
MINUTES

BASEHOR CITY COUNCIL MEETING

October 13, 2003

7:00 P.M.

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

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

**Staff Present: Mike Hooper, Mary Mogle, Gene Myracle, Baron Powell,
Vince Weston, John Thompson, Matt Henderson**

The Basehor City Council meeting was called to order 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 B. Hooker and seconded by K. Sifford to approve the Minutes of September 22, 2003 as written. All aye. Motion carried 5-0.

TREASURER'S REPORT

A motion was made by K. Sifford and seconded by I. Dysart to approve the Treasurer's Report, Vendor Payments, and Investment Recommendations as presented. Discussion followed. All aye. Motion carried 5-0.

STAFF REPORTS

City Clerk

Item #1. Safety Deposit Boxes

The city clerk requested Council approval to move the safety deposit box from Citizens Bank to First State Bank and upsize the existing box at First State Bank. She

noted the action could have been approved by the mayor; however, a formal request was to be used for audit purposes.

Code Administrator

Item #1. Commercial Design Policy

The Commercial Design Policy has been submitted for text approval. Mr. Hooper noted the final format of the policy is not finalized, additional pictures will be incorporated into the policy clarifying areas of the text.

Item #2. Rezoning of 8.1693 Acre Tract from R-1 to R-3 in Falcon Lakes Subdivision.

Mr. Hooper announced the rezoning of the 8.1693 Acre Tract of land was necessary to allow for affordable senior housing.

CITIZENS AND PETITIONS

Mayor Scherer reported normally this portion of the meeting was after New Business and requested Council approval to change the published agenda format.

A motion was made by K. Sifford and seconded by J. Espinoza to move Citizens and Petitions after New Business. All aye. Motion carried 5-0.

OLD BUSINESS

Item #1. Commercial Design Policy (Action Item #1)

Mayor Scherer reported he found some discrepancies in the text based on previous discussion by the City Council and requested action be tabled until the October 27, 2003 meeting.

Item #2. Award Bid for Pinehurst Development Benefit District (Action Item #4)

Mayor Scherer stated he received a request last week from the Pinehurst Development project engineer asking that bids be awarded for the Pinehurst Benefit District. The mayor reported due to the pending lawsuit with Gary Wells, he did not authorize the telephone poll since written approval had not yet been received from the city attorney.

City attorney, John Thompson reported he informed the city engineer and financial consultants (Nichols & Wolfe Chartered, Piper Jaffray) that it was in his opinion awarding the bid would not have an effect on the lawsuit. The lawsuit is against the rezoning, not the Benefit District.

NEW BUSINESS

Item #1. Ord. Rezoning 8.1693 Acre Tract Located in the NW ¼, Sec 24, Twp 10S, Rge 22E, Falcon Lakes L.L.C. (Action Item #2)

The code administrator announced he would ask project engineer, Ed Schlager to give a presentation regarding the rezoning request. Mr. Schlager explained it was necessary to rezone the property to allow for a 48-unit senior citizen housing complex located in the Falcon Lakes Subdivision. The complex would include a 1200 sq. ft. clubhouse, exercise area, dining facility and a shared swimming pool facility. Storm drainage, utilities and site elevations were discussed.

Mayor Scherer questioned if the Planning Commission made any requirements for the developer (Falcon Lakes LLC) of this project and developers of the 11.65-acre tract (Zarda Bros) to upgrade Hollingsworth Road. Mr. Schlager commented the Planning Commission did not make any stipulations on the project since traffic was minimal and had multiple access areas, whereas, the 11.65-acre tract fronted Hollingsworth Rd.

Councilman Bonee stated it was his understanding that any future development would be required to upgrade Hollingsworth and Donohoo Roads. Mr. Schlager responded by noting that \$2,405.00 is added to every building permit in the Falcon Lakes community as a traffic impact fee which should assist in upgrading those roads. When the 48 units are built, that would add \$115,440.00 in the City's road fund.

City attorney John Thompson added once a developer comes back with a change to the original plan, the City has the authority to require different improvements. It is his opinion the project would not affect traffic due to the nature of the business. The code administrator reported the developer for the 11.65 acre tract has been notified that he would be required to make improvements to Hollingsworth Rd.

Mayor Scherer asked that the record show that the City of Basehor is in no way setting a precedent by allowing the developer of the senior housing not to make improvements to the arterial road, Hollingsworth Rd., and that each development is considered on a case by case basis based on traffic impact studies.

Item #2. Transfer Safety Deposit Box from Citizens Bank to First State Bank and Increase Size of Safety Deposit Box at First State Bank (Action Item #3)

No discussion at this time.

CITIZENS AND PETITIONS

Item #1. Citizen Comments Regarding Agenda Items

Carl Engleken (14104 Pine Valley Court) spoke against the rezoning of the 8.169 acre tract in Falcon Lakes Subdivision. He reported the residents of Falcon Lakes have not received the amenities that were promised when they moved in. Limited access from K-7 Hwy and disagreed with allowing multifamily to be mixed with single family residential.

Mayor Scherer stated the City Council has no control over what promises were made to the residents of Falcon Lakes at the time of purchasing their homes. The mayor added there were no Falcon Lakes residents in attendance at the public hearing held by the Planning Commission regarding the rezoning.

Rhonda Engleken (14104 Pine Valley Court) informed the Council that no residents appeared at the public hearing because they were not within the legal radius required by law to be notified, not because they did not care.

Tim McDonnell (14108 Pine Valley Court) spoke against the rezoning. He also complained about limited access onto K-7 Hwy and felt the entire Falcon Lakes community should be single family residential. He also commented that the developer has changed the location of the pool and clubhouse several times.

Mayor Scherer stated the Falcon Lakes master plan has always called for some multifamily zoning and felt the property owners should have checked into the development further prior to purchasing their homes.

Mayor Scherer asked three different times if there were any other citizens present who wished speak regarding agenda items. There were none, therefore, the public portion of the meeting was closed.

ACTION ITEMS

Item #1. Approve or Deny Commercial Design Policy

A motion was made by J. Espinoza and seconded by K. Sifford to table approval of the Commercial Design Policy until the October 27, 2003 meeting. All aye. Motion carried 5-0.

Item #2. Approve or Deny Ord. Rezoning 8.1693 Acre Tract Located in the NW ¼, Sec 24, Twp 10S, Rge 22E (Falcon Lakes L.L.C.)

A motion was made by B. Hooker and seconded by I. Dysart to deny the ordinance rezoning 8.1693 acres from "R-1" to "R-3" as presented. Hooker, Dysart-Aye. Espinoza, Sifford, Bonee-Nay. Motion failed 2-3.

Councilman Hooker requested a seconded motion be made showing those members in favor of the rezoning.

A motion was made by J. Espinoza and seconded by K. Sifford to approve the ordinance rezoning 8.1693 acres from "R-1" to "R-3" as presented. Espinoza, Sifford, Bonee-Aye. Hooker, Dysart-Nay. Motion carried 3-2.

Item #3. Approve or Deny Transfer of Safety Deposit Box from Citizens Bank to First State Bank and Increase Size of Current Safety Deposit Box at First State Bank

A motion was made by K. Sifford and seconded by J. Bonee to approve the transfer of safety deposit box from Citizens Bank to First State Bank and increase the size of the current safety deposit box at First State Bank. All aye. Motion carried 5-0.

Item #4. Approve or Deny Award Bid for Pinehurst Development Benefit District

A motion was made by J. Espinoza and seconded by K. Sifford to approve the bids of Larkin Excavating (\$307,917.46) and King's Construction Co. (\$1,263,602.66) as recommended by the city engineer. All aye. Motion carried 5-0.

Executive Session

A motion was made by K. Sifford and seconded by I. Dysart to convene into executive session for up to thirty minutes to discuss personnel issues and legal matters. All aye. Motion carried 5-0. Chief Weston and Full-time Police Officers were in attendance. (7:45 p.m.)

At 8:15 p.m., Mayor Scherer reconvened into regular session requesting another executive session for up to twenty minutes.

A motion was made by B. Hooker and seconded by K. Sifford to convene into executive session for up to twenty minutes to discuss personnel issues and legal matters. All aye. Motion carried 5-0.

At 8:44 p.m., the regular meeting was called back to order by Mayor Scherer. The mayor announced there was an outside source in attendance at the first executive session.

Mayor's Report

Part-time Police Officers – Mayor Scherer announced he authorized Chief Weston to hire two more part-time police officers immediately.

Meetings With KDOT – A meeting is scheduled with KDOT, State Representative Ray Cox and area cities on October 15th at 10:00 regarding the K-7 corridor. He requested a council member attend with him, as well as the code administrator. Another meeting will be held on November 5th and has asked that all council members be in attendance for that meeting.

Council Member Reports

There were no reports this month.

Adjournment

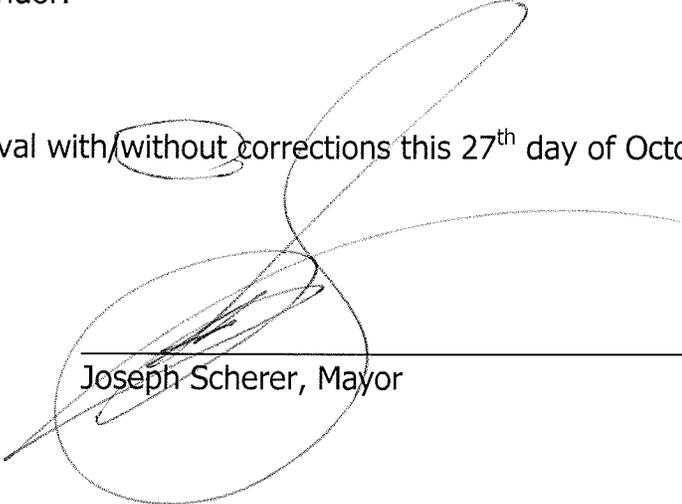
There being no further business to discuss, J. Espinoza moved to adjourn the meeting. K. Sifford seconded the motion. All aye. Motion carried 5-0.

Worksession (directly following regular session)

The following topics were discussed at the worksession

- Item #1. Discussion Regarding Extension to 24/40 Highway Interceptor Line South to Miles Property and Creation of Benefit District.
- Item #2. KDOT and K-7 Hwy Corridor.

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



Joseph Scherer, Mayor

Attest:



Mary A. Mogle, CMC City Clerk

