

**MINUTES
BASEHOR CITY COUNCIL
February 18, 2003
7:00 P.M.
Basehor City Hall**

Official Presiding: Pres. Julian Espinoza

Members Present: Joseph Odle, Chris Garcia, Burl Gratny and Keith Sifford

Staff Present: Baron Powell, Mike Hooper, Gene Myracle, Vince Weston, Carole Dickey and Joe Tarnawski

Absent: Mayor Joseph Scherer and City Clerk Mary Ann Mogle

Contract Staff Present: Joe McAfee, John Thompson, and John Brann

The monthly meeting of the Basehor City Council was called to order at 7:00 p.m. by Pres. Julian Espinoza. Roll call was answered with all members present with the exception of Mayor Joseph Scherer. Pres. Espinoza reported that Mayor Scherer was out of town and Mrs. Mogle was on medical leave. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

Pres. Espinoza asked that a correction be made to the January 21 minutes noting that on Item #15 (page 8) the motion carried 4-1, not 5-0, with Garcia voting nay.

A motion was made by K. Sifford and seconded by B. Gratney to make the correction to January 21st Meeting minutes as aforementioned and to approve the minutes of the January 28th Special Meeting. All aye. Motion carried 5-0.

TREASURER'S REPORTS

A motion was made by C. Garcia and seconded by J. Odle to approve, as submitted, the January 3, 2003 Treasurer's Report, the February 18, 2003 Treasurer's Report, the February Investment Report, and the \$100,000 fund transfer from the Sewer Fund to the Bond and Interest Fund. All aye. Motion carried 5-0.

SCANNED

2-21-07 *st*

STAFF REPORTS

City Clerk – No report.

Chief of Police – No report.

City Superintendent

Item #1. Discussion Regarding Purchase of Dump Truck

Item #2. Discussion Regarding Purchase of Automatic Door Opener

City Superintendent Gene Myracle said he would comment during the action item portion of the meeting.

Code Administrator

Item #1. Discussion Regarding Joint Purchase of Aerial Maps

Code Administrator Mike Hooper stated that an opportunity has been presented to the City to join with Leavenworth County in producing aerial maps of the area. These maps would be valuable tools for the City and considerable money could be saved by joining with the County. The Council instructed Mr. Hooper to get exact prices from the County and then to conduct a telephone poll for their approval or denial.

Mr. Hooper also reported that the City of Bonner Springs is in need of interim building inspectors during spring and summer vacations. He asked the Council if they would approve of his department helping them out. The Council gave approval for him to check further with Bonner Springs regarding their needs but cautioned against overloading his own department.

City Engineer

City Engineer Joe McAfee reported that he is receiving requests from FEMA for new State and County studies. He also said there are grants available for FEMA studies at an 80-20 cost split. He will submit more information as it is available.

CITIZENS AND PETITIONS (Limited to 5 Minute Presentations)

Joe Nick, 14600 Parallel, spoke in opposition to the Miles property annexation. He stated he lives across the highway and he showed pictures to the Council depicting dust problems from last summer. He said he thinks the City will have to give more than it will receive in annexing this property. He said the City should have a clause in the annexation agreement that makes Miles responsible for methane gas, not the citizens. He complained that Miles did not get a permit to change the creek course and he fears that change will cause flooding on his side. Mr. Nick read sections from the Leavenworth County Comprehensive Plan regarding protection of land owners. As his time was up, Pres. Espinoza asked Mr. Nick to leave the podium. Mr. Nick stated that he had much more to say and was quite disappointed. Pres. Espinoza explained the time constraints, thanked Mr. Nick for his input, and offered him the option of providing the remainder of his information to the Council at City Hall.

Robert Miller, 15768 Parallel, said no longer needed to speak as the Mayor had answered his question about trash fees.

Joe Hotujac, 14816 State Avenue, said he hated to go against his neighbor, but he also complained about the Miles property. He said he has attempted to work with Mr. Miles but does not get his calls returned. He is tired of the dust from the unpaved parking lot and of the continuous burning. He said if the City annexes the property, they should think about how to control these issues.

Public Comments Regarding Agenda Items – Pres. Espinoza opened the floor to residents wishing to comment on agenda items.

Richard White, 15059 Briarwood, Bonner Springs, KS, said he is also a neighbor to the Miles property. He stated that he had not been able to open his windows in three years. He feels that rezoning of the property to industrial would cause a big problem.

Wanda Strange, 18356 N. 155th, Bonner Springs, KS, spoke in opposition to the Pinehurst Development. She feels the 248 apartments will have a negative impact on Basehor's schools, growth, and quality of life. She stated that apartments typically attract a transient population that is not motivated or involved with schools. She said people will not move here if our schools are not good, and businesses will not come here if we don't have people who spend. If the apartments are not rented or taken care of, she fears they could become Section 8. She also feels the apartments will bring noise, domestic violence and drugs, and any revenue created will be used up for police and social services.

Joe Perry, 3100 Kansas Avenue, Bonner Springs, KS, spoke for the Pine Hurst Developer. He pointed out the two areas on the plan to be considered for rezoning—the north portion to CP2 and the south portion to PR. He stated that the rezoning issues are separate from the preliminary plat approval.

Pete Opperman, Landplanner, next appeared for the developer and explained the various land uses on the plan. He gave some of the history of the proposal and the changes that had come from meetings with neighbors. He also provided the Council with pictures of structures similar to those being proposed.

Joe McAfee, Engineer, also spoke for the developer and showed diagrams of how the plan's density actually fits with the Comprehensive Plan. He said the Plan would allow 428 units and the Zoning Regulations would allow 472. The proposal includes only 401 units. He also described the streets and traffic flow and said KDOT was pleased with the roundabout. He said the development's sanitation would be addressed by a joint lift station with Leavenworth County which would also be a solution to the County's sanitation problem with Cedar Lakes.

Joe Perry summarized the presentation on behalf of the developer. He said Basehor needs the commercial development, and this developer has made every effort to comply with the Comprehensive Plan and to supply buffers for Cedar Lakes.

Charlie Krout, 417 Normandy, Olathe, KS, said he is the Manager of Sonic restaurant. He has been pleased with his dealings with the Breuers and feels they want what is best for Basehor. He advised against trying to recruit businesses without the needed population. He also commented that his daughter teaches in Basehor but could not find affordable housing here. He said the nice apartments would give young people someplace to live.

Paul Crabtree, 15614 Evans, Bonner Springs, KS, said he is opposed to the development because there is already a problem with the schools being crowded. He suggested sticking to low-density development until the schools can keep up. He also sees problems with the infrastructure.

Bill Hooker, 15601 Iron Creek Dr., advised the Council against a quick settlement on the fraud case. He also asked about clean-up of the Fowler property. Pres. Espinoza suggested that Mr. Hooker contact Mr. Hooper during office hours since that item was not on the agenda.

Fred Farris, 18376 N. 156th, Bonner Springs, KS, spoke against the apartments based on his experience as a police officer. He submitted crime statistics from Lenexa apartment complexes to demonstrate the high level of crime in those apartments.

Pat Veltman, 18611 N. 153rd, Bonner Springs, KS, said he is against the development. He feels it will cause the property values to decrease as well as causing problems with schools, traffic, and increased crime. He said the commercial development is needed but this plan is too high in density. He mentioned that not one neighbor has spoken in favor of the plan. He urged the Council to make the right decision or to expect to be seen in another venue.

Pete Heaven, 10851 Mastin, Overland Park, KS, said he is the attorney for Cedar Lakes residents. He asked the Council to look beyond the property lines. He said approval of the apartments would set a precedent for adjoining properties. He also said the neighboring properties are quality subdivisions with large individual lots. He said the City should not allow negative impact to these properties and should make the right decision to deny this proposal.

There being no further persons to come before the council at this time, the public portion of the meeting was closed. A motion was made by C. Garcia and seconded by K. Sifford that a five minute recess be taken. All aye. Motion carried 5-0.

The meeting was called back to order by Pres. Espinoza at 8:21 p.m.

Action Items

Item #1. Approve or Deny Payments to Contractors for Falcon Lakes Benefit District

Mr. Hooper reported that these would be the last payments for Falcon Lakes Benefit District. A motion was made by B. Gratney and seconded by K. Sifford to approve payments to Schlagel & Associates and McCorkendale Construction. All aye. Motion carried 5-0.

Item #2. Approve or Deny Payments to Ponzer-Youngquist for 24/40 Hwy Project

There were no payments to be made this month.

**Item #3. Approve or Deny Ordinance for Annexation of Miles Property
(so. of 24/40 Hwy)**

Mr. Hooper explained that annexation does not affect zoning. Any future rezoning request would come before the Planning Commission and City Council with appropriate property owners being notified in advance. A motion was made by J. Odle and seconded by K. Sifford to approve the Ordinance for Annexation of Miles Property (so. of 24/40 Hwy). All aye. Motion carried 5-0.

Item #4. Award 24/40 Highway Interceptor Sewer Project Bid

This item was tabled due to lack of figures from the contractor.

**Item #5. Approve or Deny Ordinance for Rezoning of Pinehurst
Development**

A motion was made by B. Gratney to approve the rezoning of the northern third of the area designated RO to CP2 with reference given to Mr. Hooper's staff report of 12-31-02 which outlines the reasons for approval. The motion was seconded by K. Sifford. All aye. Motion carried 5-0.

A motion was made by B. Gratney to approve the rezoning of the southern two-thirds of the area designated RO to PR with reference given to Mr. Hooper's staff report of 12-31-02 which outlines the reasons for approval. The motion was seconded by K. Sifford. Councilman Garcia said he is not in favor because he has issues with the statement in the staff report noting that the high density does not conform to the Comprehensive Plan. The motion carried 4-1, with C. Garcia voting nay.

**Item #6. Approve or Deny Preliminary Development Plan for Pinehurst
Development**

A motion was made by J. Odle and seconded by K. Sifford to approve the preliminary development plan for Pinehurst Development. Councilman Garcia reiterated his statement that the preliminary plan does not conform with the Comprehensive Plan. Motion carried 4-1, with C. Garcia voting nay.

Item #7. Approve or Deny Purchase of Dump Truck for Public Works Dept.

A motion was made by C. Garcia to approve the purchase of dump truck for public works department. Discussion followed as to how the purchase would be funded. City Treasurer Baron Powell said funds were available but transfers would have to be made. Council members indicated they would like to see what transfers would be made before voting. Councilman Garcia rescinded his motion and the item was tabled until transfer information is available from Mr. Powell.

Item #8. Approve or Deny Purchase of Automatic Door Opener

A motion was made by B. Gratny and seconded by C. Garcia to approve the purchase of automatic door opener. All aye. Motion carried 5-0.

Item #9. Schedule Worksession with Timberlakes Developer, Tony Lacy

Mr. Hooper reported he had not received the legal description of this property and that the developer is also interested in sewers and a benefit district. A motion was made by C. Garcia and seconded by J. Odle to table this item until Mayor Scherer returns in March. Motion carried 5-0.

MAYOR'S REPORT

None

COUNCIL MEMBER REPORTS

Chris Garcia

Councilman Garcia reported on information he is working up on block licensing. He will have that information available next meeting.

He also asked Police Chief Weston why concrete trucks are still parking illegally on Parallel. Chief Weston said he believed parking on the right of way was a codes issue. Mr. Hooper said codes could be enforced if curbs are being destroyed or right of way is torn up. Mr. Hooper and Chief Weston agreed to check on this in the morning.

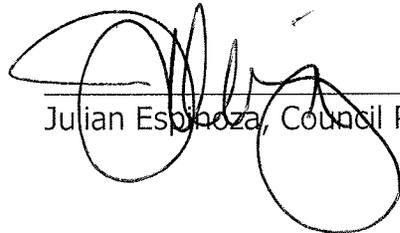
Burl Gratny

Councilman Gratny said he has learned from the Post Office that mail serviced off of State Avenue can have a Basehor address, but mail serviced off of 158th would have a Bonner Springs address. The Post Office also indicated that zip codes cannot be changed after they are issued. He said it might be worth writing letters to Senators or appropriate officials to see if areas annexed in the future, such as Cedar Lakes, could have a Basehor address, and thus lower insurance rates. Pres. Espinoza agreed this would be worth looking into.

ADJOURNMENT

There being no further business to discuss, a motion was made by J. Odle and seconded by K. Sifford to adjourn the meeting. All aye. Motion carried 5-0 with the meeting adjourning at 9:05 p.m.

Submitted for Council approval with/without corrections this 17th day of March, 2003.



Julian Espinoza, Council President

Attest:



Carole Dickey, Assistant City Clerk