

Minutes

**City of Basehor
BASEHOR CITY COUNCIL
August 21, 2006
6:00 p.m.
Basehor City Hall**

OFFICIAL PRESIDING: Mayor Chris Garcia

MEMBERS PRESENT: Pres. John Bonee, Iris Dysart, Bill Hooker, Terry Thomas

MEMBERS ABSENT: Keith Sifford

**Staff Present: Carl Slaugh, Mary Mogle, Dustin Smith, Terry Horner,
John Thompson**

WORK SESSION (6:00 p.m.)

Mayor Garcia opened the work session at 6:00 p.m. with all members present with the exception of Councilmember Keith Sifford. The city attorney was also in attendance. The mayor advised those present that item #2 of the work session would be deferred to a later date and George Smith under Call to Public would also be deferred.

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

Chief of Police

- Chief Horner introduced two new part-time police officers, Rachel Norman and John Justice.
- Chief Horner explained under Business Item "g" he was requesting adoption of the new Standard Traffic Ordinance and Public Offense Codes. He distributed a list of articles in the codes that were changed by legislative action effective July 1, 2006.
- Chief Horner reported over the weekend, he had his officers survey the City and make a roster of properties that had junk vehicles and/or improper vehicle registrations. In an effort to assist the Codes Enforcement Officer, he reported his clerks would mail out notices to all the property owners advising them to abate the nuisance.

- Police Car Bid (Business Item "h") – Councilmember Hooker questions if the bid encompassed all costs associated with the purchase of a new police car and asked for the number of vehicles in the police vehicle fleet. Chief Horner stated it did and if a dealership could not meet a specification, they would not be considered in the bid process. He went on to explain he had three marked units, two unmarked units, and the Explorer that was used for animal control. The city administrator noted the new vehicle would not be an addition to the fleet, but considered a replacement. Councilmember Hooker stated he had requested a vehicle maintenance log in the past and had yet to receive one. Chief Horner stated he did provide a report earlier.

Councilmember Hooker indicated the City could possibly receive a cheaper bid if they out sourced some of the work.

Rustom Ferzandi stated he was in the automotive business and knew that he could not do the job cheaper than Ford since Ford offered a factory police package.

Jason Gorup stated as a resident of Basehor, he wanted to know that a police car would be able to come to his home when paged. He explained his father worked for Shawnee Mission Ford and if anything was altered on the vehicle, such as wiring, warranty would be voided.

Chief Horner was asked if the new car had to be a Ford Crown Victoria. The chief replied stating the vehicle did not have to be a Ford; however, it did have to have a heavy duty wiring harness.

- Falcon Lakes Appeal (Business Item "b") – The city administrator explained the outstanding amount owed for inspection fees for work performed at the entrance of Falcon Lakes Parkway, at K-7 Highway, should not have been inspected by the City. The work was performed by Kansas Department of Transportation and inspected by KDOT inspectors. Mr. Slaugh felt the appeal should be granted.

President Bonee stated he would like to see guidelines that spell out what should be inspected and estimated fees.

Councilmember Dysart questioned Mr. McAfee's bill of \$5352.50 for inspections relating to this job. She noted the minutes indicate he said he would reduce the bill; however, it does not appear that a credit of \$2,018.43 ever occurred.

Planning Director

- Planning Director Dustin Smith reported the engineer for Silver Springs was unable to attend the meeting due to a family illness and has requested the matter be tabled

until the 7th of September. He noted the landowner Albert Hoelting was to appear during the regular meeting to request a continuance.

- Business Items “d” and “e” relate to amending the open space requirements in the Zoning and Subdivision Regulations. Article 4 would change the minimum amount of required open space from 3% to 15%. Councilmember Thomas asked if the Planning Commission had received any feedback from developers during the public hearing. Mr. Smith noted one developer was present and stated he did not have a problem with the amendment.

President Bonee stated he felt the 12% increase was excessive and expressed concern with cost of maintenance and upkeep on small parks through the City. Mr. Smith stated the developer still has the option of paying a park fee or giving acceptable land. President Bonee said he found it hard to believe that a developer would be willing to give the City valuable land that could be developed into lots. The developer would have to transfer cost of lost revenue from those lots to the home buyers. He supported collecting money rather than create small satellite parks that would cost the City more than the land was worth.

- A report was given that Hollingsworth Road engineering design (Business Item “f”) had been approved by Leavenworth County.

2) *Tonganoxie water line extension along Highway 24-40 east to 142nd Street.*

City Administrator Carl Slaugh reported this matter would be deferred to a later date at the request of the City of Tonganoxie.

3) *Planning Department PowerPoint Presentation.*

The city administrator and planning director gave a PowerPoint presentation. The presentation showed population growth based on building permits and Bureau of Census figures, building permit projections, pending residential development, description of each development, street improvement projects, and future infrastructure improvements such as the new library and sewer plant expansion. The planning director reported there are 2480 residential units available for construction.

Mayor Garcia announced there would be a five minute break prior to commencing the regular meeting. (6:55 p.m.)

REGULAR MEETING (7:00 p.m.)**ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE**

All members were present with the exception of Councilmember Sifford. The city attorney was also in attendance. Pledge of Allegiance was recited.

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 August 7, 2006 city council work session and meeting*
- b. Approve Treasurer's Report & Vendor Payments*
- c. Approve investment recommendations.*
- d. Approve calendar of events.*

A motion was made by Councilmember Dysart and seconded by President Bonee to approve items "b", "c", and "d" and act on item "a" with a separate motion. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Councilmember Dysart requested the following changes to the August 7th minutes.

- Page 6, Item C, should read "approved up to \$60,000" to replace and repair the lift station pumps.
- Page 3 should read "\$100,000" rather than "\$100.00".

President Bonee requested a change be made to his statement on page 3, paragraph 5, to read "wastewater treatment plant personnel".

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to approve the August 7, 2006 minutes to include the aforementioned corrections. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

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. *George Smith, PRIDE (Deferred)*

Re: Restricting fireworks stands to non-profit organizations.

Mr. Smith stated he was not prepared to give his presentation and requested this item be deferred to a later date.

b. *Darro & Shirlee Rusk*

Re: Support of proposed funeral home.

Mr. Darro Rusk hoped to convince the City their proposed funeral home and crematorium would enhance the area. He explained their project would cost over one million dollars and anticipated conducting three to four funerals per month. Mr. Rusk went on to explain he and his partner chose 155th Street because of the development in that area.

c. *Jason & Melody Gorup*

Re: Support of proposed funeral home.

Mr. Gorup reported he would be the funeral director at the proposed business. He went on to explain he did not feel like he was given a chance at the Planning Commission meeting to explain about their business. Mr. Gorup stated they chose the location because it was residential enough to provide a quiet atmosphere and commercial enough to provide adequate traffic access.

d. *Ed McIntosh, Benchmark Management*

Re: Proposed Funeral Home

Mr. McIntosh reported that prior to signing a real estate contract with the Gorups, he conducted research concerning funeral homes. His research indicated that funeral homes are normally built in residential areas. He also contacted the City's planning director Dustin Smith regarding a traffic study. Mr. Smith informed him it would be difficult to perform a traffic study due to the nature of the business.

e. *Sheree Elliott*

Re: Proposed Funeral Home/Crematorium

Mrs. Elliott stated she lived across the street from the proposed area and reminded the governing body that the proposed business was not just a funeral home, but a “wholesale” crematorium. She read a prepared statement explaining the hazards of crematoriums. (Her written statement has been incorporated by reference to the official minutes.)

Councilmember Hooker questioned Mrs. Elliott as to the horse business she was running out of her home and asked if she had a commercial license. Mrs. Elliott stated she was not running a business that the horses were strictly for her pleasure. Mayor Garcia stopped the line of questioning, noting it had nothing to do with the funeral home.

f. Citizen Comments Regarding Agenda Items

Jean Feagles (1702 N. 155th Street) read a prepared statement opposing the funeral home. (Her statement has been incorporated by reference to the official minutes.)

John Kalbaugh (2617 N. 157th Terr.) stated he was concerned with Silver Springs Subdivision. He asked Council to postpone action until at which time the City decides what to do with the road (specific road was not indicated in his statement).

Albert Hoelting, Silver Springs developer, reported his engineer was unable to attend this meeting due to a death in the family and requested action be tabled until the September 7th Council meeting.

Debbie Breuer (14127 Belrive Circle) spoke in favor of the funeral home and crematorium. She explained the grant recently submitted to improve 155th Street was based on economic development and reminded the governing body the business conforms to the Comprehensive Plan.

Jim Washington (1901 160th Street) spoke in favor of the funeral home. He stated the recent action from the Planning Commission shows that Basehor is not business friendly and reminded the governing body that 155th Street is arterial in nature and should be voted on, not as an emotional issue, but as an economic issue that meets Comprehensive Plan criteria.

Doug Kean, Morrow & Associates, stated he was opposed to Council paying MHS Engineering the full \$37,917.89 for the design improvements of Hollingsworth Road. Mr. Kean explained his company was hired to design Hollingsworth Road improvements fronting his client's subdivision Hollingsworth Estates. His client was refusing to pay him for the work since the City was not using his drawings. Mr. Kean went on to explain he was charged by MHS to review the drawings and then charged the City of Basehor to review the plans as well. It was his opinion that MHS Engineering was paid twice for the same work. Mr. Kean felt his firm should be reimbursed for some of the fees charged.

Rustom Ferzandi, Falcon Ridge, agreed with Mr. Kean stating he had also paid extensive engineering fees for Falcon Lakes. He noted MHS Engineering's charges should be examined.

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Darren Nigh (1700 N. 155th Street) read a prepared statement from the United Nations Environmental Program Report in the Persistent Organic Pollutants Inventory Emissions Guidebook. (His prepared statement has been incorporated by reference with the original minutes.) He felt the funeral home and crematorium would devalue the surrounding properties and pollute the environment for miles around.

Leslie Nigh (1700 N. 155th Street) read a prepared statement opposing the funeral home. She felt the funeral home would also cause traffic problems. (Her prepared statement has been incorporated by reference to the original minutes.)

Randy Mortell (155th & Chestnut) opposed the crematorium. He noted the funeral home owners did not address the hazards of the crematorium and felt they were trying to hide information. He also felt the business would devalue their properties.

Frank Feagles (1702 N. 155th St.) gave a history of hazardous materials throughout the years and asked what adverse effect the crematorium would have on the neighborhood and environment.

George Smith, 14923 Parallel, spoke regarding two agenda items.

- Agreed that the City should regulate “open space”; however, he thought they should develop a plan first.
- When the Chief of Police made proposals, it appeared that the Council would second guess his decisions. He felt the Council should support Chief Horner more.

Mary Sutter (21720 155th Street) spoke in favor of the funeral home. She stated she had not heard one reason at this meeting not to approve the proposed business. She said she did not take heed in reports from Great Britain or California as previous mentioned. She felt the business would be a good addition to the community.

There being no further citizens wishing to speak, Mayor Garcia called the public portion of the meeting closed.

Mayor Garcia called a five minute break with the regular meeting reconvening at 7:55 p.m.

SCHEDULED DISCUSSION ITEMS

There were no items to discuss at this time.

BUSINESS

- a. Consideration of change in zoning from R-0, Suburban Residential to PR-1, Planned Residential and Preliminary Development Plan for Gorup Funeral Home, as submitted by Basehor Properties LLC.*

Mayor Garcia informed the City Council in order to override a Planning Commission Decision, they would need four members to vote in favor, also known as a "super majority" vote. He also reminded the Council they should act on facts and not just emotions.

A motion was made by Councilmember Thomas and seconded by Councilmember Hooker to approve the zoning change from R-O, Suburban Residential to PR-1, Planned Residential and Preliminary Development Plan for Gorup Funeral Home, to include conditions as stipulated in the Planning Commission packet. Discussion followed.

Councilmember Hooker stated he thought the funeral home was an excellent type of neighborhood business and pointed out that he had previously had a conversation with Frank Feagles (1702 N. 155th St.) regarding his possibilities of selling to a funeral home and that anyone who had the right price, he would sell to them. Councilmember Hooker stated it was his job to help Basehor grow in a good controlled fashion.

President Bonee stated the Council's "focus needs to be what the City visualizes what 155th Street to be in the future". His vision was that 155th Street be an arterial street with more businesses and did not feel there was any legal reason not to approve the rezoning and Preliminary Development Plan. However, he felt other issues should be addressed such as hours of business, compatibility of setbacks, wastewater impact, and lighting. He asked if Councilmember's Thomas and Hooker would consider revising their motion to exclude the Preliminary Plat.

Councilmember Thomas noted the Planning Commission packet addressed President Bonee's concerns and was not willing to revise his motion. Councilmember Hooker agreed with Councilmember Thomas. Both Council members felt, if there were additional concerns, they would be addressed during the Final Plat process.

Councilmember Dysart stated she agreed with President Bonee that 155th Street should develop as a commercial area and felt more businesses would be locating in that area.

Planning Director Dustin Smith explained the staff report was based on the Golden Rules as required by law and asked that the motion include that verbiage. Mayor Garcia noted it was already stipulated by referencing the Planning Commission packet.

There being no further discussion, Mayor Garcia called for a roll call vote. A roll call vote was taken with all members voting in favor of the rezoning and Preliminary Plat as presented. Motion passed by Super Majority 4-0.

b. Consideration of appeal of Developer Assessment Fees for Falcon Lakes

City Administrator Carl Slaugh informed the Governing Body it was his opinion that Mr.

Ferzandi did not owe the bill and should be credited the full amount. He explained since the inspections occurred in KDOT right-of-way, the City of Basehor should not have been the one to inspect the work.

A motion was made by Councilmember Hooker and seconded by President Bonee to approve Mr. Ferzandi's request to appeal the Developer Assessment Fees (Invoice 2004-62) as requested. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

c. Reconsideration of change of zoning from R-O, Suburban Residential to R-1, Single-Family Residential and preliminary plat for Silver Springs subdivision for property located at 15977 Leavenworth Road (submitted by Albert Hoelting)

A motion was made by President Bonee and seconded by Councilmember Thomas to defer action to the September 7, 2006 Council meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

b. Consideration of amendment to Section 4-109 of Chapter IV of the Subdivision Regulations to amend the amount of open space required with new development and to more specifically identify land that can be used to satisfy open space requirements.

A motion was made by President Bonee to deny the amendment to Section 4-109 as presented. Discussion followed.

President Bonee and Councilmember Dysart explained they were not in favor of increasing the open space from 3% to 15%, noting 15% was excessive to both City and developers. In addition, President Bonee expressed concerns about the cost of maintenance for "micro parks" throughout the City. He would prefer to see tax dollars spent on two or three nice parks with quality amenities.

A roll call vote was taken with all members voting to deny the amendment to Section 4-109 of the Subdivision Regulations as presented. Motion passed 4-0.

d. Consideration of amendment to Article 6, Definitions, and Article 7(5), Planned Residential District regulations of the Zoning Ordinance to amend the language relating to open space requirements associated with new development and to more specifically identify land that can be used to satisfy open space requirements.

A motion was made by President Bonee and seconded by Councilmember Thomas to approve the amendment to Article 6, Definitions, and Article 7(5), Planned Residential District regulations of the Zoning Ordinance to amend the language relating to open

land that can be used to satisfy open space requirements. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

e. Consideration authorizing payment of \$37,917.89 to MHS Engineering for Hollingsworth Road Design work per agreement.

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to table action until at which time the city administrator, City Council, and city engineer could address the billing charge concerns (as presented by Doug Kean, Morrow & Associates). A roll call vote was taken with all members voting in favor. Motion passed 4-0.

f. Consideration to approve ordinances adopting the 2006 Standard Traffic Ordinances and Public Offense Codes

A motion was made by President Bonee and seconded by Councilmember Thomas to approve the adoption of the 2006 Standard Traffic Ordinance and Public Offense Code as presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Councilmember Thomas requested Chief Horner provide a copy of the changes for his review.

h. Consideration to authorize police department to solicit bids for purchase of police car and equipment package.

A motion was made by President Bonee and seconded by Councilmember Thomas to authorize the police department to solicit bids for purchase of police car and equipment package. Discussion followed.

President Bonee addressed the audience explaining the governing body was elected to do a job and they need to make decisions based on facts since they must answer to the general public. He felt it was the governing body's job to ask the right questions to make sure they were doing what was best for the citizens of Basehor.

Councilmember Hooker asked Chief Horner to repeat what he told him during the recess. Chief Horner stated since there was a question regarding the model of car to purchase, he had suggested to Councilmember Hooker that action be tabled and a three person committee be appointed to review the existing fleet, as well as, research other manufactures (Dodge, Chevy, etc.) pertaining to gas mileage, maintenance, and longevity of each vehicle.

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Councilmember Thomas said there was no reason to table action and thought Chief Horner should send out the bid for the Crown Vic as presented in addition to soliciting bids from other manufacturing dealerships.

A roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 3-1.

MAYOR'S REPORT

Mayor Garcia gave the following report:

- Mayor Garcia congratulated President Bonee and his wife for receiving the Chamber of Commerce Spirit Award.
- Next Citizen Forum will take place on August 31st from 6:00 p.m. to 8:00 p.m.
- He along with the city administrator and planning director will attend the Chamber of Commerce meeting on Wednesday, August 23rd. The city administrator will give a presentation about Basehor.
- He will ride in the Tiblow Days parade on Saturday, August 26th.
- Informed the City Council he would be out of town for the September 7th meeting and September 11th work session. President Bonee would be conducting those meetings.

COUNCIL MEMBER REPORTS

President John Bonee

President Bonee stated he would like to have a review of the process for the issuance of building permits. He felt the City should develop overlay maps in accordance with the Comprehensive Plan to assure that building permits are not issued in residential areas that have been targeted for commercial zoning. He noted it would not be popular when the City would have to tell a resident they would have to upgrade to a commercial standard; however, it was necessary in order to develop Basehor in accordance with the Comprehensive Plan.

Iris Dysart

Councilmember Dysart stated she would like to see city staff more diligent in researching matters such as engineering, legal, and other contractual fees. She felt that some fees may have been overlapped, such as the engineering fees discussed by Mr. Kean earlier in the meeting.

City Administrator

The city administrator reported the next meeting was on a holiday; therefore, it would be necessary to move it to Thursday, September 7th.

EXECUTIVE SESSION

- a. Attorney-Client Privileged Matters
- b. Land acquisition

A motion was made by President Bonee and seconded by Councilmember Thomas to convene into executive session for ten minutes to discuss land acquisition (easements) on Hollingsworth Road. A roll call vote was taken with all members voting in favor. Motion passed 4-0. The city administrator was invited into the executive session. (8:30 p.m.)

At 8:43 p.m., Mayor Garcia called the regular meeting back to order.

OTHER BUSINESS

Chief Horner asked for clarification regarding the vote to authorize him to solicit bids for the patrol car. He asked if it was the Council's intent to have him solicit bid specifications from the State for other types of vehicles. Council stated they wanted to see comparative prices on Ford, Chevy, Dodge, and any other vehicle that would conform to police package.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Thomas and seconded by Councilmember Dysart to adjourn the August 21, 2006 Council meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Submitted for Council approval with/without corrections or additions this 7th day of September, 2006.

Attest:



Mary A. Mogle

 Mary A. Mogle, City Clerk

Chris Garcia

Chris Garcia, Mayor