

Minutes

Basehor City Council Meeting #1

May 12, 2003

7:00 PM

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

**Members Present: Pres. Julian Espinoza, Keith Sifford, Iris Dysart,
John Bonee, and Bill Hooker**

Staff Present: Mike Hooper, Mary Mogle, Baron Powell, John Thompson

The meeting of the Basehor City Council was called to order at 7:00 p.m. by Mayor Joseph Scherer. Roll call was answered with all members present. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

A motion was made by K. Sifford and seconded by I. Dysart to approve the minutes of April 21, 2003 as printed. All aye. Motion carried 5-0.

TREASURER'S REPORTS

A motion was made by J. Espinoza and I. Dysart to approve the April 2003 Treasurer's Report #1 and Investment Report as submitted. All aye. Motion carried 5-0.

STAFF REPORT

City Attorney

Willis vs State of Kansas - City attorney John Thompson reported the embezzlement case against former employee, (Jennifer) Srubas-Willis has been finalized in the district court of Leavenworth County. Mrs. Willis was found guilty of a felony for "Misuse of Public Funds" and agreed to pay \$15,000 in restitution. The restitution money has been paid to the city in full. The city treasurer reported the funds would be distributed accordingly to the various departments that were effected.

SCANNED

2-21-07 *st*

NEW BUSINESS**Item #1. Special Use Permit for Beauty Shop (Michelle Miller)**

Mike Hooper, Code Administrator, reported the request submitted by Michelle Miller for a Special Use Permit for an In-Home Beauty Shop has been approved by the Planning Commission and forwarded to the City Council for action. The Special Use Permit would allow the owner to operate with a maximum of one-person and one station. Mr. Hooper stated there is an ordinance in the council packet that needs to be adopted if the Special Use Permit is approved.

Item #2. Acceptance of Property in Pin Oak Subdivision Through Quitclaim Deed

The code administrator reported a cul-de-sac island located on Pin Oak Dr. (CAMA No. 157-26-0-30-01-016.33) has been turned over to the county for back taxes. Based on state law, Leavenworth County has the right to deed the island to the City of Basehor through a quitclaim. The City of Basehor can either reject or accept the property. Mr. Hooper recommended rejecting the property due to liability and future maintenance costs.

Council discussed ways to stop this from happening in the future. Mr. Hooper stated new subdivision regulations require islands to become part of the subdivision Homeowners Association, but reported there is no mechanism in place that prohibits this from happening in subdivisions older than Iron Creek Subdivision (prior to 1999).

Developer, Rustom Ferzandi, commented the City of Lenexa accepts public improvements within a subdivision, the islands are included. However, many of them are maintained by Homeowners Associations.

Mayor Scherer suggested discussing subdivisions that do not have Homeowners Associations at a future worksession.

Item #3. Resolution for Submittal of Application for Affordable Rental Housing (Falcon Lakes LLC) with Kansas Dept. of Commerce & Housing

Mayor Scherer reported the Resolution submitted for approval was being submitted by Falcon Lakes LLC. The senior citizen housing complex would be located in Falcon Lakes Subdivision. He noted this request is similar to the one that was presented in the Crestwood Subdivision.

Councilwoman Dysart stated she had concerns about the wording of the proposed resolution. She did not feel the word "approved" should be included since the council was only approving the support of the application and not the project at this time. She also questioned if the project was under Section 8 housing guidelines or "TIF" (tax increment financing). Councilperson's Hooker and Dysart also did not feel comfortable with the paragraph that stated the City would support tax abatements since the City was not inclined to give tax abatements at this time.

Shara Doshe, consultant for Falcon Lakes LLC, stated the resolution could be changed to read however the council wishes it to read. He went on to say the project is covered under the IRS Section 42 of the Tax Code for senior citizen housing. The residents must be age 55 or older with an income of less than \$32,000 (for two people) or \$28,000 (for one person).

Mr. Doshe also noted Mr. Ferzandi is proposing and building the project himself and would not be asking for any tax abatements. Currently architects are working on the density plan. It is estimated it will take approximately four acres to build the 48-unit complex.

Councilwoman Dysart stated she does not feel that Falcon Lakes Subdivision is a good place for this type of project. Mr. Ferzandi stated his plan is to make the apartments look similar to the homes currently being built in the subdivision.

Code Administrator, Mike Hooper, stated the property would need to go through the rezoning process. Councilman Hooker stated he is concerned that this action would make an amendment to the original plan and "should stick to the approved plan". The code administrator noted the preliminary plan is used as a guideline for streets, waterways, walkways, etc. Mayor Scherer stated a master plan is submitted and then developed in phases. This allows the developers to develop as the demand arises.

Councilman Bonee stated the council needs to be sensitive to the developers' investment and that the developer needs to have some freedom and flexibility to go with the demand.

Council President Espinoza reminded the governing body this is only a resolution for application, not approval of the project. Councilman Hooker stated the governing body should tell the developer if they support or don't support the project now so they do not waste their time and money making application for the funding. Council President Espinoza stated the Council is not in a position to say yes or no to the project since they have not seen the plans. The resolution does not bind the council to approve the rezoning of the project.

City attorney John Thompson stated the resolution provides a statement of policy and can be adopted without obligating the City of anything. However, when the resolution is challenged in court at a later date, the language in the resolution is very important and may be binding. Councilman Bonee requested a disclaimer be included in the resolution that does not bind the City to approving the plan without going through the required process.

Council agreed to the following changes and directed Mr. Ferzandi to have his attorney make the necessary changes and resubmit to the city attorney for review before the May 27th meeting.

- Add paragraph stating the "City reserves the right to demand that plans meet all the requirements and standards of the City of Basehor, Kansas.
- Remove the word "targeted" and specify for senior citizens age 55 and older and qualified disabled occupants.
- Remove the paragraph regarding tax abatements in its entirety.
- Change the word "affordable" to "IRS Section 42 Senior Rental Housing".

Item #4. Mutual Aid Agreement with City of Lansing

Mayor Scherer reported the City of Lansing has asked that the City of Basehor enter into a Mutual Aid Agreement to help assist with emergencies in within their city limits. The mayor noted the City of Basehor would not be obligated to send manpower or equipment if it was not available.

Council felt the City of Lansing should sign a reciprocating agreement as well. Mayor Scherer stated he would like to have the City's of Lansing, Bonner Springs and Tonganoxie sign similar agreements. Council agreed.

Citizens and Petitions

Steven A. Oswald (2835 N. 131st St, KCK), stated he owned rental property in Basehor and felt the current ordinance, which requires the property owner be billed for utility bills, should be changed. He did not feel it should be his responsibility to collect the payment. He suggested the City consider working with the water department to have them do the sewer and solid waste billing in conjunction with the water bill that way if the payment is late, the service is discontinued.

Council suggested Mr. Oswald increase rental fees in order to cover the cost of the sewer and solid waste bill. No further action was taken on this matter (refer to minutes of April 21, 2003).

Rustom Ferzandi, Falcon Lakes LLC, stated he did not have any further comments since he spoke previously under New Business.

Re: Resolution Application for Affordable Housing

Citizen Comments Regarding Agenda Items - Mayor Scherer announced this was the portion of the meeting where citizens could comment regarding agenda items. There were no comments, therefore, the public portion of the meeting was closed.

ACTION ITEMS

Item #1. Approve or Deny Special Use Permit for Beauty Shop (Michelle Miller)

A motion was made by B. Hooker and seconded by K. Sifford to approve the Special Use Permit and Ordinance for an In-Home Beauty Shop at 3024 N. 154th St.. All aye. Motion carried 5-0.

Item #2. Approve or Deny Acceptance of Property in Pin Oak Subdivision Through Quitclaim Deed

A motion was made by B. Hooker and seconded by J. Espinoza to deny the acceptance of the property (cul-de-sac island) in Pin Oak Subdivision through quitclaim deed. All aye. Motion carried 5-0.

Item #3. Approve or Deny Resolution for Submittal of Application for Affordable Rental Housing (Falcon Lakes LLC) with Kansas Dept. of Commerce & Housing

A motion was made by J. Espinoza and seconded by K. Sifford to table action until the May 27th meeting. The revised resolution is to be reviewed by the city attorney for content prior to council action. All aye. Motion carried 5-0.

Item #4. Approve or Deny Mutual Aid Agreement with City of Lansing

A motion was made by J. Espinoza and seconded by K. Sifford to approve the agreement as submitted and authorize the mayor to sign. All voted in favor of acceptance except B. Hooker. Motion carried 4-1.

Item #5. Appointment of Planning Commission Members

Mayor Scherer requested the reappointment of planning commission member Jason Logsdon.

A motion was made by B. Hooker and seconded by I. Dysart to reappoint Jason Logsdon to the planning commission. All aye. Motion carried 5-0.

Item #6. Appointment of City Attorney

Mayor Scherer requested the reappointment of city attorney John Thompson.

A motion was made by J. Espinoza and seconded by K. Sifford to reappoint John Thompson as city attorney. All aye. Motion carried 5-0.

Item #7. Appointment of Municipal Judge

Mayor Scherer requested the reappointment of William E. Pray as municipal judge.

A motion was made by J. Espinoza and seconded by K. Sifford to reappoint John Thompson as city attorney. All aye. Motion carried 5-0.

Item #8. Mutual Aid Agreement with City's Lansing, Bonner Springs, and Tonganoxie

A motion was made by B. Hooker and seconded by K. Sifford to authorize the mayor to draft mutual aid agreements with City's, Lansing, Bonner Springs, and Tonganoxie and place on the May 27th meeting for action. All aye. Motion carried 5-0.

MAYOR'S REPORT**Item #1. Budget Worksession**

Mayor Scherer announced a budget worksession will be held on May 19th.

Item #2. Report of Local Involvement Regarding Tornado Disaster

Mayor Scherer reported the City of Basehor assisted in the helping with the recent Tornado disaster south of Kansas Avenue. He noted although the disaster was not within the city limits, the Basehor Police Department assisted the county with traffic control around the perimeter that was damaged, the code administrator and the city clerk assisted with the State of Kansas Disaster Assessment Team and the city

superintendent was ready to provide manpower and equipment if needed. The command center was stationed at the Fairmount Fire Department. The mayor stated he made contact with the County Emergency Preparedness to see if the City could be of further assistance. Statistics of damaged homes were given.

Item #3. Police Awards Banquet

Mayor Scherer stated the Chief of Police could not be present tonight because several officers, including the Chief, were receiving awards. He extended congratulations to all those officers involved.

Item #4. Continuation of Worksession Following Regular Meetings

Mayor Scherer asked that a line item be added on the New Business agenda allowing the council to go into a worksession, for the purpose of general discussion, following the regular council meeting.

A motion was made by K. Sifford and seconded by J. Espinoza to allow for a worksession following a regular council meeting for the purpose of general discussion. All aye. Motion carried 5-0.

COUNCIL MEMBER REPORTS**Pres. Julian Espinoza****Item #1. Televising of City Council Meetings**

Council President Espinoza reported Basehor-Linwood High School has the ability to televise the council meetings and asked if the governing body was receptive to discussing the matter with the school board. Council authorized Councilman Espinoza to contact the school district.

Item #2. Parking at VFW Hall

A concern for parking at the new VFW Hall was raised by the council president. Mr. Espinoza stated he passed the facility last Wednesday when the VFW was holding a meeting and the parking was overflowing. He expressed concern that when Doc & Bruties Pizza opens there will not be ample parking for both facilities. According to the subdivision regulations, both places must have a certain amount of spaces.

Lela Wiley, Lyle Wiley and Jeral Cooper were present to represent the VFW Hall. They stated they have spoke with the owner of Doc & Bruties and they both parties agree the parking situation is not a concern. Mrs. Wiley stated there is parking to the rear of the building if necessary. Lyle Wiley asked if it were possible to obtain a special use permit to have parking in the rear.

The code administrator stated according to the city regulations, each business must maintain a certain amount of "hard surface" (asphalt or concert) parking of which the VFW Hall does not have at this time.

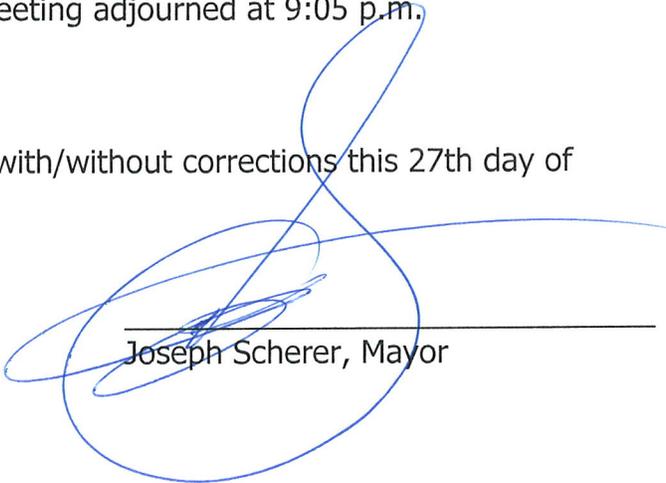
The city council directed the code administrator to make an inspection of the VFW Hall to determine how many parking spots are required.

ADJOURNMENT

There being no further business to come before the city council, the Mayor entertained a motion for adjournment.

A motion was made by J. Espinoza and seconded by K. Sifford to adjourn the meeting. All aye. Motion carried. Meeting adjourned at 9:05 p.m.

Submitted for Council approval with/without corrections this 27th day of
May, 2003.



Joseph Scherer, Mayor

Attest:



Mary A. Mogle, CMC