
MINUTES

**Basehor City Council Meeting
August 26, 2002
7:00 PM
Basehor City Hall**

Official Presiding: Mayor William "Bill" Hooker

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

Members Absent: Joseph Scherer, Pres.

**Staff Present: Mike Hooper, Mary Mogle, Gene Myracle,
Vincent Weston, John Thompson, Matt Henderson
(city treasurer-absent)**

The monthly meeting of the Basehor City Council was called to order at 7:00 p.m. by Mayor Bill Hooker. All members were present except Joseph Scherer. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

Mayor Hooker requested the following amendments be made to the minutes:

- Change "insurance" to "insured" on page 4 of 9 of the July 15, 2002 minutes.
- Remove "be the one to" on page 6 of 9 of the July 15, 2002 minutes.
- Add the word "not" to the minutes of August 19, 2002.

A motion was made by J. Espinoza and seconded by B. Gratny to approve the Minutes of July 15th worksession, public hearing and monthly meeting, the August 7th telephone poll, August 12th public hearing and August 19th monthly meeting with the corrections aforementioned. All aye. Motion carried 4-0.

SCANNED

2-20-07 *dx*

TREASURER'S REPORTS

A motion was made by C. Garcia and seconded by J. Odle to approve the July 2002 Treasurer's Report and Investment Recommendations as submitted. All aye. Motion carried 4-0.

STAFF REPORTS

City Superintendent

Request for Worksession – City Superintendent, Gene Myracle, requested a worksession be scheduled to discuss future plans for the wastewater treatment facility. Council agreed to schedule the worksession at 6:00 p.m on September 3, 2002.

Code Administrator

Update Regarding Code Violation Enforcement – Code Administrator, Mike Hooper, reported approximately fifty percent of the property owners notified of code violations have abated the violations. He anticipates issuing citations to 15-20 residence for the September court date. If no progress is made on the remaining residences, they will be given citations to appear at the October court session.

Discussion Regarding Scope of Services for 24/40 Hwy Interceptor Project- A presentation was given by engineer, John Bran of Ponzer-Youngquist Engineering. The presentation described the location of the sewer force main and interceptor line along 24/40 Hwy. He explained the project was more than what was originally bid, based on a previous engineering estimate. Current plans call for a 15" gravity flow interceptor line and a 12" force main. Mr. Bran reported the plans have been submitted to Kansas Dept. of Health & Environment for approval; however, they are currently waiting for the City of Basehor to obtain easements from property owners.

Council discussed future locations of treatment plans in Wolfe Creek basin area, sizing of sewer main, and upgrade of existing wastewater facility.

Mr. Bran stated he projects bid letting for this project to take place as soon as all easements are obtained. The code administrator reported the easements should be signed within the next two weeks.

Councilman Odle stated he would like to have a worksession with Steve Miles prior to approving the increase in scope of services for Ponzer-Youngquist.

Council agreed to meet with Steve Miles at 7:00 p.m. on September 3, 2002. Mr. Miles was in the audience and agreed to meet at that time.

City Attorney

Update Regarding Agreement of Understanding with Fairmount Township Fire Dept. (Fire Code Enforcement) - City attorney, John Thompson, reported the City of Basehor can, through an agreement, delegate duties to the fire department. However, it needs to be a clear agreement stating the City of Basehor would have the power to enforce regulations. Mr. Thompson stated liability is an issue. He suggested the fire department provide proof of liability insurance that would not conflict with the City of Basehorsk's.

Mayor Hooker and Councilman Odle stated the township should bear the cost if they use the City of Basehor's legal staff and services. Chuck Magaha, assistant fire chief, reported the county attorney currently acts as legal counsel for the fire department. He stated the fire department wants to make the community a safer place to live. At this point, the fire department will focus on primarily businesses, not residential.

Councilman Odle supported the adoption of the 1997 Fire Code and suggested working on what entity will bear financial responsibility.

Update Regarding Installation of Signs on 147th Street - At last month's meeting, Council directed the city attorney to research whether the trucks from businesses located in Highview Industrial Park could be rerouted north on 147th Street. Currently, the trucks are entering and exiting onto 147th Street and going south to Parallel. This is causing enormous damage to 147th Street.

The city superintendent reported Leavenworth County has signs posted prohibiting commercial vehicles from turning north onto 147th Street. Council and staff will research other alternatives to maintain and preserve the street.

Update of City Responsibility for Maintenance on Hickory Street, West of 157th Street - The code administrator reported the property in question (extension west of 157th Street on Hickory Street) is a private improvement placed in a public right-of-way. The property is a 30 ft. platted right-of-way and is not part of the legal description. The city attorney stated based on the

description given by the code administrator, it is his opinion that it would be the responsibility of the landowner to maintain the right-of-way and the City has a right to block access onto Hickory. He advised the council to inform the property owner of the City's position on the matter.

CITIZENS AND PETITIONS

Larry Stockman Sr. was present with legal counsel, James Lugar. Mr. Lugar stated he has had an opportunity to review the code violation complaint that was issued to Mr. Stockman. The property owner is working with the code administrator to meet the code requirements; however, his client feels that since he has been in that location for ten years, he should be able to continue to conduct business as in the past. Mr. Lugar stated he has some technical matters noted in the complaint that he will argue at a later date.

Councilman Odle questioned the code administrator why he is selectively enforcing code violations. The property on Parallel (PTL Tow) has the same use as Piper Tarp, and are not being cited. Mr. Hooper stated he does not feel he is selectively enforcing codes. The business on Parallel has been there for many years and is not registered as a salvage lot. Mr. Odle noted the car-haulers parked in the right-of-way, is a new use.

Mr. Stockman stated he does not run a salvage yard, but uses the parts located on the property to repair customer's vehicles.

Mr. Lugar stated the property owner will continue to work with the code administrator to abate the code violations, but need additional time. Council agreed to work with Mr. Stockman as long as progress was being made.

Ron Owen, appeared on behalf of U.S.D #458. Mr. Owen stated the Board of Education would like to schedule approximately three annual worksessions to discuss future plans of Basehor. The school board feels this will help them to plan for needs in their school district and open a line of communication with the governing body. The school board has chosen October 7th or 28th, if that meets the council's schedule.

The city clerk was directed to add the worksession dates to the September 16, 2002 council meeting agenda as an action item.

Citizen Comments Regarding Agenda Items – Ed McIntosh, developer for Prairie Lakes Subdivision, questioned if the delay in the Miles sewer project was going to delay bringing the sewer line to his development. Project engineer, John Bran, stated the 24/40 Hwy project is considered Phase I and will be bid in the near future. The Miles development is Phase II of the project and can be added as an addendum to the original contract.

Donald Dyster, Cabinet Shop of Basehor, reported Mr. Foy is close to removing all the debris from inside the structure located at 2806 N. 155th Street. The building will be shored up in the near future which will allow Mr. Foy to move ahead with the reconstruction of the building. Mr. Foy has requested the City release the \$10,000 they received from insurance proceeds. He noted the proceeds were to be used for cleanup, which Mr. Foy as almost completed. Mr. Dyster stated he was informed the proceeds would not be released until a final occupancy permit was issued by the City of Basehor. He did not feel this was right since the money is intended for cleanup.

Council agreed to take this matter up in the executive session later in the meeting.

There being no further citizen comments, 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 B. Gratny and seconded by J. Espinoza to approve payment of \$23,203.43 to Schlagel & Associates for engineering services performed on the Falcon Lakes project. All aye. Motion carried 4-0.

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. Odle and seconded by J. Espinoza to approve payments for 24/40 Hwy design work performed by Ponzer-Youngquist during the month of August 2002. All aye. Motion carried 4-0.

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

A motion was made by J. Odle and seconded by J. Espinoza to approve an Ordinance adopting the 1997 Fire Code. All aye. Motion carried 4-0.

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

A motion was made by B. Gratny and seconded by C. Garcia to approve the structure located at 15520 State Ave remain as a permanent structure. All aye. Motion carried 4-0.

Item #5. Approve or Deny Annual Contractual Appointments

Mayor Hooker made the following recommendations for annual contractual appointments.

City Attorney – John Thompson, Davis Beall McGuire & Thompson Law Firm
City Engineer – Joe McAfee, McAfee Engineering
Municipal Judge – William E. Pray, Attorney-At-Law

A motion was made by C. Garcia and seconded by J. Espinoza to approve the mayor's appointments as stated.

Councilman Odle requested the appointments be addressed individually.

Councilmen Garcia and Espinoza withdrew their original motion.

City Attorney:

A motion was made by J. Odle and seconded by C. Garcia to reappoint John Thompson, Davis Beall McGuire & Thompson as city attorney. All aye. Motion carried 4-0.

City Engineer:

A motion was made by J. Espinoza and seconded by B. Gratny to reappoint Joe McAfee, McAfee Engineer as city engineer.

Councilman Odle stated he is not comfortable with the city engineer performing work for local developers. The code administrator noted the

engineering firm of Ponzer-Youngquist performs inspections if McAfee Engineering is the project engineer.

A vote was taken with all voting in favor of reappointment of McAfee Engineering except Councilman Odle. Motion passed 3-1.

Municipal Judge:

A motion was made by C. Garcia and seconded by J. Odle to approve the reappointment of William E. Pray as municipal judge. All aye. Motion carried 4-0.

Item #6. Approve or Deny All Employees Participate in Social Security Program

A motion was made by J. Espinoza and seconded by B. Gratny to approve the participation for all employees (Cigich, Mogle, Weston, Wilson) into the social security program. All aye. Motion carried 4-0.

Item #7. Approve or Deny Funds Authorizing An Actuary Study Be Performed by the Kansas Police and Fire Retirement Program

Councilman Espinoza stated he would like to see what the cost of a second actuary study for the remaining employees (other than police officers) to participate in the Kansas Employees Retirement Program. He would like to see all employees with equal retirement plans.

A motion was made by J. Espinoza and seconded by B. Gratny to table action until a cost was obtained for a second study and reserved the right to be telephone polled. Espinoza, Gratny-Aye. Odle, Garcia-Nay. Mayor Hooker broke the tie by voting to table action until a cost could be obtained. 3-2.

Item #8. Approve or Deny Establishing the Speed Limit for Petherbridge Phase I & II Subdivisions

A motion was made by C. Garcia and seconded by J. Espinoza to approve the establishment of a 20 mph speed limit with Children At Play signs in the Petherbridge Phase I & II Subdivisions. The signs will be placed at the discretion of the city superintendent. All aye. Motion carried 4-0.

Item #9. Approve or Deny Welcome to Basehor Signs

Councilman Garcia stated he thought it was premature to place "Welcome to Basehor" signs at 7 Hwy & Hollingsworth Rd. He noted the frontage on 7 Hwy is still located in the county and could possibly cause confusion. Mayor Hooker requested Councilman Garcia contact the Chamber of Commerce regarding funds to install the sign in the future.

Item #10. Approve or Deny Allocation of Funds to Fill In North and South Lagoons

A motion was made by C. Garcia and seconded by J. Espinoza to accept the bid from Miles Environmental to fill in the north and south lagoons for the amount of \$148,100. A transfer of \$40,000 will be transferred from the Sewer Replacement Fund to the Sewer Fund and the balance of \$108,100 will be paid from State Revolving Loan funds. A deadline of November 1, 2002 is to be added to the contract as a completion date. All aye. Motion carried 4-0.

Item #11. Approve or Deny Bid for Cleaning Service

A motion was made by B. Gratny and seconded by C. Garcia to approve the contract with MAAC Cleaning Service on a weekly basis as presented. Garcia, Gratny-Aye/Odle-Nay/Espinoza-Abstained. Motion carried 2-1-1.

Item #12. Approve or Deny Final Plat and Construction Plans for Phase II of Prairie Lakes Subdivision

Matt Henderson, McAfee Engineering, reported the developer had requested to construct the streets with 6" of AB3 rock and 6" asphalt. This is a deviation from the current city street standard of 8" asphalt (with no rock base).

A motion was made by C. Garcia and seconded by J. Espinoza to approve the final plat and construction plans for Phase II of Prairie Lakes Subdivision with a street construction of 6" AB3 rock and 6" asphalt. All aye. Motion carried 4-0.

Item #13. Approve or Deny Final Plat and Construction Plans for Phase II of Prairie Gardens Subdivision

A motion was made by B. Gratny and seconded by J. Espinoza to approve the final plat and construction plans for Phase II of Prairie Gardens Subdivision as drawn. Espinoza, Garcia, Gratny-Aye. Odle-Nay. Motion carried 3-1.

Item #14. Approve or Deny Final Plat and Construction Plans for Phase II of Falcon Lakes Subdivision

A motion was made by J. Espinoza and seconded by C. Garcia to approve final plat and construction plans for Phase II of Falcon Lakes Subdivision as presented. All aye. Motion carried 4-0.

Item #15. Approve or Deny Drinking Establishment Liquor License for Falcon Lakes Golf Management, LLC

A motion was made by C. Garcia and seconded by B. Gratny to approve a Drinking Establishment Liquor License for Falcon Lakes Golf Management LLC as requested. All aye. Motion carried 4-0.

Item #16. Approve or Deny Agreement with Leavenworth County for Work Performed on 158th Street

The code administrator noted the agreement states the streets shall be triple chip and sealed but should read double chip and sealed.

A motion was made by B. Gratny and seconded by C. Garcia to be telephone polled upon receipt of corrected agreement from Leavenworth County. All aye. Motion carried 4-0.

Item #17. Approve or Deny Maintenance of Hickory Street West of 157th Street

Council agreed to discuss this matter in executive session prior to taking action.

Item #18. Approve or Deny The Release of Insurance Proceeds for Cabinet Shop of Basehor To Owner of Record Upon Completion of Cleanup

Council agreed to discuss this matter in executive session prior to taking action.

EXECUTIVE SESSION

A motion was made by C. Garcia and seconded by J. Espinoza to move the executive session until after the Council Member Reports. All aye. Motion carried 4-0.

MAYOR'S REPORT

Robert Wiley Property – Mayor Hooker stated he is speaking on behalf of Bob Wiley. He reported the property owner has made a good attempt to abate the code violations at 2805 N. 155th Street and makes a recommendation that Mr. Wiley not be required to move any thing else.

Statement – Mayor Hooker stated he has another matter to address but will wait until the end of the meeting.

COUNCIL MEMBER REPORTS

Pres. Joseph Scherer

Discussion Regarding Sewer Connection Fees for County Residents - Due to the absence of President Scherer this matter was not discussed.

Chris Garcia

Agreement with Leavenworth County Regarding Streets and Rights-of-Way – Councilman Garcia reported in accordance with an agreement between Leavenworth County and the City of Basehor, the County maintains from the edge of the road to the edge of the road and the City maintains rights-of-way. He noted the agreement expires next year and encourages the Council to start negotiations prior to expiration.

Sewer Connection Fees – Councilman Garcia reported county and city representatives met today to discuss development issues and sewer connection fees. He stated the County is anxious for an answer from the City as to cost of sewer connections and monthly maintenance fees. The city committee needs to meet again and then make arrangements to meet with the county representatives.

Julian Espinoza

Barney Eberth Proclamation – Councilman Espinoza reported he had the privilege on August 10th to present a proclamation signed by Mayor Hooker proclaiming August 10th as “Barney Eberth Day”. The proclamation was presented at a rededication ceremony of the Barney Eberth Ball Field (behind the high school). He noted the family was appreciative of the gesture made by the City.

Stranger Danger – In light of recent events at the grade school, Councilman Espinoza stated he would like to see the City put together an awareness campaign for the general public. He has already spoke with the chief of police and feels the City should support a program of this nature.

LETTER OF RESIGNATION

At this time, Mayor Hooker read a written statement resigning his position as Mayor effective close of the meeting. (Letter is incorporated by reference to the original minutes.)

EXECUTIVE SESSION

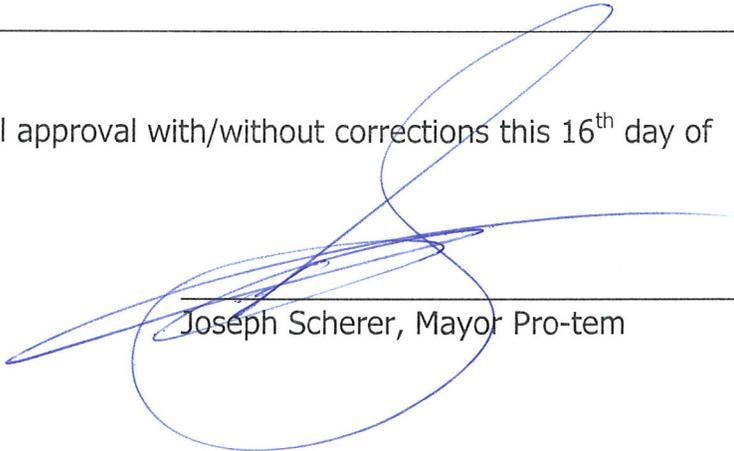
A motion was made by J. Espinoza and seconded by B. Gratny to convene into an executive session for a period of up to forty-five minutes to discuss attorney-client matters and land acquisition. All aye. Motion carried 4-0. (9:13 p.m.)

At 9:58 p.m., Mayor Hooker called the regular meeting back to order.

ADJOURNMENT

There being no further business to discuss, J. Odle moved to adjourn the August monthly meeting. B. Gratny seconded the motion. All aye. Motion carried 4-0.

Submitted for Council approval with/without corrections this 16th day of
September, 2002.



Joseph Scherer, Mayor Pro-tem

Attest:



Mary A. Mogle, CMC

August 19, 2002

1 of 2

To: Citizens, Staff and Councilman, all of the City of Basehor

After considerable prayer, thought and the very strong urging of my wife, I have decided to resign my position as Mayor, City of Basehor, at the conclusion of this meeting.

I want to thank, and at the same time apologize to all those persons who helped in my efforts to win the nomination and subsequent election as Mayor of this fine City. I am not accustomed to accepting a position of leadership and not completing the required objective, but due to several negative factors, some of which are very much beyond my control, I am left with no other choice. Most persons on this dais will accept this decision as welcome news but I think the same, if not more, of the majority of those citizens who elected me may find it surprising and even saddening.

To leave with no further comments would be too much to my detractors pleasure. It is only fair to all the citizens, and myself, to at least clarify a few of the reasons for my resignation.

First and foremost is the unwillingness of this council to accept me as their Mayor. For others, the exact rationale is unknown to me. You may recall that there was even the threat to take away my pay and at the same time hire a City Manager. Nevertheless, let me assure you that there has been a concerted effort to make sure that I had no quote unquote "Power."

The same pretty much holds true with the City Staff. Such behind the back comments as "he doesn't know what's going on" and "he can't remember anything" went unchallenged by me but certainly not forgotten. Make no mistake about it, I am convinced that the fact that I knew too much about what was going on and in my attempts to correct them, indeed contributed to most of the problems with our relationship. Never was I overwhelmed with the responsibilities of the office and had I received some support from the Council, I am confident that I could have made a significant difference and saved this City a considerable amount of money. In some of my efforts to correct some of the ineptitudes, some Staff members felt that they had been infringed upon and they went crying to their favorite councilman and within minutes there would be 3 or 4 of them standing on my doorstep advising me that I was in essence "upsetting the applecart" when in fact it was just another opportunity to discredit me.

In closing, I can only hope that my successor will hold some of the same ideals and values that I tried to instill in the office will be continued. If not, just remember that there is an election next year and I will be very active in making sure that those persons elected are ones that share my same concerns regarding the management of this fine City.

FILE

Respectfully Submitted

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A handwritten signature in black ink, appearing to read "W. W. Hooker". The signature is fluid and cursive, with a long horizontal stroke at the end.

William W. Hooker - Mayor, City of Basehor, Kansas