
MINUTES

BASEHOR CITY COUNCIL MEETING

March 28, 2005

6:00 P.M.

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

Members Present: Pres. Julian Espinoza, Iris Dysart, Bill Hooker, Keith Sifford

Members Absent: John Bonee

**Staff Present: Mary Mogle, Gene Myracle, Angie Solberg, John Thompson,
Matt Henderson**

Newspaper Present: None

The regular meeting of the Basehor City Council was called to order by Mayor Joseph Scherer at 6:00 p.m. Roll call was answered with all members present except Councilman Bonee. Mayor Scherer asked that the record reflect that the city attorney was in attendance also. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

A motion was made by K. Sifford and seconded by B. Hooker to approve the minutes of March 14, 2005 as written. All aye. Motion carried 4-0.

FINANCIAL REPORTS

A motion was made by K. Sifford and seconded by J. Espinoza to approve the Treasurer's reports and vendor payments as submitted. All aye. Motion carried 4-0.

UNFINISHED BUSINESS

Item #1. Consider Amendments to Neighborhood Revitalization Plan

Mayor Scherer stated he would like to have a consensus of the council to move forward with the plan as submitted and direct the staff to notify the taxing entities of the amendments to the Neighborhood Revitalization Plan and schedule a public hearing if necessary. Legal descriptions and a map would need to be attached prior to notification.

Council agreed to move forward with the amendments and schedule a public hearing, if necessary, for April 11th.

NEW BUSINESS**Item #1. Consider Authorizing Utility Billing Clerk to Start Process To Notify Delinquent Sewer and Solid Waste Customers of Possible Lien On Property**

The city clerk requested authorization to notify property owners who have delinquent sewer and solid waste accounts (61 days or older) of the delinquency and the possibility of the delinquency being placed on their property taxes. Councilwoman Dysart asked if more people paid in order to eliminate the \$50.00 administrative fee. The city clerk noted only about 1% pay their delinquent bills due to the administrative fees.

Item #2. Consider Rezoning Request from R-O and P-I to P-R Submitted by MEI

The planning commission recommended approval for a request submitted by MEI, Inc. to rezone a 94.01 acre tract of land in the Northwest Quarter and Southwest Quarter of Section 2, Township 11, South, Range 22 East from "R-0" (Suburban Residential) and "P-I" (Planned Industrial) to "P-R" Planned Residential.

Councilman Hooker stated he was not in favor of more development, especially multi-family. He felt it was a hardship on the school system and waste water treatment plant.

Item #3. Consider Rezoning Request from P-I to CP-2 Submitted by MEI

The planning commission recommended approval for a request submitted by MEI, Inc. to rezone a 9.93 acre tract of land in the Southwest Quarter of Section 2, Township 11, South, Range 22 East from "P-I" (Planned Industrial) to "CP-2" General Business District.

No council discussion at this time.

Item #4. Consider Preliminary Development Plan for Tomahawk Valley Submitted by MEI

The planning commission recommended approval of the Preliminary Development Plan and Preliminary Plat for Tomahawk Valley with twelve conditions attached. The development is located in Section 2, Township 11, Range 22E.

The conditions are as follows:

1. No sidewalk will be required on the south side of Garden Parkway.
2. Add 156th Street Pedestrian Connection to Creek Ridge
3. Remove non-complying 100' radius and show corners with bulbs (eyebrows)
4. Provide additional easement as needed to conform with the final sewer alignment for lift station removal
5. Walking trail adjacent to right-of-way to be located in a pedestrian/utility easement.
6. Provide minimum 8,000 sq. ft. lot size.
7. Add chart to plan showing square footage of each lot.
8. No more than 105 units or first three phases shall be constructed without second connection or outlet point.
9. Homes on lots 18 thru 28, Block Three to be a minimum Class :”D” size.
10. Traffic study required prior to approval of final plat.
11. Show additional right-of-way and pavement markings at round-a-bout.
12. Drainage study to show no increase in runoff for 2, 10, and 100 year storm events.

Mayor Scherer stated he had some concerns with the preliminary plat; however he thought some people may feel he had a conflict of interest since his subdivision, Creek Ridge, adjoined the proposed subdivision. The mayor explained he would have concerns even if he did not own property northwest of Tomahawk Valley. The mayor explained he was opposed to allowing sidewalks on only one side of Garden Parkway, the cul-de-sacs were too long, and 156th Street does not connect with 156th Street in Creek Ridge. Mayor Scherer noted Scherer Construction was forced to construct a stub to the property line on 156th Street in order to provide for future development.

The code administrator went over the planning commissions reasons for the conditions they placed on the preliminary plat. Planning Commission member George Smith stated he was in the minority when it came to agreeing on the conditions and spoke adamantly against more multi-family housing.

Council discussed pros and cons to accepting park land in lieu of park fees. Mayor Scherer explained if the area floods often, the land should not be accepted as park land. The code administrator explained the open space area in Tomahawk Valley would be maintained by the Homeowners Association since the City did not agree to take the area as park land.

Councilman Sifford questioned Mr. Smith why the planning commission was not requiring another developer to follow the same requirements as they made a previous developer. Mayor Scherer intervened, explaining to date the planning commission has not had a good set of plans to go by so each development was considered on a case-by-case basis. Mr. Smith stated although the zoning and subdivision regulations were

outdated, the planning commission should still follow them so they could have a means of justifying the planning boards actions.

Councilwoman Dysart expressed concerns about Condition #4 where the planning commission was requiring the developer to provide an additional easement necessary to conform with the final sewer alignment for removal of a lift station. Engineer Matt Henderson and city superintendent Gene Myracle explained the additional easement was necessary in order to allow the city to construct the sewer line in conjunction with removal of the lift station located at 155th & Chestnut. Mr. Myracle noted now was the time to obtain an easement so the city did not have to pay for an easement at a later date.

Councilman Hooker questioned if the present sewer system could handle the proposed subdivision. Mr. Myracle stated it could as long as nothing else connected to the system. The current system could handle approximately 80-100 homes.

President Espinoza questioned the city engineer if the developer who was forced to construct a stub, that went no where, could take legal action against the City to recoup his costs for construction of the street stub. Mr. Thompson confirmed the developer would most likely have a case against the city.

John Chamberlain, Landplan Engineering (1600 Genesis, Suite 400, KCMO, 64102) explained a "PR" zoned subdivision normally contains smaller lots with more green space. He went on to say the plan would allow traffic to be minimized in front of the larger lots and allow a minimal amount of trees to be removed along the creek line. Mr. Chamberlain noted if Tomahawk extended 156th Street north into the Creek Ridge Subdivision, the street would become a collector rather than a local street. He also explained the park department was approached in the beginning about taking the ground as park land and they turned down the land. The city superintendent was questioned why they did not want the area for park land. Mr. Myracle explained his department does not have the manpower and equipment to maintain the park.

Council discussed the following changes to the conditions that were presented by the planning commission:

- Condition #1. Request sidewalks on both sides of Garden Parkway
- Condition #2. Extend 156th Street north, connecting to 156th Street in Creek Ridge Subdivision
- Condition #4. Provide an easement necessary to remove lift station at 155th & Chestnut and location must be agreed upon by the city superintendent, city engineer, and planning commission.
- Condition #6. Verify 8,000 sq. ft. lot size is a common practice for the City of Basehor

Scherer directed the code administrator to verify the amount of green space shown on the plat was ample according to city regulations. He stated according to his calculations, the development would need 23 acres of green space and the plat showed 15 acres.

Item #5. Consider Rezoning Request from R-3 to CP-1 Submitted by Benchmark Enterprises

Benchmark Enterprises requested their development, known as Wolf Creek Junction, be rezoned from R-3 to CP-1. This would allow the entire development to be used for commercial use only. There was no discussion at this time.

Item #6. Consider Street Overlay Plan

The city superintendent presented a proposal for work to be done on certain city streets. Areas targeted included streets in the Rankin, Klamm, and Petherbridge Phase I and II subdivisions. He explained asphalt prices are to increase significantly in April so he would like to receive approval as soon as possible. Total cost of the projects would be \$155,950.00 from funds in the Consolidated Highway Fund.

Item #7. Consider Payment for Insurance Package (\$40,503.00-EMC Insurance)

The city clerk submitted a request for payment in the amount of \$40,503.00 for the City's general liability insurance package. She asked the council to approve the payment, but allow her to continue working on a risk management study.

Item #8. Consider Removing 15756 Cedar Lane From Monthly Sewer Billing

A request was made by Cedar Lakes Homeowners Association to remove 15756 Cedar Lane from the monthly sewer billing. The grinder pump was removed from this building prior the City of Basehor entering in the agreement with Sewer District No. 7. There was no discussion at this time.

Item #9. Consider Partial Payment to WCDI for Improvements to City Hall Parking Lot

A request was submitted by the city superintendent Gene Myracle for partial payment for work performed, to date, on improvements to the city hall parking lot. The contractor requested partial payment in the amount of \$46, 229.54. (The funds would be taken from the Capital Improvement Fund.)

Item #10. Consider Scheduling a Special Meeting to Discuss and Possibly Take Action to Approve a Contract With P.E.C. for Design Work On Waste Water Treatment Facility.

Mayor Scherer explained engineering firm P.E.C. has provided free information regarding upgrade to the waste water treatment plant; however, they have reached a point where they can no longer provide design information without charging a fee.

The city superintendent informed the governing body the engineer from P.E.C would be willing to meet to discuss the project and fees. Mayor Scherer reported KDHE said it would not be necessary to send out RFP's for the design work; therefore, the City could move forward with hiring P.E.C. to design the next phase of the plant. Council agreed that April 4th at 6:00 p.m. would be a good date to meet. (Refer to Action Item #10).

RECESS

A motion was made by J. Espinoza and seconded by I. Dysart to recess for five minutes. All aye. Motion carried 5-0. (7:22 p.m.)

At 7:30 p.m, the meeting was called back to order by Mayor Scherer.

CITIZENS AND PETITIONS (All Presentations Are Limited To Five Minutes)**Item #1. Ed McIntosh, Wolf Creek Junction
Re: Incentive Package for Possible Business**

Mr. McIntosh requested he be removed from the agenda at this time.

Item #2. Citizen Comments Regarding Agenda Items

Mayor Scherer announced this was the portion of the meeting where anyone in the audience could speak regarding an agenda item.

John Flowers (15515 Cedar Lane, Bonner Springs, KS) spoke in opposition of allowing more multi-family units into the city. He stated if Tomahawk Valley were to be approved, that would increase the City's multi-family housing units from 16% to 41%. He reminded the governing body that city regulations should be enforced even if they are outdated and stated increasing the operating expenses from two to four cells should be addressed. He urged Council not to build more than was presently needed.

Mr. Myracle explained it would be cost effective to build to Phase 4. He reported exact figures would not be available until the governing body decided on exact design criteria.

Susan Guy (1713 N. 150th St., Basehor, Ks) came forward stating the Neighborhood Revitalization amendment was incorrect. It was her understanding, based on discussions at the March 21st work session, that unplatted tracts of land would be eligible under the new plan.

The code administrator and other council members who attended the work session stated that was not their understanding and the proposed amendments were written as agreed upon at the work session.

Mayor Scherer asked twice if there was anyone else who wished to come before the governing body regarding agenda items. Since no one came forward, he called the public portion of the meeting closed.

ACTION ITEMS

Item #1. Approve or Deny Authorizing Utility Billing Clerk to Start Process To Notify Delinquent Sewer and Solid Waste Customers of Possible Lien On Their Property

A motion was made by J. Espinoza and seconded by B. Hooker to authorize the utility billing clerk to start the process to notify delinquent sewer and solid waste customers of a possible lien on their property. All aye. Motion carried 4-0.

Item #2. Approve or Deny Rezoning Request from R-O to P-R Submitted by MEI

A motion was made by J. Espinoza and seconded by K. Sifford to approve the rezoning request from R-0 and PI to PR as submitted.

MEI project manager Mike Hooker spoke up stating they put a stipulation on the rezoning request that if the preliminary plat was not approved, the rezoning requests would be withdrawn. Espinoza and Sifford withdrew their motions.

A motion was made by J. Espinoza and seconded by K. Sifford to table the rezoning requests on Action Item #2 and 3 until the preliminary development plan/preliminary plat was reviewed and approved by the planning commission. All aye. Motion carried 4-0.

Item #3. Approve or Deny Rezoning Request from P-I to CP-2 Submitted by MEI

See Action Item #2.

Item #4. Approve or Deny Preliminary Development Plan for Tomahawk Valley Submitted by MEI

A motion was made by J. Espinoza to return the request back to the Planning Commission to address **(Condition #1)** Request sidewalks on both sides of Garden Parkway; **(Condition #2)** Extend 156th Street north, connecting to 156th Street in Creek Ridge Subdivision, **(Condition #4)** Provide an easement necessary to remove lift station at 155th & Chestnut and location must be agreed upon by the city superintendent, city engineer, and planning commission; and **(Condition #6)** Verify 8,000 sq. ft. lot size is a common practice for the City of Basehor. Motion died for lack of second.

Discussion followed. The following motion was made:

A motion was made by K. Sifford and seconded by I. Dysart to refer the preliminary Development Plan back to the Planning Commission for further consideration with the following reasons and specific instructions or questions about modifications or conditions which may need to be considered during such additional review:

- Condition #1. Request sidewalks on both sides of Garden Parkway;
- Condition #2. Extend 156th Street north, connecting to 156th Street in Creek Ridge Subdivision;
- Condition #4 Provide an easement necessary to remove lift station at 155th & Chestnut and location must be agreed upon by the city superintendent, city engineer, and planning commission; and
- Condition #6. Verify 8,000 sq. ft. lot size is a common practice for the City of Basehor.

Motion carried 3-1 with B. Hooker voting nay.

There was also a request for the engineer to provide an exhibit showing the areas of open space provided and a question for the planning commission regarding the proposed minimum ground floor area classification of "D" and "F" in the same development.

Item #5. Approve or Deny Rezoning Request from R-3 to CP-1 Submitted by Benchmark Enterprises

A motion was made by B. Hooker and seconded by I. Dysart to approve the rezoning request from R-3 (Multi-Family) to CP-1 Commercial as submitted by Benchmark Enterprises. All aye. Motion carried 4-0.

Item #6. Approve or Deny Street Overlay Plan

A motion was made by B. Hooker and seconded by K. Sifford to approve the Street Overlay Plan as submitted. (Project Cost of \$155,950.00 will be withdrawn from the Consolidated Hwy Fund). All aye. Motion carried 4-0.

Item #7. Approve or Deny Payment for Insurance Package (\$40,503.00-EMC Insurance)

A motion was made by J. Espinoza and seconded by K. Sifford to approve payment to Evans Insurance in the amount of \$40,503.00 for the General Liability Insurance Package and authorize the city clerk to continue with the risk management study. (The cost will be withdrawn from the General Insurance Fund) All aye. Motion carried 4-0.

Item #8. Approve or Deny Removing 15756 Cedar Lane From Monthly Sewer Billing

A motion was made by B. Hooker and seconded by J. Espinoza to approve removing 15756 Cedar Lane from the monthly sewer billing as requested. All aye. Motion carried 4-0.

Item #9. Approve or Deny Partial Payment to WCDI for Improvements To Parking Lot.

A motion was made by K. Sifford and seconded by J. Espinoza to approve payment in the amount of \$46,229.54 to WCDI Construction Co. LLC for partial work performed on the city hall parking lot. All aye. Motion carried 4-0.

Item #10. Schedule Special Meeting To Discuss and Take Possible Action Regarding A Contract With P.E.C. For Design Work On The Waste Water Treatment Facility Upgrade.

A motion was made by K. Sifford and seconded by B. Hooker to schedule a special meeting on April 4, 2005 at 6:00 p.m. to discuss and take possible action regarding a contract with P.E.C for design work on the waste water treatment facility upgrade. All aye. Motion carried 4-0.

EXECUTIVE SESSION

A motion was made by B. Hooker and seconded by K. Sifford to approve a fifteen-minute executive session to discuss legal issues with the city attorney. All aye.

Motion carried 4-0. (7:58 p.m.) City Superintendent Gene Myracle was asked to join the executive session. Council returned at 8:10 p.m.

At 8:13 p.m. the regular meeting was called to order with Mayor Scherer announcing no formal decisions were made in executive session.

MAYOR'S REPORT

Item #1. Advisory Committee To Review Subdivision and Zoning Regulations

Mayor Scherer explained the advisory committee formed to review the subdivision and zoning regulations met today for the first time. Their next meeting would take place in a month or so. The committee's task is to review the regulations and make recommendations to the planning commission.

Item #2. Improvements to 147th Street and Hollingsworth Road.

Mayor Scherer announced the paperwork was ready concerning improvements to 147th Street and Hollingsworth Road; however, since the city engineer was out of town last week, he was unable to get the paperwork for this meeting. He noted the matter would most likely be placed on the April 11th agenda.

COUNCIL MEMBER REPORTS

Julian Espinoza

President Espinoza questioned if the code administrator was able to find out why the curb was low on the northwest corner of the parking lot. Mrs. Solberg stated the curb was built to flood plan specifications so the police department side door would not flood.

ADJOURNMENT

There being no further business to discuss, a motion was made by J. Espinoza and seconded by B. Hooker to adjourn the meeting. All aye. Motion carried 4-0. Meeting adjourned at 8:15 p.m.

Work Session

There was no work session held.

Basehor City Council
March 28, 2005

Submitted for Council approval with/without corrections this 11th day of April, 2005.

Mayor Joseph Scherer

Attest:



Mary A. Mogle, CMG