

MINUTES

BASEHOR CITY COUNCIL  
February 20, 1995  
7:30 P.M.  
Basehor City Hall

OFFICIAL PRESIDING: MAYOR JOSEPH P. ODLE

MEMBERS PRESENT: Pres. Jerry Barlow, John Pfannenstiel,  
Charles Wilderson and Bryce Bettin

Others Present: Jane Scherer, Treas. John Thompson, Atty.  
Bill Mogle, WWTO Bruce Browne, PE  
Vince Weston, COP Mary Mogle, Clerk  
Citizens of Basehor

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The monthly meeting of the Basehor City Council was called to order by Mayor Joseph Odle at 7:30 P.M. Pledge of Allegiance was recited followed by roll call. All members were present.

APPROVAL OF MINUTES

A motion was made by J. Pfannenstiel to approve the Minutes of January 9th and 25th as written. The motion was seconded by J. Barlow. All Aye. Motion Carried 4-0.

APPROVAL OF TREASURER'S REPORT

The Council received a memorandum from the county clerk stating the "remaining distributions for this year may be less than anticipated due to pending legislation on the amnesty problem".

Councilman Wilderson asked the city treasurer if the County indicated an amount or percentage the levied taxes would be reduced by. Treasurer Scherer noted that no figure was given. Odle stated the City will realize a reduction in State support due to the cuts made in builders sales tax and other budget restraints.

Odle informed Council they need to make a motion allowing the city treasurer to pay bills for Sewer District #12 (Section II) from the Sewer Maintenance & Replacement Fund.

A motion was made by C. Wilderson and seconded by J. Pfannenstiel to pay necessary bills from the Sewer Maintenance & Replacement Fund for Sewer District #12. All Aye. Motion Carried 4-0.

It was moved and seconded by C. Wilderson and J. Pfannenstiel to approve the January 1995 Treasurer's Report as printed. All Aye. Motion Carried 4-0.

C. Wilderson moved to reinvest Certificate of Deposit #10512 in the amount of \$50,000.00 at the highest rate of interest for six months in a Certificate of Deposit or Treasury Bill. Included in the motion was to withdraw \$100,000.00 from the money market account and purchase a one year Treasury Bill. J. Pfannenstiel seconded the motion. All Aye. Motion Carried 4-0.

#### APPROVAL OF MUNICIPAL COURT REPORT

J. Barlow moved to approve the January 1995 Municipal Court Report as submitted. J. Pfannenstiel seconded the motion. All Aye. Motion Carried 4-0. Receipts-5,045.00

#### CITIZENS AND PETITIONS

No written requests received.

#### PLANNING COMMISSION

Basehor Planning Commission was represented by Vice Chairman, Robert Vervaecke.

PETITION FOR ANNEXATION - Planning Commission made a recommendation to approve the Petition for Annexation from Judy Rockwell and Shirlene Pouppirt. The property is located north of Meyer Drive and west of 155th Terr. behind the Pouppirt Addition. The subdivision will consist of thirteen homes.

Barlow informed the Council that he is opposed to the annexation based on what KDHE told them in the meeting on January 25th. He felt since developer, Jeff Scherer, was denied the opportunity to connect to the sewers without upgrading them, that the Council should treat this request equally.

Pfannenstiel rebuttal in saying that Scherer was not denied his request for annexation but "withdrew" his petition voluntarily. He is in favor of any annexation as long as there is adequate sewer capacity.

Jeff Scherer reminded the Council that at the time he was going to annex, the North lagoon supposedly was over capacity by sixty homes. Scherer felt approving this petition for annexation would be discriminatory.

A motion was made by J. Pfannenstiel and seconded by C. Wilderson to approve the petition for annexation.

Wilderson and Pfannenstiel-Aye. Bettin and Barlow-Nay. Mayor Odle broke the tie with a "nay" vote. Motion Failed 2-3.

INCREASE MINIMUM LOT SIZE - Vice Chairman Vervaecke reported the Planning Board reviewed the increase in lot size for those properties requiring septic tanks. The Board felt by increasing lot sizes this action would not be conducive to the comprehensive plan. A suggestion was made to increase county enforcement.

Odle asked Vervaecke if he had any background information as to why the County is considering increasing lots from 2 1/2 acres to 10 acres. Vervaecke responded by stating the County is trying to discourage large developments.

The Mayor directed the city clerk to contact the County Health Department to acquire information on soil sampling and any other information that would be beneficial in making a decision.

#### CITY ENGINEER

SEWER DISTRICT #12 - Engineer Browne reported all sewer main has been installed and the company is now in the process of boring under 155th Street to the properties located on the west side. Browne noted the contractor is behind schedule approximately 5-8 days.

STUDY FOR LONG RANGE WASTEWATER - A request was made by KDHE on January 25th to have the engineer provide them with a twenty year plan. Browne noted the process is expensive and felt the planning commission could help compile the population figures in conjunction with updating their comprehensive plan. It will take six to eight months to complete the report. Browne will give a cost estimate for preparation of the study in March or April.

Odle stated he requested written correspondence from KDHE regarding their plans for Basehor but the Topeka office has refused to put anything in writing.

Wastewater operator, Bill Mogle, reported he has made arrangements with an electrician to wire the fifth aerator at the south lagoon as requested by KDHE.

Bettin noted that it is his understanding that until a plan is approved by KDHE there is no reason to allow additional sewer hookups.

#### CITY CLERK

EMPLOYEE POLICY MANUAL - The city clerk tabled this matter for the March agenda.

CITY CLERK CONFERENCE - Clerk Mogle requested Council permission to attend the City Clerk Annual Conference in Wichita, March 8-10. The registration fee is \$125.00 plus expenses.

Following a brief discussion, a motion was made by Bryce Bettin and seconded by J. Barlow to allow the city clerk to attend the conference and pay expenses. All Aye. Motion Carried 4-0.

SOUTHWESTERN BELL TELECOM - The warranty will expire on April 2, 1995 for the new NorStar telephone system. There will be a charge of \$331.74 for an annual maintenance agreement.

It was moved and seconded by J. Barlow and B. Bettin to pay \$331.74 to Southwestern Bell Telecom for a maintenance agreement from April 2, 1995 to April 2, 1996. All Aye. Motion Passed 4-0.

FRANCHISE FEES - Councilman Wilderson questioned the percent currently being charged to Southwestern Bell for their franchise fees. Mogle was unsure if it was 3% or 5%. Wilderson directed the clerk to research the matter before the next meeting.

#### CHIEF OF POLICE

COPY MACHINE - Chief Weston reported the copy machine in the police department is not working and requested Council permission to start compiling bids for a replacement.

Mayor Odle noted he did not feel there would be money in the budget for a new machine and directed the city clerk to move the office copy machine to his office where it would be accessible to all the employees.

COPS FAST - The City of Basehor has been awarded money for an additional full-time police officer through the new COPS FAST program. Weston reported he is waiting on an information packet stipulating requirements for the program.

#### CITY ATTORNEY

WELLINGTON PLACE SUBDIVISION - Thompson updated Council on the status of the petition pending between the City of Basehor and Miles Excavating regarding Wellington Place Subdivision. Thompson noted the petition named three defendants, Miles Excavating, Atlantic Casualty Insurance Co. and Gary Wells (developer). Thompson stated that Gary Wells was not in favor of the joint petition, therefore, the City had no other recourse than to name him as a defendant. The defendants have 20-30 days to respond. Thompson advised Council to remember this does involve litigation and some

topics should be discussed in executive session. Thompson stated he will keep Mr. Patrick informed of the outcome.

Council discussed steps necessary to make sure bond companies are viable before accepting them. Thompson suggested stipulating in city codes that all bond companies must be licensed and bonded in the State of Kansas.

Councilman Bettin asked if the City is going to be able to recoup their legal fees. Thompson felt the city would not be able to recover any out-of-pocket expenses.

Mr. Patrick expressed concern regarding items listed in the petition. Thompson noted that the City reserves the right to file at a later time and amend the petition to include changes. Patrick also questioned whether driveways and yards will be included in the repairs. Thompson responded by stating driveways and yards are considered private property therefore, the City cannot initiate the repairs, Mr. Wells will be held liable for those.

Council directed the city attorney to prepare a general ordinance requiring all bond companies be licensed with the State of Kansas.

ONE-HALF CENT SALES TAX - Thompson reported there has been some concern regarding the resolution that was passed last month authorizing the sales tax issue to be placed on the ballot. The vote was passed 2-1 in favor. This month he has brought the same matter back for Council to vote on in the form of an ordinance.

Councilman Barlow expressed his dissatisfaction with placing the question on the ballot since the voters have already voted the issued down in the past.

J. Pfannenstiel moved to adopt the ordinance placing a one-half cent sales tax question on the ballot in April. The proceeds will be used for streets, infrastructure, sidewalks, etc. B. Bettin seconded the motion. Pfannenstiel, Bettin and Wilderson-Aye. Barlow-Nay. Motion Carried 3-1.

#### MAYOR'S REPORT

ANNUAL APPOINTMENTS - Mayor Odle asked the Council to change the Charter Ordinance to omit appointments for full time employees. This would exclude contractual and part-time employees. Odle stated he does not feel it is fair to the full-time employees to worry about appointments every year. He feels an employee should be discharged for failure to perform duties rather than "just because".

J. Pfannenstiel moved to direct the city attorney to prepare a charter ordinance omitting appointments for full-

time employees and submit for review at the March meeting.  
B. Bettin seconded the motion. All Aye. Motion Carried 4-0.

RESIGNATION - It was moved and seconded by J. Pfannenstiel and B. Bettin to accept the resignation of Tammy O'Donnell, planning board member, effective immediately. All Aye. Motion Carried 4-0.

APPOINTMENT - Mayor Odle requested the appointment of Robert Bryan to fulfill the term of Mrs. O'Donnell.

J. Barlow moved to appoint Robert Bryan to the Basehor Planning Commission to fulfill the term of Tammy O'Donnell. J. Pfannenstiel seconded the motion. All Aye. Motion Carried 4-0.

JERRY BARLOW

JOHN PFANNENSTIEL

CHARLES WILDERSON

LIONS CLUB - At the December meeting the Council agreed to provide electricity to the Lions Club Christmas tree lighting. Wilderson requested a confirmation letter be sent to the club.

PRIDE SURVEY - Wilderson requested a worksession be scheduled to allow the PRIDE committee to present the results of the survey. Council agreed to meet at 7:15 PM prior to the next meeting.

COUNTY SALES TAX - Leavenworth County is proposing a one-half cent sales tax to build a new jail facility. Mayors of Tonganoxie, Leavenworth, Lansing and Basehor has also joined together to try to get an additional one-half cent sales tax. This will generate approximately \$60,000.00 for the City.

Odle noted the commissioners have promised to raise property taxes if the sales tax issue fails.

A motion was made by C. Wilderson and seconded by B. Bettin to approve the effort to acquire the county-wide sales tax and allow the Mayor to sign the necessary papers. Wilderson, Pfannenstiel and Bettin-Aye Barlow-Nay Motion Carried 3-1.

BRYCE BETTIN

ADJOURNMENT

There being no further business to discuss, C. Wilderson

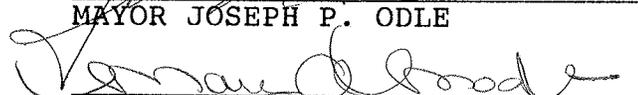
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moved to adjourn the meeting. J. Pfannenstiel seconded the motion. All Aye. Motion Carried 4-0. Meeting was adjourned at 9:15 pm.

Submitted for Council approval with without corrections  
this 20th day of March, 1995.

  
MAYOR JOSEPH P. ODLE

  
Mary A. Mogle, City Clerk