

MINUTES

**Basehor City Council
May 20, 2002
7:00 PM
Basehor City Hall**

Official Presiding: Mayor William "Bill" Hooker

**Members Present: Pres. Joseph Scherer, Joseph Odle (arrived 7:01),
Chris Garcia, Burl Gratny, Julian Espinoza**

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

The monthly meeting of the Basehor City Council was called to order at 7:00 pm by Mayor Bill Hooker. Roll call was answered with all members present except Joseph Odle. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

(Joseph Odle arrived at 7:01 pm)

Councilman Espinoza requested spelling corrections be made to the words "expansion" and "destroyed" on page 2 of the April 24 worksession minutes. Councilman Gratny requested the word "approved" be changed to "appeared" on page 2, paragraph 2 of the April 15, 2002 minutes.

A motion was made by J. Espinoza and seconded by C. Garcia to make the aforementioned changes to the April 15 minutes and April 24 worksession minutes and approve the contents as submitted. All aye. Motion carried 5-0.

TREASURER'S REPORT

City treasurer, Baron Powell, submitted for council approval the April 2002 Treasurer's Report and May 2002 Investment Report. Mr. Powell reminded council of the 2003 budget worksession scheduled for June 13, 2002 at 6:00 p.m.

A motion was made by J. Espinoza and seconded by B. Gratny to approve the April 2002 Treasurer's Report and May 2002 Investment Report as submitted. All aye. Motion carried 5-0.

SCANNED

2-20-07 *st*

STAFF REPORTS**Chief of Police**

Update on Research of Excessive Noise of Dirt Bikes and ATV's – Chief Weston reported that at the April council meeting he was directed to research area city ordinances pertaining to noise caused by dirt bikes and all-terrain vehicles (ATV). The League of Kansas Municipalities does not have any further information other than what was provided in last months council packet and other area cities do not have ordinances regulating dirt bikes and ATV's. If the City of Basehor decides to regulate these types of vehicles, it will be necessary to create a new ordinance. Chief Weston stated it might be possible to charge the person with "disturbing the peace". Later in the meeting Chief Weston reported "Offense Against Public Peace" could be used with the signing of a personal complaint.

City Superintendent

Update on Renovations to City Hall Parking Lot – City superintendent Gene Myracle reported, he and code administrator Mike Hooper, have been working on renovations to the front city hall parking lot. The engineers have been working on elevation design and should be finished next week. Cost estimates will be ready at that time. Mr. Myracle reminded council the front entrance of city hall would not be accessible for approximately a week. It will be necessary to have staff and the fire department volunteers park elsewhere. Council directed the superintendent to coordinate the project with the fire department.

Code Administrator

Item #1. County Resolution to Consider the Extension of Zoning and Subdivision Regulations in City Planning Areas

Mr. Hooper reported the county has created a committee comprised of zoning staff and elected officials from Basehor, Lansing, Leavenworth and Tonganoxie. The committee developed a plan to allow Leavenworth County cities to perform inspections and regulate zoning and subdivision regulations in the urban areas outside their city limits. The participating cities would enforce their street, sewer and building codes in the areas defined in the Leavenworth County Comprehensive Plan. Mr. Hooper requested the Council review the proposed resolution and take action at the June meeting. If approved, the enforcement would take effect October 31, 2002.

Item #2. Discussion Regarding Change in Beauty Shop Zoning Regulations

A report was given by the code administrator regarding the change in beauty shop zoning regulations. He described the process the Planning Commission went through to consider the necessary changes. After reviewing the long term ramifications of the change, the Planning Commission voted 6-0 to leave the regulations in their present state.

Councilman Odle questioned Mr. Hooper as to why the Planning Commission did not follow the instructions given by the City Council at the May meeting. The instruction was to "change the regulations to allow beauty shops with two employees and the owner". Mr. Hooper explained it was his understanding, and others, that they were to "consider" the change.

Councilman Gratny stated it was his intent when he made the motion was to have the Planning Commission "consider" the change.

Councilman Garcia stated the Council does not have the right to direct the Planning Commission to make the change, only to direct them to hold a public hearing to consider the change. Once the public hearing is held and a recommendation is made to the Council, then the Council has the authority to approve or reject.

City attorney Thompson stated the City Council can hold the public hearing themselves if that's what they wish to do; however, they need to come up with the wording for the public notice.

Chairman Owen stated he did not feel the outcome of the vote would be any different if the Planning Commission held the public hearing.

Applicant, Pat Wilson, questioned the difference between a change in zoning regulations and special use permit. Mr. Hooper described both and explained the other current regulations that would be effected if the changes were implemented.

Resident Linda Aldridge questioned the difference between the cabinet shop located on Parallel and request being made by Mrs. Wilson. Mr. Hooper explained the cabinet shop is in a proper zoning of R-O and the beauty shop is in a R-1 zoning.

After a lengthy discussion, Councilman Odle moved to direct the code administrator to come up with text to make the beauty shop for Pat Wilson work. The motion died for lack of second.

Item #3. Discussion Regarding 158th Street

City engineer, Joe McAfee gave a presentation regarding the upgrade to 158th Street, from Parallel south to 24/20 Hwy. Mr. McAfee explained the road is being designed in accordance with the city's street specifications and will have an eighty (80) foot right-of-way with a double chip and seal surface. He noted Holyfield Winery has a row of grapes located on the right-of-way; however the engineering staff is trying to work with the existing right-of-way so the vineyard will be impacted as little as possible. According to current calculations the centerline of 158th Street needs to be shifted to the east approximately three (3) feet in some areas.

Holyfield Winery owner, Les Meyer, asked if his business will loose access while the work is being done. He also questioned the location of the electrical poles. He stated he has always used the poles as a property line and that's why his grapes are in their current location. Mr. McAfee stated they will not loose access at any time during the project and KPL will have to move the light poles in order to set on the section line correctly.

The project cost will be paid by the Breuer's except for the \$50,000 contributed by Leavenworth County. Mr. John Breuer requested the City send a letter to the county commissioners requesting the release of the funds. Mr. Hooper stated he thought it would be 5 to 7 years before enough funds were collected to curb and gutter 158th street. Council agreed to send the letter as long as the City of Basehor was not out any funds for the project.

Item #4. Interceptor sewer Extension Across 24/40 Hwy

Mr. Hooper requested this matter be tabled until later in the meeting when Mr. Opperman made his presentation regarding development south of 24/40 Hwy. Council agreed.

Item #5. Planning Commission – Member Replacements & Recommendations

A letter was submitted by the planning commission chairman, Ron Owen, requesting changes to three positions on the board. Mr. Owen requested Mr. John Matthews be re-appointed, Mr. David Richardson be replaced since his term expired and replace Mr. Ray Harvey due to ineffectiveness.

Council directed Mayor Hooker to talk to Mr. Harvey concerning the matter before taking action.

Mayor Hooker recommended the re-appointment of John Matthews to the Planning Commission.

A motion was made by C. Garcia and seconded by J. Espinoza to re-appoint John Matthews to the Planning Commission. Garcia, Espinoza and Gratny-Aye. Odle and Scherer-Nay. Motion carried 3-2.

A committee will be created to interview applicants to fill future vacant Planning Commission positions.

Item #6. Changes to 156th Street

A presentation was given by the city engineer regarding the upgrade to 156th and Poplar. The upgrade is necessary to help control stormwater. Two plans were submitted for council consideration.

- Option "A" would leave the intersection of 156th & Poplar as is and create about a two (2) foot burm on the property owner east of 156th Street. Approximate project cost - \$60,000.
- Option "B" allows for the lowering of the intersection (2' x 100') on all four sides. Approximate project cost - \$120,000

Mr. McAfee explained the benefits of Option "B" over Option "A". He noted the design for either plan could be finalized within the week. The city treasurer noted the funds are not available at this time for either plan. Council directed the engineer to finish the design work for Option "B" and put on hold until funds were available.

CITIZENS AND PETITIONS

Charles Wilderson, PRIDE representative, appeared before the Council to request an \$800 donation for the Fourth of July fireworks display. He explained in the past the City gave \$500; however, this year Leavenworth County will not be contributing due to lack of funds.

A motion was made by Pres. Scherer to donate \$800 to purchase fireworks for the Fourth of July celebration. B. Gratny second the motion. All aye. Motion carried 5-0.

Mr. Wilderson announced the parade theme will be "United We Stand" and requested police support as provided in past years. Council agreed.

Friends of the Library – A letter was submitted by Friends of the Library requesting a donation toward the Youth Summer Reading Program.

A motion was made by J. Espinoza and seconded by J. Scherer to donate \$100 toward the 2002 Summer Reading Program. All aye. Motion carried 5-0.

Pete Opperman, architectural engineer for John Breuer, gave a presentation on a 94 acre tract of land south of 24/40 Hwy, east of 158th Street. The futuristic plan calls for hotels, apartments, commercial and retail shops, convenience/gas station, office buildings and daycare facility. The owner will be annexing the property into the city limits in the near future.

Code Administrator Hooper noted the property owner has requested the city pay for the interceptor sewer line to cross 24/40 Hwy. They feel the cost of \$75,000 would be recouped through the collection of sales tax from the businesses brought to the area.

Council questioned why the owner is requesting the City install the line. Mr. Hooper noted it will save approximately 25% on the project cost if the work was performed at the same time the 24/40 Hwy interceptor line was installed.

Council expressed their support for the plan design, but not for the payment of the interceptor line under 24/40 Hwy.

Citizen Comments Regarding Agenda Items –

Donnie Dyster, Basehor Cabinet Shop, appeared to request clarification of a "quorum" for city boards. He noted when his public hearing was held, there were only three members that showed up. Mr. Hooper explained the Board of Zoning Appeals is comprised of five members; therefore, a quorum would be three members.

Council requested Mr. Dyster update them on the status of the burned cabinet shop. Mr. Dyster reported he has two people expressing interested in purchasing the building but the lack of parking is still an issue. Mayor Hooker suggested he pay a structural engineer to perform a study on the building to see if it is safe enough to be sold and rehabilitated.

Pres. Scherer stated the City needs to come up with a workable solution otherwise the property is only good as a parking lot. Councilman Garcia stated he is not in favor of granting a variance because it will create future problems. Councilman Odle stated if a variance can be granted for this property, then it can be granted for the beauty shop request as well.

Mr. Dyster was reminded he has thirty days to come up with a parking solution before any decisions will be made regarding the demolition of the building.

ACTION ITEMS

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

There were no payment requests for this month.

Item #2. Schedule Public Hearing for Sewer and Solid Waste Delinquent Accounts

A motion was made by J. Odle and seconded by B. Gratny to schedule a public hearing for delinquent sewer and solid waste accounts on June 17th at 6:45 p.m. All aye. Motion carried 5-0.

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

A motion was made by J. Odle and seconded by J. Espinoza to approve the Amendment to the State Revolving Loan for an additional \$785,000 (partial cost of the 24/20 Hwy Interceptor Line). All aye with Pres. Scherer abstaining. Motion carried 4-0-1.

Ord. 388. AN ORDINANCE AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE LOAN AGREEMENT BETWEEN BASEHOR, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND FOR THE PURPOSE OF FINANCING A WASTEWATER TREATMENT PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE SECOND AMENDMENT TO THE LOAN AGREEMENT.

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

A motion was made by J. Espinoza and seconded by B. Gratny to approve the ordinance regulating the Transportation Excise Tax. All aye with Pres. Scherer abstaining. Motion carried 4-0-1.

Ord. 387. AN ORDINANCE ESTABLISHING THE AMOUNT OF EXCISE TAX TO BE ASSESSED, THE TIME IN WHICH IT IS LEVIED, ESTABLISHING THE EFFECTIVE DATE, PLEDGING THE REVENUES, ALLOWING FOR CREDITS AND EXEMPTIONS FOR THE EXCISE TAX AND PROVIDING PROVISIONS FOR APPEAL.

Item #5. Approve or Deny 300 Ft. of Asphalt Overlay on 147th Street (Parallel north to city limit)

This matter was tabled at the request of city superintendent, Gene Myracle.

Item #6. Approve or Deny Maintenance Agreement with Southwestern Bell

A motion was made by J. Scherer and seconded by J. Espinoza to approve a two year contract in the amount of \$1,285.63 with Southwestern Bell Co. for maintenance service. All aye. Motion carried 5-0.

Item #7. Approve or Deny Resolution Pledging Support for PRIDE Organization

A motion was made by J. Espinoza and seconded by B. Gratny to approve the resolution as submitted pledging support for the 2002 PRIDE Program. All aye. Motion carried 5-0.

RES. 2002-04 – A RESOLUTION PLEDING SUPPORT, ENDOSEMENT, AND COOPERATION FOR THE 2002 KANSAS PRIDE PROGRAM

Item #8. Approve or Deny Purchase of two 10 Ft. Picnic Tables for City Park

A motion was made by Pres. Scherer and seconded by J. Espinoza to purchase two ten foot tables in the amount of \$1410.00 (paid by donations from Park Association) for the city park. All aye. Motion carried 5-0.

Item #9. Approve or Deny Hiring Miles Excavating to Perform Work at Lagoon Sites

A motion was made by J. Odle and seconded by C. Garcia to allocate up to \$1,600 (sewer replacement fund) for the removal of the levee's at city lagoons by Miles Excavating. All aye. Motion carried 5-0.

Item #10. Approve or Deny Payments to Ponzer Youngquist Engineers from SRL (Design work for 24/40 Hwy Interceptor Line)

A motion was made by C. Garcia and seconded by J. Odle to authorize payment to Ponzer Youngquist for 24/40 Hwy Interceptor Line design work through the State Revolving Loan. All aye. Motion carried 5-0.

EXECUTIVE SESSION

There was no executive session this month.

MAYOR'S REPORT

Mayor asked the city attorney the status of the hearing regarding the creation of a city-owned water department. Mr. Thompson stated the hearing is scheduled for June 23rd.

COUNCIL MEMBER REPORTS**Pres. Joseph Scherer**

Pres. Scherer questioned the letter received from the Department of Commerce and Housing regarding the award of funds for housing in the City of Basehor. City clerk Mogle reported through a conversation with the Department of Commerce and Housing she was told the grant was awarded to Commercial Group for senior citizen housing on Chestnut Street. Mogle noted the company will need to apply for rezoning and meet all the necessary requirements set by the city.

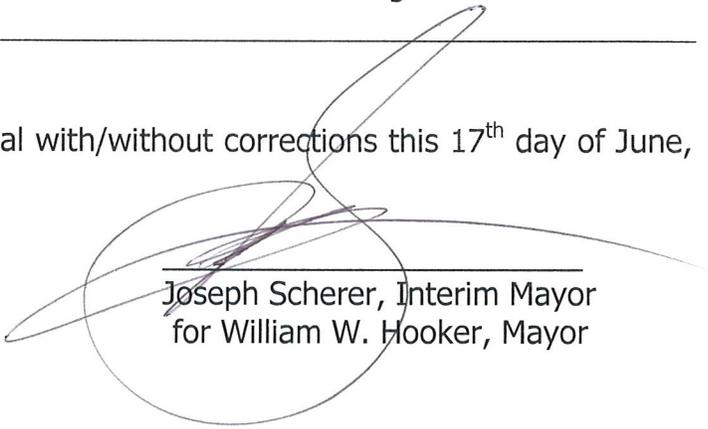
ADJOURNMENT

There being no further business to come before the Council, J. Scherer moved to adjourn the meeting. B. Gratny second the motion. All aye. Meeting was adjourned at 9:30 p.m.

Basehor City Council Meeting
May 20, 2002

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Submitted for Council approval with/without corrections this 17th day of June, 2002.



Joseph Scherer, Interim Mayor
for William W. Hooker, Mayor

Attest:



Mary A. Mogle, CMC