

MINUTES

BASEHOR CITY COUNCIL  
March 17, 1995  
7:30 PM  
Basehor City Council

*corrected 5-17-95  
Bettin - Wilderson  
all aye*

*April*

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

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

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

The April 1995 Council meeting was called to order by Mayor Odle at 7:30 PM with all members present.

**APPROVAL OF MINUTES**

J. Barlow moved to approve the Minutes of the March 20, 1994 worksession. C. Wilderson seconded the motion. All Aye. Motion carried 4-0.

It was moved and seconded by J. Barlow and J. Pfannenstiel to approve the Minutes of March 20, 1995 Council meeting. All Aye. Motion carried 4-0.

**APPROVAL OF TREASURER'S REPORT**

A motion was made by C. Wilderson to approve the March 1995 Treasurer's report and pay Evans Insurance \$2541.00 for balance owed on 1995-96 worker's compensation policy. The motion was seconded by Bryce Bettin. All Aye. Motion carried 4-0.

C. Wilderson moved to reinvest CD #10133 for six months at the highest rate of interest available. B. Bettin seconded the motion. All Aye. Motion carried 4-0.

**APPROVAL OF MUNICIPAL COURT REPORT**

J. Barlow moved to approve the March 1995 Municipal Court Report as submitted. C. Wilderson seconded the motion. All Aye. Motion carried 4-0.

**CITIZENS AND PETITIONS**

**SEWER DISTRICT #12** - Sharon Herdman, represented the property owners along 155th Street involved in Sewer Benefit District #12. She questioned if there was a deadline to finish the project.

SCANNED

*2-26-07 dt*

Mayor Odle stated the company will not be paid the balance until the property owners are satisfied. Browne informed the Board the contractor has been notified by the County that the work up to date is not acceptable, the company still needs to ditch and re-sodded. *corrected 5/15/95 Better - Wildflower. all age*

Herdman noted the property owners were instructed not to water their sod because the sod company would be back to water. It was over a week before they showed up and now the sod is dead. She also noted that property owners ditches were caving in. Herdman expressed concerns about the culverts being plugged causing water to pool in her yard. She stated she could withstand the pooling if she knows everything else is going to be taken care of. Browne stated the company will post a one year maintenance bond once they complete the project.

Odle instructed the city attorney to see what recourse the City has regarding the repairs in the event the project is not finished on time.

Dale Schuler, 1707 N. 155th St., stated it was his understanding there would be a sewer tapp to every property owner.

(Barlow left the room at 7:50 PM)

Browne informed him there is a stub coming from the manhole and brought to his property. Schuler noted the stub will have to cross his neighbors property. Browne stated the stub and manhole is in the right-of-way and any utility can be installed even though the property is deeded to someone else.

Schuler stated the property owners were promised they would have an inspector on the job at all times. There was no one present when the sod was being laid. Browne explained he had knee surgery and had been informed that the contract was not going to work while he was recuperating.

Don Swallow - questioned if the manhole on his property was going to be lowered. Browne stated the County required that manhole to be lowered and the manhole south of him to be raised. Swallow also expressed concerns that his hookup was going to be in front of his gas meter. Browne informed him the information was incorrect.

Schuler raised the question as to the property owners having to connect immediately and if they were going to have to pay the hookup fee. Mayor Odle stated the city was not concerned with an immediate hookup, however, Kansas Dept. of Health and Environment may instruct otherwise. Browne noted

the hookup fee was not included in the assessments. The Council will have to make the decision on whether hookup fees will be assessed.

LEAVENWORTH COUNTY STEERING COMMITTEE - Herb Robbins, Mayor of Tonganoxie, was present to see if a compromise could be reached between Basehor and Tonganoxie on appointing a representative to the Leavenworth County Steering Committee.

Robbins noted the County Commissioners are allowing the third class cities to appoint one representative collectively. City of Easton is not interested in participating and the Mayor of Linwood has approved with Mayor Robbins name. Robbins commented that whoever the cities appoint, it should be someone with a strong voice. He commented that it seems like the commissioners think Leavenworth County stops at County Road 8.

Mayor Odle stated he would get back with him in a couple of days with a name.

#### CITY ENGINEER

SEWER FACILITY STUDY - It was suggested by Browne to wait to order the study until the City has received the report on the Wolfe Creek Watershed Basin. Council agreed.

#### CITY CLERK

SEWER/WASTE DELINQUENTS - J. Barlow moved to hold a public hearing at 7:00 PM, June 19th regarding sewer and solid waste delinquents. B. Bettin seconded the motion. All Aye. Motion carried 4-0.

1994 AUDIT - Clerk Mogle presented Council with the final copy of the 1994 Audit. She reported there were no reportable state violations. She asked Council to express their appreciation to the city treasurer, Jane Scherer, who works very hard to balance to the penny.

FOURTH OF JULY FIREWORKS - Mogle questioned if the City was going to sponsor the fireworks display again this year. The City received approximately \$700.00 in donations toward this years event.

J. Pfannenstiel moved to donate \$2000.00 plus current donations for the 1995 fireworks display.

Mayor Odle stated the Council needs to take a closer look at the budget before giving money away. Pfannenstiel withdrew his motion.

Wilderson noted when he solicited for donations at last year celebration, it was with the understanding that the funds collected would go to help reduce the city's portion. He suggested they find out what fireworks will cost and review the budget before making a motion.

A motion was made by J. Barlow and seconded by J. Pfannenstiel to table the matter until the May meeting.

**ANIMAL CONTROL OFFICER**

FINE INCREASE - Animal control officer, Don Wilson, was present to request an increase in "animal running at large" and "no tags".

Attorney, John Thompson, submitted an ordinance increasing fees from \$10 to \$25 with a graduating fine for habitual offenders.

J. Barlow moved to increase fines to coincide with the City of Tonganoxie. Following a brief discussion, Barlow withdrew his motion.

Thompson noted on the third offense it requires the pet owner to appear before the judge which carries a fine from \$50 to \$500. He also noted this ordinance does not include a fine to "no tags". Wilson noted that was no problem.

J. Barlow moved to adopt the ordinance as printed increasing the fines for "animal running at large". B. Bettin seconded the motion. All Aye. Motion carried 4-0.

ORD. 274 - AN ORDINANCE CONCERNING FINES FOR PERSONS ALLOWING DOGS AND CATS TO RUN AT LARGE WITHIN THE CITY LIMITS OF BASEHOR, KANSAS, AMENDING BASEHOR MUNICIPAL CODE SECTION 2-206.

**CITY ATTORNEY**

CHARTER ORDINANCE - Thompson presented a final draft of a charter ordinance that will provide full-time employees security. The Mayor and Council will have to show just cause in order to release someone from their duties. He noted he left "good cause" open so Council could take each matter on its own merit.

J. Pfannenstiel noted a definition needed to be given to the meaning of "full-time". Mayor Odle stated that when employees are appointed it is stated whether they are part-time or full-time.

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B. Bettin made a motion to amend the language to stipulate full time as being chief of police, city clerk and full-time police officers in the section known as REMOVAL, article (A). *Wilderson seconded the motion. - corrected 5/15/95*

*Bettin  
Wilderson  
all Aye*

CHARTER ORD. #5 - A CHARTER ORDINANCE EXEMPTING THE CITY OF BASEHOR, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-204, AS AMENDED, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

SALES TAX ORDINANCE - J. Pfannenstiel moved to adopt the ordinance authorizing a one-half cent sales tax increase for the use of infrastructure. B. Bettin seconded the motion. All Aye. Motion carried 4-0.

ORD. 275 - AN ORDINANCE LEVYING A CITY RETAILER'S SALES TAX IN THE AMOUNT OF ONE-HALF OF ONE PERCENT (.5%) WITHIN THE CITY OF BASEHOR, KANSAS, EFFECTIVE OCTOBER 1, 1995.

UPDATE ON CITY OF BASEHOR vs MILES EXCAVATING - Thompson reported Judge King ruled that judgement be set aside and Miles could have his day in court. Thompson feels mediation should be binding in order to get the case resolved. Mediation is faster and cheaper than a law suit. Mediation would also allow the home owners to have a representative present. The decision of the mediator then becomes a court order by the judge. Mediation normally takes sixty days.

Mr. Patrick wanted to make sure that Schlagle was going to be the engineer involved in mediation. Thompson responded with "yes". Marcia Piersol requested the Minutes reflect the fact that Schlagle was going to be the engineer not Bruce Browne.

BOND COMPANY ORDINANCE - Thompson submitted for Council approval an ordinance stipulating that any insurance company the City deals with will have to be authorized by the state insurance commission and will have to provide a certificate.

J. Barlow moved to adopt an ordinance requiring a bond company to be licensed with the State of Kansas Commission of Insurance. C. Wilderson seconded the motion. All Aye. Motion carried 4-0.

ORD. 276 - AN ORDINANCE GOVERNING CHOICE OF INSURANCE COMPANIES WHO DO BUSINESS WITH THE CITY OF BASEHOR

CABLE FRANCHISE ORDINANCE - Thompson has researched the cable companies franchise and state the City has justification in terminating its franchise since the agreement does not comply with all the terms. They City is in a position to

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renegotiate the franchise agreement if they want to. Thompson stated he will make an outline and send to the Board.

### MAYOR'S REPORT

RESIGNATIONS - Mayor Odle announced he has received resignations from planning board member, Richard Nemchik and Board of Zoning Appeals member, Helen Godard.

PLANNING COMMISSION FEES - Mayor Odle expressed concerns regarding the fees currently being charged by planning consultant, Bill Kiesling. He noted that within the last two months the bills have been almost \$4,000.00. Odle feels the city cannot continue to pay out fees at this rate. He would rather see 24 hour police protection. Odle recalled the planning board being authorized two additional hours per month to work on the plan.

J. Barlow moved to terminate the planners services until finances were in order and take care of higher priority matters. Motion died for lack of second.

J. Pfannenstiel suggested contacting the planner and ask him to justify his bill.

B. Bettin moved to withhold payment to have a review of charges amounting to \$2,012.75. J. Barlow seconded the motion. All Aye. Motion carried 4-0.

Mayor Odle appointed City Clerk, City Treasurer, Councilmember Bettin and two planning members to sit on a committee to review the matter.

### JERRY BARLOW

### JOHN PFANNENSTIEL

### BRYCE BETTIN

### CHARLES WILDERSON

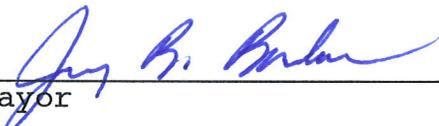
MARCH FOR PARKS - Wilderson requested a police escort from the grade school to the city park on April 21 from 3-4 pm. All proceeds collected from the Walk-A-Thon will go toward the city park. Chief Weston stated he has already made arrangements.

CLEAN-UP DAY - The Jaycees will be sponsoring a city wide clean-up on Saturday, April 22, 1995 from 9-11 am. He encouraged all to participate. The PRIDE committee will also be sponsoring a pancake breakfast from 6-11 am.

**ADJOURNMENT**

There being no further business to discuss, a motion was made by J. Barlow to adjourn the meeting. All Aye. Meeting was adjourned at 9:15 PM.

Submitted for Council approval with/without corrections  
this 15th day of May, 1995.

  
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Mayor

  
\_\_\_\_\_  
City Clerk