

MINUTES

**BASEHOR CITY COUNCIL
June 20, 1994
7:30 PM
Basehor City Hall**

OFFICIAL PRESIDING: MAYOR JOSEPH P. ODLE

**MEMBERS PRESENT: Pres. Jerry Barlow, John Novak,
Jeff Scherer, John Pfannenstiel,
Charles Wilderson**

**Others Present: John Thompson, Atty. Bruce Browne, PE
Jane Scherer, Treas. Bill Mogle, WWTO
Mary Mogle, Clerk Vince Weston, COP
Bob Vervaecke, PC B. Smith, Sentinel
Citizens of Basehor**

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

APPROVAL OF MINUTES

J. Novak moved to approve the Minutes of April 25, 1994 and May 16, 1994 as submitted. J. Scherer second the motion. All Aye. Motion Carried 5-0.

APPROVAL OF TREASURER'S REPORT

It was moved and seconded by C. Wilderson and J. Novak to approve the May 1994 Treasurer's Report as submitted. Certificate of Deposit #6759 to be reinvested for six months with Citizens Bank combined with an additional \$20,000.00 from the money market account. All voted unanimously in favor. Motion Carried 5-0.

APPROVAL OF MUNICIPAL COURT REPORT

A motion was made by J. Novak to approve the May 1994 Municipal Court Report as submitted. J. Scherer second the motion. The vote was unanimously in favor. Motion Carried 5-0.

EXECUTIVE SESSION

At this time Mayor Odle entertained a motion to adjourn into a forty-five minute executive session to discuss possible litigation and land acquisition.

SCANNED

3-2-07 *lt*

J. Novak moved to adjourned into a forty-five minute executive session to discuss possible litigation and land acquisition. J. Scherer second the motion. All Aye. Motion Carried 5-0. (7:32 PM)

At 8:16 PM Council reconvened. Mayor Odle stated an additional fifteen minutes is necessary to finish their discussion and entertained another motion to adjourn back to executive session.

J. Pfannenstiel moved to adjourn into a twenty-minute executive session to discuss possible litigation and land acquisition. J. Barlow second the motion. All Aye. Motion Carried 5-0.

At 8:25 PM Council once again reconvened and the regular meeting was called back to order by Mayor Odle.

CITIZENS AND PETITIONS

DOUG SHATAS was present representing the property owners adjoining the south lagoon access road. Mr. Shatas inquired as to the status of the relocation of the access road and the cost of the relocation.

Mayor Odle reported the cost has been estimated at \$4,410.00. Odle stated the Council will be taking a vote on whether the city wants to use tax payers money to relocate or leave the matter to remain between the property owners and developer, Jeff Scherer. Odle did not feel it was the responsibility of the City.

Mr. Shatas explained he and the adjoining landowners are willing to take the financial responsibility to relocate the access road if the Council will give him the authority and specifications necessary.

After a brief discussion, J. Pfannenstiel made the motion not to pay the \$4,410.00 to relocate the lagoon road and take "no action". If the property owners or Jeff Scherer want to take action that is up to them. J. Barlow second the motion. Novak, Pfanennstiel, Wilderson and Barlow-Aye. Scherer-Abstained. Motion Carried 4-1.

Councilman Novak questioned whether the City will be graveling the existing access road. Odle stated that a couple of places need gravel. Wastewater Operate Mogle stated it will consist of approximately 40-50'.

Mr. Shatas asked that instead of the City graveling that portion would they consider waiting and contributing those

funds toward the new road.

Mayor stated the City will not be contributing any funds toward the new road.

FRANK FEAGLE was present to represent residential property owners involved in the proposed Sewer Benefit District #12. Mr. Feagle submitted a petition with five property owners signatures requesting the method of assessment be re-evaluated. He feels the commercial should remain on appraisal basis, but that residential should be based on the average lineal foot method of front foot served.

City attorney, John Thompson, stated the Council could act on the change of method, however, he does not advise it. He suggested the Council study the matter and decide at the next public hearing.

Councilman Pfannenstiel felt it was unfair to decide without all the property owners being informed. He agreed with Thompson that it should be tabled until the public hearing. The commercial properties need to be afforded the opportunity to oppose the method.

Mr. Feagle announced that he did not feel the appraisals were correct and feels the errors should be rectified. He reported the difference he is talking about is \$700.00 and would be willing to spend that and more in legal fees if necessary.

Mayor Odle questioned whether the City legally could assess in two different methods. Thompson stated he will research the matter but felt it had to be one method.

Mr. Dale Schuler stated the commercial businesses have had the opportunity to voice their opinion and since they have not appeared at the Council meetings he felt they have pretty much agreed to accept their proposed assessments.

Odle stated that no one has agreed to anything until the next public hearing is held. Action will be taken regarding the methods of assessment at that time.

STEVE MILES - Not Present.

GREG DOUGLAS, owns property at 2804 N. 155th Street reported he appeared before the planning commission to ask for a rezoning to allow him to have apartments in a house and garage.

Mr. Douglas expressed his dissatisfaction in the

abandon or proceed with the project and schedule the public hearing. Browne reported that Miles Excavating was low bidder which is still \$12,000.00 higher than his cost estimate.

Following a brief discussion, J. Scherer moved to accept the bid from Miles Excavating in the amount of \$178,961.50 to include Sections 1 and 2. J. Pfannenstiel second the motion. Scherer, Pfannenstiel and Barlow-Aye. Novak and Wilderson-No. Motion Carried 3-2.

SCHEDULE PUBLIC HEARING - J. Pfannenstiel moved to schedule the next public hearing for Sewer Benefit District #12 for July 11, 1994 at 7:30 PM. C. Wilderson second the motion. All Aye. Motion Carried 5-0.

PARK ADVISORY BOARD

Judy Goens representing the Basehor Park Advisory Board requested permission to relocate the proposed parking lot and road from the west side to the east side of the entrance. The Lions Club has requested permission to place a flagpole at the park site also.

J. Scherer moved to relocate the parking lot and road and accept the donation of a flagpole from the Lions Club. J. Novak second the motion. All Aye. Motion Carried 5-0.

PLANNING COMMISSION

SPENCER'S PLACE SUBDIVISION - Bob Vervaecke requested Council approve the final plat for Spencer's Place Subdivision. The subdivision consists of three lots with Jeff Scherer as developer.

Councilman Wilderson questioned Vervaecke as to why he voted against the approval of the final plat. Vervaecke commented that he did not agree with granting the variance due to the decrease in right-of-way allocation.

A motion was made by J. Pfannenstiel and J. Novak to approve the final plat of Spencer's Place Subdivision. All Aye. Motion Carried 5-0.

WORKSESSION WITH COUNCIL - Planning Board member, Victor Ziegler has requested an informational worksession with the City Council to discuss the proposed Wolf Creek Watershed Basin project.

J. Pfannenstiel moved to schedule a joint worksession on July 18, 1994 at 7:00 PM. J. Barlow second the motion. All

Aye. Motion Carried 5-0.

APA SEMINAR - Vervaecke requested Council approval to send three boardmembers to the APA seminar dealing with zoning regulations. The cost will be \$50.00 each plus mileage.

J. Pfannenstiel moved to send three members to the APA seminar in Burlington, Kansas and pay registration fee and mileage. J. Scherer second the motion. All Aye. Motion Carried 5-0.

CITY CLERK

BUDGET MEETING - Clerk Mogle requested Council schedule a 1995 budget meeting for late July. She questioned whether they wanted one earlier to discuss future capital improvement projects prior to compiling a proposed budget. Council felt one session would be in order.

J. Pfannenstiel moved to hold the 1995 Budget Meeting on July 25, 1994 at 7:00 PM. C. Wilderson second the motion. All Aye. Motion Carried 5-0.

CITY ATTORNEY

ANNEXATION AGREEMENT - Attorney Thompson submitted a proposed annexation agreement for developer, Jeff Scherer's subdivision known as Northridge Estates. Thompson noted there is a clause that deals with the landowners assuming the upgrade of the sewers for the subdivision. Thompson also noted that in light of some recent changes the agreement needs to be redrafted. Scherer requested the cost estimates be restated since he is not re-routing the sewer outfall south on 155th Terrace as previously proposed. Thompson noted that if the owners fail to comply with the agreement the city can vote to deannex the property. The City also has the authority to make them provide a letter of credit or post actual cash to assure the agreement will be adhered to.

Barlow asked that the agreement not be acted upon until a final draft is reviewed.

J. Pfannenstiel moved to table the matter until final draft is presented and reviewed. J. Barlow second the motion. All Aye. Motion Carried 5-0.

POLICE EDUCATION FUND - Thompson presented a resolution amending Resolution 92-01 requiring the City to collect fees for Police Education Training on each citation issued. The current fees are \$5.00 and will be increased to \$9.00.

Thompson explained this is a State mandated action and the City does not have the authority to deny the adoption.

J. Scherer moved to adopt the Resolution increasing the amount collected for Police Education Fund. J. Barlow second the motion. All Aye. Motion Carried 5-0.

RESOLUTION 94-03. A RESOLUTION AMENDING 92-01 CONCERNING
POLICE EDUCATION FUND.

TRAFFIC ORD. - Thompson reported another state mandated ordinance was to adopt each year the current year's "Standard Traffic Ordinances".

J. Novak moved to adopt the Standard Traffic Ordinance. C. Wilderson second the motion. All Aye. Motion Carried 5-0.

ORDINANCE 271 - AN ORDINANCE INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION 1994, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES AND MODIFYING AND AMENDING CHAPTER XIV TRAFFIC ARTICLE L AND ARTICLE 2.

MAYOR'S REPORT

1994 STREET PROGRAM - Mayor Odle reported the City's finances have been kept to bare minimum and that 142nd Street gives way every year. The county public works division has suggested bomaging, laying a 6" base and a double chip-n-seal on 142nd Street. Odle reported he has worked out an agreement with Kansas City Kansas where they agree to pay 50% of the estimated cost.

JERRY BARLOW

RUNNING-AT-LARGE FINES - Barlow suggested Council re-evaluated the fines imposed on owners of dogs and cats that run-at-large. Barlow felt a \$10.00 fine was to low.

JOHN NOVAK

JOHN PFANNENSTIEL

CHARLES WILDERSON

CITY SIGNS - Wilderson reported the emblem on the Basehor sign was vandalized and will need repair.

JEFF SCHERER

REMOVAL OF TREES - Scherer asked for the status on the removal of the two trees on Leavenworth Road. Mogle reported she contacted several commercial companies, but none of them returned her calls. Two local residents have agreed to cut the trees in lieu of receiving the wood. However, they are not insured. The Lions Club has agreed to cut the trees and take the wood for the sum of \$200. The Club is insured. The Council suggested having the Lions Club cut the trees but would leave the decision up to Mayor Odle as an administrative duty.

NO THRU COMMERCIAL VEHICLES - Scherer questioned why the original "NO THRU COMMERCIAL VEHICLE" signs were replaced with larger signs.

Odle stated he was advised by the County they were too small to be enforceable.

OTHER BUSINESS

DOUG SHATAS - Inquired as to the discrepancy in the engineers report regarding the relocation of the lagoon access road. He stated the report shows a 1,000 ft. when in essence it is only about 300 ft.

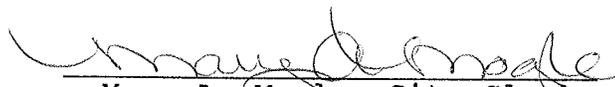
Odle commented the improvement has to be taken all the way back to the point of entry into the lagoon.

Shatas asked that a contact person be appointed. John Pfannenstiel was appointed as the liaison.

ADJOURNMENT

There being no further business to discuss, J. Novak moved to adjourn the meeting. J. Scherer second the motion. All Aye. Motion Carried. Meeting Adjourned.

Submitted for Council approval this 18th day of July, 1994.


Mary A. Mogle, City Clerk