

MINUTES

BASEHOR CITY COUNCIL

March 20, 1995

7:30 PM

Basehor City Hall

OFFICIAL PRESIDING: MAYOR JOSEPH P. ODLE

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

Others Present: Mary Mogle, Clerk Bill Mogle, WWTO
Vince Weston, COP Jane Scherer, Treas.
John Thompson, Atty. Bruce Browne, PE
Bob Bryan, Bob Vervaecke, Joe Scherer-PC
Rick Hogue, PRIDE Citizens of Basehor

The monthly meeting of the Basehor City Council was called to order at 7:33 pm by Mayor Joseph P. Odle. All members were present.

APPROVAL OF MINUTES

A motion was made by J. Pfannenstiel and seconded by J. Barlow to approve the Minutes of February 20, 1995 as written. Motion passed 4-0.

APPROVAL OF TREASURER'S REPORT

C. Wilderson moved to approve the February 1995 Treasurer's report as submitted and pay annual insurance premium of \$12,571.00 to Evans Real Estate & Insurance Co. Included in the motion was to transfer \$50,000.00 from the money market account and invest for six months in a Treasury Bill or Certificate of Deposit wherever the highest rate of interest could be obtained. B. Bettin seconded the motion. All Aye. Motion passed 4-0.

APPROVAL OF MUNICIPAL COURT REPORT

It was moved and seconded by J. Barlow and J. Pfannenstiel to approve the February 1995 Municipal Court as submitted. All Aye. Motion passed 4-0.

CITIZENS AND PETITIONS

No written requests were received.

CITY ENGINEER

SEWER DISTRICT #12 - Browne reported Western Industrial Mechanical has requested a thirty (30) day extension on their contract. Browne feels the project should be completed in

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approximately ten days depending on the weather. The contractor still needs to bore under 155th Street to the Feagle property, ditch, seed and/or sod all the properties.

Odle questioned whether the contractor had been in contact with Mr. Skaggs regarding the damage to his trees and personal property. Browne reported that Mr. Chaney met with Mr. Skaggs last Thursday.

WASTEWATER OPERATOR

DISPERSAL OF OLD LIFT STATION - Mogle requested Council allow him to contact pump companies to see if they would purchase the old pumps from lift station #1 since they are no longer interchangeable with the other lift stations.

Council directed Mogle to get bids and bring back to Council for approval.

SOUTH LAGOON - Mogle reported the electrician is suppose to be out tomorrow (3/21/95) to hookup the fifth aerator at the south lagoon.

ANIMAL CONTROL OFFICER/MAINTENANCE

INCREASE IN FINES - In the absence of Officer Wilson, Chief Weston made the presentation reporting that Wilson is requesting the Council consider raising the "running-at-large" fine. Currently the charge is \$10.00. Weston reported there are many repeat offenders and feel \$10.00 is minimal.

Council suggested Officer Wilson or Chief Weston compile a list of what other city's fines are and bring it back to the next meeting.

STREET SIGNS - Clerk Mogle requested Council approval to order street signs and stop signs. The cost will be approximately \$1300.00.

It was moved and seconded by C. Wilderson and J. Pfannenstiel to approve the purchase of street signs not to exceed \$1300.00. All Aye. Motion passed 4-0.

CITY CLERK

FRANCHISE FEES - A report was given by city clerk, Mary Mogle regarding the current status and percentage of all the franchise agreements within the city limits of Basehor.

Mogle noted a 3% fee is currently being charge by Greeley Gas, Southwestern Bell, Douglas Cable and KPL Gas. The only agreement that will expire this year will be

Southwestern Bell. Mogle also noted that while she was researching the agreements, she found that Douglas Cable pays franchise fees on Basic service only. No fees are collected on paid channels such as HBO and Cinemax. Mogle reported while at conference in Wichita this month franchise agreements were discussed. It was reported that city's should be requiring a 5% fee for a term not to exceed ten years. By going with a twenty year term, this does not allow the cities to progress with changing technology.

Mayor Odle feels the City should negotiate with Douglas Cable for increase in fees or make them comply with their agreement. The company still does not have an office in Basehor. Pfannenstiel stated the company is not effected by the increase in franchise fees since it is the user that ends up paying the fees.

Douglas Cable cannot continue to get by without complying with their agreement, reported Odle. He felt the City should open up a line of communications with Douglas to upgrade services.

A motion was made by B. Bettin to review the contract and open dialogue to possibly rewrite the agreement. J. Pfannenstiel seconded the motion. All Aye. Motion passed 4-0.

Wilson reiterated that he would like to see Southwestern Bell's franchise agreement increased to 5% when negotiations commence.

UTILITY DELINQUENTS - Mogle reported to date there are \$3,289.81 delinquent sewer and solid waste accounts. She requested Council approval to notify those accounts sixty-one days and older of their delinquencies and the ramifications.

A motion was made by J. Pfannenstiel to send notices to delinquent accounts via certified mail. C. Wilderson seconded the motion. All Aye. Motion carried 4-0.

SEPTIC TANK REGS. - Mogle reported the county, who currently does the city's septic tank permits and inspections, has no future plans to perform soil sampling tests prior to approving a septic tank permit. Due to the fees and lack of manpower they will continue to perform the three-hole method.

PRIDE SIGNS - Mogle reported the PRIDE committee has installed two signs located on Parallel and 155th Street. PRIDE is requesting the city waive the permit fee and insurance requirement.

It was moved and seconded by J. Pfannenstiel and C. Wilderson to waive PRIDE's fees and insurance for their new signs. All Aye. Motion passed 4-0.

GRANT CONFERENCE - Mogle informed Council she attended the grant conference in Topeka and acquired the grant specifications. According to the presenters, the City of Basehor would not have a very good chance of qualifying since we do not have more than 51% low to moderate income households and we do not have a large debt service. However, she did feel we should apply for the maximum grant of \$400,000.00 for the upgrade to the sewer system.

Pfannenstiel felt that since we do not have a written plan in place we should forgo the grant this year. No further decisions were made.

CHIEF OF POLICE

COPS FAST PROGRAM - Chief Weston submitted for Council approval the final application to the COPS FAST program. The federal government will match 75% of one officers wages and benefits for a period of three years. The city's commitment toward the grant will be less than \$18,000.00 during the three year period.

Following a brief discussion, J. Barlow moved to continue to pursue the grant and submit the application as prepared. J. Pfannenstiel seconded the motion. All Aye. Motion passed 4-0.

AIR CONDITIONER - A request was made by Chief Weston to authorize \$350.00 to repair the air conditioner on the 1986 police car.

J. Pfannenstiel moved to fix the car as necessary, J. Barlow seconded the motion. Discussion followed.

J. Pfannenstiel amended his original motion to include a \$400.00 cap be placed on the repair. J. Barlow second. All Aye. Motion passed 4-0.

CITY ATTORNEY

CHARTER ORDINANCE - Thompson submitted for Council review an ordinance requiring a 2/3rd vote of Council to remove an employee from office.

Odle does not feel this ordinance would comply with his intent to protect those employee's who rely on these jobs for their livelihood.

Thompson noted the ordinance includes a "just cause" clause. Odle was still not comfortable with the way the ordinance read. Thompson suggested adding a "fact finding" clause in conjunction with the "just cause" clause.

Councilman Wilderson also asked that the "just cause" clause be spelled out in the ordinance. The matter was tabled until the April meeting.

WELLINGTON PLACE SUBDIVISION - The city attorney reported the City was awarded default judgement on liability only. A hearing is scheduled for April 3, 1995 to decide on the amount of damages. Thompson informed Council he received notification that Miles Excavating has requested judgement be set aside claiming he did not have enough time to respond to the original judgement. Thompson feels the judgement to set aside will be granted. If that happens the city will have to go to trial.

The hearing in April will allow the City to include any additional damages from sewers and streets. The City cannot include any private property in the judgement.

Mr. Patrick questioned if the City was going to use Schlaegel's report. Thompson responded with yes, however, full damages cannot be determined at this time. Actual bids will be necessary to determine the final costs. Thompson suggested Patrick contact his office March 28th after 10:00 am to see what the outcome of the judgement hearing was for Miles Excavating.

Mr. Patrick also requested the barricades be replaced with traffic cones now that winter is over. Patrick asked if right-of-way is the city's responsibility. Thompson noted the right-of-way is the responsibility of the homeowner.

Marsha Piersol stated some potholes are being washed out due to rain, therefore, not allowing property owners to get into their driveways. She asked who's responsibility it is to replace the gravel. Odle stated as a courtesy, the city will replace the gravel if the owner will notify city hall.

THIRY/KDOT - Thompson put Council on notice that KDOT has included the City of Basehor and Tonganoxie in the lawsuit with the Fiery family. KDOT is handling all the legal costs and paperwork.

MAYOR'S REPORT

OSAGE TIRE RECYCLING - Mayor Odle informed Council that Osage Iron was put out of business last week in Kansas City, Kansas for not meeting EPA regulations. He is concerned that the owners will start storing materials at Osage Tire located

on Parallel. County attorney, David Van Parys, informed Mayor Odle he has asked the county planning commission to revoke Osage Tires special use permit but they have refused. The special use permit allows Osage to inventory 10,000.00 tires and currently they have over 250,000. A month ago, Kansas Department of Health & Environment placed a "cease and desist order" at Osage Tire. Van Parys has requested our police officers stop any trucks delivering tires to Osage and detain them until a county officer for violating the state order.

APPOINTMENT - Mayor Odle appointed Chief Weston to represent the City of Basehor on the Leavenworth County Steering Committee. The steering committee is compiled of representatives from Leavenworth County cities and commission districts to perform a feasibility study for the new jail and law enforcement center.

Odle reminded those present that Commissioner Klemp has repeated stated that if the sales tax question does not pass on the April ballot, the Board will vote to increase property taxes to build the new jail facility.

JERRY BARLOW

BONDING COMPANIES - Barlow questioned attorney Thompson as to the status of regulating bonding companies through our zoning and subdivision regulations. Thompson stated he has not had time to address the matter and will report at the April meeting.

JOHN PFANNENSTIEL

No comments at this time.

CHARLES WILDERSON

PRIDE - Wilderson requested a donation of \$300 to go toward the purchase of trees and shrubs to be planted at city hall.

J. Pfannenstiel moved to donate \$300 to PRIDE for the purchase of trees and shrubs around city hall. Bettin seconded the motion. Pfannenstiel, Bettin, Barlow-Aye. Wilderson abstained since some of the trees will be purchased from him. Motion carried 3-0-1.

Mayor Odle asked once again if the recycling container could be moved to the park. He feels since the proceeds go to the park it should be placed in the park. Pfannenstiel said he would address the matter with the Park Association.

BRYCE BETTIN

No comments at this time.

ADJOURNMENT

There being no further business to discuss Wilderson moved to adjourn the meeting. Bettin seconded the motion. Meeting was adjourned at 9:15 PM.

Submitted and approved by Council with without corrections this 17th day of April, 1995.


JOSEPH P. ODLE, MAYOR


Mary A. Mogle, City Clerk