MINUTES

BASEHOR CITY COUNCIL
November 16, 1998
7:00 P.M.
Basehor City Hall

OFFICIAL PRESIDING: MAYOR JOHN PFANNENSTIEL

MEMBERS PRESENT: Pres. Robert Vervaecke, Charles Wilderson, Burl Gratny and Victor Ziegler

MEMBERS ABSENT: Joseph Odle

Staff Present: Mary Mogle, CMC Jane Scherer, Treas. John Thompson, Atty.
Vince Weston, COP Cecil Kingsley, Engineer
John Zoellner & Kelley Hupp, Planning & Zoning

The monthly meeting of the Basehor City Council was called to order by Mayor John Pfannenstiel with all members present except Joseph Odle.

EXECUTIVE SESSION

Mayor Pfannenstiel requested an executive session up to thirty minutes to discuss attorney-client privileged matters and personnel.

A motion was made by B. Gratny and seconded by C. Wilderson to convene into a executive session for up to thirty minutes to discuss personnel and attorney-client matters as requested. All Aye. Motion Carried 4-0.

APPROVAL OF THE MINUTES

It was moved and seconded by R. Vervaecke and V. Ziegler to approve the Minutes of October 19, 1998 Council Meeting, October 19, 1998 Worksession and the October 29, 1998 Telephone Poll as written. All Aye. Motion Carried 4-0.

APPROVAL OF THE TREASURER'S REPORT

Treasurer's Report & Supplement - C. Wilderson moved to approve the October 1998 Treasurer's Report and November 16, 1998 Supplement as presented. B. Gratny second the motion. All Aye. Motion Carried 5-0.

Investments - A motion was made by R. Vervaecke to reinvest Certificate of Deposit #20205 at the highest rate available. Transfer $90,000.00 from First State Bank Money Market account to the Municipal Investment Pool Overnight account. The motion was seconded by V. Ziegler. All Aye. Motion Carried 4-0.

SCANNED
2-23-07 DT

Pay-off of $200,000.00 Temporary Note - The treasurer request authorization to issue a 30 day notice to call the temporary note that was issued for purchase of land for the sewer facility. It's anticipated that State Revolving Loan funds will be received in approximately 3 weeks.

V. Ziegler moved to authorize the treasurer to issue a thirty day notice (to First State Bank that the temporary note will be paid in full) once the money is allocated from the State to pay off the loan. C. Wilderson second the motion. All Aye. Motion Carried 4-0.

CITIZENS AND PETITIONS

Chamber of Commerce - A motion was made by R. Vervaecke and second by C. Wilderson to donate $100.00 to the city holiday decorating contest. All Aye. Motion Carried 4-0.

Agenda Items. - Mayor Pfannenstiel opened the floor to any one present who wished to speak about any agenda item. Since there was no one present to wish to speak at this time the public portion of the meeting was closed.

STAFF AND COMMITTEE REPORTS

City Clerk

1997 Audit - The city clerk, Mary Mogle, reported Wagner & Associates finally delivered the audit for 1997. She commended the city treasurer for having no violations. The only violation that the clerk was charged with was paying two salaried employees an extra paycheck based on 26 weeks instead of 24 weeks pay cycle.

Chief of Police

Flood Damage Renovations - Chief Weston reported the renovation to the police department is going very well. The walls are finished and the company is in the process of laying tile and replacing fixtures in the restroom. A meeting will be scheduled, with the insurance company, for later in the week, to finalize a monetary settlement. A backflow valve has been installed in the manhole in front of city hall to help prevent another occurrence.

City Superintendent

Drainage on Poplar Street - Mayor Pfannenstiel reported a culvert located on Poplar Street, between 155th Terr. and 156th Street, needs to be replaced with a 24" culvert. The estimated cost is about $650.00. Traffic will be rerouted for approximately one week.

142nd Street Chip & Seal - Councilman Ziegler requested the mayor follow up with Kansas City, Kansas to have them chip and seal the east side of 142nd Street.

City Engineer

Update on Sewer Project - City engineer, Cecil Kingsley, reported the paperwork has been compiled and will be submitted to KDHE for first payment from the State Revolving Loan. The engineers anticipate letting bids for the interceptor early in the year and around June or July letting bids for construction of the plant.

City Attorney

Charter Ordinance - Discussion was tabled until the Mayor's portion of the meeting.

Planning Commission

Amend "Home Occupation" Regulation - Planner, John Zoellner, reported the planning commission is recommending an amendment to existing zoning regulations in Sections 1.01, 33 and 20.08 regarding the definition of and governing the conduct of "Home Occupations".

Remove:
(d) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.

Add:
(d) No parking in the public right-of-way shall occur as a result of the home occupation.
(f) A business license shall be required for the operation of a home occupation.

Councilman Vervaecke moved to accept the aforementioned recommendations to the zoning regulations, in Sections 1.01, 33 and 20.08, regarding "Home Occupations". V. Ziegler second the motion. All Aye. Motion Carried 4-0.

Amend "Lot Split" Regulation - A recommendation is being made, by the planning commission, to amend Sections 1.03 and 1.06 in the Subdivision Regulations regarding "Lot Splits", reported John Zoellner.

Remove:
Section 1.06

Amend:
Section 1.03 to read:
"Any division of land, hereafter made, for each subdivision of each part thereof lying within the jurisdiction of these regulations of these regulations, shall be prepared, presented for approval, and recorded as herein prescribed. the regulations contained herein shall apply to any parcel of land being divided for the purpose of sale or of building development, whether immediate or future, including the resubdividing or replatting of land or lots."

A motion was made by R. Vervaecke and second by C. Wilderson to accept the amendments to Sections 1.03 and delete Section 1.06 as presented. All Aye. Motion Carried 4-0.

Other Actions Taken - Mr. Zoellner announced Scherer's Final Plan was passed by the planning commission. The rezoning issues for Chris Fisher and Steve Cole were tabled until the December meeting for further study.

Kansas Department of Transportation awarded Cedar Lake's Subdivision a temporary permit to build a lagoon wastewater treatment facility. KDHE placed several requirements on the developer prior to construction. Councilman Ziegler stated he is concerned about Cedar Lakes being on grinder pumps. He feels the county should require the developer to design the system with gravity flow lines. Mr. Ziegler urged the county planner and the governing body to make contact with county officials expressing opposition to the grinder pump method. Mayor Pfannenstiel noted he will be meeting with Commissioner Eldridge next week and will inform him of the City of Basehor's concerns.

MAYOR'S REPORT

Charter Ordinance - A charter ordinance exempting out of the tax lid by ten mills was presented by city attorney, John Thompson.

Mayor Pfannenstiel presented a packet with detailed information explaining the purpose for exempting out of the tax lid. The tables show a five year estimation of proposed wages, revenues, expenditures, mill levy increases and costs for increase in the general fund for the year 2000 through 2004.

The mayor explained that on a $100,000.00 home the estimated tax mill would be 8.55 mills and would cost a homeowner about $9.58 per month. He noted if the increase was assessed in dollars, rather than mills, the mill levy would decrease over time. It will be necessary to pass the submitted charter ordinance, at this meeting, in order to meet the April deadline, in case a protest petition is filed. The proposed charter ordinance calls for an increase of ten mills.

City attorney, John Thompson, reported the city can (1) exempt out totally; (2) exempt out from a specific mill levy; (3) exempt out for a dollar amount; (4) structure for specific period of time (sunset clause) or no time limit. It will take a 2/3 vote of council to pass the ordinance.

A motion was made by V. Ziegler and second by R. Vervaecke to adopt the charter ordinance not to exceed ten mills without a sunset clause. All Aye. Motion Carried 4-0.

Contract for Accounting Services - A motion was made by C. Wilderson and second by V. Ziegler to approve the contract with Scherer, Bennett and Lowenthal Accounting firm for the preparation of the 1998 audit. All Aye. Motion Carried 4-0.

Contract for Engineering Services - It was moved and seconded by R. Vervaecke and C. Wilderson to approve the contract with B. G. Consultants as submitted. All Aye. Motion Carried 4-0.

Annexations - Mayor Pfanennstiel reported he looked into the annexation laws and only 21 acres of land can be annexed at a time. This will cause the "old Meyer Dairy" property to be

annexed in several steps. Some maybe unilaterally annexed. He stated the simplest approach is to have the county hold a public hearing to consider the annexation.

Sewer Benefit District - A meeting was held with property owners located in the Wolfe Creek Watershed basin that could be served by gravity flow sewers. The majority of those interested are in and around 150th and 152nd Street. Those property owners located on larger tracts of land were not interested. Eleven property owners have expressed interest. Twelve is required to meet the 51% requirements for a benefit district petition.

Codification of Ordinances - The mayor reported he has received a draft of the codified ordinances and have detected several conflicting areas. The ordinances should be ready for passage at the December meeting.

COUNCIL MEMBER REPORTS

Victor Ziegler

Councilman Ziegler wish to express his concerns regarding the county allowing Cedar Lakes subdivision to have grinder pumps. Urged the governing body and county to oppose this action.

Burl Gratny

A request was made by Councilman Gratny to reduce the speed limit from 40 mph to 30 mph on 155th Street, south of Parallel. He noted it is hard for residents located on 155th Street to access 155th Street.

Mayor Pfannenstiel stated he will have the city attorney check into whose jurisdiction 155th Street is and place the issue on a future agenda.

ADJOURNMENT

There being no further business to discuss, Mayor Pfannenstiel entertained a motion to adjourn. R. Vervaecke moved to adjourn the meeting, with a second from V. Ziegler. All Aye. Motion Carried 4-0.

Submitted for council approval with/without corrections this 21st day of December, 1998.

John Pfannenstiel, Mayor

Mary A. Mogle, CMC