

MINUTES

BASEHOR CITY COUNCIL
July 17, 1995
7:30 PM
Basehor City Hall

OFFICIAL PRESIDING: MAYOR BRYCE D. BETTIN

MEMBERS PRESENT: Charles Wilderson, Jerry Barlow,
John Pfannenstiel, Robert Vervaecke

MEMBERS ABSENT: Joseph Odle

Others Present: Mary Mogle, Clerk Jane Scherer, Treas.
Pat Henderson, Atty. Bruce Browne, PE
Vince Weston, COP Bill Mogle, WWTO
Joe Scherer, Planning Citizens of Basehor

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

APPROVAL OF MINUTES

Councilman Pfannenstiel questioned why the telephone poll of June 21, 1995 did not list each councilmembers vote. Clerk Mogle noted it was an oversight on her part.

A motion was made by J. Pfannenstiel and seconded by J. Barlow to approve the telephone poll of June 21, 1995 with the aforementioned corrections and approve the Minutes and poll of June 19, 1995 Public Hearing, June 19, 1995 Monthly Meeting, June 22, 1995 Worksession w/ Planning Board, June 27, 1995 Special Meeting and June 30, 1995 Telephone poll as written. All Aye. Motion Carried 4-0.

APPROVAL OF TREASURER'S REPORT

C. Wilderson moved to reinvest T-Bill #011 maturing on August 3, 1995 at the highest current yield for one year in the amount of \$40,000.00. J. Pfannenstiel seconded the motion. All Aye. Motion Carried 4-0.

C. Wilderson moved to approve the June 1995 Treasurer's Report as submitted. J. Barlow seconded the motion. All Aye. Motion Carried 4-0.

APPROVAL OF MUNICIPAL COURT REPORT

It was moved and seconded by J. Barlow and R. Vervaecke to approve the June 1995 Municipal Court Report as printed.

SCANNED

2-27-07 *AK*

All Aye. Motion Carried 4-0. Receipts-\$3,118.00

CITIZENS AND PETITIONS

There were no written requests received.

PLANNING COMMISSION

SUBDIVISION PROCEDURES - Representative, Joe Scherer, announced the planning board is still making changes to the procedures and will table the matter until the August meeting.

JOE NICK - Mayor Bettin questioned Mr. Scherer as to why the planning board granted a variance to Mr. Nick for a 40x70 building. Bettin felt that since it was a variance, it should have gone through a public hearing with the Board of Zoning Appeals. Scherer stated the building will be located on a farm that has over one hundred acres and the Board felt it conformed. Scherer noted he will check into the matter.

Mayor Bettin inquired as to the Boards reasons for not requiring the televising of sewer lines prior to acceptance. Scherer stated if the inspections are done properly, there is no reason to make the developer pay the additional expense.

Engineer, Bruce Browne, stated he did not feel televising was a common practice among other cities. However, it could be considered a permanent record for future reference.

At this time, Mayor Bettin, the matter was referred back to the Planning Commission for further consideration.

SIDEWALKS - Wilderson questioned Scherer as to the Boards cost estimates and locations of sidewalks within the city limits according to the recent comprehensive plan. Scherer was unsure. Mayor Bettin suggested a planning board representative appear at the budget worksession on July 24, 1995 to give an estimated budget.

CITY ENGINEER

CRESTWOOD DRAINAGE PROBLEM - Browne reported he has received correspondence from developer, Gene Dent, regarding his intent to correct the current drainage problems. Browne noted that Dent was puzzled about what was expected of him since he has not received correspondence from the City. Dent has agreed to reslope the ditch and place riprap rock at the base of the 36" culvert to stabilize the silt (letter from Dent attached by reference). Browne feels the offer is acceptable.

R. Verbaecke noted that the complaintant, Shannon Stevens, requested the 36" culvert be extended to include the entire drainage route of approximately 150 Feet.

Pfannenstiel noted that since the installation of a new culvert would be considered an improvement, it should be the responsibility of the homeowner. He felt the developer was generous in agreeing to restore the ditch. Council majority agreed not to lift the permit restriction until Dent made the necessary improvements.

Barlow asked legal counsel for interpretation of Mr. Dent's letter where it refers to "probation". Patrick Henderson felt the word was suppose to read "prohibition". The city attorney did not agree with Dent's letter. He was insistant that the City has no responsibility to maintain the culvert and ditch.

Pfannenstiel felt the City should tell Dent how the City wants the problem fixed. It was Pfannenstiels opinion that the developer orignally met the standards, therefore, it is the property owners responsibility.

Browne offered to draw a skematic of how the ditch is to be constructed. Bettin directed Browne to do so.

A motion was made by J. Pfannenstiel to accept Dent's proposal and lift the band on building permits according to engineer design standards. Motion died for lack of second.

Mayor Bettin proposed to get a sketch back to the developer and not move forward until action is taken. Vervaecke urged Council to look at the problem prior to making their final decision. Barlow felt by correcting the drainage problem now, it will solve future problems. Vervaecke reported he does not feel the project was properly engineered at conception.

An estimated cost of \$5,000.00 to install additional 36" x 150' culvert was given by Browne. Ditching and riprap was estimated at \$2,500.00.

SEWER DISTRICT #12 - City engineer, Bruce Browne, reported the sewer benefit district was becoming critical and the contractor is not performing their duties as set out in the contract. The project has been taken back over by the original contractor. Browne recommended he be given authorization to notify contractor he is in default. This gives Western Industrial Mechanical ten days to finish the project or the City can finish the project and subtract costs from the balance. Browne also reported the generator has not been

delivered. The company told him it cost too much. Browne told them it was in the contract and they are going to deliver what was bid. The company is currently being fined \$50/day penalty and has been since April 1, 1995.

It was the concensus of the Council, to have Mayor Bettin meet with Browne and the owner of the company to come to an agreement prior to ordering default. Mayor Bettin will have Council polled if it was going to be necessary to order a default judgement .

CITY CLERK

EQUIPMENT RESERVE PROJECTS - Clerk Mogle presented the following items to be purchased:

1995 POLICE CAR W/ EQUIPMENT

Olathe Ford	Car -	\$16,990.00
	Equipment-	1,863.00
		<hr/>
		\$18,853.00

Shawnee Mission	Car -	\$16,934.00
	Equipment-	1,863.00
		<hr/>
		\$18,797.00

A motion was made by J. Barlow and seconded by R. Vervaecke to purchase a new 1995 Crown Victoria Police Car from Shawnee Mission Ford and extra equipment as listed in proposal. All Aye. Motion Carried 4-0.

(NOTE: Sewer Dist. #12 was discussed in this portion of the meeting, but for reference purposes was listed in the Engineers portion of the meeting)

STORAGE CABINET/SAFE -

Storage Cabinet (included shipping)	
78"H x 36"W x 24"D	
2) Extra Shelves	400.74
Safe Vault (including shipping)	
Model 3CC1 w/ Lock	
1-125 degree group	
1-350 degree group	2,575.74

A motion was made by C. Wilderson and seconded by J. Pfannenstiel to approve the purchase of the storage cabinet

for \$400.74 and the fire proof safe for \$2,575.74. The motion was passed 4-0.

CHIEF OF POLICE

STOP SIGNS - For safety purposes, Chief Weston, recommended placing a stop sign going north on 157th & Klamm and 156th Terr. & Hickory.

It was moved and seconded by J. Pfannenstiel and C. Wilderson to direct the attorney to draft an ordinance placing a stop sign at 157th & Klamm (north bound) and 156th Terr. & Hickory where needed. C. Wilderson seconded the motion. Motion passed 4-0.

A motion was made by J. Pfannenstiel to install the stop signs as soon as possible. C. Wilderson seconded the motion. All Aye. Motion carried 4-0.

Chief Weston stated the signs can be put in place, but cannot be enforced until ordinance is finalized.

EXECUTIVE SESSION

A motion was made by J. Barlow to adjourn into executive session until 9:15 PM to discuss pending legal matters and personnel. C. Wilderson seconded the motion. All Aye. Motion passed 4-0. (8:50 PM)

Mayor Bettin reconvened the meeting at 9:15 PM announcing that no action was taken in executive session.

CITY ATTORNEY

NOISE POLLUTION ORDINANCE - A motion was made by J. Pfannenstiel and seconded by J. Barlow to adopt the Noise Pollution Ordinance as submitted. J. Barlow seconded the motion. All Aye. Motion carried 4-0.

ORD. 277 - AN ORDINANCE PERTAINING TO LOUD SOUND AMPLIFICATION SYSTEMS IN MOTOR VEHICLES AND REPEALING EXISTING ORDINANCES OF THE CITY OF BASEHOR, KS. IN CONFLICT HERewith.

CITY PARK ORDINANCE - Mayor Bettin noted he did not feel that camping should be allowed until restrooms and full-time policing was available. At which time, only local organizations such as boy scouts would be allowed.

Following a brief discussion regarding camping priviledges, C. Wilderson moved to adopt the City Park

Ordinance as printed. R. Vervaecke seconded the motion. All Aye. Motion was passed 4-0.

ORD. 278 - AN ORDINANCE AMENDING CITY ORDINANCES REGARDING CITY PARKS.

JOINT CITY/COUNTY PLANNING BOARD - Attorney, Patrick Henderson, announced the contacted the League of Kansas Municipalities that all the City of Basehor needs to do is contact the County Commissioners and advise them that the City is going to enforce their right to regulate within their planning jurisdiction.

Mayor Bettin expressed concern about County opposition and the cost of monthly actions.

Henderson was directed to provide the Council and Planning Board copies of the state statues regulating the joint board.

KDHE - Henderson reported on July 11, 1995, Thompson had a telephone preliminary hearing with KDHE regarding the bypass which occurred last November. The State is assessing a fine of \$2,000.00. The next hearing will take place in September 1995.

MAYOR'S REPORT

APPOINTMENTS - Mayor Bettin requested renewal appointments for the city attorney, city engineer, municipal judge and city planner until he chooses a time to make a change.

J. Pfannenstiel moved that all current contract labor be reappointed. Barlow seconded the motion. Pfannenstiel and Barlow-Yes Wilderson and Vervaecke-Nay. Mayor Bettin did not wish to break the tie since it was his appointment being voted on. Motion Failed 2-2.

PLANNING COMMISSION APPOINTMENT - The reappointment of Robert Bryan to the Basehor Planning Commission and the reappointment of Mary Ohler, Judy Goens and Marjorie Barlow to the Basehor Park Advisory Board mwas made by Mayor Bettin.

R. Vervaecke moved to approve the Mayor's appointments of Robert Bryan, Judy Goens, Mary Ohler and Majorie Barlow. J. Pfannenstiel seconded the motion. All Aye. Motion Carried 4-0.

CHARLES WILDERSON

4TH of JULY CELEBRATION - Councilman Wilderson thanked

the City of Basehor for their contributions to the 4th of July Celebration and commended the police department for their efforts.

JERRY BARLOW

ROBERT VERVAECKE

CITIZEN OF THE YEAR AWARD - Vervaecke congratulated Councilman Wilderson for receiving the well deserved Citizen of the Year Award.

JOHN PFANNENSTIEL

ORDINANCE ADOPTION PROCESS - Pfannenstiel asked Council to reconsider the process they go through when adopting an ordinance. He recommended that a proposed ordinance be published in the paper and acted upon at the next meeting after the public has been given the opportunity to comment during a public hearing process. This would give the citizens an opportunity to review the ordinance prior to passage.

Clerk Mogle suggested going back to a two reading system as was in the past. Mogle noted that in some cases Pfannenstiels proposal could back fire on him when he wants an ordinance passed immediately such as the stop sign changes discussed earlier in the meeting.

It was also suggested that instead of publishing the ordinance (which costs money) the clerk could publish the agenda (at no cost). Mogle reported she was publishing the agenda but the paper failed to note that they were tentative agenda's. Citizens were upset when a change was made on the on the agenda following publication.

Council questioned Pfannenstiel if the City was not meeting state statue requirements when they passed ordinances. Pfannenstiel rebutted that statues were being met, but that the new process would be a step beyond.

Mayor Bettin suggested Pfannenstiel meet with him during the month to discuss options.

MUNICIPAL COURT REPORT - Pfannenstiel questioned the clerk as to why the court report was approved on a monthly basis since the Council really had no way of knowing if it was right or wrong.

Mogle reported a monthly report has been presented to Council previous to her becoming city clerk.

MAYOR'S PORTION CONTINUED . . .

APPOINTMENTS - Mayor Bettin presented the city attorney and municipal judge for reappointment.

A motion was made by J. Pfannenstiel and seconded by J. Barlow to approve the reappointment of the law firm of Davis, Beall, McGuire & Thompson and William Pray as municipal judge. All Aye. Motion carried 4-0.

J. Pfannenstiel moved to postpone the appointment of city engineer and city planner until the August meeting. C. Wilderson seconded the motion. All Aye. Motion passed 4-0.

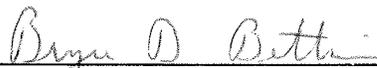
SEWER PLAN - Mayor Bettin announced BG Consultants started the comprehensive sewer plan today which is estimated to be completed by the end of the year.

Wastewater operator, Bill Mogle, questioned the Council's stand on enforcing illegal hookups when found during this process. Henderson stated the matter can be enforced through the Uniform Plumbing Codes. Mogle reported flyers were passed out door-to-door and notice placed in the paper notifying property owners of the smoke testing.

ADJOURNMENT

There being no further business to discuss, C. Wilderson and J. Barlow moved to adjourn the meeting. All voted in favor. Meeting was adjourned.

Submitted for Council approval this 21st day of August,
1995 with/without corrections.



Bryce D. Bettin, Mayor



Mary A. Mogle, City Clerk