

CITIZENS AND PETITIONS

Robert Bryan - A petition was presented by Robert Bryan, to the city clerk, protesting the charter ordinance exempting from the property tax lid. The clerk presented the petition to the Mayor at which time he read aloud to the audience. The petition has been reviewed by the county clerk and with 203 of the 226 signatures being validated.

Citizen Comment on Agenda Items - Mayor Pfannenstiel opened the floor for public comment regarding any item listed on the agenda. There were no comments at this time. The public portion of the meeting was then closed.

STAFF AND COMMITTEES

City Engineer

Easement Acquisition - Engineer, Pat Cox, reported the collection system rehabilitation project is on hold right now due to a problem with acquiring an easement in the Rickel Subdivision. Mr. Cox recommended the City instruct the attorney to proceed with condemnation of the easement property.

State Revolving Loan - Mr. Cox requested Council authorize the Mayor to sign a letter addressed to KDHE stating BG Consultants was given permission to perform an additional study at a cost of \$4,107.00. The State is requiring an addendum be signed before they will reimburse the city funds from the State Revolving Loan.

R. Vervaecke moved to authorize the Mayor to sign the addendum as presented. B. Gratny second the motion. Motion Carried 5-0.

City Attorney

Easement Acquisition - City attorney, John Thompson, reported he reviewed a revised agreement presented by Karen Palmgren, 15302 Rickel Drive (lot 15, blk 4, Rickel Subdivision), for a temporary easement. Mr. Thompson advised Council not to proceed with the temporary easement under the property owners conditions, but to file in district court for condemnation of a permanent easement.

It was moved and seconded by J. Odle and R. Vervaecke to direct the city attorney to obtain a permanent easement, on lot 15, block 4, Rickel Subdivision, through condemnation proceedings. All Aye. Motion Carried 5-0.

Planning Commission

William Buchholz Preliminary & Final Plan - City planner, Kelly Hupp, reported the planning commission reviewed plans presented by William and Diane Buchholz for a single family residence. The home is to be built on a five acre tract located in Section 1, Twp 11S, Range 22E. The commission recommends approval on the contingency that the property owner dedicate an additional 20 ft. of roadway as right-of-way since the property is located on an arterial road.

J. Odle moved to approve the preliminary and final plan to include the additional 20 ft. road right-of-way requirement. R. Vervaecke second the motion. All Aye. Motion Carried 5-0.

Weil Special Use Permit - Ms. Hupp informed Council that it is necessary to pass a new ordinance for property located at 14720 State Avenue (Sec. 1, Twp 11S, Range 22E). Applicants, Ron and Susan Weil, currently have a special use permit to operate a dog kennel and grooming shop. The owners are now requesting the special use permit be issued for the purpose of operating a dog kennel, grooming & boarding service and retail sale of pet products. Ms. Hupp reported that an adjoining property owner entered a complaint at the public hearing regarding the dogs barking during the night. Based on the complaint received, the planning commission is recommending a one year special use permit rather than the normal three years. Stipulations placed on the permit were as follows:

- 1) The Special Use Permit should be granted for a period of one (1) year from the date of publication of the ordinance.
- 2) The applicants shall provide proof of the installation of locking doors on the runs within forty-five (45) days of publication of the ordinance.
- 3) All animals must be kept indoors during the night hours.

A motion was made by B. Gratny and second by C. Wilderson to approve the Special Use Permit with stipulations as presented. All Aye. Motion Carried 5-0.

ORD. 335 - AN ORDINANCE PLACING A SPECIAL USE PERMIT ON CERTAIN PROPERTY IN THE CITY OF BASEHOR, KANSAS

Future Land Use Map - Ms. Hupp advised the Council that the future land use map is being reviewed by the planning commission to amend categories to encompass environmentally sensitive areas and high intensity use. By adopting these categories it will allow flexibility for future commercial development. The city planner will be compiling a land use survey that will help provide additional information to decide what areas should be considered in these categories.

William Hodge Subdivision Final Plat - The planning commission recommends approving the final plat for a 5.63 acre tract of land being subdivided into 3 lots located on 150th Street. Ms. Hupp reported the lots are required to have private engineered septic systems and a frontage road to service all three lots. The existing home will be required to abandon the current septic system and install a new engineered system.

Mayor Pfannenstiel asked if the city engineer has reviewed the subdivision. Ms. Hupp reported no. However, if the governing body wished, they could approve the final plans contingent on approval from the engineer.

V. Ziegler moved to approve the final plat for Hodge Subdivision subject to engineer review. R. Vervaecke second the motion. All Aye. Motion Carried 5-0.

Iron Creek Preliminary Plat - The property, being considered for development, is located on the west side of 155th Street, between Klamm and Pouppirt Subdivisions. Ms. Hupp reported the property has some drainage issues that need to be addressed.

A motion was made by R. Vervaecke and second by J. Odle to approve the preliminary plat as presented subject to engineer review. All Aye. Motion Carried 5-0.

Cole Rezoning - A rezoning request made by Steven Cole has been tabled until a letter is received from Mr. Cole regarding access lanes, drainage and wastewater issues. Ms. Hupp anticipates having the request on the March agenda.

MAYOR'S REPORT

Tax Lid Exemption - Mayor Pfannenstiel announced the Charter Ordinance passed in November of 1998 that would exempt the City of Basehor from the State Tax Lid, was subject to a sixty day protest period. Earlier in the meeting, the Council was presented with a valid petition. Since the ordinance was passed, the City was able to close the 1998 year end budget. The Mayor explained in detail the revenue and expenditures for the year and reported he did not think there is a need to take action to place the question on the ballot. Looking ahead to 2000 budget, Mayor Pfannenstiel did not think it would be necessary to raise the tax lid. He went on to explain that in 1987 a Charter Ordinance was passed that exempted the City of Basehor from the tax lid, however, the City has not exceeded the lid previously. In researching the matter, there has been several different interpretations, regarding the validity of the 1987 Charter Ordinance. Therefore, it was the recommendation of the Mayor to direct the city attorney to obtain an Attorney General's Opinion on the matter.

J. Odle moved to direct the city attorney to obtain an Attorney General's Opinion regarding the validity of the 1987 Charter Ordinance. R. Vervaecke second the motion. All Aye. Motion Carried 5-0.

City Superintendent - Mayor Pfannenstiel reported Michael Baragary was unable to start work for the City of Basehor as city superintendent due to other commitments. The Mayor reported he has another person he will be interviewing for the position and will keep the council members updated on the matter.

R. Vervaecke moved to accept the resignation of Michael Baragary as presented. B. Gratny second the motion. All Aye. Motion Carried 5-0.

24-40 Highway - The Mayor reported he received a request from an area resident regarding safety issues along 24-40 Highway. Some of the issues of concern are reduction of speed, guard and acceleration lanes, obstruction of signs, and illumination at 158th Street. The Mayor will send a letter to Kansas Dept. of Transportation recommending the changes.

Annexation Agreement - Mayor Pfannenstiel reported that several years ago property belonging to Robert Bryan was annexed into the City. The Bryans have raised a question about the validity of the annexation. Previously, the City Council approved an ordinance to again annex the property to resolve any questions. The annexation is subject to an annexation agreement previously approved but since amended. The Mayor asked the Council for approval to sign the amended annexation agreement.

A motion was made by V. Ziegler and second by B. Gratny to approve the annexation agreement as written. All Aye. Motion Carried 5-0.

Election Filing - Mayor Pfannenstiel stated that three council positions expire this year and encouraged those interested to file and become involved in the community.

COUNCIL MEMBER REPORTS

Robert Vervaecke

Councilman Vervaecke wanted to go on record as being disappointed that a protest petition was filed. He receives calls from residents who want more services and the City cannot afford to give the property owners what they want because of a restricted budget.

Joseph Odle

Councilman Odle also wanted to go on record as not being disappointed in the petition filing because he feels that any time taxes are raised significantly, the decision should be that of the people through a vote at the election polls. He also publicly stated that he assisted in carrying the petition that was presented tonight.

Charles Wilderson

Survey Results - Results of the Community Survey conducted by the City, Pride and K-State are available for public review.

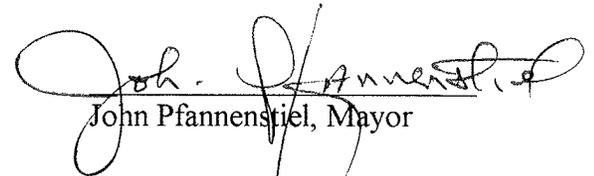
Historical Society Marker - Historical Society is requesting the City's permission to place a progressive marker at City Hall showing funds being raised for the new community convention center. Council agreed to allow the placement of the marker as long as it did not obstruct the view of traffic.

ADJOURNMENT

A worksession will be held following the meeting to discuss the sewer facility. Mayor Pfannenstiel invited the public to attend.

There being no further business to discuss, J. Odle moved to adjourn the meeting with C. Wilderson entering a second to the motion. All Aye. Motion Carried 5-0. Meeting adjourned at 8:45 p.m.

Submitted for Council approval with/without corrections this 16th day of February, 1999.


John Pfannenstiel, Mayor


Mary A. Mogle, CMC

SUPPLEMENT TO FEBRUARY 1999 TREASURER'S REPORT

AT&T (long distance charges for Jan. 1999)	25.35
Southwestern Bell Telephone (telephone service for Jan. 1999)	456.64
Evans Real Estate Co. Inc. (Insurance Premium for 4/1/99-00)	8414.00
Epic Life Insurance (employee health/life insurance for April 1999)	1778.48
TOTAL BILLS TO BE PAID	10,674.47