

**MINUTES**

**BASEHOR CITY COUNCIL  
August 21, 1995  
7:30 PM  
Basehor City Hall**

**OFFICIAL PRESIDING: MAYOR BRYCE D. BETTIN**

**MEMBERS PRESENT: Charles Wilderson, John Pfannenstiel,  
Joe Odle and Robert Vervaecke**

**MEMBERS ABSENT: Jerry Barlow**

**Others Present: Jane Scherer, Treas. John Thompson, Atty.  
Mary Mogle, Clerk Bill Mogle, WWTO  
Vince Weston, COP  
Joe Scherer/Vic Ziegler, Planning Comm.  
Citizens of Basehor**

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Mayor Bettin called the meeting to order at 7:30 PM. Roll call was answered with all members present except Jerry Barlow.

**APPROVAL OF MINUTES**

J. Pfannenstiel moved to approve the Minutes as written for July 17, 1995 Amend Budget Public Hearing Meeting, July 17, 1995 Monthly Meeting, July 18, 1995 Telephone Poll, July 24, 1995 Budget Worksession, July 31, 1995 Telephone Poll August 2, 1995 Sewer District #12 Meeting and August 14, 1995 Budget Public Hearing. R. Vervaecke seconded the motion. All Aye. Motion Carried 4-0.

**APPROVAL OF TREASURER'S REPORT**

A motion was made by J. Pfannenstiel and seconded by C. Wilderson to approve the July 1995 Treasurer's Report as written and pay Leavenworth Dept. of Public Works-\$15,950.00, Ace Pipe Cleaning Dept.-\$11,959.80, Municipal Acct. Section-\$10.00 and BG Consultants Inc.-8,497.00. All Aye. Motion Carried 4-0.

INVESTMENTS - C. Wilderson moved to reinvest the matured T-Bill (9/7/95) in the amount of \$50,000.00 for a period of six months at the highest yield rate available. R. Vervaecke seconded the motion. All Aye. Motion Passed 4-0.

SCANNED

2-27-07 lt

**APPROVAL OF MUNICIPAL COURT REPORT**

The motion was moved and seconded by R. Vervaecke and J. Pfannenstiel to approve the July 1995 Municipal Court Report as printed. All Aye. Motion Passed 4-0.

**CITIZENS AND PETITIONS**

RICK PATRICK, representing Wellington Place Subdivision, commended the City Council for their involvement in trying to get Wellington Place Dr. repaired. Patrick asked to be updated on legal proceedings.

Mayor Bettin reminded Mr. Patrick that since the lawsuit was still pending he was limited to what he is able to comment on.

City attorney, John Thompson, commented that he feels the matter is getting closer to being resolved. The sewer line is in good shape with no major defects. BG Consultants suggested doing some repair work on the sewer line while repairing the street. Another issue is who is liable for costs. Council will be discussing a final settlement proposal tonight in executive session.

DOUGLAS CABLE/GALAXY CABLE TELECOM - Mayor Bettin announced he met with representatives from Douglas Cable and Galaxy Cable Telecom earlier in the day. Galaxy is in the process of purchasing Douglas Cable in Kansas, Missouri, Illinois and Iowa. Bettin made known to Galaxy the previous service problems, complaints about lack of channels and density restrictions. Bettin informed the company that we expect an increase in the franchise tax to be included in negotiations.

Mayor Bettin directed the city attorney to compile areas of concern and forward them Galaxy Cable Telecom and Council members.

**PARK ADVISORY BOARD**

ENVIRONMENTAL LAB - Mary Ohler appeared to request input from Council as to whether they would be willing to sell two acres of ground to the school district for an environmental lab. The school will pay \$10,000.00 for the property which will help pay for a shelter house.

Mayor Bettin expressed concern about the future direction of the park as far as meeting the original plot plan. Bettin noted Ed Sink informed him USD #458 might have to have

full ownership before they could building the lab with grant proceeds.

Odle urged Council to give some thought to selling something that the taxpayers paid for. He also warned that at no time can the city land lock a piece of property. Full access to the lab would be given by the school district, commented Pfannenstiel.

Bettin questioned Thompson as to the possibility of leasing the property to the school. Thompson noted legally the school could lease from the city.

MOVE GATE AT NORTH LAGOON - A request was made by the Board to move the entrance gate at the north lagoon back (north). Pfannenstiel noted the original design was for the driveway to be placed on the west side.

Wastewater operator, Bill Mogle, asked that a fence be installed since the park association currently has created an around-the-clock access into his north lagoon property.

A motion was made by J. Pfannenstiel to authorize the moving of the lagoon gate and compile a cost for fencing. C. Wilderson seconded the motion. Pfannenstiel, Wilderson-Aye. Odle, Vervaecke-Nay. Mayor Bettin broke the tie by vote against the motion. Motion died 3-2.

Mayor Bettin asked that the matter be studied prior to the next meeting.

Wilderson suggested surveying for the fence area at the same time the survey for the environmental lab was done to save money.

Mayor Bettin noted he will contact Mr. Bates to see if he has a current survey of the park property.

Odle felt the school should make a formal presentation to the Council and the City should not be obligated to pay for a survey before Council has even voted to sell the school the property.

Mayor Bettin advised Council he will invite a representative from the school to make a presentation at the next meeting.

#### **PLANNING COMMISSION**

SUBDIVISION UPDATE-SECTION 3.06 - Planning board repre-

sentative, Joe Scherer, requested Council approval to update Section 3.06 of the Subdivision Regulations. The update will require the city engineer be responsible for final approval of the project, require all bond companies be certified with the State of Kansas Insurance Commission, two year maintenance bond will be reviewed and approved by both the city engineer and city attorney.

Wilderson wanted to make sure the City would be named on the bond. Odle stated the language was sloppy and asked that the city attorney review for clarity. Odle also asked that the words "shall" be changed to read "may". This helps to give Council flexibility when needed.

The televising of sewer lines prior to City acceptances was also discussed. The negative factor to requiring televising of sewer lines was the cost to the developer. The positive side was the City and developer would be assured the line was defect free when accepted. The tape would be a permanent record for the wastewater operator if there were problems with service connections.

Odle moved to have the city attorney go over the document and change the working where it is not going to "tie Council's hands". Require the developer to televise the sewer main at his expense and name the City on the maintenance bond. R. Vervaecke seconded the motion. All Aye. Motion Carried 4-0.

#### **CITY ENGINEER**

SEWER DISTRICT #12 UPDATE - Several problems were detected when the sewer main was televised. Letters will be going to the affected property owners regarding the findings. The city engineer and Western Industrial Mechanical have been give copies of the submitted written complaints.

Wilderson questioned the status on the generator. Bettin reported the generator may have to be redesigned. The generator and the necessary easements are still being discussed.

CRESTWOOD SUBDIVISION DRAINAGE - Mayor Bettin announced he will be meeting with the concerned property owners, Stevens and Jennings and the developer, Gene Dent at 5:00 PM on August 22, 1995 to discuss a solution to the drainage problems.

Pfannenstiel moved to lift the band on building permits in the Crestwood Subdivision. Motion died for lack of second.

**ANIMAL CONTROL OFFICER**

DOG RUN - Tabled until the September 1995 meeting to compile costs.

**CHIEF OF POLICE**

John Carney III was appointed by Mayor Bettin to serve as a reserve police officer effective immediately.

**CITY ATTORNEY**

STOP SIGN ORDINANCE (2nd Reading) - Pfannenstiel move to approve the sign ordinance on the second reading placing stop signs at 157th & Klamm and 156th & Hickory. Wilderson seconded the motion. All Aye. Motion Carried 4-0.

**EXECUTIVE SESSION**

Mayor Bettin entertained a motion to adjourn into executive session until 9:10 PM to discuss legal matters at the request of the city attorney.

C. Wilderson moved to adjourn into executive session until 9:10 PM to confer with legal counsel regarding pending legal matters. J. Pfannenstiel seconded the motion. The motion passed unanimously 4-0.

Promptly at 9:10 PM, Mayor Bettin called the regular session back to order with no action was taken in executive session.

**MAYOR'S REPORT**

158th STREET REPAIRS - A request was received by Leavenworth County engineer, Dave Mahoney, to cooperatively repair 158th Street. The County requested the City of Basehor pay 50% of the \$96, 572.04 cost. The street upgrade would include grading, materials, chipping & sealing and labor.

Councilman Odle stated there were no homes located on 158th Street and felt it was a low priority with all the other work that needed to be performed within the city limits. He felt if the County wanted the street upgraded, let them do it at their expense. Odle reminded Council they will be responsible for long term maintenance.

Mayor Bettin commented the County is asking the City to pay more on one street than the City spent on the entire 1995

street program. The City also is going to be realizing a 2.5 mill decrease in the 1996 budget.

Odle moved to respond to the County that the City of Basehor cannot afford to participate and will look at the request in the future. J. Pfannenstiel seconded the motion. All Aye. Motion Carried 4-0.

OSAGE TIRE RECYCLING - Mayor Bettin reported that Kansas Department of Health & Environment will be spraying and fogging for mosquitos at Osage Tire throughout the insect season. The State office has also agreed to start removing the tires from the site.

APPOINT CITY ENGINEER - Mayor Bettin appointed Cecil Kingsley of BG Consultants as the new city engineer. R. Vervaecke seconded the motion. All Aye. Motion Carried 4-0.

MID-AMERICA REGIONAL COUNCIL - A request to rejoin Mid-America Council was presented by Mayor Bettin. The cost will be 119.00 for 1996.

There was some discussion as to what benefit MARC was to the City of Basehor. Wilderson noted Leavenworth County has now been included in MARC's Highway program.

Mayor Bettin directed the city clerk to invite MARC President, Dr. Stolfus, to attend the next city council meeting to discuss the advantages to becoming a MARC member.

#### **CHARLES WILDERSON**

Councilman Wilderson encourage the Board members to attend the Leavenworth Area Development luncheon being held at First State Bank on August 24 at 11:45.

#### **JOSEPH ODLE**

No business to discuss at this time.

#### **JOHN PFANNENSTIEL**

ORDINANCE APPROVAL - Pfannenstiel proposed the following method be adopted as policy when approving an ordinance or resolution.

"Before a proposed city ordinance is passed, a press release will be sent to the official city newspaper concerning the ordinance. Copies of the proposed ordinance will be made available to citizens

and the city council will conduct a public comment hearing regarding the proposed ordinance. The press release will include an outline or summary of the proposed ordinance, where and when citizens can obtain a copy of the proposed ordinance and the time and place of the public hearing."

Odle was concerned that if a resolution or ordinance was adopted implementing this new policy, the Council would not be able to deviate if one needed to be passed on an emergency basis. Thompson cautioned Council not to place this request into final form, but adopt as an informal policy.

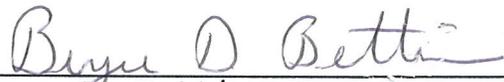
A motion was made by J. Pfannenstiel and seconded by C. Wilderson to pass the proposal as written as policy only. Pfannenstiel and Wilderson- Aye. Odle and Vervaecke-Nay Mayor Bettin broke the tie by voting in favor of the policy. Motion passed 3-2.

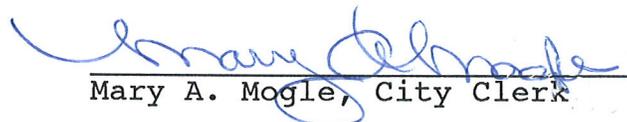
JOINT CITY/COUNTY PLANNING BOARD - The County Commissioners have added the City of Basehor to their August 24, 1995 Agenda to discuss the Joint City/County Planning Board. Pfannenstiel noted he is surprised the Commissioners to addressing the matter when a formal request had not been made. Mayor Bettin noted he plans to discuss the matter with the Commissioners further prior to making a formal request.

**ADJOURNMENT**

There being no further business to discuss, Wilderson moved and Odle second to adjourn the meeting. All Aye. Meeting was adjourned at 9:45 PM.

Submitted for Council approval this 18th day of September, 1995 with/without corrections.

  
Bryce D. Bettin, Mayor

  
Mary A. Mogle, City Clerk