

CITIZENS AND PETITIONS

There were no written requests received this month.

BASEHOR PLANNING COMMISSION

SCHERER'S REPLAT was submitted for Council approval by chairman, Gary Schroeder. The planning board recommended approval with an update of street standards and change the front yard setback from 40' to 50'.

Developer, Jeff Scherer opposed the upgrade of the existing city street stating the regulations do not call for an upgrade.

Schroeder stated that neither 150th Street nor Chestnut meet the current street standards. He expressed concerns that 150th Street is a main arterial street which receives a great deal of traffic on a routine basis. The new subdivision will increase traffic by four-six new homes.

(Thompson arrived at 7:40 PM)

Mayor Odle announced the City needs to address these types of problems and set policy prior to trying to enforcing and approving any further subdivisions. He does not feel the City can force Scherer to upgrade before a policy is set.

Attorney Thompson stated the Planning Commission and Council has been consistent with current policy and urges them to continue to do so. Councilman Pfannenstiel felt by allowing Scherer not to upgrade the streets adjoining his subdivision the Council would be inconsistent.

Schroeder informed Council there is a written clause in the regulations allowing the Planning Commission to make policy as needed.

Engineer Browne stated he was not aware of any policy in the subdivision regulations stipulating the upgrades.

It was moved and seconded by J. Pfannenstiel and J. Barlow to table the matter until the September meeting and directed the city attorney to review the regulations for written policy. Wilderson, Pfanennstiel and Barlow-Yes, Novak-No, Scherer-abstained. Motion Passed 3-1-1.

Councilman Novak did not feel it was fair to delay their decisions since the property owners pay interest and payments on the ground being discussed.

Councilman Barlow questioned Novak as to who he was representing, the developer or the residents of Basehor.

Mayor Odle called an end to the discussion at this time.

ADDENDUM TO THE ZONING REGULATIONS - Chairman Schroeder requested approval of Council to adopt the Addendum to the Zoning Regulations for Encroachments. The Board was trying to regulate what items and how far decks, porches, wing walls and other structures can extend past the front yard building line.

Allowed encroachments consist of: retaining walls, wing walls, sidewalks, uncovered porches, covered porches under 6 Ft., roof overhangs under 2 Ft., gutters, downspouts, driveways, lighting fixtures, air conditioners, utility meters, water faucets, box bay windows and window awnings.

Disallowed encroachments consist of: covered porches over 6 Ft., decks, fireplaces, sunrooms any wall of a structure, roof overhang greater than 2 Ft.

Following a brief discussion, J. Novak moved to accept the Planning Commissions recommendation and adopt the encroachment addendum as presented. C. Wilderson seconded the motion. All Aye. Motion Carried 5-0.

SCHERER'S REPLAT - Scherer asked that his replat be discussed again at this time. Mayor Odle allowed the discussion. Section 2-2(4) was read by Scherer regarding the upgrade of city streets. There was no discussion.

EXECUTIVE SESSION

Mayor Odle requested a sixty minute executive session to discuss personnel, land acquisition and possible legal litigation.

J. Novak moved to adjourn into a sixty minute executive session as requested. J. Scherer seconded the motion. All Aye. (8:00 PM)

At 8:42 PM the Mayor reconvened the regular meeting announcing that action will be taken on an easement agreement with DenCorp, Inc. in the later portion of the meeting.

CITY ENGINEER

APPRAISAL PROTESTS - A letter was received from Stanley Appraisal re-evaluating three pieces of property as requested

from written protests. The protestors were John Trehey, Frank Feagle and Don Thompson (Kaplan Trust). Stanley Appraisals recommended a reduction of \$2,000.00 on the Trehey property located at 1517 N. 155th St. and leave the Feagle property located at 1702 N. 155th St. at the original appraisal. Stanley confirmed the appraisals on the Don Thompson property to be accurate. The other matters listed in the letter is the decision of the Council.

J. Pfannenstiel moved the valuations for 1517 N. 155th St. be amended to \$26,000.00 and the other properties remain the same as originally appraised. Approve Stanley's recommendations. J. Scherer seconded the motion. All Aye. Motion Carried 5-0.

Councilman Scherer supported Don Thompson installing an 8" line in lieu of a 4" line per his written request. Wilderson expressed concerns that additional costs incurred by the 8" line such as boring under the street should be incurred by Thompson and not the sewer district.

Browne noted at an earlier meeting, Council had already ruled that no other properties would hook onto Sewer District #12 (other than what's already included in the district) so therefore saw no need to increase the size of the line.

Scherer stated that Thompson needs to be made aware that he will have to pay all costs incurred by the 8" line. City engineer, Bruce Browne, noted that Thompson will need to deal directly with the contractor and not the city. No further action was taken at this time.

CITY CLERK

ENTERPRISE ZONES - Clerk Mogle reported the building inspector is not receiving payment from the building trades homes and the last three businesses that have been built.

Mayor Odle announced he felt the building inspector makes good money throughout the year but does feel the school should no longer receive waivers on their homes since they are in competition with area builders. Council was in agreement.

It was moved and seconded by J. Scherer and J. Barlow to stop waiving fees to enterprise zones and school building trades class. All Aye. Motion Carried 5-0.

CITY ATTORNEY

ANNEXATION AGREEMENT - City attorney noted the pending annexation agreement for Northridge Estates (developer, Jeff Scherer) basically stipulates engineer and developing costs will be born by the developer. Thompson feels the agreement needs to "nail" down what is going to be required and what costs are to be incurred.

Engineer Browne stated he reviewed with Jeff Scherer regarding the route the sewer main has to go as to not overload the existing property owners. Browne noted he has not seen a preliminary plan of Northridge Estates and does not feel he can make recommendations without elevations, etc. If the downstream is too large he will need to re-evaluate the method of transfer.

Thompson announced the agreement will incorporate language stating Scherer will pay all costs incurred. If he fails to comply, the city can vote to de-annex the property. This will be one of the conditions of signing the annexation ordinance. Thompson does not want the Mayor to sign off on the ordinance until there is some estimate stating the cost of the project.

Browne suggested approving the agreement with the option to amend after review from the planning commission and city engineer when the project commences. Council agreed.

Thompson noted the Council can act on the ordinance and identify the property subject to the agreement being signed by property owners and mayor.

J. Pfannenstiel moved to adopt the annexation ordinance with the stipulations aforementioned by the city engineer and attorney. C. Wilderson seconded the motion. Novak, Wilderson and Pfannenstiel-Aye. Barlow-No Scherer-Abstained. Motion Passed 3-1-1.

PUBLIC OFFENSE CODE - J. Pfannenstiel moved to adopt the 1994 Public Offense Code as presented. J. Novak seconded the motion. All Aye. Motion Carried 5-0.

ORD. #272 - AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF BASEHOR, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 1994 AND REPEALING ORDINANCE NUMBER 260.

AMENDED RESOLUTION 94-01 - Thompson explained this Resolution will amend the current Resolution 94-01 by changing the verbiage to include KCC tags and will modify the penalty provision. The new resolution will give the court the option to deal with a habitual offender by increasing the fines. The maximum amount is \$500.00 and minimum fine needs to be set by Council.

Mayor Odle suggested giving the offender the opportunity to pay a double fine, one time only, to keep the citation off their driving record.

Chief Weston noted the truck traffic has decreased significantly since the passage of Resolution 94-01. Thompson noted the current minimum fine is \$50.00.

Novak felt a minimum fine of \$150.00 should be set. Councilman Pfannenstiel felt \$150.00 was too extreme.

J. Novak moved to set the minimum fine of \$150.00 for Resolution 94-04. J. Barlow second the motion. Novak, Barlow and Wilderson-Aye. Scherer and Pfannenstiel-No. Motion Carried 3-2.

RES. 94-04 - RESOLUTION OF THE CITY OF BASEHOR OF LEAVENWORTH COUNTY, KANSAS PROHIBITING THE USE OF CITY STREETS UNDER ITS JURISDICTION AND CONTROL BY COMMERCIAL TRUCKS, BUSES, AND OTHER COMMERCIAL VEHICLES.

SOUTH LAGOON EASEMENT - A report was given by attorney Thompson that an agreement has been reached regarding the access easement to the south lagoon. Thompson noted the easement agreement he submitted for their review still needed some additional legal wording in his opinion. The changes he suggested were 1) clarifying new easement area; 2) agreement needs to be approved by city engineer; 3) easement will run with the land and will be perpetual. As long as the city owns the land the easement will remain with the city.

Thompson noted the Council has given the authority to the Mayor to sign the agreement once the legal verbiage has been corrected.

Clerk was directed to obtain an estimate from the County Shop to clear the right-of-way by grading and placing 4" of rock base.

Barlow questioned if this project was going to be of any cost to the city. Odle stated only attorney and engineering

fees.

J. Novak moved to accept the easement agreement upon final changes recommended by the city attorney. C. Wilderson seconded the motion. All Aye. Motion Carried 5-0.

MAYOR'S REPORT

CLARIFICATION FOR STREET APPROVAL - Thompson will research and get back with Mayor regarding the process the city has to go through before accepting streets and sewers for maintenance.

APPOINTMENTS - Mayor Odle presented a slate of appointments. All city and contract labor to be reappointed. New appointments will be Gayle Runnels to the Planning Commission and Pat Henderson as prosecuting attorney.

J. Pfannenstiel moved to approve the slate of appointments. J. Barlow seconded the motion. All Aye. Motion Carried 5-0.

WAGE INCREASES FOR EMPLOYEES - Mayor Odle presented a 5% wage increase to all city employees (not contractual) retro-active as of July 1, 1994.

Councilman Scherer recommended a one year wage freeze. Odle informed him the city employees are paid less than other state employees and feels to hire and maintain qualified people they need to stay competitive with wages. Pfannenstiel noted the 1994 budget included a 5% increase and feels the employees should receive it.

A motion was made by J. Pfannenstiel and seconded by J. Barlow to approve a pay increase of 5% to all city employees. Novak, Wilderson, Barlow and Pfannenstiel-Aye. Scherer-No. Motion Passed 4-1.

REMOVAL OF TREES - Bob Moore requested City remove the trees located on south side of Leavenworth Road between 155th Street and 155th Terrace. He noted the trees are dead and could be potentially dangerous since they are across from the elementary school.

Mogle reported she contacted several tree cutting services but no one will return her calls. The Lions Club expressed they do not wish to remove the trees.

Council directed Mogle to continue contacting companies to remove the trees.

JERRY BARLOW

CAR WASH - Barlow questioned the delay in completing the car wash since the project was approved two years ago.

Mayor Odle reported his last conversation with the owner was that he was concerned about the water shortage the city was experiencing. Clerk Mogle noted he has two other businesses and has been busy with them also.

Barlow felt a completion time limit should be placed on all permits.

JOHN PFANNENSTIEL

COMPREHENSIVE PLAN UPDATE - A duly appointed committee met with consultant, Bill Kiesling to discuss future development of Basehor. From the meeting, Pfannenstiel felt it was imperative the City authorize the Planning Commission and Bill Kiesling to finish the Comprehensive Plan. The cost would be \$4,000.00 in addition to Kieslings monthly bills. The project would take approximately eight months to finish.

Councilman Novak noted the city has budgeted around \$400.00 per month for Kiesling and has just completed the 1995 Budget which does not include the update. Novak realized the importance of the project but did not feel the money was available.

Planning chairman, Gary Schroeder, stated possibly an increase in fees to developers could help subsidize planning costs. The committee felt that a joint meeting between Council and Planning Commission should be held to give the Planning Board some direction to take in the future.

Councilman Wilderson felt the meeting should take place in the near future. Annexation plans were discussed. The Council agreed to meet with the planning commission at 6:00 PM on the 6th of September, prior to their monthly meeting.

JEFF SCHERER

ANNEXATION ORDINANCE - Councilman Scherer requested his annexation be brought up again for discussion. The discussion was allowed.

Since his annexation agreement was approved by the Council earlier in the meeting can he proceed with the next step by submitting his plat to the planning board. He was informed by the attorney and Mayor that veto power is in

effect for thirty days following approval. Also the annexation ordinance must be published in the official city newspaper. Formal annexation must occur prior to plat submittal and review.

OTHER BUSINESS

WOLF CREEK WATERSHED BASIN - Councilman Pfannenstiel reported Leavenworth County wants a strong commitment by mid-September as to whether the City of Basehor will participate in the proposed Wolf Creek Basin area. His suggestion was to refer to matter to the planning commission for their review and recommendation since it would coincide with their comprehensive plan.

Mayor Odle announced he has spoken with Mike Tobin, Kansas City Kansas Dept. of Public Works, who informed him that Kansas City Kansas is considering not participating in the project.

It was reported Kansas City Kansas will have 8,800 acres included in the project while Leavenworth County consists of 9,800 acres.

Other topics of discussion were the waste problems of Briarwood Subdivision and the pros and cons of making an informal commitment to the County.

ADJOURNMENT

There being no further business to discuss, J. Novak moved to adjourn the meeting. J. Scherer seconded the motion. All Aye. Motion Carried 5-0.

Submitted for Council approval this 19th day of September, 1994.


Mary A. Mogle, City Clerk