

MINUTES

BASEHOR CITY COUNCIL MEETING

July 15, 2002

7:00 P.M.

Basehor City Hall

OFFICIAL PRESIDING: Joseph Scherer, Mayor Pro-tem

MEMBERS PRESENT: Joseph Odle, Chris Garcia, Burl Gratny,
Julian Espinoza

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

The monthly meeting of the Basehor City Council was called to order at 7:00 p.m. by Mayor Pro-tem Joseph Scherer. Roll call was answered with all members present, followed by the Pledge of Allegiance and a moment of silence.

MINUTES

A motion was made by J. Espinoza and seconded by J. Odle to approve the minutes of June 17 meeting, July 1 worksession, and July 8th worksession and special meeting. All aye. Motion carried 5-0.

TREASURER'S REPORT

A motion was made by C. Garcia and seconded by J. Odle to approve the June 2002 Treasurer's Report, July 15th Supplement and Investment Recommendation as presented. All aye. Motion carried 5-0.

STAFF REPORTS

Chief of Police

Bryne Grant – Chief Weston explained the City of Basehor has the opportunity to participate in a grant to help assist with domestic violence and sexual assault cases. The grant will provide an on-call advocate. The \$45,956 grant will be run by Leavenworth County, with local cities contributing 25% of the funding. The City of Basehor's contribution will be \$405.00.

SCANNED

2-20-07 *JK*

City Superintendent

Repair to 147th Street – City superintendent, Gene Myracle, reported the repairs made to 147th Street, from Parallel north to city limits, did not last long. He noted the heavy trucks entering and exiting from Highview Industrial Park are causing the pavement to deteriorate. Council directed the superintendent to research the possibility of installing signs on 147th Street directing the traffic to go north to Leavenworth Road. Council reserved the right to be polled regarding the placement of signs.

Hickory Street Access – Mr. Myracle reported he received a letter from a Hickory Pointe resident complaining about the condition of Hickory Street west of 157th Street. The code administrator reported the street is a 30 ft. private improvement on public right-of-way and was paved by property owner, Dick Hayes and is not built to city street standards; therefore, should not be used as a collector street. City attorney, John Thompson, stated he recalled an agreement that Mr. Hayes assumed responsibility for the maintenance since it lead directly to his private home.

The city superintendent stated approximately 3 years previous, city staff repaired a hole in the pavement because it was caused by Deffenbaugh Trash truck. Since then, the contracted trash company has been informed to stay off the street extension or they would be ticketed.

Mayor Pro-tem Scherer stated it is his opinion that barricades be installed at the end of 156th, 157th and 158th, Hickory Pointe Subdivision. Council directed the city attorney to investigate the City's responsibilities regarding access and maintenance.

Code Administrator

Update Regarding Code Enforcement – Mr. Hooper reported his department notified eighty-three (83) property owners of various code violations. Many of the violations have already been abated and those who have not abated the violations will be issued a citation to appear in municipal court.

Update on Basehor Cabinet Shop – The code administrator reported engineered plans regarding the rehabilitation of the burned cabinet shop have been reviewed and approved by Mayor Pro-tem Scherer, city engineer and

himself. Transfer of ownership from the current owner to Mr. Foy should take place next week.

Discussion Regarding Adoption and Enforcement of Fire Code – Mr. Hooper stated Fairmount Fire Department representatives, Chuck Magaha and Mike Fulkerson are present to answer any questions the council may have regarding the adoption and enforcement of a fire code.

KLINK Grant Application – The city engineer is in the process of researching the possibility of the City of Basehor qualifying for a transportation KLINK grant. The city engineer will make a presentation during his report.

Change of Staff Hours – Mr. Hooper requested his department go to four ten-hour days. This will allow them to make more inspections during the course of a day.

City Engineer

KLINK Grant – Mr. McAfee reported the KLINK grant is a program that helps fund the resurfacing or construction of highways that intersect with state highways such as 24/40 Hwy. There are several grants that are available; however, Mr. McAfee feels the City of Basehor could qualify for a 25% match grant to assist with the construction of a frontage road from 155th Street west to 158th Street. This grant is awarded to city's that are promoting economic development. He estimates the cost of the project is approximately 1.4 million dollars. The application is due August 1, 2002 and will be awarded in the year 2006. It will cost approximately \$1,000-\$1,200 to prepare the application. Mr. McAfee reported his staff would continue to research other grants available.

CITIZENS AND PETITIONS

Mayor Pro-tem Scherer announced there would be a five-minute limit on all presentations during this portion of the meeting.

Debbie and Dennis Breuer, appeared before the City Council to request the temporary bank located at 15520 State Avenue, be allowed to remain as a permanent structure once the use is abated next year. Mrs. Breuer noted the bank (Community National Bank) was given an eighteen month temporary status; however, they feel it can be used as an office building once Community National Bank builds a permanent structure south of 24/40 Hwy.

The code administrator stated the bank meets all building and parking codes as a permanent structure.

Mayor Pro-tem Scherer stated he was not willing to make a decision at this time until a traffic study is made of the area. It is his opinion, once Sonic Drive-in and the shopping center is occupied, a traffic flow problem would be created. Councilman Odle stated he felt the request should be sent back to the planning commission for review since they are the board that approved the structure as temporary and not permanent.

Robert Wiley, was represented by his son Lyle Wiley, regarding property located at 2805 N. 155th Street. Mr. Wiley reported his dad received a code violation notice and needed clarification of its contents. The notice referred to wood, trailer, trash and debris located on the property. Mr. Hooper stated if the wood is being kept for firewood, it should be split and stacked. The trailer, owned by the Basehor Historical Society, was originally approve to remain on the property until the fund raiser in September; however, the City has received complaints by area residents and suggests moving the trailer to another location. Mr. Hooper also explained the broken bikes, air conditioner and tires are a nuisance and grass has grown up around the chain link fence. He also noted the tractors are not a problem as long as they are running and the grass is kept mowed around them.

Mr. Wiley stated the notice said he had ten days and five days to clean up the property. Mr. Hooper said this was a typographical error and he is willing to work with them as long as progress was being made.

Susan Guy, 1713 N. 150th Street, reported she received a letter regarding junk vehicles on her property. She stated Mr. Hooper noted he could see the vehicles from Chestnut Street and reported all the vehicles are licensed and insurance (*amended 8/19/02 to "insured"*) and the fence around the vehicles have been repaired. She stated she has a museum there since the cars are classics. Mr. Hooper questioned her what they do with the cars. She said they sell parts off the cars. He stated that does not constitute a museum. Mrs. Guy noted that seven days was unreasonable to expect someone to abate a violation. She requested the City work with her since she plans to build a new building to house the cars and will be getting rid of some of the vehicles by the end of the year. Council agreed to work with Mrs. Guy as long as progress was being made. Mrs. Guy also urged the Council to address the handicap access to city hall.

Tom Young, 2817 N. 155th Street, entered a complaint regarding his neighbor that has nine vehicles on a small city lot. Seven of those vehicles are located in the property owner's back yard. He stated he is tired of the junk on other neighbor's properties and the City needs to adopt new codes if the current ones are not working.

Councilman Garcia stated the current code does not regulate how many vehicles someone can own, nor the location of where they can park them. He is hopeful that new staff will start to make a difference in codes enforcement.

John Breuer, 7550 Legler, Shawnee, Kansas stated he is the developer for Prairie Gardens located on 158th Street. He requested the City consider adding the improvements of 158th Street to the KLINK Grant application. He noted if the City is not willing to fund the \$1,000 for the grant application he would pay the costs.

David Scheller, 2823 N. 155th Street, reminded the Council the trailer located on property 2805 N. 155th Street was discussed last month as being in violation and was decided the trailer had to be moved. He stated it is apparent there have been changes made to properties for the better since enforcement began. He noted the storm gutter on 155th Street has still not been addressed and the sidewalk in front of the cabinet shop and library still needs to be repaired. The city superintendent stated it is the property owner's responsibility to maintain the sidewalk and the County's responsibility to maintain 155th Street.

ACTION ITEMS

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

A motion was made by B. Gratny and seconded by J. Espinoza to approve payments to contractors in the amount of \$772,952.84 for work performed on the construction of Falcon Lakes sanitary sewers and Club House Drive. All aye. Motion carried 5-0.

Item #2. Approve or Deny Payments to Ponzer-Youngquist Engineers from SRL (Design work for 24/40 Hwy Interceptor Line)

A motion was made by J. Espinoza and seconded by C. Garcia to approve payments to Ponzer-Youngquist in the amount of \$8,125.00. All aye. Motion carried 5-0.

Item #3. Approve or Deny An Ordinance Adopting 1997 Uniform Fire Code

Councilman Odle stated he does not have a problem with adopting the fire code; however, he does not feel the city should be pay for legal costs involved in prosecution.

Mr. Magaha, Fairmount Township Fire Dept., stated the fire department does not want to burden the City, but needs to have a mechanism in place for enforcement. He also noted the fire department is mainly interested in inspecting businesses, not residential homes and the City of Lansing and Delaware Township Fire Dept. currently have a similar program.

Councilman Odle stated the State Fire Marshall's office already inspects many businesses and felt the county attorney's office should ~~be the one to~~ *(amended 8/19/02 by deleting "be the one to")* prosecute the violators since the City cannot prosecutor outside the city limits.

Mr. Magaha stated the fire department is willing to contact the City of Lansing for a copy of their Agreement of Understanding.

The city attorney suggested not adopting the fire code until the agreement has been reviewed and adopted.

A motion was made by B. Gratny and seconded by J. Espinoza to table action on this matter until the August meeting. All aye. Motion carried 5-0.

Item #4. Approve or Deny Structure Located at 15520 State Ave Remain As A Permanent Structure

A motion was made by B. Gratny to grant the request to allow the property located at 15520 State Ave remain as a permanent structure.

Councilman Odle stated it was his opinion that the Council did not have the right to take action and should send the request back to the Planning Commission for a recommendation. Gratny withdrew his motion.

A motion was made by J. Espinoza and seconded by C. Garcia to table action on this matter and refer it back to the Planning Commission for review. All aye. Motion carried 5-0.

Item #5. Approve or Deny Appointments to the Basehor Planning Commission

A motion was made by J. Espinoza and seconded by C. Garcia to approve the Mayor's appointment of George Smith (replacing David Richardson) to the Basehor Planning Commission. All aye. Motion carried 5-0.

Item #6. Approve or Deny Annual Contractual Appointments

A motion was made by J. Espinoza and seconded by B. Gratny to table action until the return of Mayor Hooker. All aye. Motion carried 5-0.

Item #7. Approve or Deny Purchase of Tractor for Public Works Dept.

A motion was made by J. Odle to purchase Model 6320 John Deere Tractor with a #1518 mower and three (3) 15 ft. mowing sections for \$55,000.00. The motion was seconded by C. Garcia. All voted in favor except J. Espinoza. Motion carried 4-1.

City treasurer reported a transfer from the General Fund to the Equipment Reserve Fund will be necessary to make the purchase.

Item #8. Approve or Deny Final Plat and Construction Plans for Falcon Lakes Villa's Phase I & II

A motion was made by B. Gratny and seconded by C. Garcia to approve the final plat and construction plans for Falcon Lakes Villa's Phase I & II. All aye. Motion carried 5-0.

Item #9. Approve or Deny Byrne Grant for Alliance Against Family Violence

A motion was made by J. Espinoza and seconded by B. Gratny to approve the expenditure of \$405 toward the Byrne Grant for Alliance Against Family Violence. All aye. Motion carried 5-0.

Item #10. Approve or Deny Authorization of Funds for the Preparation of KLINK Grant (Applications by McAfee Engineering firm)

Mayor Pro-tem Joseph Scherer announced he would abstain from voting since he owns property that could possibly be involved in the grant application.

A motion was made by B. Gratny and seconded by J. Espinoza to direct the city engineer to prepare grant applications for the construction of a frontage road from 155th Street west to 158th Street and improvements to 158th Street and the City pay the application engineering costs. Granty, Garcia, Espinoza-Aye. Odle-Nay. Scherer-abstained. Motion carried 3-1-1.

Item #11. Approve or Deny Transfer of Funds from the General Fund to the Municipal Equipment Fund (for purchase of tractor)

A motion was made by J. Odle to transfer \$70,000 from the General Fund to the Equipment Reserve Fund. B. Gratny seconded the motion.

City treasurer stated that only \$40,000 would be required to make the purchase of the tractor and the balance of \$30,000 could be transferred at a later date when other purchases are made.

Councilman Odle amended his motion to transfer \$40,000 from the General Fund to the Equipment Reserve Fund for the purchase of John Deere Tractor and mower. B. Gratny seconded the motion. All aye. Motion carried 5-0.

MAYOR'S REPORT

COUNCIL MEMBER REPORTS

Chris Garcia

Basehor Sentinel Editorial – Councilman Garcia presented a newspaper clipping from the Basehor Sentinel. Mr. Garcia noted the editorial indicated the City of Basehor does not have any future development plans, which is false, and wants the newspaper to print a retraction. The City has a future land use map, a comprehensive plan and other written supporting documentation. He encouraged the Council and Chamber of Commerce to address the erroneous statements.

EXECUTIVE SESSION

A motion was made by J. Espinoza and seconded by C. Garcia to convene into an executive session for a period of up to one hour to discuss personnel and attorney-client matters. All aye. Motion carried 5-0. (9:00 p.m)

At 9:20 p.m., the regular meeting was called back to order.

At 9:21 p.m., the code administrator reminded the Council they still needed to address a legal matter regarding 158th Street.

A motion was made by J. Espinoza and seconded by B. Gratny to convene into an executive session for a period of up to ten minutes to discuss attorney-client matters. All aye. Motion carried 5-0.

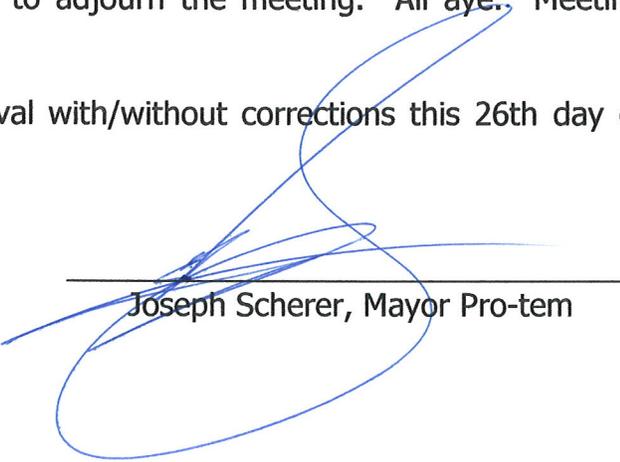
At 9:33 p.m., the meeting was called back into regular session.

A motion was made by J. Espinoza and seconded C. Garcia authorizing the mayor sign an interlocal agreement with Leavenworth County requesting payment of the \$50,000 pledged for the improvement of 158th Street upon completion of the project. All aye. Motion carried 5-0.

ADJOURNMENT

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

Submitted for Council approval with/without corrections this 26th day of August, 2002.



Joseph Scherer, Mayor Pro-tem

Attest:



Mary A. Mogle, CMC