

Minutes



**BASEHOR CITY COUNCIL**  
**January 25, 2010**  
**7:00 p.m.**  
**Basehor City Hall**

Official Presiding: Mayor Terry Hill

Members Present: Pres. Jim Washington, David Breuer, Iris Dysart, Bill Moyer

Members Absent: Dennis Mertz

Staff Present: Mark Loughry, Lloyd Martley, Mary Mogle, Gene Myracle, Mitch Pleak,  
Mark Lee, Patrick Reavey

Newspaper: Kaitlyn Syring, *Basehor Sentinel*

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**ROLL CALL BY MAYOR TERRY HILL AND PLEDGE OF ALLEGIANCE**

The regular meeting was called to order at 7:00 p.m. by Mayor Hill. All members were present with the exception of Councilmember Mertz. The city attorney was in attendance.

**4. CONSENT AGENDA**

*(Consent Agenda Items will be acted upon by one motion unless a Council Member requests an item be removed for discussion and separate action.)*

- a. Approve Minutes
  1. December 21, 2009
- b. Approve Treasurer's Report
- c. Approve calendar of events – February 2010

A motion was made by Councilmember Dysart and seconded by President Washington to approve the Consent Agenda as presented. Motion passed 4-0.

**5. CALL TO PUBLIC**

Members of the public are welcome to use this time to comment about any matter relating to City business that is listed on this Agenda. The comments that are discussed under "Call to Public" may or may not be acted upon by the Council during this meeting. There is a five-minute time limit. (Please wait to be recognized by the mayor then proceed to the podium; state your name and address).

There were no comments at this time.

**UNFINISHED BUSINESS**

(none to review at this time)

**BUSINESS****4. WEED CONTROL: Consider adoption of Ordinance #566 amending Ordinance Number 315, relating to the cutting of weeds and vegetation, providing for notice and providing for abatement by the city of Basehor, and providing for charges therefore.**

The proposed ordinance was an amendment to existing Ordinance 315, and an effort to control weeds on large undeveloped/unplatted properties. Currently there are 206 unplatted properties within the City containing three acres or less.

President Washington pointed out the language in Section 1 of the proposed ordinance did not reflect the discussion that took place at the last work session. It was his understanding property owners with land containing three or more acres would be required maintain and mow and right of-ways.

A motion was made by President Washington and seconded by Councilmember Moyer to table action until the next regular meeting for correction to the language. Motion passed 4-0.

**5. ROPERTY ANNEXATION REQUEST: Consider Resolution 2010-01 requesting the Board of County Commissioners of Leavenworth County, Kansas, to make certain findings regarding the annexation of property located in Section 13, Twp 10S, Range 22E, Theno Estates Subdivision (Brooke-Lynne Development, LLC, applicant)**

A request to voluntarily annex 60+/- acres in the Theno Estate Subdivision was made by Brooke-Lynne Development, LLC. The property is connected to the City's sanitary sewer system and built to City of Basehor's codes. The city administrator reported he recommended denial from a financial standpoint. However, it would be easier to annex now while there were fewer property owners involved.

Council discussed the pro's and con's of annexing the property and the possibility of the Board of County Commissioners requiring the City to maintain Fairmount Road in front of the property. Mayor Hill reported although there was not a financial gain at this time, there would be in the future when development started up again and reminded Council the property was consistent with the Comprehensive and Annexation Plans.

A motion was made by President Washington and seconded by Councilmember Breuer to approve Resolution 2010-01 requesting the Board of County Commissioners make certain findings regarding the annexation request by Brooke-Lynne Development, LLC. Motion passed 3-1 with Councilmember Dysart casting a no vote.

**6. PROPERTY ANNEXATION REQUEST: Consider Resolution 2010-02 requesting the Board of County Commissioners of Leavenworth County, Kansas, to make certain findings regarding the annexation of property located in Section 13, Twp 10S, Range 22E., Theno Estates Subdivision (Howard Theno & Son Builders, Inc., applicant)**

A request to voluntarily annex Lots 1, 44, and 50 of Theno Estates Subdivision was made by Howard Theno & Son Builders, Inc. No further discussion took place.

A motion was made by President Washington and seconded by Councilmember Breuer to approve Resolution 2010-02 requesting the Board of County Commissioners make certain findings regarding the annexation request by Howard Theno & Son Builders, Inc. Motion passed 3-1 with Councilmember Dysart casting a no vote.

**7. WORKER'S COMPENSATION: Consider renewal of Worker's Compensation Insurance for year 2010 with Kansas Municipal Insurance Trust**

The City of Basehor has contracted with Kansas Municipal Insurance Trust since April 1996 with good results. By conducting safety training sessions and meeting other requirements set by KMIT, the City qualified for a 10% discount reducing the annual renewal payment by \$3087. The renewal premium for 2010 is \$27,986.

A motion was made by Councilmember Dysart and seconded by President Washington to authorize payment in the amount of \$27,986 to KMIT for 2010 Worker's Compensation insurance. Motion passed 4-0.

**8. CONDITIONAL USE PERMIT: Consider Ordinance #567 authorizing a Conditional Use Permit to Consolidated Rural Water District No. 1 for water tower in Section**

A request has been made by Consolidated Rural Water District No. 1 for a conditional use permit to construct a new 1,000,000 gallon elevated water tank to replace the existing 100,000 gallon elevated tank located on the existing site.

Planning Commission recommended approval with the following conditions:

1. Conditional Use Permit shall be valid for a period of thirty (30) years with review periods every ten (10) years to reassure compliance from the date of publication.
2. The water storage facility shall be built per the site plans submitted.
3. There shall be no additional uses on or of the tower unless expressly authorized by the City.
4. The City shall have the final authorization of the color scheme and any wordage placed upon the water storage facility.
5. The water storage facility shall be constructed as either a composite or steel fluted tower was submitted by Consolidated Rural Water District #1.

Planning Staff recommended an additional condition be placed on the Conditional Use Permit as follows:

6. Land shall be platted prior to construction of water tank.

Consolidated Rural Water District No. 1 director Mike Fulkerson agreed to all the conditions as stipulated.

A motion was made by Councilmember Breuer and seconded by Councilmember Moyer to approve Ordinance 567 to include Condition No. 6. Motion passed 5-0 with Mayor Hill casting an aye vote.

**9. LETTER OF SUPPORT: Consider letter of support for developer to apply for Affordable Housing tax credits to construct apartments located at 155<sup>th</sup> and Pinehurst Drive.**

Garrison Development Company requested adoption of a resolution supporting the submittal of an application for affordable housing State Tax Credits. The complex would be located on the south side of 155<sup>th</sup> St. and Pinehurst Drive consisting of 48 apartments, laundry room, community room, exercise room, picnic tables, BBQ grill, bike rack, and playground with equipment. The city administrator reported the property was zoned properly and the developer has several well designed complexes throughout Kansas.

Developer Gary Hausenflu gave a brief background summary. He went on to explain his company, in the past, has used both private and public funds to build developments. It is his intent to manage and maintain the property through a limited partnership and expected to create about 800 jobs during the construction process.

Councilmember Dysart expressed concern that the 575 ft. of road from Pinehurst Development to the proposed development was not built to City standards. Mr. Hausenflu reported he factored in \$150,000 toward improvements for that portion of the Road; however, that section was not in the city limits and would need to deal with Leavenworth County.

President Washington was concerned that only half of Pinehurst Drive, within South Side Village, would be completed with no guarantee the road would be completed or the incentive to complete.

City Attorney Patrick Reavey asked the developer if he would be willing to sign an agreement not to protest a benefit district to finish the road in the future. Mr. Hausenflu did not feel the property to the east would develop due to the lay of the land. The city administrator reported the plat had been approved which allows the developer to build the road to the mid center line.

A motion was made by Councilmember Breuer and seconded by President Washington to approve Resolution 2010-03 supporting application for affordable housing State Tax Credits. Motion passed 4-0.

#### **10. CITY ADMINISTRATOR REPORT**

- a. February 15 meeting moved to February 22 due to President's Day holiday.
- b. Wolf Creek Project fencing – all fencing materials and markers have been retrieved and stored at the maintenance facility.
- c. Commended the city superintendent and crew for their work during the recent snow storms.

President Washington reported he would like to see a "Snow Parking" ordinance put in place to include all street within the city limits. Mayor Hill reported he already had staff working on a plan for the next work session.

President Washington also questioned when the "large animal control" ordinance would be brought back to Council for discussion. Mr. Loughry reported it was scheduled for the February 1 work session.

#### **11. MAYOR'S REPORT**

Mayor Hill reported the Basehor Chamber of Commerce Luncheon was well attended and felt the two organizations would start working toward common goals. The mayor went on to report during his presentation he commented the City was considering going to a "no kill" policy. Following the luncheon, he had three people come to him supporting the "no kill" policy.

**12. COUNCIL MEMBER REPORTS****David Breuer**

Councilmember Breuer reported the school district should be congratulated on the recent tournament and thought the City should consider working with the Chamber next year to promote the event.

**Jim Washington, President**

President Washington reported he spoke with Leavenworth County Humane Society director Crystal Swan Blackdeer regarding the "no kill" policy. He felt Mrs. Blackdeer understood it was not always possible to enforce a "no kill" policy.

**Bill Moyer**

Councilmember Moyer asked when Wolf Creek Parkway would open. Mr. Loughry stated the weather has hindered construction and would not be complete until spring. He also questioned if employees had received their raises effective the first of the year. The city administrator confirmed that raises took effect with the first pay period of the year.

**13. EXECUTIVE SESSION (if needed)**

None needed.

**City Attorney**

The city attorney reported a decision should be made in 30 to 60 days regarding the Cedar Lake Estates annexation appeal.

**14. ADJOURNMENT**

There being no further business to conduct, a motion was made by President Washington and seconded by Councilmember Moyer to adjourn the January 25 regular meeting. Motion passed 4-0. Meeting adjourned at 8:00 p.m.

Submitted for Council approval with/without corrections or additions this 15<sup>th</sup> day of March, 2010.

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Terry L. Hill, Mayor

ATTEST:

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Mary A. Mogle, City Clerk, CMC