

CITY OF BASEHOR

City Council Meeting
May 23, 2005
6:00 p.m.
Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: President Bonee, Iris Dysart, Bill Hooker, Keith Sifford
Members Absent: Terry Thomas

**Staff Present: Gene Myracle, Angie Solberg, Mary Mogle, Terry Horner and
John Thompson**

Mayor Chris Garcia opened the meeting by explaining "Call to Public" was the portion of the meeting where members of the audience could speak regarding agenda items. He noted this would be the only opportunity during the meeting the public would be allowed to comment. Each presentation would be limited to five minutes each.

Roll Call by Mayor Chris Garcia and Pledge of Allegiance.

Roll call was answered with all members present except Councilmember Thomas. Pledge of Allegiance was recited.

1. Consent Agenda

- a. Approve Minutes of the Council Meeting of May 9, 2005
- 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 Bonee to approve the consent agenda as written. All aye. Motion passed 4-0

2. 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.)

SCANNED

2-14-07 *dt*

a. George Smith (14923 Parallel, Basehor, KS) opposed the rezoning of property located at 155th & Donahoo as presented by Landplan Engineering (Business Item “e” and “f”). Council was given a written copy of his statement.

b. John Flower (15515 Cedar Lane, Bonner Springs, KS) questioned if the city adopted the resolution (for First Time Home Buyers) would the citizens at large be responsible if the buyer defaulted. He also questioned if the City found out if KDOT was going to pay for costs associated with the detour at K-7 & 24/40 Highway.

There was no discussion regarding the resolution at this time, however, it was noted that KDOT did not intend to pay for any detour costs since Basehor was not being considered an official detour route.

3. Scheduled Discussion Items

a. *Presentation and Information to Discuss Hiring Detective for Police Dept.*

Chief Horner gave a presentation regarding the need for hiring a detective for the Basehor Police Department. He explained projected costs (wages and training), duties, and hiring process for the position. He asked to place the matter on the next agenda (June 6, 2005) for action.

b. *Discuss Repairs to South End of 150th Street, Parallel, 154th Terrace Court, and East end of Pin Oak Drive.*

The city superintendent submitted a report showing four streets in need of repair and requested Council consider allowing him to make the repairs in the near future.

- *150th Street, South End:* Street is separating from Base material. Recommended cutting mill headers approximately 100 ft long x 30 ft. wide, remove old asphalt, broom, tack oil then overlay with 2 ½” asphalt compacted to 2” surface mix.
- *154th Terrace Court:* Curb has broken and collapsed the street. A hole is forming in the asphalt due to settling. He recommended cutting approximately 30 feet of curb and street along the settled area, compact with AB3, then replace curb and asphalt.
- *East end of Pin Oak Drive:* Island at the end of the street has completely failed. Recommended removing and cut the street, replace curb and asphalt.
- *155th & Parallel Road:* Street has fallen apart. Recommended the Public Works Dept. remove humped and broken areas. Contract out hauling of asphalt, rollers and paving of problem areas.

Mr. Myracle was questioned why the City was repairing County roads. He stated he had spoke to the County and was informed that the County had no intentions of repairing Parallel and Leavenworth Road, especially areas that were damaged by development.

4. Business

Mayor Garcia announced he had an addition to the Business Agenda, reporting the resignation of code administrator Angela Solberg be added as Item "n".

a. Consider Allocation of Funds for School Zone Push Button Flashing Lights

Mayor Garcia reported he met with school superintendent Dr. Hackett requesting the school district contribute 50% toward the cost of push button flashing lights at the school zones. The mayor stated three sets of lights would cost \$25,170.00. Dr. Hackett said she would present the request to the school board.

Councilmember Dysart stated she would like to see "double yellow lines" painted on Leavenworth Road (west of 155th Street) along with the installation of "No Passing" signs.

President Bonee stated it should be the responsibility of the school district to address the traffic problem on Leavenworth Road since they are the one's causing the problem. He recommended a letter be sent to the school board stating the City would like to have the school district addressing the safety issues. Chief Horner requested permission to write the letter since he was in charge of public safety.

Ed McIntosh stated he spoke with the school about creating a new access road dedicated to bus traffic; however, they could not afford to asphalt the road in accordance with city codes. President Bonee stated he would be willing to allow gravel and grant a grace period for the installation of asphalt.

A motion was made by President Bonee and seconded by Councilmember Hooker to approve the purchase of three sets of push-button flashing lights as presented not to exceed \$26,000.00. Funds are to be used from the Capital Improvement Fund. Directed the chief of police to write a letter to the school district requesting them to address the traffic safety issues at the elementary schools. Motion passed 4-0.

b. Consider Resolution and Agreement For First Time Home Buyers

"A Resolution Of The Governing Body Of The City Of Basehor, Kansas (The Cooperation Jurisdiction), Authorizing The Execution Of A Cooperation Agreement Pursuant To the Kansas Local Residential Housing Finance Law, K.S.A. 125219 Et

Seq., As Amended, Between The Cooperating Jurisdiction and Sedgwick County, Kansas And Shawnee County, Kansas (Jointly, The "Issuers") Authorizing The Issuers To Exercise, On Behalf Of The Cooperating Jurisdiction, The Authority And Powers Conferred By the Kansas Local Residential Housing Finance Law In Connection With The Issuance Of Single Family Mortgage Revenue Bonds"

Council was unsure how this would effect the City and asked realtor Joseph Scherer if he was aware of any problems that could occur with passing the resolution. Mr. Scherer stated without reading the documents he could not comment on the resolution before them; however, he advised the Council that similar resolutions have been presented to the council in the past. He recalled one resolution passing with two others failing.

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford to deny the resolution as presented. All voted in favor. Motion passed 4-0.

c. Consider Resolution Regulating Construction West of K-7 Corridor

"A resolution placing a setback regulation in accordance with Attachment "A", on land parcels contiguous to the K-7 corridor and to intersections/interchanges locations on the corridor in an effort to protect and properly plan the expected growth along said roadway as are applicable to the final plan adopted by KDOT."

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the resolution regulating the setback contiguous to the K-7 corridor. Discussion followed.

President Bonee stated he heard two different ways on how the 300 ft. setback requirement would be measured and asked for clarification. The code administrator stated the 300 ft. would be measured from the center of the road.

Councilmember Sifford and President Bonee amended their motions to adopt the resolution in accordance with the attached drawing "Attachment A" (which depicts 300 ft. from center line of the road). All voted in favor. Motion passed 4-0.

Res. 2005-05. A resolution placing a setback regulation in accordance with Attachment "A", on land parcels contiguous to the K-7 corridor and to intersections/interchanges locations on the corridor in an effort to protect and properly plan the expected growth along said roadway as are applicable to the final plan adopted by KDOT.

d. Statement of Action By Planning Commission for High Point Downs Preliminary Plat submitted by Landplan Engineering, P.A.

The code administrator gave a staff report noting it was not necessary for Council to take formal action unless they felt something needed to be addressed by the Planning Commission.

President Bonee stated he felt the City should wait to approve the preliminary plat as presented because he felt there should be more commercial area dedicated; however, that action would delay the developer. He did not feel the developer should be penalized for the City not having their Comprehensive Plan finalized.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the Preliminary Plat as presented. All voted in favor with the exception of Councilmember Hooker. Motion passed 3-1.

- e. Consider a request for rezoning from "R" rural (county) to "R-1" Single-Family Residential, submitted by Landplan engineering, P.A. on the following described property.***

A 73.5 acre tract of land in the North One-Half of the Northeast Quarter of Section 27, Township 10 South, Range 22 East of the Sixth Principal Meridian in the City of Basehor, Leavenworth County, Kansas (More commonly known as the SW corner of 155th Street & Donahoo Road)

President Bonee stated Donahoo Road should be wider since the City anticipates commercial growth in that area. The city attorney was asked what the ramifications would be if they did not pass the rezoning unless it encompassed more commercial area.

Mr. Thompson reported the State courts focus on City's Comprehensive Plans and recommends passing revisions before taking action. He also noted the City could pass the change in zoning with the stipulation requiring more commercial as long as they document that the new plan includes their changes. Planning Commission member Ed Bush stated the Board discussed that commercial could be placed in another area of the development.

President Bonee moved to return the request back to the Planning Commission with the direction to enlarge the commercial area. The motion was seconded by Councilmember Hooker. All voted in favor with the exception of Councilmember Sifford. Motion passed 3-1.

- f. Consider a request for rezoning from "R" Rural (county) to "CP-2" General Business, submitted by Landplan Engineering, P.A. on the following described property:***

A 6.5 acre tract of land in the North One-Half of the Northeast Quarter of Section 27, Township 10 South, Range 22 East of the Sixth Principal Meridian in the City of Basehor, Leavenworth County, Kansas. (More commonly known as the SW corner of 155th Street & Donahoo Road)

The majority of Council had the same opinion that more commercial zoning was needed in this area.

A motion was made by President John Bonee and seconded by Councilmember Hooker to return the zoning request back to the Planning Commission with the direction to enlarge the commercial area. All voted in favor with the exception of Councilmember Sifford. Motion passed 3-1.

g. Consider Final Plat and Subdivision Improvements Agreement for Creek Ridge Phase Three, submitted by Scherer Construction.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the Final Plat and Subdivision Improvements Agreement for Phase Three of Creek Ridge Subdivision. Discussion followed.

Councilmember Dysart asked if the same stipulation that was placed on Tomahawk Valley, requiring the developer to abide by Charter Ordinance 15, should be part of the motion. The city attorney advised them to add the stipulation to be consistent. The code administrator reported "Waive Right To Protest" (Ord. 463) addendum was attached to the developers Subdivision Agreement. Mr. Thompson stated the addendum does reflect Ordinance 463 giving developers notice that assessments may be within their developments.

Councilmember Sifford and President Bonee withdrew their original motions.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the Final Plat and Subdivision Improvements Agreement For Phase Three of Creek Ridge Subdivision, with the recommendation of legal council, to require the developer to abide by Charter Ordinance No. 15. Discussion followed.

Councilmember Dysart questioned since Tomahawk Valley has refused to abide by Charter Ordinance 15, wouldn't the property revert back to planned industrial zoning. Mr. Thompson stated the ordinance would still be in effect. The issue would have to be addressed in Court or the developer be willing to conform to the City's request. Code administrator Angie Solberg stated the developer has not officially withdrawn his plan. President Bonee stated if the developer placed the condition for zoning together with the preliminary plat, it would expire within one year. Motion passed 4-0.

Recess

A motion was made by President Bonee and seconded by Councilmember Hooker to recess for five minutes. All voted in favor. Motion passed 4-0. (7:55 p.m.) At 8:00 p.m. Mayor Garcia called the regular meeting back to order.

h. Consider Purchase of 55 Gal. Drum of Polymer (\$1645.00) for Filter Press Operation at Wastewater Treatment Plant

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the purchase of a 55 gal. Drum of Polymer in the amount of \$1645.00. All voted in favor. Motion passed 4-0.

i. Consider Purchase of Ultra Violate Bulbs (\$2,268.60) for Treatment System at Wastewater Treatment Plan.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the purchase of Ultra Violate Bulbs in the amount of \$2268.60. All voted in favor. Motion passed 4-0.

j. Consider Appointment for Contract Labor, Planning Commission, Board of Zoning Appeals.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the slate of appointments as presented. All voted in favor with the exception of Councilmember Hooker. Motion passed 3-1.

Appointments:

<u>Position</u>	<u>Person/Firm</u>	<u>Term</u>
City Attorney	John F. Thompson, LLC	1 year
City Engineer	MHS Engineering	1 year
Municipal Judge	William E. Pray	1 year
Planning Commission	John Matthews, County Rep.	3 years
Board of Zoning Appeals	David Roe	1/1/06

Mayor Garcia announced he would present appointments for the vacant positions to the Planning Commission and Park Advisory Board at a later date. He advised the Council his intentions are to conduct interviews for the Planning Commission positions.

k. Consider Appointment of Municipal Court Clerk

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the municipal judges annual appointment of Traci Myracle as the court clerk. All voted in favor. Motion carried 4-0.

l. Consider Amendment to Exhibit "A", Neighborhood Revitalization Plan.

The city clerk reported following the adoption of Resolution 2005-04, she was informed by the County there were some changes that needed to be made so she was asking the Council adopt Resolution 2005-06 and Exhibits as submitted.

A motion was made by Councilmember Sifford and seconded by President Bonee to approve Resolution 2005-06 and Exhibits as submitted. All voted in favor. Motion passed 4-0.

Res. 2005-06. A Resolution Repealing Res. 2005-04 and Adopting the Amended Basehor Neighborhood Revitalization Plan Providing For Property Tax Rebates and Designating A Portion Of The City of Basehor A Neighborhood Revitalization Area.

m. Accept Resignations of Planning Commission Members Burl Gratny and Julie Cogley Effective Immediately

A motion was made by Councilmember Sifford and seconded by President Bonee to approve the resignations of Planning Commission members Burl Gratny and Julie Cogley as requested. All voted in favor. Motion passed 4-0.

n. Accept Resignation of Code Administrator Angela Solberg

A motion was made by Councilmember Hooker and seconded by Councilmember Sifford for approve the resignation of code administrator Angela Solberg. All voted in favor. Motion passed 4-0.

5. Mayor's Report

a. Schedule Joint Work Sessions with Governing Body and Planning Commission

Mayor Garcia announced he was going to postpone scheduling any work sessions with the Planning Commission until the vacancies were filled.

b. Comprehensive Plan and Purchasing Cards

Mayor Garcia informed the governing body he would have the city clerk provide copies to Council Members concerning purchasing cards and “work to date” Comprehensive Plan report.

c. Position of City Administrator

Mayor Garcia announced he has received five applications for the position of city administrator. Currently, the City was advertising on the LKM and ICMA website and magazines.

d. Restroom Facility At City Park

Mayor Garcia announced the block layer would not be able to construct the restroom facility at the city park for some time and directed the city superintendent to find a new block layer.

e. Staff Memorandum

The mayor reported the city clerk has provided them with a copy of a memorandum directing the department heads to implement changes as discussed in the Council Retreat. Voice mails messages are changed on a daily basis, purchase orders are in the process of being implemented, and the city clerk was researching a “no cash policy” and “merit raise” policy.

f. Change in Meeting Dates and Times

Mayor Garcia announced June would start a new meeting date and time schedule and explained the process.

6. Council Member Reports

Councilmember Hooker addressed an email received from the city engineer regarding fees for his staff to attend planning commission meetings. He felt the City should be responsible for engineering fees if it was a city staff member that requested they attend the meeting; however, if the developer requested the engineer attend the meeting, the developer would be responsible for the fees. Council agreed.

7. Adjournment

Mayor Garcia announced there would not be a need for an executive session and entertained a motion for adjournment.

A motion was made by Councilmember Sifford and seconded by President Bonee to adjourn the regular meeting. All voted in favor. Motion passed 4-0. (8:30 p.m.)

8. Work Session

There was no work session following the regular meeting.

Submitted for Council approval with/without corrections this 6th day of June, 2005.





Mayor Chris Garcia



Mary A. Mogle, City Clerk