
MINUTES

BASEHOR CITY COUNCIL

February 23, 2004

7:00 PM

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

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

Staff Present: Mike Hooper, Mary Mogle, Gene Myracle, Baron Powell

Contract Staff: John Thompson, Matt Henderson

Newspapers Represented: None

The regular meeting was called to order at 7:02 p.m. by Mayor Joseph Scherer. Roll call was answered with all members present. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

A motion was made by J. Espinoza and seconded by K. Sifford to approve the minutes of February 4th, February 9th and telephone poll of February 12th as written. 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 Report and Vendor Payment Summaries of February 10th and February 23rd as submitted. Discussion followed. All aye. Motion carried 5-0.

STAFF REPORTS

City Administrator

Mayor Scherer announced the new city administrator would start on March 1, 2004. A reception to introduce him to the general public would be given prior to the next regular meeting on March 8th.

SCANNED

2-16-07 *AS*

City Treasurer

The city treasurer announced the investment plan that was passed out at the last meeting was underway. Mr. Powell reported he invested eleven certificates of deposit into a larger certificate that would mature in August. The money received for the Pinehurst Benefit District has been invested in two certificates of deposit.

Code Administrator

Mr. Hooper submitted a revised proposal for the aerial maps as discussed in the last worksession. The original proposal was for \$44,000 and the revised proposal included an additional \$4,000 to include the area east of 155th Street that has been proposed for the new downtown.

Other agenda items concerning his department was a request from Basehor Plaza requesting a variance for the charge of a Transportation Excise Tax on the detention pond located within the development and upgrade to his building permit software. There were no questions from council regarding any of these agenda items.

City Superintendent

The city superintendent announced his only agenda item was that of the purchase or leasing of a new backhoe for the public works department.

City Engineer

Matt Henderson, McAfee Engineering, reported he has submitted new cost estimates for the North Interceptor Project. Mayor Scherer asked Mr. Henderson to not reveal those costs until the council meets in executive session. Councilman Hooker asked why this item was going to be discussed in executive session. Mayor Scherer reported since it is an item that may go out for bid, the City should not disclose the cost until they decide how the project was going to be bid since there are some legal issues that need to be addressed.

City Attorney

The city attorney reserved his agenda items for the executive session.

UNFINISHED BUSINESS

Item #1. North Interceptor Line (AI #2)

Mayor announced this item would be discussed in executive session.

Item #2. Lease/Purchase of Backhoe (AI#3)

Council discussed the long term need and maintenance of a backhoe and if it was cost prohibitive to lease/purchase or more advantageous to rent on an as need basis. The city superintendent stated he felt it would save the City money in the long run to own the backhoe since they would be able to do more projects than what they are currently doing until the current budget restraints. The city treasurer offered to compile a cost analysis to substantiate their decision.

Item #3. Request for Variance on Sewer Charges for Car Wash (AI #4)

Mayor Scherer stated, in his opinion, the car wash should pay the same amount as other customers. Councilman Hooker interjected noting that he felt the car wash should receive a discount since the City's sewer rates are so high. Councilman Bonee suggested giving high usage customer's some sort of tax abatement to offset their sewer rate.

Basehor Suds Car Wash owner, Mario Moore, explained in the winter when the temperature reaches 32 degrees or below, his system automatically produces a continuous stream of water through the hoses to help eliminate freezing. This results in an increase in his water bill with a decline in revenue, since customer's do not typically wash their vehicles in freezing temperatures.

The city treasurer explained if Mr. Moore was granted a discount on his sewer bill, the other customer's would receive an increase to help offset the loss.

Council discussed developing a scale for sewer rates.

Item #4. Contractor Payments for 24/40 Hwy Project/Prairie Gardens (AI #5)

The mayor announced this agenda item would be discussed in executive session.

Item #5. Purchase of Contour Maps (AI #6)

The code administrator submitted a revised cost estimate of \$48,000 for contour mapping. The maps would encompass the City of Basehor and the proposed future downtown area.

NEW BUSINESS**Item #1. Contractor Payments for 24/40 Highway Interceptor Project (AI #7)**

Mayor Scherer announced the contractor payment request for the 24/40 Highway Interceptor Project was in the amount of \$38,085 payable to Ponzer Youngquist.

Item #2. Contractor Payments for Pinehurst Benefit District (AI #8)

The mayor reported the \$960 Pinehurst Benefit District payment request was for grubbing and clearing work performed by Van Fleet. Mayor Scherer recommended approval, noted at the February 17th worksession, the city engineer explained it was necessary for this work to be performed prior to the bidding process.

Item #3. Update Building Permit Software (AI #9)

There were no comments or discussion at this time.

Item #4. Amend Ordinance To Change Times for Council Meetings and Worksessions (AI #10)

Mayor Scherer suggested changing the council meeting and worksession meeting times to 6:00 p.m. or early mornings. Councilmember's Bonee, Dysart, and Hooker were not receptive to mornings but would consider starting an hour earlier in the evenings. Councilman Espinoza was in favor of early mornings with Councilman Sifford stating as long as he had advanced notice he could arrange his schedule to meet at any time.

Item #5. Waive of Transportation Excise Tax for Basehor Plaza Detention Pond (AI #11)

Due to a conflict of interest, Mayor Scherer turned the gavel over to council president, Julian Espinoza.

Code administrator Mike Hooper explained the developers for Basehor Plaza have requested the transportation excise tax be waived on the detention pond area. Mr. Hooper was asked if it was customary to take this type of action. Mr. Hooper explained the Prairie Lakes developer received a waiver on his pond area and supports the waiver since the ground was not "buildable". Once the discussion was over, the council president passed the gavel back to Mayor Scherer.

Item #6. Approve Schedule for 2005 Budget Worksessions and Meetings

The city treasurer requested approval to enact the 2005 Budget time line for future worksessions and council meetings. He noted this would assist him in developing the budget in a timely manner.

CITIZENS AND PETITIONS (presentations limited to 5 minutes)**Item #1. (no written requests received)****Item #2. Citizen Comments Regarding Agenda Items**

Mayor Scherer announced this was the portion of the meeting when any one in the audience could speak regarding an agenda item. He noted all presentations are limited to five minutes.

Ed McIntosh (Linwood, Kansas) read a prepared speech regarding the City's bidding process. Mr. McIntosh noted, rather than always complaining, he decided to come before the council with a solution to improve the bidding process. (He submitted a copy of the proposed process to the city clerk to submit to the city council following the meeting.)

Mario Moore (3934 N. 123rd Terr, KCK) questioned how the Transportation Excise Tax was collected. Mr. Hooper stated the excise tax was collected from the developer at the time of platting if the zoning was commercial or industrial and if the development was residential, it was collected when building permits are issued.

Bob Moore (2636 N. 157th, Basehor, Ks) questioned if Councilman Bonee requested a waive of transportation excise tax for the ponds in Pebble Brook Subdivision noting he opposed giving any tax abatement to developers. He also opposed the car wash receiving a discount on their sewer bill since that would raise his individual sewer bill. Mr. Hooper reported Mr. Bonee did not request a waiver or tax abatement for Pebble Brook Subdivision.

John Breuer, (7550 Legler, Shawnee, Ks) spoke in opposition of waiving Transportation Excise Tax or other charges for services noting the funds collected are to support future infrastructure improvements.

Mayor Scherer asked if there was any one else who wished to speak regarding an agenda item. There being no one else, he announced the public portion of the meeting was closed.

ACTION ITEMS

Mayor Scherer requested Council approval to move Action Item #11 up so that the council president could address items #1 and #11 at the same time since he had a conflict of interest.

A motion was made by J. Bonee and seconded by J. Espinoza to move Action Item #11 to first of the action items. All aye. Motion carried 5-0.

Item #11. Approve or Deny Waive of Transportation Excise Tax for Basehor Plaza Detention Pond

A motion was made by J. Bonee and seconded by I. Dysart to deny abatement of the Transportation Excise Tax for Basehor Plaza Detention Pond. Bonee, Hooker, Dysart-Aye. Sifford, Espinoza-Nay. Motion carried 3-2.

Item #1. Approve or Deny Adjustments for Scherer Const. Developer Reimbursement Expense

The city treasurer explained the auditors have asked that this adjustment of developer reimbursement expenses be formally approved by council in a regular meeting. The adjustment is partially due to an overcharge in Ponzer-Youngquist's hourly wage rate for inspections and review fees verses the city engineers. The end result would be that of the City writing off \$5,573.25 as a loss charging that amount to the planning department. Mr. Powell also noted the code administrator indicated he would contact Ponzer Youngquist regarding the overcharge in anticipation of receiving an additional credit on future billings.

A motion was made by J. Bonee and seconded by K. Sifford to approve the adjustment for Scherer Construction Developer Reimbursement Expenses as presented by the city treasurer. All aye. Motion carried 5-0.

The gavel was passed back to Mayor Scherer for the remainder of the meeting.

Item #2. Approve or Deny North Interceptor Line Project

A motion was made by J. Espinoza and seconded by J. Bonee to table action until after the executive session. All voted in favor except B. Hooker. Motion carried 4-1.

Item #3. Approve or Deny Lease/Purchase of Backhoe

A motion was made by J. Bonee and seconded by B. Hooker to table action until a cost analysis could be provided by the city treasurer. All aye. Motion carried 5-0.

Item #4. Approve or Deny Variance on Sewer Charges for Car Wash

A motion was made by J. Espinoza and seconded by K. Sifford to table action for futher study. All aye. Motion carried 5-0.

Item #5. Approve or Deny Contractor Payments for 24/40 Hwy Project/Prairie Gardens

A motion was made by J. Espinoza and seconded by J. Bonee to table action until after the executive session. All aye. Motion carried 5-0.

Item #6. Approve or Deny Purchase of Contour Maps

A motion was made by J. Espinoza and seconded by K. Sifford to authorize the purchase of contour maps in the amount of \$48,000. All aye. Motion carried 5-0.

Item #7. Contractor Payments for 24/40 Highway Interceptor Project

A motion was made by J. Espinoza and seconded by K. Sifford to approve the 24/40 Hwy Interceptor Project payments in the amount of \$38,085 to Ponzer Youngquist (from State Revolving Loan funds). Discussion followed. All aye. Motion carried 5-0.

Item #8. Approve or Deny Payments for Pinhurst Benefit District

A motion was made by J. Espinoza and seconded by J. Bonee to approve the Pinehurst Benefit District payment to Van Fleet for \$960. All aye. Motion carried 5-0.

Item #9. Approve or Deny Cost to Update Building Permit Software

A motion was made by J. Bonee and seconded by K. Sifford to approve the upgrade of the building permit software in the amount of \$1,187.00. All aye. Motion carried 5-0.

Item #10. Approve or Deny Amendment to Ord. Changing Times of Council Meetings and Worksessions

A motion was made by J. Bonee and seconded by K. Sifford to approve the amendment to an ordinance changing the council meetings and worksessions starting times to 6:00 p.m. effective March 15, 2004. All aye. Motion carried 5-0.

Item #12. Approve or Deny Schedule for 2005 Budget Worksessions and Public Hearing

A motion was made by J. Espinoza and seconded by B. Hooker to approve the schedule for 2005 Budget worksessions and Public Hearing as presented. All aye. Motion carried 5-0.

EXECUTIVE SESSION

A motion was made by J. Bonee and seconded by K. Sifford to recess into an executive session for up to forty-five minutes to discuss personnel and attorney-client privileged matters. All aye. Motion carried 5-0. The code administrator was invited in the executive session at this time. (8:35 p.m.)

At 9:20 p.m., Mayor Scherer called the regular meeting back to order announcing it was necessary to recess back into executive session for up to forty-five minutes to continue the discussions of personnel and attorney-client privileged matters. All aye. Motion carried 5-0. (9:21 p.m.)

At 10:10 p.m., the council returned into regular session with the mayor announcing that no formal action was taken in executive session and formal action would be taken on the items that were tabled earlier.

Item #5. Approve or Deny Contractor Payments for 24/40 Hwy Project/Prairie Gardens

Mayor Scherer announced there would be no formal action taken at this time and that staff has been directed to handle the matter. The city attorney concurred with the mayor noting staff could handle the matter without formal action being taken.

Item #2. Approve or Deny North Interceptor Line Project

Mayor Scherer announced the engineers cost estimate for the North Interceptor Line Project shall be kept confidential at this time. The mayor reported it is his understanding the project could be given to the current contractor, Miles Excavating, if his bid comes in under the engineers cost estimate or goes out for bids.

Councilman Hooker stated he felt the project should go out for bid with Councilman Bonee concurring. Council President Espinoza stated he was in favor of the using the same contractor for two reasons, low interest rate using the state revolving loan and expedite the repairs to the line. J. Bonee noted the City was not ignoring the problems because they have already approved the change in the Falcon Lakes Impellers.

The city superintendent was questioned by K. Sifford as to the time differential of using the existing contractor or going out for bid. Mr. Myracle and engineer Matt Henderson reported it would be no less than ninety days to bid out the project.

Councilwoman Dysart stated she agreed the bid process was more democratic and felt the property owners in the affected area would appreciate the Council trying to save tax dollars by bidding out the project. Council member's Espinoza and Sifford disagreed stating the project has already taken too long and needs to be addressed immediately. J. Bonee noted Council was not ignoring the issue of repairs but needs to follow a process that is conducive to all projects. He felt public perception was very important. K. Sifford stated he did not feel it was circumventing the councils integrity, but just taking advantage of KDHE's low interest rate and if he was a property owner in that area he would not care about who had the lowest price but when could the work be completed.

A motion was made by B. Hooker and seconded by J. Bonee to have the construction of the North Interceptor Project be bid out. A lengthy discussion followed with B. Hooker calling for the question. Hooker, Dysart-Aye. Espinoza, Bonee, Sifford-Nay. Motion failed 2-3.

A motion was made by J. Espinoza and seconded by K. Sifford to move forward with the North Interceptor Project as a change order with the KDHE option of using the current contractor. Discussion followed. Espinoza, Sifford, Bonee-Aye. Hooker, Dysart-Nay. Motion carried 3-2.

MAYOR'S REPORT

No reports at this time.

COUNCIL MEMBER REPORTS

Julian Espinoza

Council President Espinoza reported he spoke with a Basehor Athletic Association board member regarding the possibility of the association coming under the umbrella of the City of Basehor. The City would have to create a recreation commission and then levy taxes to assist in maintaining the grounds and recreation program. The city attorney noted the City of Basehor would assume liability if someone was hurt or any potential law suits. President Espinoza asked if this was something the Council wanted him to pursue. Council authorized him to research the matter.

Iris Dysart

Councilwoman Dysart noted at the last worksession, Mr. Bonee and Mr. Smith gave a presentation regarding the future downtown. She wanted to make sure this

discussion does not die and asked what measures were being taken to move forward with the concept.

Mayor Scherer reported the code administrator with the assistance of the new planner and planning commission would move forward with the concept. The motion to purchase contour maps was the first step toward the development of a plan.

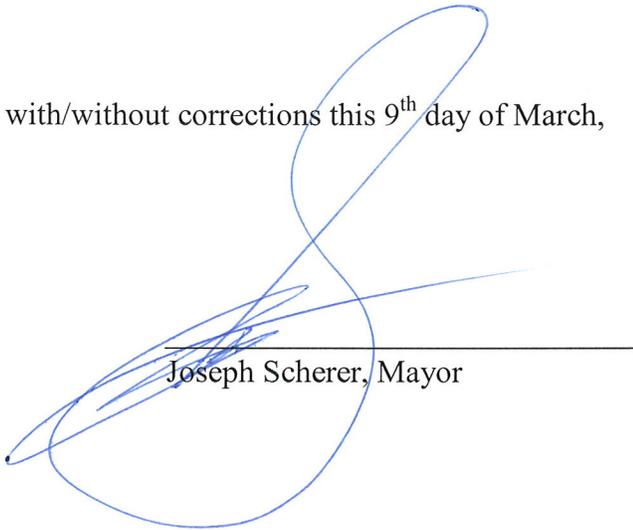
ADJOURNMENT

A motion was made by K. Sifford and seconded by J. Espinoza to adjourn the meeting. All aye. Motion carried 5-0. Meeting adjourned at 10:50 p.m.

Submitted for Council approval with/without corrections this 9th day of March, 2004.



Attest:



Joseph Scherer, Mayor



Mary A. Mogle, CMC City Clerk