

**MINUTES**

**BASEHOR CITY COUNCIL**

**July 19, 1999**

**7:00 P.M.**

**Basehor City Hall**

**OFFICIAL PRESIDING: MAYOR JOHN PFANNENSTIEL**

**MEMBERS PRESENT: Pres. Robert Vervaecke, Joseph Odle, Victor Ziegler,  
Burl Gratny and Chris Garcia**

**Staff Present: Mary Mogle, CMC  
Vincent Weston, COP  
Pat Cox, Engine**

**Gene Myracle, Jr., City Supt.  
John Thompson, City Attorney**

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Mayor John Pfannenstiel called the monthly meeting of the Basehor City Council to order at 7:00 p.m. with all members present.

***EXECUTIVE SESSION***

A motion was made by Pres. Vervaecke and seconded by V. Ziegler to convene into a thirty-minute executive session to discuss personnel and attorney-client privileged matters. All aye. Motion passed 5-0.

At 7:30 p.m, Mayor Pfannenstiel called the regular meeting back to order.

***APPROVAL OF MINUTES***

A motion was made by Pres. Vervaecke to approve the minutes of July 21 meeting and worksession and July 30 telephone poll as printed. All aye. Motion carried 5-0.

***APPROVAL OF TREASURER'S REPORT***

*Treasurer's Report & Supplement* - Clerk Mogle requested an addition of \$1502.50 to Americomp Inc. be added to the supplement.

It was moved and seconded by B. Gratny and V. Ziegler to approve the June 1999 Treasurer's Report as printed and approve the supplement with the addition of paying Americomp Inc. 1,502.50 as requested. All aye. Motion carried 5-0.

*Investments* - A motion was made by V. Ziegler to reinvest Certificate of Deposit #20087, in the amount of \$40,000.00, for a period of one year at the highest rate available. R. Vervaecke seconded the motion. All aye. Motion carried 5-0.

SCANNED

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### ***CITIZENS AND PETITIONS***

*Jerry Mussett* – Requested to be placed on the agenda regarding a weed notice he received but did not appear before Council at this time.

*Citizen Comments on Agenda Items* – Mayor Pfannenstiel announced that this was the portion of the meeting for anyone, who wanted to comment on an agenda, item may do so at this time.

Charles Wilderson, PRIDE representative, announced the Basehor PRIDE organization received 1st place in the state judging. This is the fourth year the organization has received this honor. The organization received 99 points out of 100. At this time, Mr. Wilderson, presented the governing body a “1999 Community of Excellence” sign that will be displayed at the entrance to the city.

The governing body thanked the organization for their hard work and efforts toward the betterment of the community.

### ***STAFF AND COMMITTEE REPORTS***

#### **City Superintendent**

*Stormwater Improvements* – City superintendent, Gene Myracle, presented a map displaying areas, throughout the city, where culverts need to be replaced or ditches need to be regraded, in order to allow the stormwater to flow more freely. Currently, some culverts are undersized or damaged, which during heavy rains, does not allow the stormwater to flow properly. Mr. Myracle requested approval to purchase culverts and materials in the sum of \$3,605.92. The superintendent noted that one of the culverts should be billed back to the property owner since it is located on private property. And, if approved, he will make contact with the property owner regarding the matter. Some of the projects will require hiring a backhoe contractor, but city maintenance staff can make the majority of the repairs.

Councilman Odle questioned the City’s liability on tube replacement based on a previous lawsuit. City attorney, John Thompson, stated that the City of Basehor is not diverting or causing more of a backup, which eliminates any liability, since the city is only trying to improve the situation.

Councilman Odle moved to approve the expenditure of \$3605.92 for culverts and materials and invoice \$249.60 to the property owner listed. B. Gratny seconded the motion. All aye. Motion carried 5-0.

*Street Repairs* – Superintendent Myracle presented another map, with locations throughout the city, in need to street surface repair. Mr. Myracle reported that Wellington Place Drive is not included in the bid but has a 4' x 23' section that has settled. It is his opinion, that city staff can make the majority of the repairs and then have an asphalt company come in and finish the project with a 2" asphalt overlay. There is also an area on Crestwood Drive that needs attention, which will cost approximately \$2,000.00. Five contractors were contacted for estimates, excluding Wellington Place and Crestwood Drive. The cost is approximately \$27,000.00.

B. Gratny moved to allocate up to \$27,000.00 for street repairs, plus \$2000 for repairs to Crestwood Drive and repair Wellington Place Drive as needed. R. Vervaecke seconded the motion. All aye. Motion carried 5-0.

*Sidewalks* – Mr. Myracle reported it would take approximately 50 yds. of concrete to lay sidewalks from Leavenworth Road north to Poplar Street. The materials cost will be approximately \$2,975.00. Lansing Correctional Facility will not be able to provide an experienced concrete crew until late October. The only other alternative, is to hire four laborers to help with the project. Mr. Myracle estimated labor cost, at \$8.00 per hour, would be about \$3,840.00.

Councilman Odle reported one of the property owners came to him expressing their displeasure with having the sidewalk in her yard. Mayor Pfannenstiel suggested meeting with the property owners regarding the location of the walkway. The consensus of the Council was to wait until late October to start the project when the Lansing Correctional Facility inmate crew could assist.

*Purchase of Trailer* – A request to purchase a heavy-duty trailer for \$4,564.00, was submitted by the city superintendent. Mayor Pfannenstiel reported the funds are available in the Equipment Reserve Fund.

A motion was made by C. Garcia and second by V. Ziegler to approve the purchase, as requested, and allocate funds from Equipment Reserve.

*Dump Truck* – The new dump truck will be delivered on the 23<sup>rd</sup> day of July.

*Disposal of Aerators* – The superintendent requested permission to dispose of 12 aerator motors that can not be repaired. Leavenworth County transfer station will take the motors. If the governing body agrees to dispose of the motors, they will need to be removed from fixed asset fund.

B. Gratny moved to dispose of the motors as requested. R. Vervaecke seconded the motion. All aye. Motion carried 5-0.

**City Engineer**

*Collection System Rehabilitation Project* – Engineer, Pat Cox, reported the rehabilitation project is almost completed. The project is on schedule.

*Sewer Plant Facility* – Mr. Cox reported the geology testing is completed and has been incorporated in his design. A work session will be necessary to review the plant design. Councilman Garcia suggested informing the public how much money has been spent to date on the project.

*152<sup>nd</sup> Street Sewer District* – A report was given by Mr. Cox, that some property owners located on 152<sup>nd</sup> Street and Parallel, have been experiencing septic tank problems. Cost estimates and property owner interest was collected. Mr. Cox did not agree with the county sanitation director's opinion, that one option is that the City could ignore the situation. According to Kansas State Statues, once the City has been made aware of the situation, they have an obligation to address the problem. Mr. Cox noted that by ignoring the problem there would be allowing a potential health nuisance.

Attorney Thompson commented the best way to create a benefit district is by the property owners petitioning the City. However, if 51% of the property owners are not in favor of the service, the City has the authority to create a sewer district. Mr. Cox reported he did not think it was feasible to repair the failing tanks because the soil conditions in that area are not very favorable.

Councilman Odle stated he felt Leavenworth County should bear some responsibility for the perk tests that were performed initially by the county. It is his opinion, that the tests were not performed properly.

Mr. Cox suggested having the attorney review the City's responsibility in addressing health issues. And what liability the City or County would have if they ignored a health hazard once they are made aware of the situation. Thompson will review the regulations and report back. Mayor Pfannenstiel reported he will hold a meeting with the property owners to explain the situation.

**City Attorney**

*Annexation Resolution* – A resolution was submitted for Council approval authorizing the annexation of several properties, referred to as areas 1 through 5, which are adjacent to the City of Basehor. By taking this action, it will allow the City to "square up" its boundaries. Mayor Pfannenstiel reported the schedule for legal notices.

J. Odle moved to adopt the Resolution declaring an interest to annex the land areas as designed and set a public hearing for September 20 at 7:00 p.m. V. Ziegler seconded the motion. R. Vervaecke abstained. The motion carried 4-1.

*Resolutions to Abate Health & Welfare Violations* – Mayor Pfannenstiel reported that over 100 property owners, throughout the city, have been notified regarding nuisance violations. He was pleased to report that 25 have completely abated the nuisance and another 25 have made extensive progress. Some have indicated they were not going to do anything to abate the violations. As of July 12<sup>th</sup>, 35 junk vehicles have been removed from the city. Three resolutions, and pictures of the property violations, were presented for Council approval. Mayor Pfannenstiel asked that action against Wilbur Peterson be placed on hold at this time and resolutions regarding violations at Robert Wiley, Lyle Wiley and Greg Douglas properties be approved. The resolution will allow the City to perform the necessary clean up and charge all costs back to the property owner if they fail to abate the nuisance in the time allocated.

Councilman Garcia felt the property owner should be given notice of an estimated cost if the City abates the nuisance. Following a brief discuss, Council agreed to amend section 4 stating the cost to abate the nuisance will be \$30 per hour, per man, and \$30 per hour per piece of equipment and any other costs incurred by the City.

C. Garcia moved to adopt the resolution concerning property at 2805 N. 155<sup>th</sup> Street, with an amendment to Section 4, as previously stated. C. Gratny seconded the motion. All aye. Motion carried 5-0.

J. Odle moved to adopt the resolution concerning property at 2705 N. 155<sup>th</sup> Street, with an amendment to Section 4, as previously stated. V. Ziegler seconded the motion. All aye. Motion carried 5-0.

R. Vervaecke moved to adopt the resolution concerning property at 15429 Leavenworth Road, with an amendment to Section 4, as previously stated. C. Gratny seconded the motion. All aye. Motion carried 5-0.

Councilman Garcia made a motion to exclude farmland that is adjacent to the city right-of-way from ordinance enforcement. V. Ziegler seconded the motion. Garcia and Ziegler-Aye. Odle, Vervaecke and Gratny-Nay. Motion failed 2-3.

### ***MAYOR'S REPORT***

*Building Inspector* – Mayor Pfannenstiel reported the building inspector's wife passed away over the weekend. The funeral will be Tuesday at 3:00 p.m., Butler Funeral Home. He announced that Tom Pinnick, inspector for the City of Tonganoxie, has agreed to perform inspections for forty cents per mile during Mr. Bilyk's absence.

*Budget Worksession* – B. Gratny moved to hold a budget worksession on August 2<sup>nd</sup> at 7:00 p.m. to discuss the 2000 Budget and personnel issues. V. Ziegler seconded the motion. All aye. Motion carried 5-0.

*Budget 2000 Public Hearing* – R. Vervaecke moved to hold a public hearing on August 16<sup>th</sup> at 7:00 p.m. to consider the adoption of the 2000 Budget. B. Gratny seconded the motion. All aye. Motion carried 5-0.

Councilman Odle advised the Board he will be absent for the August 16th meeting and public hearing.

*1999 Outstanding Citizen of the Year* – Mayor Pfannenstiel congratulated President Robert Vervaecke on receiving the honor of 1999 Outstanding Citizen of the Year award.

#### ***COUNCIL MEMBER REPORTS***

*Speed Limit on 155<sup>th</sup> Street* – Councilman Gratny stated he wanted the speed limit on 155<sup>th</sup> Street to be “strictly enforced” and signs to that effect, be installed at the entrance of the city.

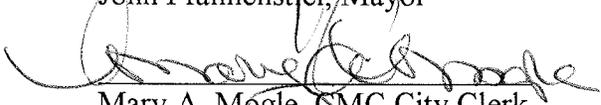
*Hickory Pointe Street Lights* – Mr. Gratny requested the city superintendent check on the status of the installation of street lights in the Hickory Pointe Subdivision.

#### ***ADJOURNMENT***

There being no further business to discuss, R. Vervaecke moved to adjourn the meeting. B. Gratny seconded the motion. All aye. Motion carried 5-0. Meeting adjourned at 10:30 p.m.

Submitted for Council approval with/without corrections this 16<sup>th</sup> day of August, 1999.

  
John Pfannenstiel, Mayor

  
Mary A. Mogle, CMC City Clerk