

**MINUTES**

**BASEHOR CITY COUNCIL**

**October 16, 1995**

**7:30 PM**

**Basehor City Hall**

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

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

**Others Present: John Thompson, Atty. Bill Mogle, WWTO  
Vince Weston, COP Mary Mogle, Clerk  
John Matthews, PC Mary Ohler/Jeff Theno  
Citizens of Basehor Park Board**

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

**APPROVAL OF MINUTES**

A motion was made by J. Pfannenstiel and seconded by C. Wilderson to approve the Minutes of September 18th for the worksession and monthly meeting as written. All Aye. Motion Carried 5-0.

**APPROVAL OF TREASURER'S REPORT**

Mayor Bettin requested Council convert CD #10133 into cash to be transfer to the money market account.

It was moved and seconded by C. Wilderson and R. Vervaecke to accept the September 1995 Treasurer's Report as submitted and transfer CD #10133 in the amount of \$40,000.00 to the money market account (General Fund). All Aye. Motion Carried 5-0.

**APPROVAL OF MUNICIPAL COURT REPORT**

R. Vervaecke moved to approve the September 1995 Municipal Court Report as submitted. J. Barlow seconded the motion. All Aye. Motion Carried 5-0.

**CITIZENS AND PETITIONS**

**SOUTHERN LEAVENWORTH LEADERSHIP CLASS** - Mayor Bettin welcomed the members from Southern Leavenworth Leadership Class.

**GALAXY CABLE FRANCHISE** - Larry Spangler, representative for Galaxy Cable Co., was present to discuss the transfer of ownership from Douglas Cable to Galaxy Cable. Mr. Spangler

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gave a brief history of Galaxy Cable. Council was informed of Galaxy's future plans for the area by tying Tonganoxie, Basehor and southern Leavenworth County into one trunk line through fiber optic lines. Galaxy also plans to double their technical service workers to enhance services. Mr. Spangler anticipates having the project completed within the first six months of the year 1996.

Mayor Bettin questioned if the local access channel will be included in the package. Spangler noted he will get with the school district regarding their needs.

Councilman Odle asked if all the city residents were going to be served. He noted there are approximately fifteen homes along Parallel and 142nd Street who do not have access to cable. Spangler noted the area can be served if it meets the density requirements.

Mr. Spangler was questioned if a service technician was going to live in Basehor and the time frame for a service call. Spangler noted Galaxy was hiring Douglas Cables current technicians which currently resides in Tonganoxie. He noted down time would range from two hours (minimum) to twenty-four hours (maximum).

Spangler requested Council act on the franchise agreement as quickly as possible since Galaxy is scheduled to finalize the contract with Douglas Cable on November 15.

Mayor Bettin announced the Council will act on the franchise agreement at their November 20, 1995 meeting.

**PUBLIC INPUT ON PROPOSED ORDINANCES** - Mayor Bettin requested public input on the two proposed ordinances regarding changing a quorum from three to four members and placing traffic signs in Wellington Place Subdivision.

There was no input from the public at this time.

#### **PARK ADVISORY BOARD**

**ENVIRONMENTAL LAB** - Representing the Park Advisory Board was Mary Ohler and Jeff Theno. Ohler noted the Board unanimously voted in favor of selling the property to the school district. The Board requested a committee be formed to compile the proposal. The committee would consist of one school district member, one park board member and one council member.

Mrs. Ohler suggested the City pay the remaining loan balance with a second loan having an interest rate of 7.35%. Wilderson noted this would constitute a \$900.00 savings. First State Bank has agreed to issue the unsecured loan.

Odle questioned Ohler as to why the school district is not satisfied with just using the property and the City retaining ownership. Ohler stated the school is not allowed to spend money on property they do not own.

J. Barlow questioned the future of the property if the school district decides to sell the property. Ohler noted the contract can state the property would be sold back to the city at the original purchase price.

The city attorney was questioned by Councilman Odle as to whether or not this school board could tie another school board into a contract. Thompson noted the school district would have to meet the cash basis laws. Any decision made by the present board may not be legally binding and subject to review.

Mayor Bettin appointed Councilman Wilderson to represent the City of Basehor on the committee.

**LIONS CLUB** - Lynn Sebree represented the Basehor Lions Club to request Council approval to place a 30 Ft. flag pole and granite monument near the gazebo at the park. Sebree announced the monument will display the names of deceased Lion Club members. Future plans are to place a park bench near the memorial.

Bettin questioned if the park board reviewed the request and if it fit in the long range plan. Ohler noted the Board has reviewed both items and been approved.

Lions Club plans on raising the flag for special events and installing lighting at a later date.

A motion was made by J. Barlow and seconded by J. Pfannenstiel to allow the Lions Club to proceed with the project as reported. All Aye. Motion Carried 5-0.

**TREE TRIMMING** - Wilderson noted the Lions Club has agreed to trim the lower branches in the park if someone from the City would mark it for them.

A motion was made by C. Wilderson to allow the Lions Club to trim shrubs and trees in the park. Place Bill Mogle in charge of marking the branches and trees to be trimmed since he is a certified arborist. R. Vervaecke seconded the motion. All Aye. Motion Carried 5-0.

**CLEAN-UP AT PARK** - Mayor Bettin requested the Park Board look into cleaning the ditch along the east side of the park. In the past it was used as a private dump site. Some items could be hauled off and sold for scrap metal. Ohler was directed to address the matter at the November meeting.

**PLANNING COMMISSION**

**ACCESSORY BUILDINGS** - Chairman John Matthews reported revisions are once again being made to the accessory building codes due to the Board of Zoning Appeals having so many hearings. A public hearing will be held on November 7, 1995 to address the accessory building revision and the proposed televising requirement in the subdivision regulations.

Mayor Bettin questioned if Matthews received any correspondence from the County regarding the joint planning board. Matthews noted he has postponed communications until the City's comprehensive plan is completed.

Clerk Mogle was directed to send a letter to the county commissioners and planning board requesting monthly agenda & minutes.

**CITY ENGINEER**

Mayor Bettin gave the engineers report as follows:

1. Drainage pipe in Crestwood is currently being constructed.
2. Final stages of Sewer District #12 are taking place.
3. Report due to Kansas Department of Health & Environment is due October 31, 1995.

**CITY CLERK**

**RESIDENCY REQUIREMENT** - City Clerk, Mary Mogle, requested Council lift the residency requirement for the clerk and treasurer positions. No other city employees are required to live within the city limits. She noted it was an old law on the Kansas books not to mention a discriminatory one.

A motion was made by J. Odle and seconded by J. Barlow directed the city attorney to prepare a charter ordinance lifting the residency requirements. Discussion followed. Councilman Odle called for the question. All Aye. Motion Carried 5-0.

**GRINDER PUMPS** - Clerk Mogle asked Council to adopt a written policy prohibiting grinder pumps within the city limits of Basehor. Mogle noted the pumps are expensive as well as a maintenance problem. Wastewater operator, Bill Mogle gave a description of the pump and possible problems by allowing them.

Clerk Mogle was directed to contact the city engineer for a recommendation.

**RESOLUTION** - City attorney, John Thompson, presented for Council approval a resolution changing the definition of quorum from three to four members. He noted the current rules operate by a majority.

Bettin stated he requested the quorum be increased because he did not feel that three members should set city policy. It would also help him to appoint committees and have more members attend seminars and training sessions.

Attorney Thompson noted even if two members get together to work on a committee - it still constitutes a meeting and could be considered a violation of the Open Meetings Act. A committee can be formed for investigative purposes only, but cannot take any action of any kind outside a council meeting.

Council was reminded they have no authority to conduct business between meetings-only the Mayor has the authority to conduct day-to-day business. They cannot represent the City in anyway unless they have received Council approval or approval from the Mayor.

Thompson urged the Board not to get bogged down with the numbers included in a quorum but that restrictions of what members are asked to do meet the Open Meetings Act. The Board cannot act on preconceived vote.

Based on the information given by the city attorney, Mayor Bettin withdrew his request and asked that the matter be tabled indefinitely.

A motion was made by R. Vervaecke to table the request to increase the quorum indefinitely. C. Wilderson seconded the motion. All Aye. Motion Carried 5-0.

**WELLINGTON PLACE SIGNS** - An ordinance was submitted for Council approval to place "Children At Play" and "Not A Thru Street" signs on Wellington Place Drive (the speed limit would automatically be reduced to 20 MPH with the installation of "Children At Play").

It was moved and seconded by J. Odle and J. Barlow to approve the ordinance and install the signs as soon as possible. All Aye. Motion Carried 5-0.

**CABLE FRANCHISE AGREEMENT** - A proposed franchise ordinance was submitted for Council review. The ordinance would allow for the transfer of ownership from Douglas Cable to Galaxy Cable Co. and regulate services and franchise fees.

Franchise Agreement will allow:

- \*Franchise fees to be increased from 3% on Basic only to 5% on gross sales (including premium channels)
- \*Complaints be handled through a 1-800 telephone number. if satisfaction is not achieved the City has the authority to force Galaxy to place an office in Basehor.
- \*Requires a density formula.
- \*Allows City to regulate the number of channels they want (cannot regulate type of channels)
- \*Extend original contract by 1 1/2 years.

Following discussion, Council felt it was necessary to discuss the contract in detail in a worksession. Council unanimously agreed to schedule the worksession for October 30, 1995 at 7:00 PM.

**PENDING LEGAL MATTERS** - Reserve the right to discuss them in Executive Session.

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

**RESIGNATION OF PHILIP R. FRYE** - A motion was made by J. Pfannenstiel and seconded by C. Wilderson to accept the resignation as submitted by police officer, Philip R. Frye. All Aye. Motion Carried 5-0.

**APPOINTMENT OF FULL TIME OFFICER** - Mayor Bettin recommended the appointment of John J. Carney III to fill the vacant full time police officer position. The Mayor noted that because we were low on staff, Mr. Carney, started work on October 12th with the understanding that his appointment was pending on Council approval.

J. Odle moved to appoint John J. Carney III as a full time police officer. R. Vervaecke seconded the motion. All Aye. Motion Carried 5-0.

**APPOINTMENT OF COPS/FAST OFFICER** - Mayor Bettin recommended the appointment of James Yarnall to serve as the COPS/FAST officer. He will take office January 1, 1996. Officer Yarnall will attend the Law Enforcement Academy in the spring.

It was moved and seconded by J. Odle and R. Vervaecke to appoint James Yarnall to serve as the COPS/FAST officer commencing January 1, 1996. Motion Carried 5-0.

**EQUIPMENT RESERVE FUND** - A bid of \$13,274.00 was submitted by Bill Mogle for a Toro commercial mower. The mower will have a two year/1500 hr. warranty. Service centers are located in Lenexa and North Kansas City, Mo.

Council directed Mr. Mogle to acquire one more bid and

negotiate with the Toro company on a more competitive price.

Council agreed to be telephone polled when the bids were received since a mower is needed before the next meeting.

**WELLINGTON PLACE SUBDIVISION** - Mayor Bettin announced a meeting will be held on Tuesday, October 17, 1995 at 7:00 PM, Basehor City Hall with property owners from Wellington Place Subdivision. Bettin invited Council members to attend.

#### COUNCIL MEMBERS

**CHARLES WILDERSON** - announced the PRIDE committee survey has indicated the need for sidewalks along 155th Street and Leavenworth Road. Wilderson noted the first sidewalk to be installed will be on Leavenworth Road east of 155th Street. The intent is to place the sidewalk on the north side of the road so that only one property owner is effected, that being Holy Angels Church. Wilderson informed Council he met with the city engineer today and was given an estimate of \$30,000.00 for 5 ft. sidewalk and \$5,000.00 for engineering fees. The construction would be built through community donations if the City would agree to pay for the engineer.

Mayor Bettin reported he felt the engineering fees were too high and should be negotiated.

Odle is concerned that maintenance of all these sidewalks will become a problem since the City employs one part-time maintenance worker. Need to make the home owners aware that once the sidewalks are built, the sidewalk becomes their responsibility. Odle noted there is a definite need for the sidewalks but feels the matter should be studied further.

Clerk Mogle stated she will look into the possibility of state grants.

**JOHN PFENNENSTIEL** - A report was given by Councilman Pfannenstiel stating the deer population on a residents property has become a problem. He questioned the Chief Weston why the property owner could not use a bow & arrow to harvest the deer. Weston noted it is illegal to use guns and projectiles within the city limits. The Chief suggested directed the property owner to the gaming commission for assistance.

#### EXECUTIVE SESSION

Mayor Bettin entertained a motion to adjourn into a sixty minute executive session to discuss personnel and pending litigation.

It was moved and seconded by C. Wilderson and R. Vervaecke to adjourn into a sixty minute executive session for the purpose of discussing personnel and pending litigation. All Aye. Motion Carried 5-0.

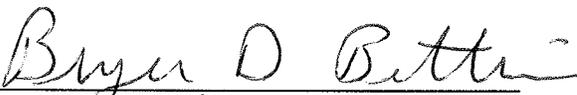
At 10:50 PM, a motion was made by J. Barlow and seconded by C. Wilderson to adjourn back into regular session. All Aye. Motion Carried 5-0.

Mayor Bettin announced that no action was taken in executive session.

**ADJOURNMENT**

There being no further business to discuss, R. Vervaecke moved to adjourn the meeting. J. Barlow seconded the motion. All Aye. Meeting Adjourned.

Submitted for Council approval this 20th day of  
November, 1995 with/without corrections.  
(circle one)

  
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Bryce D. Bettin, Mayor

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Mary A. Mogle, City Clerk

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