

Minutes**CITY OF BASEHOR
City Council Meeting
April 17, 2006
6:00 p.m.
Basehor City Hall****Official Presiding: Mayor Chris Garcia****Members Present: Pres. John Bonee, Iris Dysart, Bill Hooker, Keith Sifford, and Terry Thomas****Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle, Terry Horner, Dustin Smith, John Thompson, Caleb Flake****Newspaper: Josh Roberts and Lori Hastings, Basehor Sentinel**

WORK SESSION (6:00 p.m.)

Mayor Garcia called the work session to order with all members present including the city attorney John Thompson.

(Note: Item #1 was deferred to later in the meeting due to the absence of Mr. Magaha)

Item #2. Fact Finding Discussion Regarding Agenda Items with Department Supervisors (no action to be taken during this session)

Police Chief Terry Horner and director for Leavenworth County Emergency Preparedness gave a presentation on the City of Basehor's proposed Emergency Management Plan. Mr. Magaha explained county, state, and local officials did a tabletop mock tornado drill to see the areas of the plan that needed to be addressed. The drill showed that several items needed to be addressed; which Chief Horner was in the process of addressing. Mr. Magaha reported by November 2006, staff and elected officials would be required to become certified E700 FEMA classes. If the City does not become certified, they would not qualify for federal grants

Planning Department

- Planning Director Dustin Smith reported he had only received one response from another city regarding development fees and requested the item be deferred until the May 1st meeting.

Pinehurst revised Development Plan – The planning director explained Pinehurst has requested eliminating the walking trail with dual sidewalks due to a 40 ft. drainage

- area. He noted the Planning Commission agreed with the recommendation; however, he disagreed. He felt a foot bridge could be constructed over the ravine. Councilmember Hooker requested Mr. Smith provide a diagram of the drainage area before he casts his vote.

City Attorney

- Debt Collection Ordinance – Mr. Thompson explained the proposed debt collection ordinance would allow the City to assess a 12% annum penalty fee and a \$45 late fee to any account, other than sewer and solid waste, that was past due thirty days or more. The ordinance would also give the clerks office the ability to take some accounts to 1) small claims court; 2) turn over to the city attorney for collection; or 3) withhold future services (i.e. withhold building permits, occupancy permits, planning services). Before the City could withhold services, the account must be delinquent sixty days or more.

Councilmember Hooker requested the last paragraph be reworded to read “bill should be paid thirty days from invoiced date”.

- Public Defender Fund – Mr. Thompson explained currently the City does not have a policy and ordinance in place that codifies what Basehor’s procedure is for court appointed defense attorneys. Judge Pray suggested setting aside \$300 per month into the fund. Mr. Thompson recommended deferral until the May 1, 2006 meeting to finalize the ordinance.

***Item #1. Terry Horner, Chief of Police and Chuck Magaha, LV County Emergency Preparedness
Re: Basehor Emergency Management Plan***

Mr. Magaha, director for Leavenworth County Emergency Preparedness, explained he, along with State, City, and school staff performed a tabletop mock tornado drill in accordance with the proposed Basehor Emergency Management Plan. The drill pointed out the plans weaknesses and strengths. The plan focuses on incident command. He explained by November 7, 2006 elected officials and city staff would be required to complete the IS700 FEMA certification. If Basehor does not receive the necessary classes (NEMS), they would not qualify for emergency federal grant funds. Mr. Magaha made it clear Basehor would not be responsible for school children in the event of a disaster. The school must prepare and implement its own plan. He went on to explain Basehor’s plan would be registered with Leavenworth County and Leavenworth County registers their plan with the State of Kansas. County officials are currently working with area cities to develop a countywide communication system.

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Councilmember Sifford reported he received calls from residents stating they did not hear the last tornado sirens. Mr. Magaha requested the City Council promote the purchase of "all hazard weather alert program". Price Chopper sells the radios for \$29.95 or Basehor could sell them at city hall. Mr. Magaha reported the County will be installing new sirens at Field of Dreams and Glenwood Ridge School in the near future.

Chief Horner reported he has scheduled the IS700 training classes for staff and elected officials and will send out flyers. Council suggested holding a day and evening class.

Work Session closed at 6:55 p.m.

PUBLIC HEARING (7:00 p.m.)

Continuation of 24-40 Sanitary Sewer Taxing District Public Hearing

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to continue the public hearing until May 1, 2006 at 7:00 p.m. Roll call vote was taken with all members voting in favor. Motion passed 5-0

REGULAR MEETING (7:03 P.M.)

Mayor Garcia announced reporter Josh Roberts tonight's meeting would be his last meeting and would be replaced by Lori Hastings. He wished Mr. Roberts luck at his new job in Colorado.

ROLL CALL B Y MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Garcia with all members present including city attorney John Thompson. Pledge of Allegiance was recited.

EXECUTIVE SESSION

a. Attorney-Client Exception

Re: 24-40 Sanitary Sewer Taxing District

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to convene into executive session for thirty minutes to discuss the 24-40 Sanitary Sewer Taxing District. Roll call vote was taken with all members voting in favor. Motion passed 5-0. John Thompson, Joe McAfee, and Mary Carson were also included in the session. (7:04 p.m.)

At 7:34 p.m. Mayor Garcia called the regular meeting back to order.

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. April 3, 2006 Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve Investment Recommendations (none)
- d. Approve Calendar of Events (no changes)

Councilmember Dysart requested Falcon Lakes "excise tax" be changed to "impact fee".

A motion was made by Councilmember Thomas and seconded by President Bonee to approve the Consent Agenda as presented with the aforementioned change to the April 3 minutes. 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. Citizen Comments Regarding Agenda Items

Mark Breuer (17845 185th St.) of Schlagel & Associates was present on behalf of Sun Prairie Homes to discuss Business Items "k", "l", and "m".

- k. Mr. Breuer explained Sun Prairie Homes has requested an 11.15 acre tract of land be rezoned from CP-2 General Business to PR Planned Single Family residential.
- l. Mr. Breuer reported the Development Plan for the 97.5 acre tract of land was originally approved June 28, 2005 with a gross density (Planned Residential) of 6.25 units per acre. The revised plan would decrease that amount to 2.5 units per acre.
- m. Mr. Breuer explained the original Development Plan showed a walking trail behind the homes; however, there is a 40 ft. drainage area that prohibits the trails from being constructed. He reported the developer agreed to compromise by constructing sidewalks on both sides of 154th Terrace in place of the trail.

The planning director recommended leaving the walking trail and constructing a foot bridge over the area of concern. Mr. Breuer stated it would take several bridges to make the project work properly.

Matt Henderson, MHS Engineering, represented developer Coppinger Construction. Mr. Coppinger purchased Phase III of Prairie Gardens from Ray Breuer. Mr. Coppinger was requesting annexation of the property, rezoning from R-0 to PR Residential. His intent was to construct a traditional family home with an "E" square foot classification. Mr. Henderson explained adjacent phases were registered with a lower classification of "F".

Councilmember Dysart expressed concerns with construction traffic using 155th & Parallel as a main traffic road. She noted Basehor spent of \$28,000 to repair that stretch of road and did not want to see it torn up with construction traffic. Mr. Flake explained the residents of Prairie Gardens requested no construction traffic through their subdivisions and noted traffic could access from 163rd or 166th Streets. President Bonee suggested barricading construction traffic from the existing subdivision.

Councilmember Thomas asked planning commission member Jim Washington to explain why he voted against Phase III. Mr. Washington explained the previous development was deficient in green space noting the proposed plat was below the required amount by 3%. He explained he would be in favor of single family, but not planned residential.

Mr. Henderson explained the average lot size in Phase III was 11,000 square feet; however, some lots have 8,400 sq. ft. which required them to zone to PR Planned Residential. The existing plan allows for 25 acres of open space including right-of-way which comes to over 50% of green space. Mr. Washington noted the application shows 3.1% green space. Mr. Henderson stated the proposed phase was in compliance with the Preliminary Plan.

Councilmember Dysart questioned the procedures for recovering expenses when damage was done to a street. The city superintendent explained he borrows the video camera from the police department then does an on-site meeting with the developer and engineering staff. The streets are filmed and the developer is advised of the inspection process, etc. When the project is complete, another meeting would take place to see what repairs would be necessary. President Bonee asked how does the City know the repairs could be enforced. Mr. Myracle stated the stipulation should be included in each Subdivision Improvements Agreement. Mr. Flake read a paragraph from a Subdivision Improvements Agreement stating the City would have enforcement powers and would be protected.

Mark Russell (2312 W. 79th Terr, Prairie Village, KS) reported his legal firm represents Wolf Creek Junction regarding the Transportation Development District. He requested

a public hearing be held on May 15th, if not sooner, to hear comments for the proposed tax. President Bonee requested the proposed petition and resolution be amended to read "internal" sanitary sewer. He did not want people confused thinking the tax referred to the 24-40 Sanitary Sewer Taxing District. Mr. Russell agreed to make the necessary changes.

Ray Breuer (16001 Parallel) reported he has put a lot of money into the construction of Prairie Gardens and favors green space. He noted he donated land to the Historical Society and Library and reserved 5-6 acres for a park and walkways. Ten acres have been set aside for an elementary school and spent over \$150,000 to construct a swimming pool, tennis court, and basketball court. Mr. Breuer stated he was proud of the subdivision and felt Mr. Coppinger would construct a quality subdivision.

David Hoppus (3628 Winchester Dr, Leavenworth, KS) President of Mutual Savings gave a background of Coppinger Construction and spoke in favor of the company.

George Smith (14923 Parallel) pointed out the proposed Comprehensive Plan that 166th Street would meet Prairie Gardens in the future.

Mayor Garcia asked twice if there was anyone else who wished to speak regarding an agenda item. No one came forward; he then called the public portion of the meeting closed.

SCHEDULED DISCUSSION ITEMS

a. Discussion regarding development reimbursable expenses

There was no additional discussion at this time.

b. Tony Lacy

Re: Request for direction on how to proceed with development of property at 166th & Evans Road relating to sewer treatment

Mary Ann Roper appeared on behalf of her father Tony Lacy. Ms. Roper explained their property was annexed several years ago to include the lagoons. She explained when the property was annexed the existing subdivision Ginger Creek remained in the County and the lagoons were annexed into the City of Basehor. The lagoon was approved by the State (KDHE) for 100 connections and currently only 36 homes are connected. The lagoon could handle an additional 64 homes. Ms. Roper explained they have a developer who would like to develop ten acres and connect to the lagoon.

Mr. Smith reported city staff was unaware the lagoons were annexed and suggested the legal description was submitted in error. He noted the property owner could request to be de-annexed until which time the lagoon was taken out of service.

Councilmember Dysart reported she had a telephone conversation with KDHE staff Rod Geisler and Habib Ghali regarding the lagoon. KDHE informed her the lagoon was only permitted for another 20 months. Mr. Smith reported, at a meeting this week, KDHE made it clear they do not want any more lagoons and he was confident the intent of the Council was not to annex the lagoons.

Councilmember Dysart questioned why Ginger Creek did not annex the entire 200 acres and connect to Basehor's sewer system. Ms. Roper explained Ginger Creek could not be served by gravity flow sewers without pumping to a pump and explained connecting to the 24-40 Sanitary Sewer Inceptor line would be a temporary fix since the line would not handle 100 homes. She reminded the Council they removed the Lacy property from the 24-40 Sanitary Sewer Taxing District since they would be connected to a future Hog Creek sewer line. Ms. Roper requested permission to de-annex the ten acres so they could connect to the lagoons in hopes of recouping some of their expenses they paid out on the lagoon.

Council directed the city administrator and planning director to work together and make a recommendation at the May 1st meeting.

BUSINESS

- a. *Consider Ordinance Creating 24-40 Sanitary Sewer Taxing District And Setting Assessments*
- b. *Consider Ordinance articulating reimbursement of City-at-large costs for 24-40 Sanitary Sewer Taxing District*

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to defer "a" and "b". Roll call vote was taken with all members voting in favor. Motion passed 5-0.

- c. *Consider Proclamation for Loyalty Day*

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to approve the Proclamation proclaiming May 1st as Loyalty Day. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

Mayor Garcia announced the VFW organization has organized a Loyalty Day ceremony at Basehor High School on April 29th at 2:00 p.m.

- d. *Consider ordinance setting late fees and procedures for collecting delinquent reimbursable accounts.*

A motion was made by President Bonee and seconded by Councilmember Dysart to

table action until May 1, 2006 meeting for revisions. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

e. Consider ordinance creating a Public Defender Fund

A motion was made by Councilmember Thomas and seconded by President Bonee to table action until May 1, 2006 meeting for revisions. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

f. Consider Final Plat, Construction Documents, and Subdivision Improvements Agreement for High Point Downs, Phase 1.

A motion was made by Councilmember Dysart and seconded by Councilmember Sifford to approve the Final Plat, Construction Documents, and Subdivision Improvements Agreement for High Point Downs, Phase I as recommended by the Planning Commission and staff. Discussion followed.

Councilmember Dysart questioned if the shed had been removed from the City easement. Mr. Myracle noted they have made contact with the property owner and the shed was to be removed before construction commenced, if not, the City would remove the shed and bill the property owner.

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

g. Consider Final Plat, Construction Documents, and Subdivision Improvements Agreement for Metzger Meadows, Phase 2.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve the Final Plat, Construction Documents, and Subdivision Improvements Agreement for Metzger Meadows, Phase 2 as approved by the Planning Commission and staff. Roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 4-1.

h. Consider Annexation Ordinance for Prairie Gardens, Phase 3 (Coppinger Construction, applicant)

A motion was made by Councilmember Sifford and seconded by Councilmember Dysart to approve the annexation ordinance for Prairie Gardens, Phase 3 as presented. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

ORD. 487 – AN ORDINANCE ANNEXING CERTAIN LAND INTO THE CITY OF BASEHOR, KS.

i. Consider Rezoning from "R-O" Suburban Residential to "PR-1" Planned Residential for Prairie Gardens, Phase 3 contingent that no protests are filed. (Coppinger Construction Inc., applicant)

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to approve rezoning from "R-O" Suburban Residential to "PR-1" Planned Residential for Prairie Gardens, Phase 3 contingent that no protests were filed. Discussion followed.

Council discussed the problems with calculating green space when property was constructed in phases. Mr. Smith stated it becomes an issue when it is not part of the Preliminary Plat. Mr. Henderson stated they did not remove any green space in Phase 3. Mr. Smith stated Phase 3 was in compliance with the over Prairie Gardens Preliminary Development Plan.

President Bonee stated he agreed with Mr. Washington that R-1 zoning would be a better use for the area. Mr. Smith noted the conventional zoning would not fit based on the Preliminary Development Plan.

A roll call vote was taken with all members voting nay with the exception of Councilmember Sifford. Motion failed 4-1.

ORD. 489 – AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BASEHOR, KANSAS BY REZONING CERTAIN PROPERTY TO BE KNOWN AS PRAIRIE GARDENS, 3RD PLAT IN THE CITY OF BASEHOR, KANSAS FROM "R-O" - RURAL RESIDENTIAL TO "PR-1" - PLANNED RESIDENTIAL.

Mr. Henderson requested direction from Council as to what was needed to pass. Council stated they want to maintain what was originally approved in the original Preliminary Plan. Mr. Flake reported the process was specific in the "PR" zoning regulations. The house lot layout remained the same, streets remained the same and the density decreased with the removal of a lot. Mr. Flake commented that he was sure the calculation on the application was incorrect. Councilmember Hooker questioned if the pond was considered green space. Mr. Flake replied yes.

Mr. Washington was asked to point out what did not meet with the Master Plan. Mr. Washington stated it generally meets the Master Plan.

A motion was made by Councilmember Thomas and seconded by President Bonee to reconsider Item "I". Roll call vote was taken with all members voting in favor. Motion passed 5-0.

A motion was made by Councilmember Thomas and seconded by President Bonee to approve the rezoning from "R-O" Suburban Residential to "PR-1" Planned Residential for Prairie Gardens, Phase 3 contingent that no protests were filed. Roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 4-1.

j. Consider Final Development Plan for Prairie Gardens, Phase 3 contingent that no protests are filed. (Coppinger Construction Inc., applicant)

A motion was made by Councilmember Thomas and seconded by President Bonee to approve the Final Development Plan for Prairie Gardens, Phase 3 contingent that no protests are filed. Roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 4-1.

k. Consider Rezoning from "CP-2" General Business to "PR-1" Planned Residential for Pinehurst Estates contingent that no protests are filed. (Sun Prairie Homes, applicant)

A motion was made by Councilmember Sifford and seconded by President Bonee to approve rezoning from "CP-2" General Business to "PR-1" Planned Residential for Pinehurst Estates as recommended by the Planning Commission contingent that no protests are filed. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

ORD. 490 – AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BASEHOR, KANSAS BY REZONING CERTAIN PROPERTY TO BE KNOWN AS THE PINEHURST DEVELOPMENT IN THE CITY OF BASEHOR, KANSAS FROM "CP-2"- GENERAL BUSINESS DISTRICT TO "PR-1" - PLANNED RESIDENTIAL.

l. Consider revised Development Plan for the Pinehurst Development contingent that no protests are filed. (Sun Prairie Homes, applicant)

A motion was made by President Bonee and seconded by Councilmember Sifford to approve the revised Pinehurst Development Plan as recommended by the Planning Commission contingent that no protests are filed. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

m. Consider Preliminary Plat for Pinehurst Estates contingent that no protests are filed. (Sun Prairie Homes, applicant)

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the Preliminary Plat for Pinehurst Estates as recommended by the Planning

Commission with the eliminate of the walking trail and require sidewalks on both sides of 154th Terrace contingent that no protests were filed. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

n. Consider setting date for Transportation Development District (TDD) Public Hearing

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas to schedule a public hearing on May 8, 2006 at 6:00 p.m. to hear public comment regarding the proposed Transportation Development District. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

o. Consider agreement with Theno Estates and Basehor Athletic Association

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to table action until the May 1, 2006 meeting. Roll call was taken with all members voting in favor. Motion passed 5-0.

p. Consider K-7 Corridor Memorandum of Understanding Agreement (MOU)

Mayor Garcia reported Bonner Springs and Unified Government has signed their agreements once minor changes were made.

A motion was made by President Bonee and seconded by Councilmember Hooker to not sign the document since it was non-binding. Discussion followed.

Councilmember Thomas questioned why the City would not sign the document since KDOT had agreed to meet Basehor's requests. President Bonee commented he felt the document would create land pockets and if the State wanted the land, they should pay for it rather than acquiring it at no cost.

Roll call vote was taken with members Thomas and Sifford voting nay and members Bonee, Hooker, and Dysart voting aye. Motion passed 3-2 not to sign the agreement.

q. Consider lease or purchase of FileBound Imaging System

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to purchase the FileBound Imaging System as presented with the 11 x 17 Ricoh Scanner not to exceed \$7299. Councilmember's Thomas and Sifford were asked to amend their motion to include shipping charges. They agreed to amend their motion to include shipping charges not to exceed \$7500. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

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r. Consider purchase of Projector, Laptop, and screen

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the purchase of a projector, laptop, and projector screen as presented not to exceed \$3500. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

MAYOR'S REPORT

Mayor Garcia had nothing further to report at this time.

COUNCIL MEMBER REPORTS

Terry Thomas

Councilmember Thomas questioned if the Council Retreat was still scheduled for Saturday, April 22nd. Mayor Garcia reported the retreat would be from 8:00 am to noon.

Bill Hooker

Councilmember Hooker requested the planning director research the regulations regarding green space.

John Bonee

President Bonee would like to see an agenda cleared to discuss only wastewater needs.

EXECUTIVE SESSION

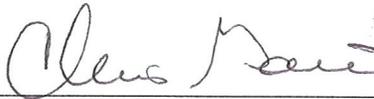
- a. Attorney-Client Privileged Matters
- b. Personnel

There was no executive session held at this time.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Thomas and seconded by Councilmember Hooker to adjourn the meeting. Roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 9:50 p.m.

Submitted for Council approval with/without corrections or additions this 1st day of May, 2006.



Mayor Chris Garcia



Attest:



Mary A. Mogle, City Clerk