

MINUTES

BASEHOR CITY COUNCIL

August 18, 1997

7:00 P.M

Basehor City Hall

OFFICIAL PRESIDING: MAYOR JOHN PFANNENSTIEL

MEMBERS PRESENT: PRES. ROBERT VERVAECKE, JOSEPH ODLE, VICTOR ZIEGLER,  
BURL GRATNY

Staff Present: Jane Scherer, Treas.      John Thompson, Atty.      Cecil Kingsley, Engineer  
                    Bill Mogle, Supt.              Mary Mogle, CMC              Joe Scherer, PC Chairman  
                    Don Wilson, A/C

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The monthly meeting of the Basehor City Council was called to order at 7:05 p.m. with Mayor John Pfannenstiel presiding. Roll call was answered with all members present except Charles Wilderson.

***EXECUTIVE SESSION***

A request was made by Mayor Pfannenstiel to hold a thirty minute executive session to discuss land acquisition and attorney-client privilege.

A motion was made by J. Odle and second by B. Gratny to recess into a thirty minute executive session to discuss land acquisition and attorney-client privilege. All Aye. Motion Carried 4-0.

At 7:35 p.m, the Council reconvened into regular session.

***APPROVAL OF MINUTES***

R. Vervaecke moved to approve the Minutes of July 21st monthly meeting with the correction from "30 mph to 20 mph" (pg 5, Ord. #311) and the Minutes of July 22nd work session, July 22nd Telephone Poll, July 29th Special Meeting and August 7, 1997 Special Meeting as printed. J. Odle second the motion. All Aye. Motion Carried 4-0.

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

*Treasurer's Report* - It was moved and seconded by J. Odle and V. Ziegler to approve the July 1997 Treasurer's Report as presented. Odle, Ziegler, Gratny-Aye. Vervaecke-Abstained. Motion Carried 3-1.

SCANNED

2/28/02 *et*

*Investments* - V. Ziegler moved to reinvest CD #20215 in the amount of \$75,000.00 for a period of six months at the highest yield rate available. R. Vervaecke second the motion. All Aye. Motion Carried 4-0.

*Budget Hearings* - Due to a conflict with preparing and publishing Notice of Hearing, the hearings scheduled for this meeting was moved to August 25th. The hearings will be for the purpose of amending the 1997 Budget giving authority to make the Justice Center payment and to approve the 1998 Budget.

*Interfund Transfer* - A motion was made by B. Gratny and second by V. Ziegler to approve a transfer of \$1,900.30 from the general fund to the equipment reserve fund. All Aye. Motion Carried 4-0.

*Intrafund Transfer* - R. Vervaecke moved to approve the transfer of \$5000.00 in personnel funds to contractual and move balance in drug task force fund to the general police fund. J. Odle second the motion. All Aye. Motion Carried 4-0.

### ***STAFF AND COMMITTEES***

#### ***City Clerk***

*Cleaning Service Bid* - A report was given by the city clerk noting the current cleaning service has requested an increase from \$80.00 to \$100.00 per month. The clerk noted this service was originally bid and suggested re-bidding. The clerk also requested the bid and cleaning service be placed under the supervision of the city superintendent since he is in charge of city facilities. Council agreed to re-bid the contract under the direction of the city superintendent.

#### ***Chief of Police***

*Appointment of Part-time Officer* - Chief Weston updated the Council on the medical condition of Sgt. Cigich and noted the officer will be on medical leave for an indefinite period of time. A request was made by Chief Weston to appoint reserve officer, Richard Nemchik, to part-time officer.

#### ***City Superintendent***

*Snow Removal & Salt/Sand Contracts* - Superintendent Mogle reported the contracts will expire November 1, 1997 and will need to be rebid. Mr. Mogle noted currently the bids call for a three year term. He requested the Board give him some direction concerning the length of the bid. Council instructed the superintendent to specify the bid for a three year period if allowed by law and award the bid at the next meeting.

*City Engineer*

*Pond Dam Repairs* - Engineer Kingsley noted a written report was included in the Council's packets regarding an estimate of costs and engineering fees to repair the damaged pond dam. Mr. Kingsley stated if the problem is not addressed the dam will erode and eventually drain the pond, however, damage down stream is not expected to occur. The engineer reported his firm has looked into several grants and assistance programs to no avail. A cost of \$25,260.00 to repair the dam was reported as well as an additional cost of \$9,800.00 for engineer fees. Mayor and Council agreed to continue to monitor the pond.

*Briarwood Sewers* - A report was given by the city engineer that he has been contacted by Leavenworth County to compile a study regarding the connection of Briarwood Subdivision to the City's sewer system as requested by Kansas Department of Health & Environment (KDHE). Joe Mester, KDHE, has requested a meeting between the county, city and KDHE be held in Topeka on September 5th. Kingsley noted he is not willing to give an estimated cost at this time until the City has been given detailed information regarding the County's proposal sewage system. Mayor Pfannenstiel suggested Leavenworth County perform their own study and if Mr. Mester wished to meet with City and County officials, it would be easier for one man to come to Basehor rather than several board members travel to Topeka. Kingsley stated he will contact Mr. Mester regarding changing the meeting place. The Mayor announced he along with up to two Council members and the city engineer would attend.

*City Attorney*

*Kelley's Grinder Pump Agreement* - City attorney, John Thompson, reported the attorney for Kelley's Grille & Bar, had requested a clause requiring the city to indemnify any and all damages be included in the agreement. Thompson noted the clause has been deleted at his suggestion. The agreement has been executed and sent to Kelley's Grille & Bar attorney. Mr. Thompson noted that passage of this agreement does not effect the current grinder pump ordinance.

*Sewer Facility Land Site Purchase* - Attorney Thompson submitted for Council approval a resolution which allows for the condemnation of land and the authorization to enter onto the proposed sewer facility land sites for the purpose of conducting necessary surveys. Thompson noted that passage of this resolution does not stop on-going negotiations with the affected property owners. In the event negotiations fail, an ordinance will be necessary to authorize condemnation.

*Planning Commission*

*Daniels Plat Approval* - Planning Chairman, Joseph Scherer, requested approval of preliminary and final plat of property belonging to Joseph Daniels Sr. located at 15510 State Avenue. Scherer questioned if a document between Daniels and Bryan agreeing to the location of the north

property line had been submitted to the city office. The clerk responded "no". Scherer asked that the plat be approved subject to receipt of the agreement.

*Willming Grinder Pump* - Joseph Scherer reported Mr. Willming had failed to appear at the August 14th Planning Commission meeting regarding the installation of a grinder/ejector pump at 1708 N. 155th Street. The matter was tabled to the September meeting.

*Capital Improvement* - Mr. Scherer reported the planning commission has started working on the city's capital improvements program and asked that members of the planning commission be included in sewer facility meetings in the future.

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

*Street Maintenance Program* - Mayor Pfannenstiel stated since the Council did not approve the city engineer to perform a street survey, he suggests having the city superintendent do as much work in house as possible. The engineer has agreed to spend an afternoon with the superintendent to help assist him on how and what data will be necessary to perform certain projects.

Councilman Vervaecke asked that sidewalk problems be addressed this fall.

*Meeting Agenda* - The Mayor indicated he has received feedback regarding the current agenda. Some members of Council expressed they would like to return to the previous method where they voted on each issue at time of presentation.

Mayor Pfannenstiel announced the agenda will return to its previous form in September and any citizens wanting to express their views regarding an issue should contact a council member or himself prior to the monthly meeting.

*Traffic Safety at Basehor School* - Mayor Pfannenstiel reported the school board appointed a committee to study the traffic safety problem which exists at the elementary school but due to a conflict in scheduling meetings the committee has not been able to meet. In the meantime, the school board sent letters home with students regarding an alternative method to picking up children after school. (memo has been incorporated by reference to the original minutes). The Mayor and other city officials will continue to monitor the situation.

*Amend Meeting Time and Place Ord.* - An ordinance designating meeting time and place for the City Council was presented by Mayor Pfannenstiel. The Mayor explained the intent of the change in meeting time is to allow an executive session to be held at 7:00 p.m.

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

There was no public comments at this time.

*UNFINISHED BUSINESS*

*Insurance Proceeds Funds Ord.-* An amended Insurance Proceeds Fund ordinance was presented last month to include updates as recommended by the League of Kansas Municipalities. The updates increase the escrow fund from 10% to 15% to allow for cleanup of buildings destroyed by windstorms, tornadoes and fire.

A motion was made by R. Vervaecke and second by V. Ziegler to approve the Insurance Proceeds Fund Ordinance as presented. All Aye. Motion Carried 4-0.

*NEW BUSINESS*

*Item #1 - Budget Public Hearings.*

A motion was made V. Ziegler and second by B. Gratny to schedule public hearings to amend the 1997 budget and adopt the 1998 budget for August 25, 1997 at 7:00 p.m. All Aye. Motion Carried 4-0.

*Item #2 - Kelley's Grille & Bar Grinder Pump.*

V. Ziegler moved to grant the Mayor authority to sign the agreement between Mr. and Mrs. Bucholz and the City of Basehor to maintain the grinder pump located at 15544 State Ave. B. Gratny second the motion. All Aye. Motion Carried 4-0.

*Item #3 - Resolution Authorizing for the Condemnation and Survey.*

A motion was made by J. Odle and second by R. Vervaecke authorizing the passage of a resolution to start the process to condemn and survey land being considered for proposed sewer facility site. All Aye. Motion Carried 4-0.

*Item #4 - Approval of Daniels Preliminary & Final Plat.*

B. Gratny moved to approve the preliminary and final plats for Daniels property located at 15510 State Avenue. V. Ziegler second the motion. All Aye. Motion Carried 4-0.

*Item #5 - Willming Grinder Pump.*

Tabled until the September meeting.

*Item #6 - Amend Ordinance Setting Council Meeting Time and Place.*

It was moved and seconded by J. Odle and R. Vervaecke to approve the ordinance setting the meeting time of 7:00 p.m. when an executive session is called. All Aye. Motion Carried 4-0.

*Item #7 - Appointment of Richard Nemchik to Part-time Police Officer*

A motion was made by R. Vervaecke and second by V. Ziegler to approve the appointment of Richard Nemchik to part-time police officer. All Aye. Motion Carried 4-0.

*Item #8 - Briarwood Sewers.*

No action was taken at this time.

*Item #9 - Transfer of Funds.*

J. Odle moved to approve a transfer of \$5000.00 from the Special Highway personnel to contractual and the balance remaining in the Drug Task Force Fund to the General Police Drug Task Force fund to allocate full spending authority. R. Vervaecke second the motion. All Aye. Motion Carried 4-0.

**COUNCIL MEMBER REPORTS**

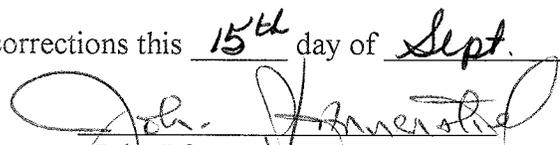
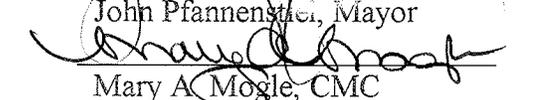
*ROBERT VERVAECKE* questioned if the prohibition of basement drains are still being enforced. Mayor Pfannenstiel noted basement drains are currently being allowed based on a legal opinion rendered from the city attorney and his own interpretation of ordinances and minutes. Vervaecke noted he has in his possession a letter from city engineer, Cecil Kingsley, stating infiltration into a basement drain is considered "I & P" and is prohibited by Kansas Department of Health & Environment. The engineer was instructed to provide written documentation supporting his opinion as well as a description of basement, area-away and foundation drains.

There were no other reports received from Council members.

**ADJOURNMENT**

There being no further business to discuss, R. Vervaecke moved to adjourn the meeting. R. Gratny second the motion. All Aye. Motion Carried 4-0.

Submitted for Council approval with/without corrections this 15<sup>th</sup> day of Sept., 1997.

  
John Pfannenstiel, Mayor  
  
Mary A. Mogle, CMC