

MINUTES

BASEHOR CITY COUNCIL

October 19, 1998

7:00 P.M.

Basehor City Hall

PRESIDING: MAYOR JOHN PFANNENSTIEL

MEMBERS PRESENT: Pres. Robert Vervaecke, Joseph Odle, Charles Wilderson, and Burl Gratny (Victor Ziegler-absent)

**Staff Present: Jane Scherer, Treas. Vince Weston, COP Mary Mogle, CMC
Cecil Kingsley & Pat Cox, BG Consultants
John Matthews & Chris Garcia, Planning Commission
John Zoellner, County Planning Director**

EXECUTIVE SESSION

Mayor Pfannenstiel called for a thirty minute executive session to discuss personnel and attorney-client matters.

A motion was made by B. Gratny to convene into a thirty minute executive session for the purpose of discussing personnel and attorney-client matters. C. Wilderson second the motion. Motion Carried 4-0.

At 7:30 p.m., Mayor Pfannenstiel called the monthly meeting to order by announcing that all members were present except Councilman, Victor Ziegler. Pledge of Allegiance was recited.

APPROVAL OF MINUTES

It was moved and seconded by R. Vervaecke and C. Wilderson to approve the Minutes of September 21, 1998 Public Hearing, September 21, 1998 Monthly Council Meeting, September 21, 1998 Worksession, and September 29, 1998 Worksession as printed. All Aye. Motion Carried 4-0.

APPROVAL OF TREASURER'S REPORT

Treasurer's Report & Supplement - R. Vervaecke moved to approve the September 1998 Treasurer's Report and Supplement as submitted. J. Odle second the motion. All Aye. Motion Carried 4-0.

Investments - R. Vervaecke moved to invest \$105,600.00 from the Municipal Investment Pool and \$50,000.00 from a Certificate of Deposit at First State Bank at the highest rate available for a period of one year. C. Wilderson second the motion. All Aye. Motion Carried 4-0.

CITIZENS AND PETITIONS

Crestwood Subdivision Street Lights - Property owners of Crestwood Subdivision submitted a petition requesting street lights be placed throughout the subdivision.

KPL submitted a recommendation for the placement of the lights with a cost estimate of \$27.61 per month.

Mayor Pfannenstiel opened the floor to the public for comments. There were no comments. Public portion was then closed.

It was moved and seconded by C. Wilderson and J. Odle to approve KPL's recommendation to provide street lights to Crestwood Subdivision as submitted. All Aye. Motion Carried 4-0.

Property Owners Around 15409 Parallel - Mayor Pfannenstiel noted a petition was received from property owners around the business, known as PTL Body & Tow. The petition asked that the City of Basehor enforce their zoning regulations on this business since it was under new ownership and should no longer be covered under the grandfather clause. It was reported by Mayor Pfannenstiel that ownership has not changed, only the operator. And that the property must be vacant for a period of six months or longer for the grandfather clause to cease to exist. The City's code enforcement process was explained by Mayor Pfannenstiel.

Mayor Pfannenstiel opened the floor to the public for comments. Robert Odle, 15416 Parallel, announced the property owners have no problem with the business, they "just want a clean operation", in both the front and back. Public portion was then closed.

Chief Weston reported this property is an on going problem and explained the process the City must go through before taking court action.

Charles Wilderson - Mr. Wilderson, 14820 Parallel, requested permission to bow hunt on his property. He reported his Christmas trees are being damaged by the deer population. He is requested permission to hunt from October 1st to Thanksgiving.

B. Gratny moved to adopt the resolution as printed, granting permission to Mr. Wilderson to bow hunt on his property from October 1st to December 31, 1998. R. Vervaecke second the motion. All Aye. Motion Carried 4-0.

Public Comments - Mayor Pfannenstiel opened the floor to any one present who wished to speak for or against any agenda item.

Charles Elliott, 15704 Poplar, stated he is experiencing a large amount of storm water coming onto his property. He noted the rain water comes down 157th Street and Poplar Street. Through the years the existing ditch has been partially filled in which causes the water to backup into his side and backyard.

Mayor Pfannenstiel reported a major part of the storm water infiltration will be eliminated through a rehabilitation program that will take place within the next sixty days.

No one else wished to speak, therefore, the public portion of the meeting was closed.

STAFF AND COMMITTEES

Chief of Police

Water Damage to Police Department - Chief Weston reported the police department received 3-4 ft. of sewer and storm water during the storm over the weekend. An assessment of damages is taking place and the insurance company will be in this week. Chief Weston commended maintenance worker, George Braswell, Officer James Yarnall, and the Fairmount Fire Department for their efforts in handling the situation.

Engineer, Cecil Kingsley, suggested placing a backflow prevention valve in the sewer service line, coming into city hall, prior to renovations to the basement area.

City Superintendent

Sidewalk Project - Mayor Pfannenstiel reported Phase I of the sidewalk project is almost complete. The only locations left to repair is in front of the library, cabinet shop and a minimum amount from city hall to the high school.

Drainage at 157th & Poplar - A report was given by Mayor Pfannenstiel, property located at 3204 N. 157th Street is experiencing drainage problems, primarily caused by an inadequate size culvert. Mayor Pfannenstiel stated the property owner is willing to purchase a 24" culvert if the city would be willing to install it and regrade the area to help eliminate some of the drainage problems. The Mayor requested authorization to allow city maintenance staff to install and regrade the area as necessary if the property owner would purchase the culvert. Councilman Odle questioned if the City would be putting themselves at request. City attorney, John Thompson, noted that before the City would perform the work, he would recommend the property owner sign a "hold harmless" agreement. Engineer, Cecil Kingsley, reminded Council

that no matter what work the city does to try to eliminate storm water problems, there will always be a storm that exceeds the culvert and ditch capacity.

Resident, Philip Bartko, reported the water is not being diverted into the culverts, but is actually flowing over the culverts.

Councilman Odle questioned if the City was going to provide this service to all the residents. Mayor Pfannenstiel stated this case has extenuating circumstances where it effects several properties and water is getting into the house.

A motion was made by B. Gratny and second by J. Odle to use city labor to replace the culvert, with the property owner responsible for costs of culvert, and to sign a "hold harmless" agreement. Motion Carried 4-0.

City Engineer

State Revolving Loan - Pat Cox, BG Consultants, reported the State Revolving Loan agreement is ready for passage from Kansas Department of Health & Environment, and the treatment facility agreement with Eimco is ready for signature once the loan is finalized. KDHE has agreed to extend the time frame as originally stated. The project will be approximately eight months behind schedule as previously reported. Mr. Cox explained the bid letting process and noted that the bid will be let in four separate contracts.

The loan agreement has an 18 month time frame. Once the paper work is finalized, it will be approximately three weeks before Basehor will receive reimbursement of funds. Final completion date is estimated to be in the fall of the year 2000. The loan will be paid back on a semi-annual payment schedule.

Sewer Collection System Bid - City Engineer, Cecil Kingsley, reported Miles Excavating was the low bidder on the Sewer Collection System repairs at \$279,725.00. The purpose of the project is the assist in decreasing infiltration in the system. Plans have been approved by KDHE and work will commence once financing from KDHE is awarded. Mr. Kingsley requested a motion awarding the bid to Miles Excavating.

B. Gratny moved to award the bid to Miles Excavating for \$279,725.00. J. Odle second the motion. All Aye. Motion Carried 4-0.

Sewer Benefit District Petition - Property owners, south of Parallel, are requesting a sewer benefit district be formed. He noted there are several property owners experiencing failing septic tanks which is making it necessary for them to connect to city sewers. He reported the area is located in the Wolfe Creek watershed basin and will require a lift station. The first step is to identify how many property owners in the basin would like to be included in this benefit district.

Mayor Pfannenstiel reported he plans to meet with the property owners, who are located within the basin on Monday, November 2nd to see who is interested in city sewers. Once the area to be served is identified, then a cost analysis can be performed.

City Attorney

Ordinance Ratifying Changes to KDHE Loan Agreement - City attorney, John Thompson, reported the City passed Ordinance #323, in April, that allowed the City to petition to KDHE for state funds to pay for the sewer facility and collection system repairs. Because of some recent changes, it will be necessary to amend the ordinance to include a completion date, interest rate and payment schedule. He requested Council authorize Mayor to sign the necessary forms when they are ready. Mr. Cox reported the payments will be semi-annual at \$80,000.00 each. The interest rate will be located in at 3.07% which is lower than originally anticipated.

A motion was made by R. Vervaecke and B. Gratny to adopt the ordinance amending ordinance #323 as presented and authorize the Mayor to sign the necessary loan papers when necessary. All Aye. Motion Carried 4-0.

Ordinance Amending Ordinance #162 to authorize \$10,000.00 be placed in the Sewer Replacement Fund instead of \$4,417.00 - Mr. Thompson reported KDHE is requesting the City consider an ordinance amending Ord. #162 which will authorize an annual transfer from the sewer fund to the Sewer Replacement fund in the amount of \$10,000.00. It is not necessary to take action at this meeting, only to prepare a draft. No action taken.

Planning Commission

Amend Zoning Regulations to Allow High Schools in R-0 and R-1 Zoning - Planner, John Zoellner stated the planning commission is requesting an amendment to Zoning Regulation Section 3.01(3)(h) to permit public and private elementary, middle, and high schools in an R-1 zoning.

Councilman Odle stated he was not comfortable with the way the staff report read regarding this matter and asked that it be stricken from the motion. Mr. Zoellner agreed the report was in error.

A motion was made by J. Odle to amend Zoning Regulation Section 3.01(3)(h) to allow elementary, middle, and high schools in R-1 zoning, excluding the staff report. R. Vervaecke second the motion. All Aye. Motion Carried 4-0.

High School Preliminary and Final Plan and Allow Variance for Gymnasium Height Requirement - Mr. Zoellner reported the planning commission is recommending approval for a variance from the maximum height allowed in the R-1 zoning and approval for the preliminary and final plan for improvements to the high school. The gymnasium is to be built with a height of 60 ft. rather than 45 ft. as stipulated in the regulations. The planner also reported he has not received engineering plans to date.

A motion was made by J. Odle and second by B. Gratny to approve the preliminary and final plans and grant a variance for the gymnasium to be built at a height of 60 ft rather than 45 ft. subject to approval of civil engineering plans by the city engineer. All Aye. Motion Carried 4-0.

Amend Subdivision Regulation Section 1.06 to "replace the word ownership with the word parcel" - Mr. Zoellner announced the purpose of changing this regulation is to gain control over development on large parcels of ground. Currently the regulations allow a property owner to split his lot one time. Then when he sells off a tract, then that property owner, can split the lot again, and so on. By changing the terminology to parcel, this will force the land owners to plat their property and allow organized development.

Mayor Pfannenstiel reported he is reviewing Oskaloosa's regulations on lot splits which is effective and expedient. Councilman Odle asked that lots being served by septic systems should receive approval from the city engineer.

A motion was made by C. Wilderson and second by R. Vervaecke to send this matter back to the planning commission for further review. All Aye. Motion Carried 4-0.

Scherer Preliminary Plan - Planning Commission recommends approval for Scherer preliminary plan to place a home on a 20 acre tract of land located west of 155th Street, between Poplar and Meyer Drive. Applicant, Joseph Scherer, stated he is willing to move his driveway entrance from 155th Street to an internal street if the property is platted.

A motion was made by J. Odle and second by R. Vervaecke to approve the preliminary plat as approve by the planning commission. All Aye. Motion Carried 4-0.

MAYOR'S REPORT

Annexation - Mayor Pfannenstiel presented a map that showed seven different locations to be considered for annexation. He noted that property located south of 24-40 Highway and the commercial property on Parallel will be considered unilateral annexations. The purpose of these annexations will be to square up the boundaries of the city. Utilities can be extended to all these locations. He would ask that a resolution be prepared for the November meeting and hold a public hearing in January.

The consensus of the Council was to proceed and develop a report and service plan for the November meeting.

BG Consultant Contract - Council unanimously agreed to postpone the renewal of the engineering contract until the November meeting.

Renewal of Contract with Leavenworth City-County Probation Services - R. Vervaecke moved to renew the contact with Leavenworth County probation services. J. Odle second the motion. All Aye. Motion Carried 4-0.

City Superintendent - Mayor requested the appointment of Michael Baragary to assume the position of city superintendent. Mayor Pfannenstiel anticipates Mr. Baragary being able to start between November 1st and January 1st.

R. Vervaecke moved to appoint Michael Baragary to the position of city superintendent. B. Gratny second the motion. All Aye. Motion Carried 4-0.

COUNCIL MEMBER REPORTS

Joseph Odle

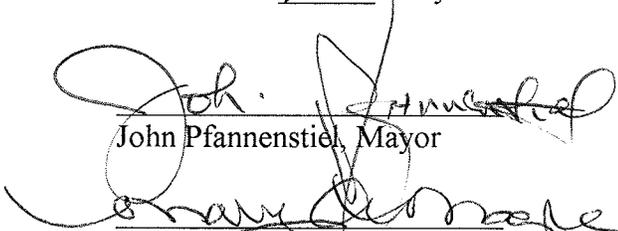
Nuisance - Councilman Odle stated he made a nuisance complaint about three months ago on the old gas station and nothing has been done to date. Mayor Pfannenstiel explained the official process and feels this matter will be addressed soon.

ADJOURNMENT

Prior to adjournment, Mayor Pfannenstiel, invited those present to attend a budget worksession following this meeting.

B. Gratny moved to adjourn the meeting. R. Vervaecke second the motion. All Aye. Motion Carried 4-0. Meeting Adjourned at 10:00 p.m.

Submitted for Council approval with/without corrections this 16th day of December 1998.


John Pfannenstiel, Mayor


Mary A. Mogle, CMC