Espinoza stated the City would save money by allowing the city superintendent to act as the general contractor. Hooker called for the question. Espinoza, Sifford-Aye. Bonee, Dysart, Hooker-Nay. Motion failed 2-3.

A motion was made by B. Hooker and seconded by J. Bonee to delay construction of the parking lot until two or more bids were obtained from general contractors. Bids to be due in two weeks from meeting date. Hooker, Dysart, Bonee-Aye. Sifford, Espinoza-Nay. Motion carried 3-2.

The city engineer questioned if he should facilitate the bids. Mayor Scherer questioned Mr. Thompson if the City was obligated to publish the bid notice in the newspaper. Mr. Thompson stated once the City solicits bid and receives no response, it cannot fall back on the City, and they may proceed as they wish. Mayor Scherer stated that sealed bids should be submitted and would be opened shortly thereafter.

EXECUTIVE SESSION

A motion was made by J. Espinoza and seconded by K. Sifford to convene into a thirty-minute executive session for the purpose of discussing the 24/40 Interceptor Project

and other legal matters. All aye. Motion carried 5-0. The city administrator, engineer, and code administrator was invited into the executive session. (7:20 p.m.)

Mayor Scherer turned this portion of the meeting over to President Espinoza announcing he would not be attending the first portion of the executive session due to his conflict of interest regarding the 24/40 Hwy Interceptor Project.

At 7:50 p.m., Mayor Scherer called the regular meeting back to order announcing Council president Julian Espinoza would handle the next agenda items since he had a conflict of interest. The mayor announced it would be necessary to have another executive session later in the meeting.

Action 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 to table action to allocate final construction costs of 24/40 Hwy Sewer Interceptor Phase 1 & 2. The motion was seconded by K. Sifford. All aye. Motion carried 5-0.

A motion was made by J. Bonee and seconded by K. Sifford to meet in a special meeting on November 15, 2004 at 6:00 pm. to consider the resolution establishing the allocation of final construction costs of 24/40 Hwy Sewer Interceptor Phase 1 & 2.

President Espinoza passed the gavel back to Mayor Scherer at this time.

Member of the audience, Jeff Scherer, asked if he could speak regarding this matter. At first, his request denied, however, after discussion that this topic was not discussed earlier in the meeting, the mayor allowed comments regarding Action Item #1.

Mr. Jeff Scherer asked if he and other property owners were going to be notified regarding the meeting on November 15th. Mr. Scherer was informed that a notice of

the special meeting would be published in the newspaper and that no formal letters would be sent out at this time.

A motion was made by B. Hooker and seconded by J. Espinoza to move the executive session until after the Mayor's Report.

MAYOR'S REPORT

Item #1. Reimbursement of Building Permit Fee to Basehor Cabinet Shop

Mayor Scherer pointed out the new conference table was generously donated by Basehor Cabinet Shop. The mayor informed the board members that shortly after the table was delivered, Mr. Dyster came in to pick up a \$65.00 building permit. He thought it was terrible that the City did not waive the fee and requested Council permission to return the fee back to Mr. Dyster.

A motion was made by J. Espinoza and seconded by K. Sifford to return the \$65.00 permit fee to Basehor Cabinet Shop. Discussion followed.

Council discussed how it would look to the public having a building permit fee waived in lieu of goods and suggested getting Mr. Dyster a gift certificate for the same amount of money.

Espinoza and Sifford rescinded their motions.

A motion was made by J. Espinoza and seconded by B. Hooker to present Mr. Dyster with a \$65.00 gift certificate for his donation of the conference table and other woodwork through the meeting room. All aye. Motion carried 5-0.

Item #2. Cancel November 22, 2004 Council Meeting

Mayor Scherer announced he and the council president would not be able to attend the November 22nd meeting and suggested canceling the meeting. He requested permission to poll the council regarding the (1) final development plan for Pinehurst Villas; (2) vendor payments and investment recommendations, and (3) move the Cedar Lakes/Briarwood Commercial annexation to the December 13th meeting.

A motion was made by B. Hooker and seconded by K. Sifford to accept the mayor's request as aforementioned. All aye. Motion carried 5-0.

Item #3. Cancel December 27, 2004 Council Meeting

The mayor requested council approval to cancel the December 27th meeting due to the holidays.

A motion was made by K. Sifford and seconded by B. Hooker to cancel the December 27th meeting as requested. All aye. Motion carried 5-0.

COUNCIL MEMBER REPORTS

There were no Council Member Reports at this time.

OTHER REPORTS

The code administrator invited council members to attend planning commission work shops on November 16 and 17. The planning commission would be meeting on these two days to conduct interviews with prospective consulting firms regarding the comprehensive plan update.

A. Solberg noted she provided the council with a copy of the Final Development Plan for Pinehurst for their review prior to being polled on November 19th.

EXECUTIVE SESSION

A motion was made by B. Hooker and seconded by J. Espinoza to convene into executive session for thirty minutes to discuss personnel. All aye. Motion carried 5-0. Mayor Scherer asked that no staff be in attendance during this session. (8:10 p.m.) Mayor Scherer announced at 8:14 p.m. that the city administrator was to attend the executive session and that no formal actions would be taken after the executive session.

Mayor Scherer called the regular meeting back to order at 8:45 p.m. stating that no formal action was taken in executive session and directed the city clerk to place on the November 15th work session agenda discussion regarding detailing and billing method (for city attorney).

ADJOURNMENT

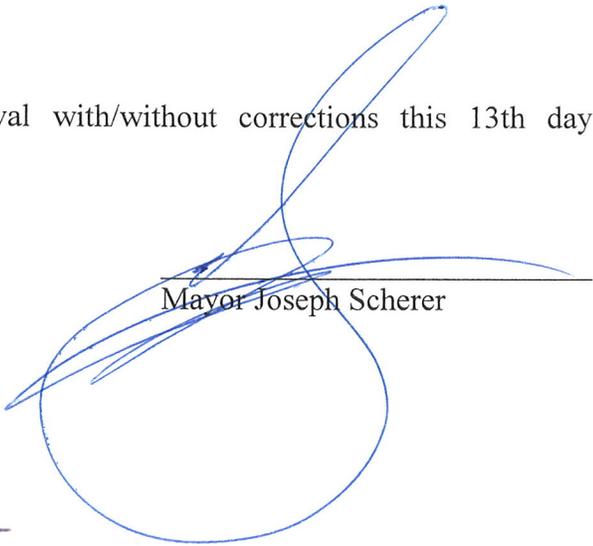
A motion was made by J. Espinoza and seconded by K. Sifford to adjourn the meeting. All aye. Motion carried 5-0.

WORK SESSION

Council discussed the following items at this work session. Transcribed minutes are not required by law; therefore, there is no record of discussion for this meeting.

Item #1. Discussion Regarding Traffic Lights On K-7 Hwy

Submitted for Council approval with/without corrections this 13th day of December, 2004.



Mayor Joseph Scherer

Attest:



Mary A. Mogle, CMC