

**MINUTES**

**BASEHOR CITY COUNCIL**

**June 17, 1996**

**7:30 PM**

**Basehor City Council**

**OFFICIAL PRESIDING: MAYOR JOSEPH P. ODLE**

**MEMBERS PRESENT: Pres. Charles Wilderson, Jerry Barlow, Joseph Odle, John Pfannenstiel, Robert Robert Vervaecke**

**Other Staff Present: Jane Scherer, Treasurer    David Hamby, Engineer    John Thompson, Atty.  
William Mogle, WWTO    Mary Mogle, City Clerk    Vincent Weston, COP  
(Tammy Veltman, Basehor Sentinel and three citizens were also present)**

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The monthly meeting of the Basehor City Council was called to order promptly at 7:30 PM with Mayor Bryce Bettin presiding. Flag salute was recited following roll call by the city clerk, Mary Mogle, with all members present.

***APPROVAL OF MINUTES***

A motion was made by R. Vervaecke and seconded by C. Wilderson to approve the Minutes of May 20, 1996 Public Hearing, May 20, 1996 Council meeting with a correction on page 3, paragraph 6 which should read \$50,618.29 instead of \$60,618.29, June 4th telephone poll, June 4th Meeting with KDHE and June 10 Budget Work Session. All Aye. Motion Carried 5-0.

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

C. Wilderson moved to reinvest CD #20072 in the amount of 103,000.00 for one year, CD #20078 in the amount of 51,000.00 for six months and CD #14533 in the amount of 57,500.00 for six months. R. Vervaecke second the motion. All Aye. Motion Carried 5-0.

It was moved and seconded by C. Wilderson and J. Pfannenstiel to approve the May 1996 Treasurer's report as printed. All Aye. Motion Carried 5-0.

***APPROVAL OF MUNICIPAL COURT REPORT***

J. Barlow moved to approve the May 1996 Municipal Court Report as presented. R. Vervaecke seconded the motion. All Aye. Motion Carried 5-0.

***CITIZENS AND PETITIONS***

HARLEY RUSSELL and Judge David King, from the Leavenworth County Advisory Board were present to give an brief overview and answer questions regarding the proposed judicial center. The judicial center will be a combined effort between all the cities in Leavenworth County as well as Leavenworth County. The center will be funded by a 1/2 cent sales tax. A "one cent for ten years" sales tax issue is to be placed on the November 1996 ballot with one-half cent going back to the area cities. The purpose of the advisory board is to educate the citizens in the county and help justify the expenses.

Judge King reported he is head of the Bureau of Speakers committee and is present to recruit members of the governing body to be present at area meetings to address questions from the audience regarding the proposed infrastructure projects for the City of Basehor.

SCANNED

2-27-07 *et*

Councilman Odle questioned the bed capacity of the proposed jail. Mr. Russell responded the facility will have a bed capacity of 125. Councilman Wilderson noted the new jail facility is needed however, he is concerned that the cost has increased by approximately \$10,000,000.00 from the original proposal. Judge King commented "the figure that was listed in the newspaper was bogus. The building is not going to be a luxury hotel for prisoners but a functional facility that will benefit the whole county. About six million dollars will be funded by the City of Leavenworth".

The Board also discussed with the county representatives the other options before the commissioners, 1) consider remodeling the Abernathy Building or 2) use contract center facility. According the Russell both options were ruled out by the Commissioners for various reasons.

ORDINANCE TO CONSIDER COURT FINES - City attorney, John Thompson reported according to state statutes the fine schedule before the Council is to be set by the municipal judge. Thompson noted Judge Pray has reviewed the proposed fine schedule and gives consideration for passage. The ordinance being considered tonight for approval is to adopt the new 1996 Standard Traffic Ordinance as in past years.

Mayor Bettin announced the purpose of the amended fine schedule is to standardize the fines not raise revenue. There was no one in the audience to speak in favor or opposition of the ordinance.

#### ***PARK ADVISORY BOARD***

PARK PROGRESS REPORT was given by Councilman Pfannenstiel who noted the gate at the park is being moved tomorrow and mapped out the walking path.

#### ***PLANNING COMMISSION***

COMPREHENSIVE PLAN - A public hearing will be held on July 2nd by the Planning Commission to consider the adoption of the revised comprehensive plan. Mayor Bettin asked the clerk to send all council members a copy of the proposed comprehensive plan.

#### ***CITY ENGINEER***

SERVICES CONTRACT - In the absence of Cecil Kingsley, associate David Hamby was present to represent BG Consultants. Mayor Bettin reported KDHE has approved the City for funds from the State Revolving loan and can access funds for the contract, I & I repairs and the sewage facility. Based on this information, Mayor Bettin recommended the acceptance of the contract stipulating the scope of services to be provided by BG Consultants. The Mayor stated he reserve the right to have the city clerk poll the Council prior to the next meeting for a vote.

SEWER DISTRICT #12 - Mayor Bettin instructed BG Consultants to draft a letter to residence updating them on the status of their repair requests.

ORDINANCE REGULATING SEPTIC TANKS - An ordinance was submitted for Council approval regulating septic tanks within Basehor City limits. The ordinance is being considered due to the fact that Leavenworth County no longer requires perk tests, permits or inspections. Councilman Odle requested a footage be stipulated in the document requiring property owners to connect to city sewers when their septic tanks fail.

A motion was made by J. Odle and seconded by J. Barlow to approve the ordinance as written to include a footage requirement as discussed. Discussion followed. Odle, Barlow, Wilderson, Vervaecke-Aye. Pfannenstiel-No. Motion Passed 4-1.

CRESTWOOD SUBDIVISION - Hamby reported the installation of sewers in Phase III of Crestwood Subdivision is proceeding very slow due to unfavorable soil and drainage problems. The contractor stopped the project until he was able to make the developer aware of the additional costs incurred by this problem. City Clerk, Mary Mogle, noted the developer is being charged monthly for the inspection fees of BG Consultants for this project.

***CITY CLERK***

UTILITY COMPANIES - Clerk Mogle reported she has received a complaint from a property on 142nd Street regarding the improper installation of a water line and fire hydrant belonging to Suburban Water District. Mogle expressed concern that utility companies are not required to submit plans or acquire permission from the city to perform work within the city limits. Currently companies are only required to obtain a bond if they are going to be cutting into the street.

Mayor Bettin directed the city attorney to draft a resolution requiring a utility company obtain permission from the planning commission for installation of new lines.

It was moved and seconded by R. Vervaecke and J. Pfannenstiel to direct the city attorney to write a letter to Suburban Water ordering him to stop work until repairs are made to correct the imperfections. All Aye. Motion Carried 5-0.

STREET LIGHTS ON 142ND STREET - Mogle noted the same individual complained about the city not providing street lights along 142nd Street. Odle noted a petition is normally submitted by the area property owners.

Mogle was directed to contact KPL to perform a study for the installation of street lights and also contact the property owner to see if he will submit a petition to the Council for consideration.

***CHIEF OF POLICE***

CONSTRUCTION OF DOG RUNS - Chief Weston presented a request from the animal control officer to install two dog runs at Tuttle Veterinary Clinic to house stray animals until they are redeemed or destroyed. Weston noted the officer has on numerous occasions been forced to house the strays at his private residence when the kennel is full. When the City no longer uses Tuttle Clinic, the runs will become the property of the clinic. The cost of construction is \$900.00. Clerk Mogle requested an agreement be drafted between the City and Dr. Tuttle to assure there are no misunderstandings.

J. Barlow moved to build the dog runs not to exceed \$900 and write a contract for Tuttle to sign. J. Pfannenstiel second the motion. All Aye. Motion Carried 5-0.

UNIVERSAL HIRING PROGRAM - Weston announced Basehor Police Department has been awarded another grant for the hiring of a full time police officer. Weston requested the hiring of two part-time officers in lieu hiring one full-time officer.

A motion was made by J. Barlow and seconded by C. Wilderson to allow the Chief of Police proceed with the application for two part-time police officers and apply for 25% waiver. All Aye. Motion Carried 5-0.

HIRING RESERVE OFFICERS - A request was made by Chief Weston to bring on two additional reserve officers to help work the school activities. The school is requesting four officers work each function. Chief Weston gave a brief synopsis on each applicant. Odle informed the chief only the Mayor's approval is necessary to hire reserve officers.

***CITY ATTORNEY***

SEWER DISTRICT #12 RESOLUTIONS - City attorney presented two resolutions, prepared by Nichols & Wolfe Bond Counsel, accepting the refinancing of the temporary note and funds to help pay interest. The City was not able to roll the notes over into special assessments due to a pending law suit from a Sewer District #12 patron. It was noted the city at-large will be withstanding the costs of the 8" Sewer Main (north of 15510 State Ave.) not the participants of Sewer District #12.

J. Pfannenstiel moved to adopt Resolution 96-2 creating the temporary note and Resolution 96-3 stating the amount owed by members of the district not to exceed a certain amount. J. Odle second the motion. All Aye. Motion Carried 5-0.

RES. 96-02. A RESOLUTION CREATING THE NEED FOR THE REFINANCING OF TEMPORARY NOTE NO. R-1, 1st Series, January 1, 1995.

RES. 96-03. A RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A RENEWAL TEMPORARY NOTE OF THE CITY OF BASEHOR, KANSAS, IN THE PRINCIPAL AMOUNT OF \$255,000 TO FINANCE THE PAYMENT OF TEMPORARY NOTE NO. R-1, 1st SERIES, OF THE CITY IN THE AGGREGATE AMOUNT OF \$215,700, DATED JANUARY 1, 1995, DATED JANUARY 1, 1995, UNDER THE AUTHORITY OF K.S.A. 10-123.

COURT FINE SCHEDULE - An ordinance was submitted adopting the 1996 Standard Traffic Codes and Criminal Codes. Judge Pray will enter an order in the municipal court adopting the revised fine schedule. The new fine schedule is to help standardize court fines.

A motion was made by J. Odle to pass the ordinance adopting the new Standard Traffic and Criminal Ordinance and approve the traffic fine schedule as printed. All Aye. Motion Carried 5-0.

EXPENSE ON DOG RUNS - Thompson encouraged Council to go ahead with installing the dog runs. He caution the city they could end up in a severe liability issue by housing the animals on private property. He wanted to go on record that the \$900 expenditure is minimal compared to a lawsuit. Barlow wanted to make sure the animal control officer enforces the ordinances that are already on the books.

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

STAFF WAGE INCREASE - Tabled to July meeting.

REVIEW BUILDING PERMIT FEES - A recommendation to adopt the 1994 Uniform Building Code fees was made by building inspector, Mike Bilyk. Mr. Bilyk also felt that he should receive the full building permit fee as his wages. Council discussed the amount of calls made by the building inspector per month and if it warranted placing him on salary or allocating his 100% of the building permit fee.

Councilman Odle moved to give 100% of the building permit fee to the building inspector. J. Barlow second the motion. Discussion followed.

Pfannenstiel commented he is opposed to giving the inspector 100% of the fee since there are still administrative fees involved. After further consideration Odle and Barlow agreed to rescind their original motion.

Clerk Mogle suggested she return next month with a couple of different proposals. Council agreed.

GALAXY CABLEVISION - Mayor Bettin announced he is receiving opposition regarding the installation of cable television to property owners from 147th & Parallel east to 142nd Street and then south to State Avenue. The property owners are being told the company will not install for another six months or more.

The city attorney was directed to draft a letter to Galaxy Cablevision informing them they are in violation of their franchise agreement.

APPOINTMENTS - A motion was made by J. Pfannenstiel and seconded by J. Odle to approve the following appointments:

Planning Commission (3 year appointment) - John Matthews, Gayle Runnels and Joseph Scherer.

Basehor Park Advisory Board (2 year appointment) - Cindy Bartko, Jeff Theno  
Board of Zoning Appeals (2 year appointment) - Patti Srubas, Planning Commission Chairman

J. Pfannenstiel moved to approve the Mayor's appointments as stated. J. Odle second the motion. All Aye. Motion Carried 5-0.

LIQUOR LICENSE - A motion was made by J. Barlow and second by J. Odle to approve the issuance of a drinking establishment liquor license to William Bucholz (purchasing Kelley's Bar & Grille). Odle, Barlow, Vervaecke, Pfannenstiel-Aye. Wilderson-No. Motion Carried 4-1.

***CHARLES WILDERSON***

CAR WASH - Councilman Wilderson questioned the status of the car wash. Clerk Mogle stated she has receive no response.

LAD - An announcement was made by Wilderson that a luncheon will be held on June 27th at the Holy-Field Winery at 11:45 A.M. honoring local businesses. The luncheon is \$5.50 per person. A Task Force Action team has been formed to support existing businesses and encourage new businesses to the area. Mayor Bettin announced he has instructed the planning commission to target areas in the comprehensive plan for business zoning.

***JERRY BARLOW***

JUDICIAL CENTER - Councilman Barlow expressed concern regarding the dollar amount being requested by the County Commissioners. He noted the amount continues to increase which will decrease the contributions the cities will receive. The term has also been increased from seven years to ten. Mayor Bettin announced he anticipates a firm commitment from the Commissioners by August 1, 1996.

***JOSEPH ODLE***

Nothing to report at this time.

***JOHN PFANNENSTIEL***

Nothing to report at this time.

***ROBERT VERVAECKE***

CABLE TELEVISION - Vervaecke announced the Tonganoxie Mirror reported the City of Basehor governing body was instrumental in stopping MTV from appearing as a local cable station. Vervaecke wanted to go on record stating the Basehor City Council did not make the decision to remove MTV from the cable television selection in lieu of the weather station.

COURT FINE SCHEDULE - Vervaecke would still like to see an additional fine be set for speeding in a school zone. The additional \$6,000-\$8000 the additional fine would generate could go for sidewalks which help to provide safety for those children walking to and from school.

***WASTEWATER OPERATOR***

ELECTRICAL WORK - Mogle requested Council accept Central Detroit-Diesel's bid for \$3,000.00 to make the necessary electrical changes to adapt the generator to the two lift stations located on 155th Street. Mayor Bettin instructed Mogle to obtain another comparison bid. Barlow advised Mogle to contact Daniels Electric in Bonner Springs. Bettin reserved the right to take a vote via telephone.

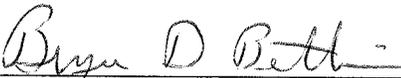
***OTHER***

SALES TAX REVENUE - Wilderson thanked the clerk for generating a current sales tax list and noted sales tax revenue is up 45% due to the one-half cents tax increased passed last October 1995.

***ADJOURNMENT***

There being no further business to discuss, J. Odle moved to adjourn the meeting. J. Barlow seconded the motion. All Aye. Motion Carried 5-0.

Submitted for Council approval with/without corrections this 15th day of July, 1996.

  
Bryce D. Bettin, Mayor

  
Mary A. Mogle, City Clerk