

## **MINUTES**

### **BASEHOR CITY COUNCIL MEETING**

**April 15, 2002**

**7:00 PM**

**Basehor City Hall**

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

**Members Present: Pres. Joseph Scherer (arrived at 7:07 pm) Joseph Odle,  
Chris Garcia, Burl Gratny, Julian Espinoza**

**Staff Present: Mike Hooper, Gene Myracle, Mary Mogle, Baron Powell, Vince  
Weston, John Thompson, Matt Henderson**

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The monthly meeting of the Basehor City Council was called to order at 7:00 p.m. by Mayor Hooker. Roll call was answered with all members present except Pres. Scherer. Pledge of allegiance was recited followed by a moment of silence.

### **MINUTES**

A motion was made by J. Espinoza and seconded by B. Gratny to approve the minutes of March 18, 2002 with the correction of the spelling of Councilman Espinoza's name on page 6, paragraph one, the motion also included approval of the March 22<sup>nd</sup> and March 25<sup>th</sup> telephone polls as written. All aye. Motion carried 4-0.

### **TREASURER'S REPORTS**

*March 2002 Treasurer's Report, Supplement & 2001 Audit* - City treasurer, Baron Powell announced the audit for 2001 has been submitted by the auditors, Lowenthal Singleton Webb & Wilson. Clerk Mogle reported there were no violations to be reported.

A motion was made by C. Garcia and seconded by J. Odle to approve the March 2002 Treasurer's Report, April 15, 2002 Supplement and the 2001 Audit Report as submitted. All aye. Motion carried 4-0.

SCANNED

2-20-07 *lt*

**STAFF REPORTS**

**City Superintendent**

*Repairs to 147<sup>th</sup> Street* – City superintendent, Gene Myracle reported the conditions of 147<sup>th</sup> Street is deplorable and will cost approximately \$5,500 to apply a 300 ft. x 8" asphalt overlay. Mr. Myracle explained as a quick fix he laid 25 ton of milling and 31 ton of asphalt on 147<sup>th</sup> Street, but due to the high volume of heavy truck traffic, this has not helped. Council took no action at this time.

*(Pres. Joseph Scherer arrived at 7:07 p.m.)*

**CITIZENS AND PETITIONS**

*Margaret McNaughton, 152<sup>nd</sup> & Parallel, approved appeared (amended by council motion on 5/20/02 to the word "appeared")* before the city council to request a law be enacted controlling or outlawing dirt bikes and ATV's in the city limits. She explained she has a neighbor that has up to four riders at a time and the noise has become a nuisance to her and her neighbors.

Chief of Police Vince Weston stated in order for him to control the situation, the council would need to pass an ordinance prohibiting or regulating the noise level.

Pres. Scherer directed Chief Weston to obtain sample ordinances from other cities regarding noise pollution and nuisances.

*Citizen Comments Regarding Agenda Items* – Susan Guy congratulated the City on getting the excise tax passed. She cautioned the City to have flyers in the future reviewed by the city attorney for election violations. Mrs. Guy requested the City consider omitting renovations and remodeling for both commercial and residential in the excise tax ordinance being considered later in the meeting.

*David Tellefson, 3125 N. 157<sup>th</sup> St,* appeared on behalf of one of the officers, stating that due to recent break-in's around town, the city should be keeping good officers and not discharging them for not writing enough traffic citations.

Chief Weston responded by stating the officer resigned and was not discharged for not writing tickets, that would be against the law. Chief Weston also commented that this is a personnel issue and could not be discussed in a public forum.

*Dwaine Pant, 145<sup>th</sup> & Parallel*, requested city council consider not assessing an excise tax on an individual with a large tract of land more than what they would someone owning a city lot.

There being no further residents to come before the city council, the public portion of the meeting was closed.

**ACTION ITEMS**

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

A motion was made by J. Odle and seconded by J. Scherer to approve payment of \$117,387.00 to O'Donnell & Sons for work performed on Falcon Lakes Parkway project. All aye. Motion carried 5-0.

**Item #2. Approve or Deny Street Lights for Iron Creek Subdivision Phase III**

A motion was made by B. Gratny and seconded by J. Scherer to approve the payment of \$32.69 per month to KPL for streetlights in Phase III of Iron Creek Subdivision. Council President Scherer abstained due to conflict of interest. Motion carried 4-0-1.

**Item #3. Approve or Deny Ordinance Amending the State Revolving Loan Agreement**

A motion was made by J. Odle and seconded by Pres. Scherer to table this matter until the May meeting. All aye. Motion carried 5-0.

**Item #4. Approve or Deny Ordinance for Transportation Excise Tax**

A motion was made by J. Odle to approve the ordinance in its entirety except in Section 1(3) change from \$10,000 cap to \$900.00 for remodeling and remove the 75% requirement.

Discussion: B. Gratny stated he does not want to see the schools excluded from the tax. He feels that residents outside the city limits that attend the schools place a burden on city streets.

J. Scherer stated he received calls from people who reside outside the city limits, but own property within the city limits, that felt they should have been given the opportunity to vote on the excise tax. Scherer asked the city attorney if this would be a legal issue. Mr. Thompson stated the landowner would not have a basis to challenge the ordinance.

Motion died for lack of second.

A motion was made by J. Espinoza and seconded by B. Gratny to schedule a worksession for April 24<sup>th</sup> at 6:00 p.m. to discuss the proposed Transportation Excise Tax ordinance. Odle stated he would not be in attendance. All aye. Motion carried 4-1.

**Item #5. Approve or Deny Rezoning of Property Located at 2826 N. 155<sup>th</sup> Terr. (Methodist Church property)**

A motion was made by C. Garcia and seconded by J. Odle to deny the rezoning request as recommended by the Planning Commission. Pres. Scherer abstained. Motion carried 4-0-1.

**Item #6. Approve or Deny 300 Ft. of Asphalt Overlay on 147<sup>th</sup> Street (Parallel north to city limit)**

A motion was made by C. Garcia and seconded by J. Scherer to table the vote for further study and reserve the right to be polled via telephone at a later date. All aye. Motion carried 5-0.

**Item #7. Schedule Worksession to Discuss 2003 Budget**

Council unanimously agreed to hold a worksession on May 13<sup>th</sup> at 6:00 p.m. to discuss the 2003 budget.

**Item #8. Approve or Deny Action to Commence the Process to Collect Delinquent Sewer and Solid Waste Accounts.**

A motion was made by J. Scherer and seconded by J. Espinoza to authorize the clerk to notify property owners by mail of their delinquent accounts and the process for collection. All aye. Motion carried 5-0.

**Item #9. Approve or Deny Appointment of Traci Jo Myracle as Municipal Court Clerk (appointment made by Judge William E. Pray)**

A motion was made by J. Espinoza and seconded by B. Gratny to approve the appointment of Traci Jo Myracle as municipal court clerk. All aye. Motion carried 5-0.

**EXECUTIVE SESSION**

A motion was made by C. Garcia and seconded by J. Espinoza to go into an executive session for a period of up to thirty minutes to discuss personnel and attorney client privileged matters. All aye. Motion carried 5-0. (8:08 p.m.)

At 8:20 p.m, Mayor Hooker called the regular meeting back to order.

**MAYOR'S REPORT**

*Additional Telephone Lines* – Mayor Hooker reported he has been working with Southwestern Bell regarding the addition of two new telephone lines and a dedicated fax line. A survey is now being conducted by Southwestern Bell and will have information and cost estimate in a week or two.

**COUNCIL MEMBER REPORTS**

**Pres. Joseph Scherer**

Basehor Cabinet Shop – Pres. Scherer reported the Board of Zoning Appeals denied the cabinet shops request for a parking variance and feels this denial should be reconsidered by the city council. Pres. Scherer stated the city should want to see the building renovated for tax purposes.

Mayor Hooker stated the cabinet shop is working on a lease for parking across the street, and if a long-term lease is obtained, no variance would be needed.

Mr. Donnie Dyster stated the public notice for the hearing was not published in the newspaper, therefore, as far as he is concerned the hearing never happened.

Councilman Odle questioned if a structural engineer has looked at the property. Mr. Dyster stated they have; however, no engineer is willing to put their stamp on the project due to future liability.

Pres. Scherer moved to return the matter to the Board of Zoning Appeals to hold a proper public hearing and find a way to make the building work for the best interest of the city and property owner. J. Espinoza seconded the motion.

Discussion: Mr. Dyster stated he did not feel the outcome would be any different if another hearing was held.

J. Espinoza withdrew his second to the motion. Pres. Scherer withdrew his motion.

A motion was made by J. Scherer and seconded by J. Espinoza to table action for sixty days to allow the property owner to obtain a lease agreement for parking. All aye. Motion carried 5-0.

**ADJOURNMENT**

There being no further business to discuss, a motion was made by C. Garcia and seconded by J. Espinoza to adjourn the meeting. All aye. Meeting adjourned.

Submitted for Council approval with/without corrections this 20<sup>th</sup> day of May, 2002.

  
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Mayor William Hooker

Attest:

  
Mary A. Mogle, CMC

4-2-02

Dear City Council:

I am requesting permission to appear at your next Council Meeting on April 15, 02.

It is regards to the excessive noise created by more than one large dirt bike. This neighbors property agains ours. Thank you for your consideration of my request.

Sincerely,

Margaret McNaughton

1913 N. 152

Baselton, Ks. 66007