

**Minutes**

**BASEHOR CITY COUNCIL**

**November 6, 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: Carl Slaugh, Mary Mogle, Gene Myracle, Terry Horner, Dustin Smith  
John Thompson**

**Newspaper: Lara Hastings, *Basehor Sentinel***

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**WORK SESSION (6:00 p.m.)**

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

***1. Discussion regarding Mussett Property Development***

Michael Duncan, Affinity Development, reported he recently purchased the Mussett property east of city hall and signed a contract on an adjoining 40-acre tract. His intent was to build a city center to include a city hall, police department, active senior complex, recreation complex, park area, retail shops to include a grocery store, and possibly an elementary school. The boulevard would extend from 155th Street east to 147<sup>th</sup> Street that would tie in with the Falcon Lakes Parkway. Mr. Duncan went on to explain he has hired Landplan Engineering to work on the project.

The first four stages of the project were to identify character and size of facilities, estimate cost of facilities, determine financing, and finally construction. Mr. Duncan showed an aggressive time line starting in December 2006. He planned to meet with city staff and hoped to bring a design forth in January to the Planning Commission for review purposes only and then come back to the city council with an annexation request. He anticipates submitting the preliminary plan in March 2007 and start construction on infrastructure improvements in August 2007. It was his hope to finish the project in 18 months.

***2. Update on Hollingsworth Road project.***

Mr. Slaugh reported construction on Hollingsworth Road has been held up by the relocation of utilities. AT&T anticipates completing their line relocation by December 1, 2006. County

would not be able to perform road improvements until spring. The county public works department informed Mr. Slauch they would continue to work on the project as weather permits.

Councilmember Thomas asked if Mr. Slauch had resolved whether the City should be paying for the AT&T relocation. Mr. Slauch said there were still legal issues being researched and felt they did not have the right to bill the City for the work. All easements have been acquired and recorded.

### ***3. Discussion regarding Annexation Ordinance.***

Mr. Slauch explained there were some questions whether properties would be required to connect to the sanitary sewer if they were within 200 ft. of a sanitary sewer line or if they were annexed into the city limits. The ordinance would address future properties such as Glenwood Estates. Mr. Slauch noted Glenwood Estates was not in the City, however, KDHE has indicated they would not extend their permit (Oct. 2007) and wants them to connect to the City's sewer system. They are also looking for some decision from the City as to whether they would be required to annex into the City.

Councilmember Hooker agreed with the annexation ordinance; however, President Bonee had reservations, expressing concerns that the ordinance would not give the City flexibility to deny requests.

Mayor Garcia asked the city attorney if the city would have the authority to require annexation. Mr. Thompson noted the City does have the inherent authority to make annexation a requirement as part of connecting to the sewer without an ordinance.

President Bonee was concerned with an individual that did not want to tie onto the sewer, being forced to tie on when they had a working septic system. Councilmember Thomas asked what circumstances would exist that KDHE would require the connection. President Bonee stated that was his concern as well and felt the ordinance should be more explanatory.

Mr. Slauch said he spoke with Johnson County and they informed him they leave it up to the developer. If the developer wants to connect, they would pay all costs associated with the connection. He noted the City does not want to be maintaining sewer systems where the City did not have control over inspections and maintenance.

Mayor Garcia supported requiring connection if an individual septic system failed, then they would be required to connect in accordance with KDHE requirements. President Bonee thought there was a law that required connection to a sewer system if there was a 70% septic system failure rate within a subdivision.

Mr. Slauch noted in a couple of weeks, a developer owning property in Wyandotte County would appear before the Council requesting to connect to the City's sewer system. Mr. Slauch

said the ordinance would set a policy without waiting for each individual to appear before the city council to make a request.

#### **4. Leavenworth County Maintenance Agreement**

Mr. Slaugh explained the original maintenance agreement was signed in October 2005 but never signed by the County Commissioners. The County decided to add in the number of feet of streets and created a map showing the roads included in the agreement.

Councilmember Dysart questioned Evans Road along the city limits (Cedar Lakes V) was included in the agreement and asked if the County expected the city to maintain the short stretch of road. Mr. Slaugh said the County wants the City to maintain the entire road; however, he thought it would be the responsibility of the County.

Break. 6:50 p.m.

### **REGULAR MEETING (7:00 p.m.)**

#### **ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE**

All members were present to include the city attorney John Thompson.

#### **CONSENT AGENDA**

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

- a. Approve Minutes
  1. October 9, 2006 Work Session
  2. October 16, 2006 Work Session & Work Session
- a. Approve Treasurer's Report & Vendor Payments
- b. Approve investment recommendations
- c. Approve calendar of events

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to approve the Consent Agenda as written. Discussion followed. Councilmember Thomas asked that the spelling of "there" be amended to "their" on page 3, item 3, paragraph 4 of the October 9<sup>th</sup> minutes. He also noted he took exception to the adjournment paragraph where it stated the City Council was debating the issues in an uncontrolled manner. A roll call vote was taken with all members voting in favor to approve the Consent Agenda as corrected. 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***

**Jim Washington (1901 160<sup>th</sup> St.)** supported President Bonee's position regarding the annexation ordinance. He did not see a need to pass an ordinance if the power was already in place for the Council to approve or deny annexations. He also encouraged the City Council to adopt the 2005 National Electrical Code and the 2006 International Codes rather than the 2003 Codes.

Mr. Lee said the City currently had the majority of the 2003 manuals for which he was already trained in most of the 2003 Codes.

**Bob Moore (2636 N. 157<sup>th</sup> St.)** supported President Bonee's position requiring annexation as well. He did not understand why the city administrator presented the ordinance. City administrator Carl Slaugh explained the policy would be set and if the property owner did not want to annex, then they would come before the city council to request an exception.

Public portion of the meeting was closed.

## **SCHEDULED DISCUSSION ITEMS**

### ***Fire Code Ordinance.***

Mayor Garcia requested this time be used to discuss the proposed ordinances adopting new codes since time ran out during the work session.

Councilmember Thomas asked what the cost of adopting a more current version of fire codes. Fairmount Township Fire Department officer Ken Magaha stated it would be the cost of the manuals and staff training. Mr. Slaugh stated he thought it would cost approximately \$1400. Mr. Magaha stated it was his opinion the 2006 codes were more stringent. Mr. Lee thought the City could wait two to three more code cycles before updating once the 2003 codes were adopted.

Mr. Magaha reported they hope to have a part-time paid fire department in a couple of years that would help with their response time which would help to eliminate the need for 5,000 sq. ft. building sprinkler systems..

Mr. Washington noted going from the current 1994 code to the 2003 code was a “quantum leap” but to go from 2003 to 2006 codes were minimal. There are supplemental books that could be purchased to help see what the changes would be.

Fire Chief Jeff Theno reported the fire department does not adopt new codes the first year they come out because there are normally changes to be made. They usually wait to see if more changes would be implemented before they adopt the new version.

Councilmember Sifford asked Mr. Magaha if he supported the 2003 Code update. Mr. Magaha said he supported the 2003 Code based on discussions with the State Fire Marshall and other cities in the metropolitan area.

Mayor Garcia asked if the City’s fire rating would change. Chief Theno said the City was as low as they could qualify for with a rating of five (5). Once the department has paid staff, the rating would possibly be lowered. He explained how the rating process worked.

President Bonee submitted a letter supporting the code upgrade, however, he requested Council grandfather existing buildings and use July 2007 as an effective date for transitional purposes. Mr. Magaha said they amended the code (903.6) for existing buildings. The language was amended to read sprinkler systems would be required when the “use” changed to a more hazardous use.

Council agreed to implement an effective date of January 1, 2007 and have a square footage requirement of 5,000 sq. ft. minimum for sprinkler systems.

### ***Wolf Creek Market Place Incentive Package***

Mayor Garcia asked if this item should be discussed in executive session or open session. The city attorney noted if the applicant had financial data that needed to be kept confidential, then it should be discussed in executive session.

Mr. McIntosh stated he did have information that should be kept confidential. Council agreed to discuss Business Item “d” in executive session.

## **BUSINESS**

### ***a. Consideration of ordinance requiring annexation of all properties that connect to City sanitary sewer system.***

A motion was made by Councilmember Dysart and seconded by President Bonee to deny the ordinance as presented. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

***b Consider ordinances adopting the 2003 International Residential, Fuel Gas, Building, Plumbing, Fire Codes, and 2002 Electrical Code***

A motion was made by Councilmember Hooker and seconded by Councilmember Thomas to approve as presented. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

***c. Consider approval of an updated agreement with Leavenworth County for maintenance of roads in the city.***

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to approve the agreement with Leavenworth County for maintenance of roads in the city as presented. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

***d. Consideration of Letter of Intent concerning economic development intentions.***

Council agreed to delay action and discuss in executive session. (See executive session for council action)

**EXECUTIVE SESSION**

1. Property purchase
2. Wolf Creek Marketplace Incentive Package.

A motion was made by President Bonee and seconded by Councilmember Thomas to convene into executive session for forty-five minutes to discuss economic issues (Wolf Creek Marketplace Incentive Package) and property purchase. A roll call vote was taken with all members voting in favor. Motion passed 5-0. (7:45 p.m.)

At 8:30 p.m., Mayor Garcia called the regular meeting back to order announcing it would be necessary to reconvene back into executive session to discuss property purchase.

A motion was made by Councilmember Sifford and seconded by Councilmember Dysart to reconvene back into executive session for ten minutes to discuss property purchase. A roll call vote was taken with all members voting in favor. Motion passed 5-0. (8:33 p.m.)

At 8:45 p.m., the regular meeting was called back to order.

**Business Item "d".**

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the Wolf Creek Marketplace incentive package 1 through 6 and defer action on #7 until a later date. Discussion followed. Councilmember Hooker said he wanted the record to show

that a ten year period was too long of a period, but he would support it since the City was in need of a grocery store.

1. Waive all building application, review, permit and inspection fees conducted by the City including preliminary and final platting for the grocery store only. City will not waive those required inspections performed by the city engineer or those subject to reimbursement under provisions of the Transportation Development District (TDD);
2. Abatement of ninety five percent (95%) of the cities portion of property tax for ten (10) years;
3. Expedite the approval process to the full legal ability of the City;
4. Assist the developer in securing the Enterprise Zone incentive;
5. Provide representation in the effort to secure the proposed right-in/right-out access to State Highway 24/40;
6. Petition other governing bodies for the abatement of their portion of property taxes.
7. Defer to a later date (undetermined time frame).

A roll call vote was taken with all members voting in favor. Motion passed 5-0.

#### **MAYOR'S REPORT**

Mayor Garcia reported the third grade class toured city hall last Thursday and Friday to learn about government. He commended the city administrator for his involvement in facilitating a mock council meeting and the police department for their part in educating the children regarding the duties.

#### **CITY ADMINISTRATOR**

Mr. Slauch reported a six-person committee needs to be formed to serve on a Port Authority "industrial park selection site" committee. The first meeting would be held on November 28, 2006.

#### **COUNCIL MEMBER REPORTS**

##### **Terry Thomas**

Councilmember Thomas advised the Council he would not be available for the November 20<sup>th</sup> Council meeting.

#### **ADJOURNMENT**

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to adjourn the meeting. A roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 8:58 p.m.

Submitted for Council approval with/without corrections or additions this 20<sup>th</sup> day of November, 2006.



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Mayor Chris Garcia



Attest:



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Mary A. Mogle, CMC, City Clerk