

Minutes



BASEHOR CITY COUNCIL
February 22, 2010
7:00 p.m.
Basehor City Hall

Official Presiding: Mayor Terry Hill

Members Present: Pres. Jim Washington, David Breuer, Iris Dysart, .Dennis Mertz,
Bill Moyer

Members Absent: none

Staff Present: Mark Loughry, Lloyd Martley, Mary Mogle, Gene Myracle, Mitch Pleak,
Cassie Schmidt, Patrick Reavey

Newspaper: Kaitlyn Syring, *Basehor Sentinel*

1. ROLL CALL BY MAYOR TERRY HILL AND PLEDGE OF ALLEGIANCE

The regular meeting was called to order by Mayor Hill. All members were present with the exception of Councilmember Dysart. The city attorney was not present at this time.

2. CONSENT AGENDA

(Consent Agenda Items will be acted upon by one motion unless a Council Member requests an item be removed for discussion and separate action.)

- a. Approve Minutes
 1. January 25, 2010
- b. Approve Treasurer's Report
- c. Approve calendar of events – March 2010
- d. Drinking Establishment License Renewal – Falcon Lakes Golf Clubhouse
Pastimes Bar & Grille

(Councilmember Dysart arrived at 7:04 p.m.)

A motion was made by President Washington and seconded by Councilmember Mertz to approve the Consent Agenda as presented with a correction to the January 25, 2010 minutes, Agenda Item 12, Councilmember Reports, as follows:

"I [Pres. Jim Washington] spoke with Ms Blackdeer regarding the possibility of a deer harvest bow hunting ordinance similar to the City of Leavenworth. Ms Blackdeer indicated her understanding that herd density has to be managed and that a harvest was an appropriate tool to do that. She indicated that she would not oppose an ordinance."

The "no kill" policy has to do with stray domestic animals and such a policy is totally dependent on being able to pass on strays to a facility that adheres to such a policy.
(extracted directly from Pres. Washington's email)

Motion passed 5-0.

3. CALL TO PUBLIC

Members of the public are welcome to use this time to comment about any matter relating to City business that is listed on this Agenda. The comments that are discussed under "Call to Public" may or may not be acted upon by the Council during this meeting. There is a five-minute time limit. (Please wait to be recognized by the mayor then proceed to the podium; state your name and address).

Joseph Nick (14600 State Ave) expressed his support support of the Urban Deer Harvest Program and presented with supporting comments.

Jan Maleta (1701 N. 150th St.) expressed her opposition in the Urban Deer Harvest Program and presented with supporting comments.

Tom Mills (14501 Parallel) expressed his support in the Urban Deer Harvest Program and presented with supporting comments.

Joe Stimetz (14301 Parallel) expressed his support in the Urban Deer Harvest Program and presented with supporting comments.

Susan Guy (1713 N. 150th St.) expressed her opposition in the Urban Deer Harvest Program and presented with supporting comments.

Richard Maletz (1701 N. 150th St.) expressed his opposition in the Urban Deer Harvest Program and presented with supporting comments.

UNFINISHED BUSINESS

4. **WEED CONTROL:** Consider adoption of Ordinance No. 566 amending Ordinance Number 315, relating to the cutting of weeds and vegetation, providing for notice and providing for abatement by the city of Basehor, and providing for charges therefore.

The proposed ordinance would require property owners with three acres or less to allow weeds to grow upon the property or any area between the property lines and the centerline of any adjacent street or alley, including but not limited to sidewalks, streets, alleys, easements, right-of-way, excluding drainage. The ordinance would also require property three acres or more to mow weeds in any right-of-ways adjoining the property.

A motion was made by President Washington and seconded by Councilmember Moyer to adopt Ordinance No. 566 amending Ordinance 315, relating to the cutting of weeds and vegetation, providing for notice and providing for abatement. Motion passed 5-0.

BUSINESS

5. **URBAN DEER HARVEST PROGRAM:** Consider Ordinance No. 568 Modifying the Uniform Public Offense Code to allow the discharge of a bow and arrow for purposes of hunting deer within the City.

The proposed ordinance would allow for deer harvesting by bow to take place on property containing three acres or more. Chief Lloyd Martley went over the 19 requirements describing criteria for acquiring a bow hunter's license, procedures for field dressing and proper carcass removal.

Chief Martley reported Andrew Friesen, District Wildlife Biologist for Kansas Department of Wild Life and Parks, sent a letter suggesting another stipulation of the program could be the submission of deer head samples to Kansas Dept. of Wildlife & Parks for CWD testing. Councilmember Moyer questioned what would happen if the deer went onto someone else's property and if the property owner would be notified. He noted he would vote against the ordinance unless it had verbiage requiring that adjacent property owners be notified prior to hunting taking place. Three things should be considered 1) safety first; 2) damage to crops; and 3) courtesy of notification. Chief Martley explained the hunter would be required to notify the Police Dept. and every effort would be made to notify the property owner in which the animal accessed.

Councilmember Mertz suggested publishing the phone number to the Sheriff's Office Dispatch in addition to the Police Departments phone number. President Washington noted the packet would be republished every hunting season. Councilmember Mertz also asked that in Item "K" that "without a waiver approved by the City Administrator" be removed.

Mayor Hill noted that Basehor was a combination of rural and city folks and that this would not be the last time the Council would have to address these types of situations.

(City Attorney Patrick Reavey arrived at 7:47 p.m.)

A motion was made by President Washington and seconded by Councilmember Breuer to approve Ordinance No. 568 and strike in Section 11-206 (k) “without a waiver approved by the City Administrator”. Motion passed 4-1 with Councilmember Moyer casting a no vote.

6. **EMERGENCY SNOW ROUTE:** Consider Ordinance No. 569 designating Emergency Snow Routes

The proposed ordinance would prioritize streets to be plowed and prohibit vehicles from parking on any street designated an emergency snow route when 2 inches or more of snow has accumulated. In addition, the ordinance would give authorization to the mayor, city administrator, or in their absence, the chief of police to declare a traffic emergency.

A motion was made by Councilmember Breuer and seconded by Councilmember Moyer to approve Ordinance No. 569 designating Emergency Snow Routes as presented. Motion passed 5-0.

7. **STANDARD TRAFFIC ORDINANCE (STO):** Consider Ordinance No. 570 amending the 2009 Standard Traffic Ordinance to include a violation of Amended K.S.A 8-291 as a Municipal violation prosecutable in the Municipal Court of Basehor, Kansas.

On January 1, 2010 the State of Kansas adopted changes to the driver’s license provision under KSA 8-291 also known as the Graduated Driver’s License Restriction or GDL. The City must adopt an ordinance authorizing the police department to enforce the new State law.

A motion was made by President Washington and seconded by Councilmember Breuer to approve to approve Ordinance No. 570 amending the 2009 Standard Traffic Ordinance to include a violation of Amended KSA 8-291 as a Municipal violation prosecutable in Municipal Court. Motion passed 5-0.

8. **UNIFORM SPEED LIMITS:** Consider Ordinance 571 amending Basehor Code pertaining to Uniform Speed Limits

In an effort to come into compliance with previously adopted Ordinance 558 requiring uniform speed limits, the new ordinance would implement school zones where not previously established.

A motion was made by Councilmember Breuer and seconded by President Washington to adopt Ordinance 571 amending Basehor Code pertaining to Uniform Speed Limits. Discussion took place regarding the existing speed limits. President Washington called for the question.

A motion was made by President Washington and seconded by Councilmember Breuer to call for the question. Motion passed 5-0.

Motion passed 5-0 to adopt Ordinance 571 as presented.

9. **TIME CLOCK POLICY:** Consider Resolution 2010-05 amending Uniform Personnel Policies and Guidelines for the City of Basehor pertaining to Use of Time Clock.

The proposed resolution would provide guidelines and procedures to employees regarding the new time clock use.

A motion was made by President Washington and seconded by Councilmember Breuer to approve to approve Resolution 2010-05 amending Uniform Personnel Policies and Guidelines pertaining to use of a time clock. Motion passed 5-0.

10. CITY ADMINISTRATOR REPORT

Event Calendar – Mr. Loughry reported March and April meetings are back on schedule.

Executive Session – requested a fifteen minute Executive Session to discuss non-elected personnel and negotiations.

Speed Limits – President Washington asked that a work session to address Councilmember Mertz's concerns and to discuss the work performed by the city engineer regarding speed limit changes be considered.

11. MAYOR'S REPORT

Mayor Hill commended the city superintendent and his crew for the nice work performed in clearing the streets during the last snow storm.

12. COUNCIL MEMBER REPORTS

Bill Moyer

Councilmember Moyer wanted to inform the governing body that he recently joined as a board member of the Leavenworth County Humane Society and requested a meeting with the mayor and city administrator to discuss establishing a board or committee in an effort to establish guidelines to hopefully develop a “No Kill” policy.

Dennis Mertz

Councilmember Mertz also commended the public works crew on the recent snow removal job.

Jim Washington, President

President Washington commended the public works crew on the recent snow removal job.

Iris Dysart

Councilmember Dysart questioned how the City was going to handle snow removal on sidewalks and if the City had discontinued using Casey’s for gasoline purchases.

Mayor Hill reported some cities require the homeowners to clean sidewalks off after a storm and if not cleaned, the homeowner would be ticketed. Mayor Hill stated he would have staff look into it.

The city administrator reported the City was still using Casey’s to purchase gas; however, they are using a “Wright Express” credit card rather than a Casey’s credit card.

David Breuer

Councilmember Breuer reported he received calls from a couple of citizens commending the public works crew on the nice snow removal job.

13. EXECUTIVE SESSION (if needed)

President Washington asked for five additional minutes in executive session.

A motion was made by President Washington and seconded by Councilmember Moyer to convene into Executive Session for up to twenty minutes to discuss non-elected personnel and attorney-client privileged matters and invited the city administrator and city attorney into the session. Motion passed 5-0. (8:15 p.m.)

At 8:37 p.m. the regular meeting was called back to order.

14. ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Moyer and seconded by Councilmember Mertz to adjourn the February 22nd regular meeting. Motion passed 5-0. Meeting adjourned at 8:38 p.m.

Submitted for Council approval with/without corrections or additions this 15th day of March, 2010.

Mayor Terry L. Hill

Attest:

Mary A. Mogle, City Clerk, CMC