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The City of Basehor

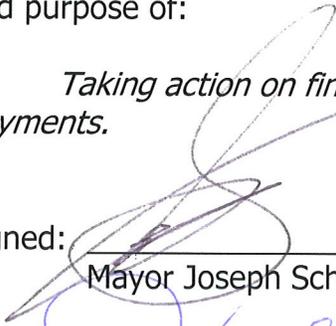
REQUEST FOR SPECIAL COUNCIL MEETING

TO: Mayor Joseph Scherer

We, the undersigned, council members of the City of Basehor, Kansas hereby respectfully request you to call a SPECIAL MEETING of the Council on 25th day of August, 2003 at 5:00 p.m in the meeting room of Basehor City Hall for the object and purpose of:

Taking action on final plat for Basehor Plaza and approve or deny vendor payments.

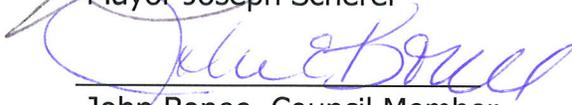
Signed:



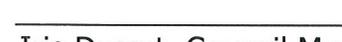
Mayor Joseph Scherer



Julian Espinoza, Council Pres.



John Bonee, Council Member



Iris Dysart, Council Member

William Hooker, Council Member

Keith Sifford, Council Member

Official Newspaper was notified by fax of the specially scheduled meeting on Friday, August 22, 2003 at 3:30 pm am/pm by Mary A. Mogle.

*Notified by fax:
Basehor Sentinel
KC Star
John Thompson*

**MINUTES
SPECIAL MEETING**

**BASEHOR CITY COUNCIL
August 25, 2003
5:00 PM
Basehor City Hall**

Official Presiding: Mayor Joseph Scherer

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

Staff Present: Mike Hooper, Mary Mogle, Gene Myracle, Joe McAfee, John Thompson

Newspaper: Josh Roberts, Basehor Sentinel

Mayor Scherer called the special meeting to order announcing the purpose of the meeting was to approve vendor payments and take action regarding the final plat for Basehor Plaza development. Mayor Scherer announced due to a possible conflict of interest, action regarding Basehor Plaza would be conducted by Council President Espinoza.

Councilman Hooker questioned if the Council was expected to take action on final plat approval at this meeting. Mayor Scherer stated "not necessarily" and explained the chain of events that caused the developers to request this hearing.

The mayor explained that on March 3, 2003 the Basehor Planning Commission approved the final plat for Basehor Plaza. When the developers appeared at the last meeting to have another final plat approved, there were minor changes with the development being divided into two phases. When the Planning Commission reviewed the final plats they approved them on the contingency that Joanna Way be relocated. The developers felt this was unfair and requested a hearing before the city council.

At this time, Mayor Scherer stepped down from the bench and joined the audience. Council President Espinoza took charge of the meeting.

Aaron Hale, architect for Basehor Plaza, submitted drawings to the governing body depicting the changes in the plat. He explained originally the planning commission approved the final plat then when another revised final plat was submitted they required the developers to move the north-south road (Joanna Ct) with leaving 152nd Street on the property line. The developers are present to request a variance to have the north and south street relocated. The code administrator reported that after approval of the original plan, the planning commission felt that Joanna Ct. was not in a good location. When the developer brought the revised final plats back to the planning commission with changes, this gave the planning commission an opportunity to put the street where they felt it would be best suited.

Developer, John Thurston reported they are in negotiations with adjoining property owner Steve Cole and his engineers to design a joint detention pond which would create a lake. This joint effort would reduce cost and allow for a more eye appealing area. Mr. Thurston explained by relocating 152nd Street, it would align evenly between 150th and 155th Streets. He also noted that if Steve Cole agrees to furnish the land for the detention pond, Basehor Plaza would finish the street allowing for a better traffic flow. The developer stated the reason for submitting the plats in two phases was to start digging foundations immediately and then finish the second phase in the spring of 2004.

Councilman Hooker stated he was somewhat irritated that the developers were already doing grade work on the property with the assumption that the city council would automatically approve the changes. Joseph Scherer stated the subdivision regulations state that dirt work can take place prior to construction drawing approval.

Councilman Sifford questioned the code administrator as to the problems with the original plat. Mr. Hooper stated, first of all, he did not feel the council had the ability to grant a variance on the plat. He noted the city council only approves the preliminary plan and final plats do not come before the city council for approval other than accepting easements and rights-of-way. Joseph Scherer stated the city council does have the ability to override the planning commission if a hearing is requested by the developer and if approval is made with a $\frac{3}{4}$ majority vote. Mr. Thurston noted he does not have a problem with all the stipulations made by the planning commission except the one (#7) where *Joanna Ct. to be a public street and to be located along the east boundary of phase I of the development (the street designation will become a numbered street, in the middle of the development).*

City attorney John Thompson agreed that action was premature and would be subject to legal attack in the future. He noted the council could act in an advisory

capacity. One question that should be researched is whether or not the planning commission was empowered to review and make changes to the final plat the developer submitted with changes.

Mr. Thurston noted the development needs to be constructed in two phases due to time restraints. Mr. Hooper noted he would issue building permits as long as curbs are in; however, he would not give any occupancy permit until all infrastructure has been completed.

The developers stated in light of Mr. Hooper's statement, they would be in agreement to withdraw the second final plats as submitted and would construct in accordance with the first submitted final plat.

(Councilman Hooker left at 6:03 pm)

The city attorney instructed Mr. Thurston to submitted a written letter withdrawing the second final plat and noting the development would be constructed in accordance with the final plat that was originally submitted.

City engineer supports the planning commissions idea of the intersecting road. The code administrator reported before the city would allow the final plat to be filed, construction and detention pond plans must be submitted and approved. He will also request a written agreement between Basehor Plaza and Cole's Properties (Steve Cole) be submitted prior to construction drawing approval. Basehor Plaza developers agreed.

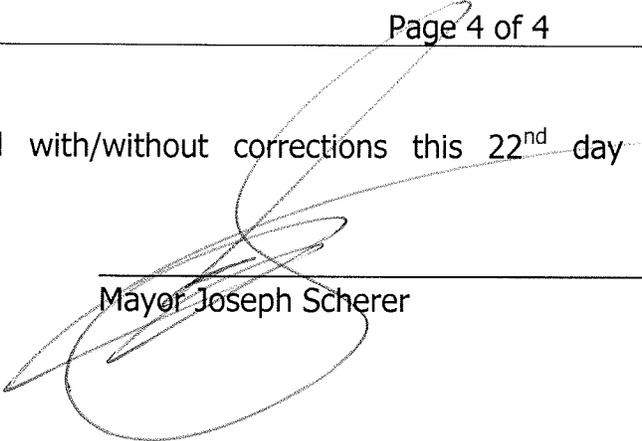
There being no further discussion regarding Basehor Plaza, President Espinoza turned the meeting over to Mayor Scherer. Mayor Scherer joined the city council and proceeded to preside over the remainder of the special meeting.

Mayor Scherer asked for approval to pay vendors in accordance with the reports submitted by the city treasurer.

A motion was made by J. Espinoza and seconded by K. Sifford to approve vendor payments as submitted. All aye. Motion carried 4-0. (Hooker absent for vote)

There being no further business to discuss J. Espinoza moved to adjourn the special meeting. K. Sifford seconded the motion. All aye. Motion carried 4-0. Meeting was adjourned at 6:11 p.m.

Submitted for Council approval with/without corrections this 22nd day of September, 2003.



Mayor Joseph Scherer



Attest:



Mary A. Mogge, CMC City Clerk