

Minutes

**CITY OF BASEHOR
City Council Meeting
January 5, 2006
6:00 p.m.
Basehor City Hall**

Official Presiding: Mayor Chris Garcia

Members Present: Pres. John Bonee, Iris Dysart, Bill Hooker, Keith Sifford,
Terry Thomas

Staff Present: Mary Mogle, Gene Myracle, Terry Horner, Mark Lee,
John Thompson, Joe McAfee, Caleb Flake

WORK SESSION (6:00 p.m.)

1) Fact Finding Discussion Regarding Agenda Items with Department Supervisors (no action to be taken during this session)

- *Preliminary Plan for Barrington Manor*

City Engineer Joe McAfee reported he saw no engineering problems in the preliminary plan; however, it was his understanding the developer had an issue with the Planning Commission requiring him to classify the subdivision all "C", when he had agreed to "C" and "D" classifications. The plan was originally submitted with a "D" and "E" classification. After the Planning Commission meeting, the developer resubmitted his plat according to requirements placed by planning board. The plan now shows the access street being constructed to Leavenworth Road in Phase I. Mr. McAfee explained if the developer changes the location of the street leading to Leavenworth Road, other than what is shown on the preliminary plan, he must resubmit the plan to the Planning Commission and the process starts over.

President Bonee suggested having the streets follow the City's current grid system.

- *Final Plat for Creek Ridge IV*

Mr. McAfee reported Creek Ridge IV was a commercial phase and final phase of Creek Ridge Subdivision consisting of eight lots. He explained the plat was still being reviewed on the engineering side, noting it was not the fault of the developer but that his firm was running behind on their projects. He

recommended approval since the flood plain had already been addressed in earlier phases and suggested they pass with a contingency that engineering was approved.

- *Stone Creek Crossing*

Mr. McAfee addressed all the issues in his engineering letter and noted he could not find any precedent where a developer had been required to install a privacy fence. The engineer explained he did not recommend the street that was designated a collector street be "all" collector since the plan did not call for residential driveways fronting the street. He favored the square foot stipulation. The traffic study was not complete at this time and anticipated based on that report, the developer would be required to have a dedicated left turn lane, than when Prairie Gardens developed, a right turn lane would probably be required by KDOT.

Mayor Garcia announced the work session was adjourned and the regular meeting would commence at 7:00 p.m. (6:57 p.m.)

REGULAR MEETING (7:00 P.M.)

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

All members present including the city attorney John Thompson.

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 of the Council Meeting of:
 1. December 12, 2005 Work Session (matter of record)
 2. December 19, 2005 Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve Investment Recommendations
- d. Approve Calendar of Events

A motion was made by Councilmember Sifford and seconded by Councilmember Dysart to approve the Consent Agenda as written. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

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.)

a. (no written requests received)

b. Citizen Comments Regarding Agenda Items

Lynn Sebree (3443 N. 154th St.) stated he had two issues regarding the Barrington Manor Preliminary Plan:

- 1) Requested the road access to Leavenworth Road be constructed prior to the issuance of any building permits.
- 2) Requested a stipulation of 1700 sq. ft. classification be placed on the entire subdivision in order to protect Pin Oak Subdivisions property values.

He explained to his knowledge Holy Angels Church had not agreed to a final location of the street leading to Leavenworth Road which would affect the out come of the preliminary plan. Mr. Sebree expressed concerns that the additional traffic from Barrington Manor would pose a safety issue for the neighborhood children since Pin Oak Subdivision did not have sidewalks.

Father Alfred Rockers, Pastor of Holy Angels Church explained he was a delegate of the Archbishop. Father Rockers explained the church had “agreed to agree” to allow the Barrington Manor developer to construct a road across the church property; however the exact location had yet to be determined. The priest read a section of the contract, between the developer and the Archbishop, where it read that the contract was a “non-binding” agreement.

Mike Hannon (3437 N. 154th St.) reported he owned a 2750 sq. ft. home in Pin Oak Subdivision and did not want 1500 sq. ft. “junk” behind him and encouraged the city to place a stipulation that Barrington Manor be required to construct a minimum 1850 sq. ft. homes.

Councilmember Hooker spoke up noting he took exception to the reference of 1500 sq. ft. homes being “junk”. He stated he lives in a 1500 sq. ft. home and there are a lot of people who could not afford larger homes.

Jack Cannon explained he constructed a home on Lot 15 (Augusta Drive), Falcon Lakes Subdivision and has been trying for several months to be heard before the Board of Zoning Appeals regarding a matter.

Building Inspector Mark Lee explained Mr. Cannon had received paperwork requesting a hearing before the Board of Zoning Appeals; however, the only thing filled out on the form was Mr. Cannon's signature. Mr. Lee reported the house was approximately one foot onto the side yard setback, but the deck staircase was about 6" from the property line. He felt it was part of his job, as the building inspector, to make Mr. Cannon relocate the staircase.

Mayor Garcia informed Mr. Cannon this issue was not a scheduled agenda item; therefore, he would have to come to the next meeting on January 19th. The city engineer and building inspector were directed to meet with Mr. Cannon and compile a report for the Council packet.

David Kuebelbeck (15440 Poplar) expressed his concern that buildings in Barrington Manor would be built before the road was constructed. He requested that no building permits be issued until the road accessing Leavenworth Road was constructed.

Ed McIntosh, Stone Creek Crossing Subdivision (15749 157th), reported they met all the conditions stipulated by the planner and engineer. He stated they are willing to work with the City to address any other concerns they may have regarding their development.

Rich Hilliard (3431 N. 154th St.) stated he was concerned that Barrington Manor would create additional traffic through Pin Oak Subdivision and feared for the safety of the area children. He requested a stipulation be placed on the developer and builders that all construction traffic access off of Leavenworth Road.

SCEDHULED DISCUSSION ITEMS

President Bonee requested Council discuss Barrington Manor Preliminary Plan at this time. Mayor and Council agreed.

President Bonee stated he understood the existing property owners concerns about protecting their property valuations; however, according to City regulations, the developer could go down one classification in other phases of their subdivision. He reminded the audience the developer originally requested "D" and "E" classification, but had agreed to change to "C" and "D".

Councilmember's Sifford and Thomas requested clarification on what the Planning Commission recommended for Council approval. Mr. McAfee stated if the item was approved, Barrington Manor would be approved with a "C" classification (only) and the access road would have to be constructed in the location as shown on the Preliminary Plan. If the developer or church, change the access road location, the plan

must be presented to the Planning Commission again for approval. President Bonee reiterated that the access road should follow the City's current grid system.

BUSINESS***a. Consider Preliminary Plan for Barrington Manor (submitted by Schlagel & Associates, 40.01 acres in Sec. 26, Twp 10S, Rge 22E)***

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve the Preliminary Plan for Barrington Manor as recommended by the Planning Commission. Roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 4-1.

b. Consider Preliminary Plan for Creek Ridge, Phase IV (submitted by Davidson Design Group, 9.82 acres in Sec 2, Twp 11, Rge 22E)

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the Preliminary Plan for Creek Ridge, Phase IV as recommended by the Planning Commission contingent that it meets engineering requirements. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

c. Consider Rezoning from "R-1" Single Family to "PR-1" Planned Residential (submitted by MKEC, 70.12 acres in Sec 4, Twp 11, Rge 22E)

A motion was made by President Bonee and seconded by Councilmember Thomas to approve Business Agenda Items "c" & "d" concurrently. Discussion followed. Council discussed the fact that the developer had requested the rezoning be contingent on the approval of the Preliminary Plan.

President Bonee and Councilmember Thomas rescinded their original motion.

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to approve rezoning of Stone Creek Crossings 70.12 acre-tract from "R-1" Single Family to "PR-1" Planned Residential as submitted. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

d. Consider Preliminary Plan for Stone Creek Crossing (submitted by MKEC, 70.12 acres in Sec. 4, Twp 11S, Rge 22E)

A motion was made by Councilmember Thomas and seconded by President Bonee to approve the Preliminary Plan for Stone Creek Crossing as recommended by the Planning Commission with the exclusion of Conditions 3 and 4. Roll call vote was

taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 4-1.

e. Consider Replat of Denning's Dream (submitted by Herring Surveying Co, in Sec. 34, Twp 10S, Rge 22E)

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the replat of Denning's Dream as submitted. Discussion followed.

Councilmember Dysart requested the motion include an additional 10 ft. right-of-way be dedicated to prepare for the widening of 155th Street. Engineer Joe McAfee requested if Council required the additional 10 ft., they also include in their motion a 25 ft. building setback instead of 35 ft. Mr. McAfee explained if the Council took an additional 10 ft and left the building setback at 35 ft., the lots would not be "buildable".

Councilmember's Sifford and Hooker agreed to amend their motion to require an additional 10 ft. right-of-way and allow a 25 ft. building setback. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

f. Consider Maintenance Bond Agreement for Wolf Creek Industrial Park.

A motion was made by Councilmember Sifford and seconded by Councilmember Hooker to approve the Maintenance Bond Agreement for Wolf Creek Industrial Park as submitted and include as an attachment to Wolf Creek Industrial Park Subdivision Improvements Agreement. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

g. Consider contract for position of City Administrator and authorize Mayor to proceed with negotiations.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve the contract for position of City Administrator and authorize Mayor Garcia to proceed with negotiations. Discussion followed.

Councilmember Dysart requested the word "property" on page 1(A) be changed to "proper" and remove the sentence that the city administrator would receive the same benefits as other employees.

The city attorney suggested adding a "cash basis law" clause and another clause that stipulated the governing body's intent to have the contract stand alone and the position would not be covered under the Employee Policy Manual.

Councilmember Sifford withdrew his original motion.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to authorize the mayor to offer the position to applicant #14 and offer the contract with the aforementioned stipulations. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

h. Consider purchase of soft starter for motor at Falcon Lakes lift station.

A motion was made by President Bonee and seconded by Councilmember Sifford to approve the purchase of a soft starter for motor at Falcon Lakes lift station not to exceed \$1485.00. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

i. Consider allocation of funds to repair motor at Falcon Lakes lift station.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the allocation of funds to repair motor at Falcon Lakes lift station as requested. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

MAYOR'S REPORT

***a. Representatives for Leavenworth County Local Threat Assessment Team
*Elected Official & Law Enforcement Official***

Mayor Garcia announced the Leavenworth County Health Department was establishing a Leavenworth County Local Threat Assessment Team and requested each city provide a representative from the law enforcement department and the governing body. He noted Chief Horner or Detective Martley would represent the police department and requested a volunteer from the City Council. Members of the Council noted since there was no schedule set, it was hard to commit at this time.

(Note: At the conclusion of the meeting, Councilmember Sifford volunteered to represent the City.)

COUNCIL MEMBER REPORTS

Iris Dysart

Councilmember Dysart questioned the status of the interlocal agreement with Leavenworth County and if the County had paid the balance of the Cedar Lakes funds.

Mayor Garcia reported he had sent emails requesting information, as well as, a request to be placed on the County Commissioners agenda. He received an email from

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the County Clerk secretary informing him the County Commissioners discussed Basehor's request on the December 8th agenda and that Mr. Van Parys would get in touch with him regarding the outcome of the meeting. To date, he had not received any correspondence nor had Mr. Van Parys contacted him.

Council directed the city attorney to send Leavenworth County a letter giving them a deadline to respond to Basehor's concerns and pay balance owed for Cedar Lakes sewer maintenance fund.

EXECUTIVE SESSION

- a. Attorney-Client Privileged Matters
- b. Personnel

Mayor Garcia and the city attorney reported there were no issues to discuss in executive session.

City attorney John Thompson reported the Cigich law suit had an October 2006 court date and the Miles Injunction would be heard in court May 2006. He reported he would email a copy of the legal documents concerning both cases to the governing body and mail a hard copy to Councilmember Dysart.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Sifford and seconded by Councilmember Hooker to adjourn the January 5th Council meeting. Roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 8:36 p.m.

Submitted for Council approval with/without corrections this 19th day of January, 2006.



Chris Garcia, Mayor

Mary A. Mogle, City Clerk