

MINUTES

BASEHOR CITY COUNCIL

January 21, 2003

7:00 P.M.

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

**Members Present: Pres. Julian Espinoza, Joseph Odle, Chris Garcia,
Burl Gratny and Keith Sifford**

**Staff Present: Mike Hooper, Mary Mogle, Gene Myracle, Vince Weston,
Carole Dickey, Joe Tarnawski,**

Contract Staff Present: Joe McAfee, John Thompson, John Brann

The monthly meeting of the Basehor City Council was called to order at 7:00 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.

EXECUTIVE SESSION

President Espinoza requested the executive session be moved to this portion of the meeting for up to forty-five minutes to discuss legal matters. The motion was seconded by B. Gratny. Mayor Scherer announced he would not be attending the first portion of the executive session due to conflict of interest.

Councilman Garcia asked if it was necessary to move the executive session since there were so many people in attendance. President Espinoza commented that he was not willing to act on Action Item #16 without discussing it in executive session.

President Espinoza amended his motion to recess into an executive session for a period of twenty minutes and hold the remaining legal matters for a second executive session later in the meeting. B. Gratny agreed to the amendment and seconded the motion. All aye. Motion carried 5-0. (7:03 p.m.)

While the other board members were in the executive session, Mayor Scherer announced to the public Pinehurst Development would not be discussed at this meeting and will be heard at the February 18th council meeting.

SCANNED

2-21-07 *st*

At 7:20 p.m, the regular meeting was called back to order. Pres. Espinoza announced the item discussed in executive session will be taken up during the Action Item portion of the meeting.

MINUTES

Pres. Espinoza asked that a correction be made to the December 30th worksession noting that "Mrs" should be changed to "Mr" (Gus Fasone).

A motion was made by J. Odle and seconded by K. Sifford to approve the minutes of December 16th meeting, December 30th Poll, December 30th Special Meeting and make the correction to December 30th worksession as aforementioned. All aye. Motion carried 5-0.

TREASURER'S REPORTS

2002 Budget - City treasurer, Baron Powell, thanked the department supervisors for their monetary management in year 2002. He noted out of nine departments, only one department was over budget.

A motion was made by J. Espinoza and seconded by J. Odle to approve the December 2002 Treasurer's Report, January 21 Supplement and January Investment Report as submitted. All aye. Motion carried 5-0.

Mayor Scherer commended the department supervisors for a job well done maintaining their budgets and noted it showed the city is spending the tax payers dollars wisely since in several cases departments were almost 19% under budget.

STAFF REPORTS

City Clerk

Item #1. Discussion Regarding Purchase of Voice Mail System

City Clerk Mary Mogle explained the need and maintenance of purchasing a voice mail system. She noted the office receives approximately 75-100 calls per day, with two clerks handling four lines. Mrs. Mogle felt this would help reduce some of the work load off the administrative office as well as give the residents an opportunity to log confidential calls to the council and police department. The system will include 48 mailboxes with 180 minutes of holding time. (Cost: \$2,800.00)

Item #2. Discussion Regarding Purchase of Public Announcement System for Meeting Room.

Mrs. Mogle explained over the last couple of years the attendance at the council and planning commission meetings have greatly increased. The tape recorder that is currently being used for public meetings is her personal recorder that she has owned since 1974 and will not allow tapes to be reproduced. Audio complaints have been registered by both council members and residents. The PA system will consist of microphones at each council member station and the podium. Two speakers will be installed in the middle of the room along with a mixing board and recording station. Due to safety issues, it will be necessary to run wires under the council bench and into the ceiling. (Cost: Cassette System-4940.00, CD System-5405.00)

Item #3. Discussion Regarding Contract with Scantron for Technical Services

Mrs. Mogle requested this matter be tabled until she has time to research another company who provides the same services.

Item #4. Discussion Regarding Utility Billing

Mrs. Mogle asked if the city council would be receptive to having Consolidated Rural Water District No. 1 handle the utility billing. She explained since the city has no way of knowing when a resident moves in or out, it makes it difficult to maintain current records. The water department director seemed receptive to the idea. Mrs. Mogle explained if this method was adopted, ordinances and interlocal agreements would have to be adopted.

Council was receptive to the idea and directed the clerk to meet with the water department and compile cost figures.

City Superintendent

Item #1. Discussion Regarding Installation of Street Light at 145th & Parallel Lane

City Superintendent Gene Myracle requested a street light at the intersection of 145th & Parallel. The monthly cost to the city would be \$10.61. This action is at the request of area business owners.

Code Administrator

Item #1. Miles Annexation Agreement

Code Administrator Mike Hooper stated copies of the final draft of the Miles Annexation agreement, to include the change requested by the council, was signed by Mr. Miles and distributed to council members.

CITIZENS AND PETITIONS (Limited to 5 Minute Presentations)

Jeff Scherer, Scherer Construction, appeared before the city council to request a variance for the installation of a hard surface driveway at 1812 N. 150th St. (See Action Item #9) . After introducing Jeff Scherer, Mayor Joseph Scherer turned this portion of the meeting over to council president Julian Espinoza due to conflict of interest.

Mr. Scherer gave a brief history of the property and its past plat process. He noted that when he applied for the building permit, he was informed by the code administrator that the driveway was to be paved from the house to 150th Street. Mr. Scherer noted he applied for a variance with the Board of Zoning Appeals and they denied his request for a variance noting it was a code requirement. Mr. Scherer does not feel he should be made to pave the driveway since the City has approved other construction projects without this requirement.

Mr. Scherer's presentation time was up and asked to continue to speak. Mayor Scherer noted his time was up, however, the council could question him further during the Action Item portion of the meeting.

Tony Lacy (Re: Schedule Worksession to Discuss Annexation of 223 Acre Tract) – Not Present. Will be addressed at the February 18th meeting.

Ulreich Custom Homes Inc. (Re: Grant Extension of Time for Issued Building Permits & Waiver of Excise Tax) Not Present. Item will be addressed in Action Item #10.

Pinehurst Development (Re: Update on Preliminary Plan) No presentation was made at this time.

Steven Cole, Cole Properties LLC, represented by Ed McIntosh, appeared before the city council to request a variance on sidewalk location and waive of

excise tax for the lake area in Prairie Lakes Subdivision. Mr. McIntosh explained the plan calls for the sidewalk in a 60 ft. right-of-way situated 15 feet behind the curb, which puts the sidewalk 20 ft. from the house. This location will cause the sidewalk to be slanted. Cole Properties are requesting the sidewalk be constructed 10 ft. from behind the curb, allowing for a 5 ft. variance.

Mr. McIntosh submitted a second request for a waive of excise tax for the lake area in the Prairie Lakes Subdivision be approved. He noted the lake area is actually the subdivisions retention pond. The developer noted he is not asking for a reimbursement of past paid excise tax, only the exemption for future lots. (See Action Item #11)

Public Comments Regarding Agenda Items – Mayor Scherer opened the floor to residents wishing to comment on agenda items.

Carolyn Scheller (2823 N. 155th St.) and Kathy Carrico (15439 Ripley) appeared to complain about the condition of the property referred to as the Wiley Property. Mrs. Scheller described the problems and noted that she has been complaining for several years about this property and to date nothing has been done to clean it up. She reported the property has caused a cat and rodent problem not to mention a decline in property values. She reported children are playing on this property and is a definite danger to them. Both women noted the situation has become an environmental issue as much as a code violation. They are tired of promises being made without progress.

Mr. Hooper provided the Council with a letter to be sent to the Wiley's giving them sixty days to clean up the property, if the property was not cleaned up in sixty days, a citation would be issued and a court date set. Mr. Hooper stated it was in his opinion the debris would be cleaned up; however, he did not think the property owner would remove the tractor frames. Council directed the code administrator to proceed with a court order based on the fact that the property owner was not willing to remove the tractor frames. Mr. Lyle Wiley was in the audience and confirmed that he was not willing to move the frames.

There being no further persons to come before the council at this time, the public portion of the meeting was closed.

Action Items

Item #1. Approve or Deny Payments to Contractors for Wastewater Facility Project

A motion was made by K. Sifford and seconded by B. Gratny to approve payments to Miles Excavating in the amount of \$13,232.90 for fly ash (\$7,119.90) and balance owed on replacing a sewer line at the north lagoon (6,113.00). The funds are to be paid from the State Revolving Loan account. All aye. Motion carried 5-0.

Item #2. Approve or Deny Payments to Contractors for Falcon Lakes Project

There were no payments to be made this month.

Item #3. Approve or Deny Payments to Ponzer-Youngquist for 24/40 Hwy Project

A motion was made by J. Espinoza and seconded by B. Gratny to approve the payment request of \$2,600 to Ponzer Youngquist (Payment Request #32) for the design work on the 24/40 Hwy Interceptor Project. Espinoza, Gratny, Garcia, Sifford-Aye. Odle-Nay. Motion carried 4-1.

Item #4. Approve or Deny Purchase of Voice Mail System

A motion was made by C. Garcia to table action on the voice mail and public announcement systems at this time. The motion died for lack of second.

A motion was made by J. Espinoza and seconded by B. Gratny to approve the purchase of a voice mail system with Batts Communications for \$2,800.00. Espinoza, Gratny, Sifford-Aye. Odle, Garcia-Nay. Motion carried 3-2.

Item #5. Approve or Deny Purchase of Public Announcement System to Meeting Room

A motion was made by K. Sifford and seconded by J. Odle to purchase a public announcement system with CD burner from S & S Broadcast Equipment for \$5,405.00. Espinoza, Odle, Garcia, Sifford-Aye. Gratny-Nay. Motion carried 4-1.

Item #6. Approve or Deny Contract with Scantron for Technical Services

A motion was made by J. Espinoza and seconded by K. Sifford to table action until further research could be performed.

Item #7. Schedule Worksession to Discuss Annexation of 223 Acre Tract

Due to the absence of Mr. Lacy, a worksession was not scheduled.

Item #8. Approve or Deny Installation of Street Light at 145th & Parallel Lane

A motion was made by K. Sifford and seconded by J. Espinoza to approve the installation and monthly payment of \$10.61 to Westar Enegery for a street light at 145th & Parallel Lane. All aye. Motion carried 5-0.

Item #9. Approve or Deny Variance for Construction of Driveway at 1812 N. 150th St.

Councilman Odle noted he drove down 150th Street and saw that many homes on the easat side of the street had gravel driveways, he questioned why this particular property is being made to comply. Mr. Hooper noted that he has enforced this requirement every since he has been employed by the City of Basehor. Mr. Scherer stated the last two City projects did not have paved driveways (wastewater plant and city parking lot) and that allowances should be made for long driveways. He noted the driveway in question is 200 ft. from 150th Street.

Engineer McAfee noted a paved driveway is more for ascetics, gravel driveways allow for rainwater to soak into the ground quicker. However since the home is located in the city limits, it is his preference to pave the driveway to the street.

A motion was made by J. Espinoza and seconded by C. Garcia to deny the variance and require Mr. Scherer to pave the driveway located at 1812 N. 150th Street. Espinoza, Garcia, Gratny, Sifford – Aye. Odle-Nay. Motion carried 4-1.

Item #10. Approve or Deny Extension of Time for Building Permits & Excise Tax

Council discussed the time limit allowed for a building permit. Mayor Scherer stated he would like to instruct the code administrator to change the regulations from 6 months to 12 months before a building permit expires. Councilman Garcia stated he would like to see 12 months be allowed with no extentions.

A motion was made by B. Gratny and seconded by J. Odle to approve the extention of time for building permits and waive of excise tax per submitted request and allow for no further extentions. All aye. Motion carried 5-0.

Item #11. Approve or Deny Variance on Sidewalk Location & Waive of Excise Tax for Lake Area

A motion was made by B. Gratny and seconded by J. Espinoza to approve a variance from 11 feet back of curb to 6 feet back of curb for sidewalk location and waive of excise tax for lake area as requested. All aye. Motion carried 5-0.

Item #12. Approve or Deny Petition for Annexation of Property at 160th & Parallel

A motion was made by J. Odle and seconded by J. Espinoza to approve the petition and ordinance annexing property at 160th & Parallel (10 Acres-Prairie Gardens Subdivision) as submitted. All aye. Motion carried 5-0.

Item #13. Approve or Deny Annexation of 11.6 Acres on Hollingsworth Rd (north of Falcon Lakes)

A motion was made by J. Espinoza and seconded by K. Sifford to approve the petition and ordinance annexing property north on Hollingsworth Rd, (11.6 acres-Zarda Property). The property will be annexed with an R-O zoning. All aye. Motion carried 5-0.

Item #14. Schedule Joint Worksession with County Commissioners to Discuss Sewers South of 24/40 Highway and Future Planning Area

A motion was made by J. Espinoza and seconded by K. Sifford to schedule a joint worksession on February 3 at 4:00 p.m. with the Leavenworth County Commissioners to discuss wastewater treatment and planning south of 24/40 Hwy. All aye. Motion carried 4-0.

Item #15. Appointment of Planning Commission Member (replacing Mike Laffere)

Mayor Scherer entertained a motion to appoint Steve Cole to fill the vacant position of Mike Laffere on the planning commission.

A motion was made by J. Espinoza and seconded by K. Sifford to approve the appointment of Steve Cole to the Basehor Planning Commission. Espinoza, Sifford, Odle, Gratny-Aye. Garcia-Nay. Motion carried 5-0.

Item #16. Award 24/40 Hwy Interceptor Bid

Mayor Scherer turned the gavel over to council president Julian Espinoza due to conflict of interest.

A motion was made by J. Odle and seconded by J. Espinoza to table awarding the 24/40 Hwy Interceptor bid and schedule a special meeting on January 28 at 4:00 p.m. All aye. Motion carried 5-0.

Councilman Odle requested the city superintendent, engineers from Ponzer-Youngquist and McAfee Engineering and the city attorney be present. Council agreed.

Item #17. Approve or Deny 2003 Court Services Contract (Leavenworth County Probation)

A motion was made by J. Odle and seconded by J. Espinoza to approve the renewal of a contract with Leavenworth County for court services for year 2003. All aye. Motion carried 5-0.

EXECUTIVE SESSION

A motion was made by J. Espinoza and seconded by K. Sifford to recess into a forty-five minute executive session to discuss legal matters and personnel issues. All aye. Motion carried 5-0. (9:00 p.m.)

At 9:42 p.m, Mayor Scherer called the regular meeting back to order. Mayor Scherer stated based on discussions in executive session the following action will be taken.

A motion was made by J. Odle and seconded by J. Espinoza to authorize the cost of the Falcon Lakes man-lift be reimbursed through the developer reimbursement fee. All aye. Motion carried 5-0.

MAYOR'S REPORT

Chamber of Commerce Representative – Council agreed that council president Julian Espinoza will continue to represent the City until the new council members take office.

COUNCIL MEMBER REPORTS

Joseph Odle

Councilman Odle thanked the city superintendent for a job well done cleaning the city streets during the recent snow storms. Mr. Myracle explained he has received several complaints from property owners that debris from the street was pushed into their yard. Mr. Myracle stated his only response to them was that area is city street right-of-way.

Chris Garcia

Councilman Garcia discussed the condition of a sidewalk that was being damaged by trucks. He requested the city superintendent research the area to see if the intersection needed to be widened or weight limitations set.

Also discussed was the placement of speed limit restrictions, no parking and children at play signs on 154th Street.

Julian Espinoza

Councilman Espinoza questioned Chief Weston about street parking in the Highview Industrial Park. Chief Weston commented he had not had time to coordinate with the fire department to bring a fire truck in the area to see if they were able to maneuver around the parked vehicles. City superintendent Gene Myracle reported he had a truck driver take an outrigger around the intersection at 145th Terrace and Parallel Lane. The outrigger was not able to make the turn safely. It is his opinion there should be no parking on either side of the street. Mr. Myracle also expressed displeasure that a company in the industrial park was driving over the curb and inlet and parking on the street right-of-way. Chief Weston was instructed to enforce city regulations and stop the company from driving over city property.

OTHER BUSINESS

Mayor Scherer asked the code administrator if all the paper work regarding the Miles annexation was complete and could action to accept the agreement be added to the special meeting on January 28th. Mr. Hooper noted a signed annexation agreement has been submitted by Mr. Miles and that council could take action to accept at any time.

A motion was made by J. Espinoza to add approval of the Miles Annexation Agreement to the January 28th meeting. No second to the motion.

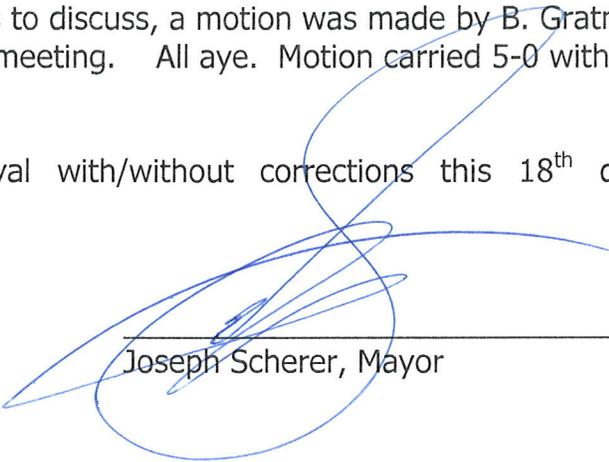
A motion was made by J. Odle and seconded by B. Gratny to approve the Miles Annexation Agreement contingent on obtaining an ordinance from KDHE regulating the project. All aye. Motion carried 5-0.

Mayor Scherer announced he would be out of town from the middle of February to the first week of March.

ADJOURNMENT

There being no further business to discuss, a motion was made by B. Gratny and seconded by K. Sifford to adjourn the meeting. All aye. Motion carried 5-0 with the meeting adjourning at 10:10 p.m.

Submitted for Council approval with/without corrections this 18th day of February, 2003.



Joseph Scherer, Mayor

Attest:



Mary A. Mogle, City Clerk