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**MINUTES**

**BASEHOR CITY COUNCIL MEETING**

**March 18, 2002**

**7:00 PM**

**Basehor Meeting Room**

**Official Presiding: Mayor William "Bill" Hooker**

**Members Present: Joseph Odle, Chris Garcia, Burl Gratny, Julian Espinoza**

**Members Absent: Pres. Joseph Scherer**

**Staff Present: John Thompson, Mike Hooper, Gene Myracle,  
Vince Weston, Baron Powell, Mary Mogle, Ron Owen,  
John Matthews**

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The monthly meeting of the Basehor City Council was called to order by Mayor Bill Hooker with all members present except Pres. Joseph Scherer. Pledge of Allegiance was recited followed by a moment of silence.

Mayor Hooker asked that Agenda Item #4 be moved up since there were so many people in attendance for that particular topic, followed by an executive session.

A motion was made by C. Garcia and seconded by B. Gratny to postpone the executive session to the end of the meeting. All aye. Motion carried 4-0.

**MINUTES**

A motion was made by B. Gratny and seconded by J. Espinoza to approve the Minutes of February 19, 2002 as written. All aye. Motion carried 4-0.

A motion was made by J. Espinoza and seconded by C. Garcia to approve the telephone poll of March 5, 2002 as written. All aye. Motion carried 4-0.

A motion was made by B. Gratny and seconded by J. Espinoza to approve the Minutes of the March 9, 2002 worksession as written. All voted year with Garcia abstaining. Motion carried 3-0-1.

**TRESURER'S REPORTS**

**February 2002 Treasurer's Report & Supplement**

A motion was made by J. Odle and seconded by J. Espinoza to approve the February 2002 Treasurer's Report and March Supplement as presented. All aye. Motion carried 4-0.

**Investment Report**

A motion was made by B. Gratny and seconded by J. Espinoza to approve the March 2002 Investment recommendations as presented by the city treasurer. All aye. Motion carried 4-0.

**STAFF REPORTS**

There were no staff reports this month.

**CITIZENS AND PETITIONS**

**Citizen Comments Regarding Agenda Items**

*Christine McCollum*, 18681 I53rd Street, spoke in favor of rezoning property at 1933 N. 153<sup>rd</sup> Street. Ms. McCollum stated she has been going to Mrs. Wilson for a long time and always has a smile on her face to greet the customers. Basehor needs to keep what commercial they have, which is very little since the shopping center burned down.

*Wilma James* stated she lives directly across the street from the property being considered for rezoning and does not have any problem with Mrs. Wilson putting a beauty shop in her garage.

*Elizabeth Banzhaf* stated her property adjoins Mrs. Wilson to the east and would welcome the beauty shop. That would mean she could walk over to get her hair fixed.

*Linda Anderson*, 3125 N. 155<sup>th</sup> Terr., stated the majority of properties along Parallel are businesses and is "actually more than what is on 155<sup>th</sup> Street". She encouraged the Council to approve the rezoning for Mrs. Wilson.

*Pat Wilson*, owner of the property being considered for rezoning, stated she would be willing to put in writing a legal agreement for the City that if she would ever sell the property, she would have it rezoned back to residential. She stated she would asphalt the parking lot and driveway and meet all other necessary zoning and building requirements necessary to meet city regulations.

*John Matthews*, Planning Commission member, reported the rezoning does not meeting requirements as stipulated in the City's Comprehensive Plan and asked that the governing body deny the request. He described the type of commercial businesses that could go on the property if Mrs. Wilson decided to sell.

*Ron Owen*, Planning Commission president, stated he agrees that the request should be denied since it does not fit in the Comprehensive Plan or Future Land Use Map and feels if it is approved, it would be considered "spot zoning".

Councilman Odle questioned Mr. Owen as to why the Planning and Zoning Board sent the matter to the City Council without a recommendation. Mr. Owen reported the night of the hearing, there were only four board members present. He explained how the votes were taken and felt the issue was too emotional for some members so therefore no decision could be made.

*Phil Fox*, stated he does not see the difference between "Pat's beauty shop" and the cabinet shop located on Parallel that is owned by Dwaine Pant". They should both be handled in the same manner.

*David Breuer*, stated he felt this is a special issue since the owner was burned out of her previous location and asked if maybe a special use permit or something similar could be issued.

*Myra Noel*, 155<sup>th</sup> & Hickory, stated it appears to her that this is a gender issue. Mr. Pant was allowed to put a cabinet shop on his property, but Mrs. Wilson is not. The mayor stated that is not an issue. The issue is that Mrs. Wilson's property does not meet the requirements of the comprehensive plan or future land use map. Mr. Pant's property meets those requirements.

*Margaret Smith* spoke in favor of approving the rezoning for 1933 N. 153<sup>rd</sup> Street.

Code Administrator, Mike Hooper, explained that Mrs. Wilson could have a special use permit if she wanted the beauty shop in her home, however, Mrs. Wilson is wanting to place the beauty shop in her detached garage and having one to three

employees. The special use permit requirements only allow the property owner to work there and it must be inside the residence. The planning commission would need to hold a public hearing to consider a change in the zoning requirements.

Councilman Garcia stated he was on the planning board before becoming a city council member. He noted the planning commission was not in favor of spot zoning then either. He realizes this is an emotional issue, but the planning and city council boards have to follow written regulations.

There being no further citizen comments, the public portion of the meeting was closed.

**ACTION ITEMS**

**Item #1. Approve Contractor Payments for Falcon Lakes Project**

A motion was made by B. Gratny and seconded by C. Garcia to approve payments to contractors for the Falcon Lakes Project as presented. All aye. Motion carried 4-0.

**Item #2. Approve Street Lights for Falcon Lakes, Prairie Gardens and Iron Creek, Phase II.**

A motion was made by B. Gratny and seconded by C. Garcia to approve the installation and monthly expenditure of \$181.00 for street lights in Prairie Gardens Subdivision, Falcon Lakes Subdivision, and Phase II of Iron Creek Subdivision. All aye. Motion carried 4-0.

**Item #3. Approve Departmental Projects and Equipment for Year 2002**

A motion was made by J. Odle and seconded by J. Espinoza to approve Year 2002 projects and purchases for departments as submitted. All aye. Motion carried 4-0.

**Item #4. Approve or Deny Rezoning Request for Property at 1933 N. 153<sup>rd</sup> Terr (Pat Wilson) from R-1 Residential to CP-1 Commercial**

A motion was made by B. Gratny and seconded by J. Odle to approve a conditional use permit for Pat Wilson, 1933 N. 153<sup>rd</sup> St. Code Administrator noted the motion needs to address the rezoning and not conditional use permit. Gratny and Odle withdrew their original motion.

A motion was made by C. Garcia and seconded by J. Odle to deny the rezoning request for property located at 1933 N. 153<sup>rd</sup> St. All aye. Motion carried 4-0.

A motion was made by B. Gratny and seconded by J. Odle to have the planning commission consider changing the zoning regulations to allow home beauty shops to have up to two employees, plus the owner. All aye. Motion carried 4-0.

**Item #5. Approve Purchase of Ventilation Confined Space Equipment for Sewer Dept.**

A motion was made by J. Odle and seconded by J. Espinoza to allow up to \$1,000.00 for the purchase of ventilation confined space equipment for the sewer department. All aye. Motion carried 4-0.

**Item #6. Schedule Worksession to Discuss Police Department Wages and Benefits**

Council agreed to be polled regarding a meeting date.

(A 5 minute break was called at this time)

**MAYOR'S REPORT**

*Additional Telephone Lines* – Mayor Hooker reported he has been working with Southwestern Bell regarding the installation of two new telephone lines. A date for installation has not yet been determined.

**COUNCIL MEMBER REPORTS**

**Chris Garcia**

Councilman Garcia reported he has been asked to represent the City of Basehor on a Community Education site committee. The City Council agreed that Mr. Garcia should continue to represent the city.

**Julian Espinoza**

Councilman Espinoza reported he has been asked by the Basehor Chamber of Commerce to submit an article regarding city business for the Chamber's monthly newsletter. Council agreed that Mr. ~~Espeinoza~~ *Espinoza* (corrected by motion 4/15/02 by *Espinoza & Gratny*) should write the articles on behalf of the City of Basehor.

**OTHER BUSINESS**

*147<sup>th</sup> Street Maintenance* – City superintendent, Gene Myracle, reported 147<sup>th</sup> Street was not included in his list of 2002 projects, however, he is receiving numerous calls from residents regarding its condition. Mr. Myracle noted the street needs approximately 320 feet of 3" asphalt overlay and would cost approximately \$5,500.00. He felt that this would be a short term (2-3 years) fix since there are heavy trucks and equipment that travel the street daily. No action was taken at this time.

**EXECUTIVE SESSION**

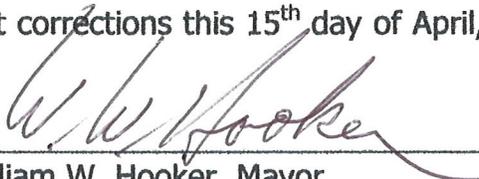
A motion was made by B. Gratny and seconded by J. Odle to go into an executive session for up to forty-five (45) minutes to discuss personnel and attorney-client privileged matters. All aye. Motion carried 4-0.

At 9:25 pm, the Mayor called the regular session back to order.

**ADJOURNMENT**

A motion was made by J. Espinoza and seconded by B. Gratny to adjourn the March 18<sup>th</sup> council meeting. All aye. Motion carried 4-0. Meeting adjourned at 9:27 p.m.

Submitted for Council approval with/without corrections this 15<sup>th</sup> day of April, 2002.

  
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William W. Hooker, Mayor

  
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Mary A. Mogle, CMC