

MINUTES

BASEHOR CITY COUNCIL

July 21, 1997

7:00 PM

Basehor City Hall

OFFICIAL PRESIDING: MAYOR JOHN PFANNENSTIEL

MEMBERS PRESENT: Pres. Robert Vervaecke, Charles Wilderson, Burl Gratny, Victor Ziegler,
Joseph Odle (arrived at 7:30 p.m.)

Staff Present: Jane Scherer, Treas. Bill Mogle, City Supt. Vince Weston, COP
Mary Mogle, CMC Cecil Kingsley & Pat Cox, Engineers
Donald Wilson, A/C John Thompson, Atty. Joseph Scherer, PC

The monthly meeting of the Basehor City Council was called to order at 7:00 p.m. by Mayor John Pfannenstiel. All members were present except Joseph Odle.

EXECUTIVE SESSION

Mayor Pfannenstiel noted the Council needs to address two issues regarding land acquisition and the grinder pump issue at Kelley's Grille. At this time the Mayor requested a thirty minute executive session to discuss land acquisition and attorney-client privilege.

C. Wilderson moved to recess into a thirty minute executive session to discuss land acquisition and attorney-client privilege. R. Vervaecke second the motion. All Aye. Motion Carried 4-0.

The Mayor announced the Council will now resume into regular session and that Councilman Odle arrived at 7:30 p.m.

APPROVAL OF MINUTES

A motion was made by V. Ziegler and second by B. Gratny to approve the Minutes of June 16, 1997 and July 8, 1997. All Aye. Motion Carried 5-0.

APPROVAL OF TREASURER'S REPORT

Treasurer's Report - J. Odle requested the engineers submit itemized bills starting in August. Engineers agreed. Mayor Pfannenstiel noted he will design a format and get back with Mr. Odle prior to submitting the sample to the city engineer.

It was moved and seconded by B. Gratny and R. Vervaecke to approve the June 1997 Treasurer's Report as submitted. Wilderson, Vervaecke, Gratny, Ziegler-Aye. Odle-Nay. Motion Carried 4-1.

Investments - C. Wilderson moved to reinvest CD's 20087 and 20214 at the highest rate available. V. Ziegler second the motion. All Aye. Motion Carried 5-0.

1997 Budget Worksession - C. Wilderson moved to hold a budget worksession on Tuesday, July 29th at 7:00 p.m. B. Gratny second the motion. Wilderson, Vervaecke, Gratny, Ziegler-Aye. Odle-Nay. Motion Carried 4-1.

SCANNED

2-28-07 *at*

1998 Budget Hearing and 1997 Budget Amendment - V. Ziegler moved to hold the 1998 Budget Public Hearing and 1997 Budget amendment hearing at 7:00 p.m. on August 18, 1997 prior to the city council meeting. All Aye. Motion Carried 5-0.

STAFF AND COMMITTEE REPORTS

City Clerk - Nothing to report at this time.

Chief of Police

Item #1. Crestwood Subdivision Speed Limit

Chief Weston reported a petition was received by area residents to reduce the speed limit of 30 mph to 20 mph in the Crestwood Subdivision. Weston noted he supports their request for safety purposes due to the activity at the day care center and the numerous children that ride their bikes in the streets.

Item #2. Uniform Traffic and Public Offense Codes

A request was made by Chief Weston to adopt the new 1997 Uniform Traffic and Public Offense Codes. These ordinances are passed on an annual basis to conform to new Kansas State Statues.

City Superintendent

Item #1. Uniform Traffic Sign and Working Zone Code Manuals

City Superintendent, Bill Mogle, requested the adoption of the 1988 Uniform Traffic Sign Code and 1994 Work Zone Manuals. These manuals instruct maintenance workers on proper signs and installation.

Item #2. Purchase of Uniloader and Bucket Attachment

Mr. Mogle presented two bids for an 1845C Uniloader with options (bucket, backup alarm, coupler). Mogle recommended purchasing from the low bidder, Coleman Implement at 25,383.00. Council discussed in detail the uses and need for a uniloader. Treasurer, Jane Scherer, noted there is currently \$23,000.00 in the equipment reserve fund, however, she can make a small transfer from this years budget to make the total purchase.

City Engineer

Item #1. Update on Sewer Facility Schedule

BG Consultant engineer, Pat Cox, reported the State Revolving Loan requires the interceptor and collection system to be handled as two separate projects. Once the revolving loan is in place the State expects to see the project complete within eighteen months. Because of time restraints, Cox suggested bidding the projects separate. A report was also given that at the present time the City of Basehor is not in compliance with their "consent order". Due to the difficulty in acquiring land the City is forced to delay the project. Cox reported the final completion for the system is targeted for March 15, 2000.

Mayor Pfannenstiel informed the audience that during executive session at the June meeting, the Council authorized him to make an offer to two land owners with neither accepting the City's proposals. New offers have been submitted however, contact has not yet been made to see if they are willing to accept.

Item #2. Pond Dam

Cecil Kingsley, BG Consultants, announced he along with BG Consultants staff members and city staff met at the city park to view the damaged city park pond dam. Seeping is occurring since the dam appears to be built with expansion clay. Contact has been made with FEMA and Corp of Engineers to see if funds would be available to make the necessary repairs. Kingsley is still waiting for an answer. Kingsley was given a name of a volunteer technician that

may be able to assist the city with the project. An estimate to repair the dam will be submitted at a later date.

City Attorney

Item #1. Grinder Pump Agreement with Kelley's Grille

City attorney, John Thompson, updated Council regarding pending litigation against the City of Basehor from Kelley's Grille & Bar within Lateral Sewer District #12. Thompson reported the main problem is that the restaurant has a grinder pump that its existence was unknown to the City prior to installing the sewer main. One of the issues to be resolved is who is responsible for the maintenance of the grinder pump, electricity, etc. Thompson will keep in contact with Mr. Kelley's attorney to hopefully resolve the matter in the near future.

Item #2. Issuance of General Obligations Bonds for Lateral Sewer District #12.

A report was given by the city attorney informing the Council they need to meet no later than August 7, 1997 to vote on the acceptance of bids for Sewer District #12. When the Council meets, it will be necessary to consider the passage of an ordinance and resolution finalizing the bond sale.

Planning Commission

Item #1. Parallel Park Subdivision

Planning chairman, Joseph Scherer, submitted for Council approval a ten acre plat owned by Ray Harvey. The plat consists of six lots, two of which will exit from Parallel and the remaining four will exit onto 147th Street. The developer explained that he plans to have businesses such as electrical and plumbing shops locate in the area. Scherer reported that each business will be addressed by the Planning Commission individually.

Item #2. Joint City Council and Planning Commission Worksession

A joint worksession will be held on July 29, 1997 between the Planning Board and City Council to address the future needs of the City of Basehor.

Municipal Court Report - Nothing to report at this time.

MAYOR'S REPORT

Item #1. Sales Tax Report

A report showing collected sales tax for 1996 and 1997 (Jan-May) was submitted for Council review. Mayor Pfannenstiel reported the city is now collecting a full one cent tax with one-half being transferred to the Street Infrastructure fund and the other half deposited into the General fund. The Mayor also reported currently the Justice Center sales tax is not generating as much as projected, however, he anticipates the revenue to increase to the projected figures.

Item #2. Elementary School Traffic

Mayor Pfannenstiel reported the new school board will be meeting next week regarding the traffic problem existing at the elementary schools located on Leavenworth Road. A committee will be appointed by the Board to assist the City in addressing the situation. A brief explanation of the traffic flow problem was given by Mayor Pfannenstiel along with a recommendation to put bus pickup back in the front of the school with all buses being staggered. Individuals driving to pick their children up will be asked park in the rear of the building on Klamm Street. During school hours the school could open 156th Street and make a "one way", then close off after all children have left school property.

School employees will place safety traffic cones at the end of 156th Street north of Klamm Street which will prohibit traffic flow during certain hours. A committee report will be given at next months meeting.

Item #2. Street Inventory Program

Mayor Pfannenstiel reported a revised estimate to perform a street inventory program was submitted by BG Consultants. The original bid was for \$16,800 and could be reduced to \$13,620 if city staff assisted with the project. The construction of new streets should be included in the City's comprehensive plan and budget. The Mayor announced he will have \$223,000.00 built up in the 1998 Budget for street repairs for which he feels the expenditure of \$13,620.00 is minimal to implement a workable long term program.

Odle noted he feels the Mayor's figures of \$223,000.00 to spend on maintenance of city streets are inflated. City treasurer, Jane Scherer, noted the aforementioned figure includes salaries, contractual, commodities and capital outlay.

Item #3. Weed Ordinance

Mayor Pfannenstiel explained a new ordinance must be adopted implementing police action on weeds within the city limits. The ordinance submitted in Council packets has been written in accordance with the League of Kansas Municipalities sample printed in the Kansas Government Journal. The only changes made were to designate the police department as the enforcement officer and to include an exemption for crops intended for harvest on or about any property.

Item #4. Insurance Proceeds Ordinance

The League of Kansas Municipalities suggested City's adopt or update existing ordinance to conform to changes in the made in the Insurance Proceeds Fund. Changes include allowing cities to collect 15% rather than 10% of insurance proceeds of homes or businesses destroy by fire. The new ordinance will also include damage caused by explosions and windstorms.

Item #5. Commercial Vehicle Resolution

Mayor Pfannenstiel announced a resolution prohibiting truck traffic within the city limits of Baschor is not binding on the mayor or governing body since it was passed by a previous governing body. The Mayor announced he is exercising his authority and directing the police department not to enforce Resolution 94-04. He feels the ordinance causes hard feeling among area residents.

CITIZENS AND PETITIONS

Mayor Pfannenstiel opened the floor to the audience for questions or statements regarding Commercial Vehicles Resolution and agenda items. Each item was read aloud. The public portion was then closed.

UNFINISHED BUSINESS

Item #1. Street Inventory Program

Mayor Pfannenstiel stated last month a motion was on the floor to spend up to \$15,000.00 to develop a street inventory program. Discussion followed. Wilderson, Ziegler-Aye. Odle, Vervaecke, Gratny-Nay. Motion failed 3-2.

NEW BUSINESS

Item #1. Enforcement of Resolution 94-04 Prohibiting Commercial Truck Traffic

The Mayor announced he has already instructed the police department not to enforce Resolution 94-04. He noted that any board member is welcome to give him instructions. The Mayor once again, in open session, instructed the police chief not to enforce Resolution 94-04. No Council action was taken.

Item #2. Purchase of Uniloader and Backhoe Attachment

A motion was made by B. Gratny and second by V. Ziegler to accept the bid from Coleman Implement for a 1845C Uniloader, 100XR Backhoe attachment, hydraulic coupler and backup alarm in the amount of \$25,400.00. Odle, Gratny, Ziegler-Aye Vervaecke, Wilderson-Nay Motion Carried 3-2.

Item #3. Joint City Council and Planning Commission Worksession

A motion was made by V. Ziegler and second by C. Wilderson to hold a joint worksession on July 22nd at 7:00 p.m. to discuss future capital improvements. Odle, Wilderson, Gratny, Ziegler-Aye Vervaecke-Nay. Motion Passed 4-1.

Item #4. Ordinance Reducing Speeding Limit and Installing "Wanted Children Alive" Signs in Crestwood Subdivision

V. Ziegler moved to adopt the ordinance reducing the current speed limit of 30 mph to 20 mph and installing two "Wanted Children Alive" signs at the entrances of Crestwood Country Estates Subdivision. All Aye. Motion Carried 5-0.

ORD. 311 - AN ORDINANCE REDUCING THE SPEED FROM 30 MILES PER HOUR TO ²⁰30 MILES PER HOUR; AND AUTHORIZING THE ERECTION OF TWO SIGNS UNDER THE ENTITLEMENT "WANTED OUR CHILDREN ALIVE" TO BE POSTED AT 155TH STREET AND CRESTWOOD DRIVE AND AT 155TH STREET AND ELM STREET IN THE CRESTWOOD COUNTRY ESTATES SUBDIVISION.

Item #5. Adopt Ordinance Authorizing the Use of Manuals on Uniform Traffic Control Devices and Work Zone Areas.

A motion was made by J. Odle and second by V. Ziegler authorizing the adoption of 1988 Manuals on Uniform Traffic Control Devices and Part 6 Edition relating to work zone areas. All Aye. Motion Carried 5-0.

ORD. #312 - AN ORDINANCE ADOPTING THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 1998 EDITION AND 1993 PART 6 EDITION

Item #6. An Ordinance adopting the 1997 Uniform Traffic Codes and Public Offense Code.

It was moved and seconded by B. Gratny and J. Odle to pass the ordinances adopting the 1997 Uniform Traffic and Public Offense Codes. All Aye. Motion Carried 5-0.

ORD. #313 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BASEHOR, KANSAS CHAPTER XI, CONCERNING UNIFORM PUBLIC OFFENSE CODE ORDINANCES AND LOCAL TRAFFIC REGULATIONS AS WELL AS ORDINANCE 313.

ORD. #314 - AN ORDINANCE INCORPORATING THE 1997 STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES BY REFERENCE

Item #7. Adopt Ordinance amending the existing Weed and Vegetation Ordinance 230.

C. Wilderson voted to adopt Weed Control Ordinance as printed. R. Vervaecke second the motion. Wilderson, Gratny, Vervaecke, Ziegler - Aye Odle-Nay Motion Carried 4-1.

ORD 315A - AN ORDINANCE RELATING TO THE CUTTING OF WEEDS AND VEGETATION, PROVIDING FOR NOTICE AND PROVIDING FOR CUTTING BY THE CITY OF BASEHOR, AND PROVIDING FOR CHARGES THEREFOR; AND REPEALING ORDINANCE NO. 230, CHAPTER VIII, ARTICLE 4 OF THE CITY OF BASEHOR KANSAS IN CONFLICT THEREWITH.

Item #8. Resolution calling for Redemption and Payment of Temporary Note No. 1, Series 1996

V. Ziegler moved to adopt a resolution calling for the redemption and payment of Temporary Note No. 1, Series 1996 pertaining to Sewer District #12. B. Gratny second the motion. All Aye. Motion Carried 5-0.

RES. 97-02 - A RESOLUTION CALLING FOR THE NOTE FOR REDEMPTION AND PAYMENT ON AUGUST 29, 1997.

Item #9. Parallel Parkway Subdivision.

V. Ziegler moved to approve Parallel Parkway Subdivision as presented. B. Gratny second the motion. All Aye. Motion Carried 5-0.

COUNCIL MEMBER REPORTS

Pres. Robert Vervaecke

Councilman Robert Vervaecke questioned whether or not Crestwood and Hickory Pointe Subdivisions provided the City with a video tape of their sewer mains. The clerk responded the BG Consultants technician reported to her they were in the companies possession for Crestwood Subdivision. Superintendent Mogle reported the sewer main was already existing in Hickory Pointe, therefore, televising the sewer main was not required.

Joseph Odle

Councilman Odle requested a fifteen minute executive session prior to adjourning the meeting to discuss personnel matters.

Charles Wilderson

The City was presented a letter of appreciation from Councilman Wilderson and PRIDE for the City's participation in the Fourth of July celebration. He thanked the City for donating \$250.00 toward the purchase of fireworks and staff support.

Victor Ziegler

Councilman Ziegler noted a stipulation in the special use permits issued to Mr. Raphael Breuer was that he paved the driveway. So far he has not seen the project completed. Mayor Pfannenstiel stated he will address the matter with Mr. Breuer.

Burl Gratny

No comment at this time.

EXECUTIVE SESSION

A motion was made by J. Odle and second by R. Vervaecke to recess into a fifteen minute executive session to discuss personnel matters. All Aye. Motion Carried 5-0. (9:25 p.m.)

Fifteen minutes later the Council resumed into regular session with Mayor Pfannenstiel calling the regular session back to order.

ADJOURNMENT

There being no further business to discuss, B. Gratny and C. Wilderson moved to adjourn the meeting. All Aye. Motion Carried 5-0.

Submitted for Council approval with/without corrections this 18th day of Aug, 1997


John Pfannenstiel, Mayor


Mary A. Mogle, City Clerk