REQUEST FOR SPECIAL COUNCIL MEETING

BASEHOR, KANSAS

11/17, 19 94

TO Jospeh P. Odle

MAYOR OF BASEHOR, KANSAS

WE, THE UNDERSIGNED, COUNCILMEN OF THE CITY OF BASEHOR, KANSAS, HEREBY RESPECTFULLY REQUEST YOU TO CALL A SPECIAL MEETING OF THE COUNCIL FOR THE OBJECT AND PURPOSE OF Discussing the street and sewer repairs in Wellington Place Subdivision. Those to attend are: Citizens of Wellington Place Subd., John Thompson, City Attorney, Gary & ARlie Wells w/ their attorney Gary Nelson This is a open meeting and the Basehor Sentinel newspaper was notified.

SIGNED Jerry B Barlow

Charles Wilderson

John F Nord

COUNCILMEN

12:45

MINUTES
SPECIAL MEETING

BASEHOR CITY COUNCIL
November 17, 1994
6:00 P.M.
Basehor City Hall

OFFICIAL & MEMBERS PRESENT:
MAYOR JOSEPH P. ODLE, JOHN NOVAK, JERRY BARLOW AND CHARLES WILDERSON (J. Pfannenstiel-absent)

OTHERS PRESENT: Mary Mogle, City Clerk, John Thompson, Atty Gary & Arlie Wells w/ attorney Gary Nelson Rick Patrick, Marsha Piersol, and Sharon Kuebelbeck, Wellington Place Subdivision

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The special meeting was called to order by Mayor Odle at 6:05 PM. Mayor Odle announced the purpose of the meeting was to clarify whose obligation it is to fix the streets in Wellington Place Subdivision.

Odle noted the bond is in the developers name and it would benefit everyone to work with Gary Wells to call the bond. He is not sure what part Miles Excavating is going to play since Miles is only willing to make minor repairs.

City attorney, John Thompson stated the repairs have been identified through an independent engineer and submitted to Miles Excavating's attorney. Thompson noted the City is concerned about going through the winter without the problems being corrected.

RICHARD PATRICK, representing the homeowners of Wellington Place Subdivision informed the Council they want to make sure the streets are fixed properly and the sewer lines are televised. The property owners do not want to incur any additional costs since they bought new homes and should have streets built properly. Patrick questions what additional problems could arise if the bond is not paid out.

Thompson responded stating the City approached the matter with an objective presentation by hiring an outside engineer.

Mr. Patrick expressed concerns about how the streets will be cleared when snow falls. Mayor Odle stated he will check into placing barricades, etc. throughout the subdivision.

SCANNED
32-7 lot

Sharon Kuebelbeck asked who is actually responsible for the streets at this time. Thompson responded by stating that question is unresolved and ultimately may have to be determined by a court. The City of Basehor and Mr. Wells have a common interest and everyone wants to see the work performed properly. The City and Wells are not in conflict with each other to get work done.

Patrick asked if there will be an independent engineer on site to oversee the work. Thompson response was "yes".

Mrs. Kuebelbeck stated her sewer line has collapsed and been rerouted into the manhole. Her yard and driveway is collapsing. During a recent meeting with Mr. Wells, he told her the City will have to make the repairs. Mayor Odle responded by saying the City has a right-of-way but not ownership. The owner is responsible for the driveway and sewers all the way to the main (including the tapp).

Mr. Nelson, attorney for Arlie and Gary Wells, informed those present that he has tried to deal with the bond company earlier in October 1993. The bond company requested additional correspondence, which was provided. Nelson noted one of the problems they are facing, according to the bond company, is that the Bond belongs to Wells and the streets belong to the City.

Marsha Piersol asked that communications between the City Officials, developers and property owners be kept open.

Councilman Novak asked that the attorney keep Mayor Odle informed and in turn the Mayor will keep the homeowners informed. Mr. Patrick agreed to be the contact person for the homeowners.

Mr. Patrick stated he does not see a need to attend the meeting on Monday night since this meeting had been beneficial. However, he urged Council to continue quickly so that statue of limitations does not run out in case they need to take the matter to court.

There being no further business to conduct, J. Novak and J. Barlow moved to adjourn the meeting. All Aye. Meeting was adjourned at 6:45 PM.

Approved this 21st day of November, 1994 without corrections.

Joseph P. Odle, Mayor

Mary A. Mogle, City Clerk

Approved this ____ day of _____, 1994 with corrections.

Joseph P. Odle, Mayor

Mary A. Mogle, City Clerk