MINUTES

BASEHOR CITY COUNCIL

November 20, 1995
7:30 PM
Basehor City Hall

OFFICIAL PRESIDING: MAYOR BRYCE BETTIN

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

Others Present:

Mary Mogle, City Clerk	**John Thompson, City Attorney**
Bill Mogle, WWTO	**Cecil Kingsley, City Engineer**
Mary Ohler, Park Adv. Board	**Joe Scherer, Planning Board**
Vincent Weston, COP	**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 Bryce Bettin. Pledge of Allegiance followed by roll call. All members were present.

APPROVAL OF MINUTES

A motion was made by J. Barlow to approve the Minutes of October 16, 1995 as written. R. Vervaecke seconded the motion. All Aye. Motion Carried 5-0.

It was moved and seconded by J. Pfannenstiel and C. Wilderson to approved the Minutes of October 17, October 27 and October 30, 1995 as submitted. All Aye. Motion Carried 5-0.

APPROVAL OF TREASURER'S REPORT

In the absence of the city treasurer, Mayor Bettin, made the following recommendation to the Board .

RECOMMENDATION: Cash in $50,000.00 Certificate of Deposit that is due ll/28/95 so money will be available for payment on Sewer District #12. Hold these funds in the money market account or overnite municipal account. Cash in Treasury Bill that comes due 12/14/95 and hold in money market account until the 12/18/95 council meeting.

A motion was made by C. Wilderson to accept the Treasurer's recommendation as submitted. The funds are to be held in the money market account or MIP whichever has the highest yield rate. J. Pfannenstiel seconded the motion. All Aye. Motion Carried 5-0.

J. Pfannenstiel moved to release the check to Modern Distributing in the amount of $13,255.00 for the Toro Mower. R. Vervaecke second the motion. All Aye. Motion Carried 5-0.

C. Wilderson moved to approve the October 1995 Treasurer's Report as submitted. J. Pfannenstiel seconded the motion. All Aye. Motion Carried 5-0.

APPROVAL OF MUNICIPAL COURT REPORT

R. Vervaecke moved to approve the October 1995 Municipal Court Report as submitted. J. Barlow seconded the motion. All Aye. Motion Carried 5-0. (Receipts-$4,493.00)

CITIZENS AND PETITIONS

CHARTER ORDINANCE - Mayor Bettin requested input from the public regarding the proposed Charter Ordinance lifting the residency requirements for the city clerk and city treasurer.

Dale Holland, a resident of Leavenworth County (not Basehor), spoke in opposition of lifting the residency requirement. He questioned if residents in the County were going to be able to run for public office. Mayor Bettin responded with "No, not all employees are required to live in the city at the present time."

FRANCHISE ORDINANCE - There was no one present to speak for or against the ordinance at this time.

JERRY WILLIAMS, representing resident Donald Skaggs, sent a letter to Council regarding damages that was done to his clients property during construction of Sewer District #12. Mr. Skaggs is requesting a payment of $11,533.50 for damage to trees, driveways and yard.

City attorney, John Thompson, is recommending the City of Basehor deny the claim and inform Mr. William and Mr. Skaggs to file against the contractors. Council Member Barlow questioned Thompson's recommendation. Thompson noted the City contracted the job out, therefore, it is the contractors liability not the Citys'.

J. Pfannenstiel moved to deny the $11,533.50 claim as presented by Donald Skaggs. R. Vervaecke seconded the motion. All Aye. Motion Carried 5-0.

GAYLORD FRANK, representative for Wellington Place, was present to discuss the street repairs and sewer problems. Mr. Frank noted it was his understanding Miles Excavating was to have the streets repaired by December 31, 1995.

Thompson noted he has been in contact with Mr. Miles attorney and suspects Miles is not going to meet the deadline. If Miles fails to comply with the terms of the court agreement, the City will have several legal alternatives since it will be breach of settlement.

Mr. Frank noted the citizens are concerned the rest of the street will be torn up during construction. As far as sewers go the homeowners want to go on record as being opposed to the City's stand and does feel the city has responsibility as stated in a letter received by homeowner, Tom Fliger. The homeowners want to see an escrow account open or some other action to secure that the work will be done.

Thompson noted he is pushing for a commencement date because the city needs to coordinate inspectors and engineers that need to be present.

Mr. Frank stated the homeowners main concern was in the case that the streets did not get repaired the City was not going to be without resources to make the necessary repairs.

A copy of the letter written by Tom Fliger will be forwarded to Bruce Browne for his review.

BASEHOR PARK ADVISORY BOARD

ENVIRONMENTAL LAB - Chairman Mary Ohler gave a report regarding the proposal that was made by USD #458 to purchase 2-3. 5 acres of ground for a school environmental lab. Ohler reported the original price given for the park property is $56,236.ll (including interest).

In response to a question that arose at last months meeting, Mrs. Ohler informed Council the school board can commit funds for future school boards. City attorney Thompson disagreed. He reiterated the school board is elected and does not have the authority to contract for a term longer than one year under the state's "cash basis" law. Thompson gave a brief explanation of the "cash basis" law.

Councilman Wilderson reported the school board is addressing the proposal at their meeting tonight. He noted this was a proposal only and until the land is surveyed the cost should be based on the amount of land being sold.

Councilman Odle commented the main issue is whether or not the City is going to sell the school district part of the park property.

Councilman Barlow stated he "keeps hearing the phrase that this is for the children, what more are they going to have that they don't have now". Mary Ohler rebutted the school will build a

shelter house. Pfannenstiel noted the school board will apply for grants to improve the land to help develop the environmental lab.

A motion was made by J. Odle to retain ownership of the park property and do not sell any land to the school district. J. Barlow seconded the motion. Discussion.

J. Pfannenstiel moved to table the decision until the December meeting. Mayor Bettin denied the motion since there was already a motion on the floor. Pfannenstiel protested and asked for an opinion from the city attorney. Thompson noted he was wrong and that the original motion by Odle needed to be voted on first. Mayor Bettin then asked for a vote. Odle, Barlow and Vervaecke-Aye Wilderson and Pfannenstiel-Nay. Motion Carried 3-2.

MINUTES - Councilman Vervaecke questioned why Minutes to the Park Board meetings have not been included in the Council packets for the last two months. Clerk Mogle reported she has not received the note to transcribe of the October meeting and that she received the November minutes today. They will be included in the December packets.

BASEHOR PLANNING COMMISSION

AMENDMENTS TO REGULATIONS - Joseph Scherer, representative for the planning board, was present to update Council on November's actions. Scherer reported the Board held public hearings to amend the subdivision regulations to require televising of sewer lines in new subdivisions prior to acceptance by the City. The Board also held a public hearing to amend the accessory building zoning regulation from 2.5% of the land or 1,200 sq. ft. which ever is less on one acre or less of ground. Anything over one acre that wants to build larger than 1,200 sq. ft. will have to go before the Board of Zoning Appeals for a variance. Scherer asked Council to review the amendments and will be presented for passage at the December meeting.

WORK SESSION - Scherer invited Council to attend their work session on November 30th at 7:00 PM. The subject will be "Capital Improvements". The Planning Board is requesting the Council help prioritize the list for the comprehensive plan. He also encouraged the public to attend. Scherer anticipates the final draft ready for Council approval in January.

CITY ENGINEER

SEWER DISTRICT #12 - Principle engineer, Cecil Kingsley, reported there are several unresolved issues to deal with prior to making payment to Western Industrial Mechanical. He noted they are dealing with work performed off right-of-ways, hard facilities not on easements, purchasing of a generator and liquidated damages of the contractor. Kingsley reported the 8" sewer main

design is completed and submitted to KDHE for approval. The current 6" line does not meet state standards and sets on private property. The contractor is lined up to do the work upon Council's approval.

GRINDER PUMPS - Kingsley noted he was asked by Council to make a recommendation regarding grinder pumps. The engineer recommended the city not get involved in grinder pumps since they do not have ample city staff and funds to purchase spare parts. He noted when a grinder pump is installed, KDHE must be notified of the installation. It is in the best interest of the city to eliminate septic systems which coincides with the States wishes. Gravity flow sewer is always in the best interest of the city. The City can preclude grinder pumps by accepting an ordinance or they can allow the pumps in the private system and not in the public system.

Following a brief discussion, Barlow moved not to allow grinder pumps in the private or public sewer system. J. Odle seconded the motion. Odle, Barlow and Vervaecke-Aye. Wilderson and Pfannenstiel-Nay. Motion Passed 3-2.

WORK SESSION - Kingsley requested a work session be scheduled for November 30th to review the report they are working on for Kansas Dept. of Health & Environment.

Council agreed to hold the worksession from 6:30-7:30 prior to the planning board meeting and then attend the planning meeting at 7:30 PM. Kingsley suggested having another work session after they have had a chance to review the packet. The State has granted an extension to February last at which time the Council will have to make a commitment as to the future of the city sewer facilities.

CITY CLERK

JOHN DEERE MOWER - Clerk Mogle reported she has received an offer to purchase the John Deere mower. She asked Council for direction to accept the offer or to advertise for bids if they wish to sell the mower.

Councilman Odle asked that Bill Mogle take the mower to the repair shop and get an estimate of what it would cost to repair the mower. He felt it should be kept as a backup since the maintenance department has trouble keeping the mowers running. All Council members were in agreement.

CHIEF OF POLICE

APPOINTMENT OF RESERVE OFFICER - Chief Weston requested the Mayor appoint Lloyd Martley, Jr., a resident of Basehor, as a reserve officer. He noted Mr. Martley will be able to attend the Lansing Reserve program rather than sending him to the Law Enforcement Training Center in Hutchinson, Kansas.

2825 N. 155TH TERR. - A report was given by Chief Weston that police action has been taken by the department and building inspector to condemn or repair the home at 2825 N. 155th Terrace. The Veterans Administration and their agent, Miller Properties, have received proper notice of the building and nuisance violations.

City attorney Thompson noted, Mr. Bell, attorney for Veterans Administration contacted him this morning asking for more time to address the letter. There intent is to repair the house to meet the building codes.

CITY ATTORNEY

CHARTER ORDINANCE - The Charter Ordinance being presented will lift the residency requirement for all appointed and hired employees. The ordinance does not affect any Council or Mayorial positions.

A motion was made by J. Pfannenstiel to table the matter until the December meeting. Motion died for lack of second.

J. Odle moved to approve the Charter Ordinance as written. R. Vervaecke second the motion. All Aye. Motion Carried 4-1.

CHARTER ORD. 6. A CHARTER ORDINANCE EXTINGUISHING THE RESIDENCY REQUIREMENTS CONTAINED IN K.S.A. 14-1502.

FRANCHISE AGREEMENT/ORD.- Thompson reported the draft presented to Council has been approved by Galaxy Cable Company. He reminded the Board they cannot require certain channels but can require a certain amount of channels be provided within a specified amount of time.

Their was a lengthy discussion regarding the density clause and channel lineup. Thompson suggested passing the ordinance in the present form with additions of adding cable east on Parallel to 142nd St. and 142nd St. from Parallel to State Avenue and add 5-10 channels at no additional cost.

A motion was made by J. Odle to approve the franchise agreement ordinance with the exception that the area from 147th east to 142nd St. and 142nd St. from Parallel to State Avenue be included and provide 5-10 more channels at no additional cost within one year from date of passage. Authorization be given to the Mayor to execute the necessary agreements. J. Barlow second the motion. All Aye. Motion Carried 5-0.

CODE OF ETHICS - A sample Code of Ethics Ordinance was provided for Council review. To be discussed at the next meeting.

QUORUM ORDINANCE - Thompson reported at the October meeting, the Mayor had requested a ordinance be adopted changing the quorum from three to four to allow more council members to attend community meetings and seminars simultaneously. After the meeting, Thompson went back to his office and researched the matter. He noted there is a 1989 Supreme Court decision that does recognize the ability of Council to change the quorum size. Thompson still feels it is a gray area as far as circumventing the "Open Meetings Act".

MAYOR'S REPORT

APPOINTMENT OF RESERVE OFFICER - The appointment of Lloyd Martley, Jr. as reserve police officer was made by Mayor Bettin.

It was moved and seconded by J. Pfannenstiel and J. Odle to approve the appointment of Lloyd Martley Jr. as a reserve police officer. All Aye. Motion Carried 5-0.

GRATES FOR STORM SEWERS - Mayor Bettin reported that several subdivisions do not have grates in the streets for storm sewers. He announced this matter has been turned over to the engineer for a recommendation.

24-40 HIGHWAY PROJECT - A report was given by Mayor Bettin regarding a meeting he attended on November 10th with area business owners and Senator Ramirez. The meeting was concerning the lack of access into their properties after the new highway is built.

Bettin reported that Karl Banzhaf and Jerry Kelley have obtained legal counsel and hope to gain access to their properties. The collection of property owners are going to have to get their own attorney to negotiate with Kansas Dept. of Transportation. Currently the affected business owners are looking into a possible frontage road.

COUNCIL MEMBERS

JOSEPH ODLE - Nothing to present at this time.

CHARLES WILDERSON - He received a request from the city clerk requesting the assistance of PRIDE to hang the holiday banners along 155th Street. Wilderson announced the PRIDE committee would be willing to hang them this year.

Wilderson also reported he attended the Leavenworth Area Development annual meeting.He announced the organization has hired a new executive director and feels the City will see "good things" along 24-40 Highway in the months to come. The City of Basehor is still holds a seat on the eighteen member board.

JERRY BARLOW - Nothing to present at this time.

ROBERT VERVAECKE - Nothing to present at this time.

JOHN PFANNENSTIEL - Reported he took the liberty to performed a survey among fifty registered voters of Basehor concerning the hiring of a full-time city administrator. Pfannenstiel received 28 responses. The majority of the responses were not in favor of hiring a full time administrator nor were they in favor of increasing taxes to support one.

OTHER BUSINESS

WORK SESSION - Mayor Bettin requested Council check their calendars and schedule a January 1996 work session to discuss full time maintenance staff, personnel and budget issues.

ADJOURNMENT

There being no further business to discuss, a motion was made by C. Wilderson and seconded by J. Barlow to adjourn the meeting. All Aye. Motion Carried 5-0. Meeting was adjourned at 9:15 PM.

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

Bryce D. Bettin, Mayor

Mary A. Mogle, City Clerk

12-9-95

To: City Clerk of Basehor,

I would like to be put on the agenda to speak at the next council meeting.
I am interested in purchasing the property at 15416 Ripley and would like to ask some questions about the septic tank and or hooking up to the city sewer. Before purchasing this property I need to find out if I can have the laterals repaired or if the city of Basehor will make me hook up to city sewers.

Thank you,

Donald G Wilson
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K CK 66112
334-5842