

MINUTES

BASEHOR CITY COUNCIL  
May 16, 1994  
7:30 PM  
Basehor City Hall

OFFICIAL PRESIDING: MAYOR JOSEPH P. ODLE

MEMBERS PRESENT: PRES. JERRY BARLOW, JOHN NOVAK,  
JOHN PFANNENSTIEL, CHARLES WILDERSON  
AND JEFFREY SCHERER

Others Present: Bruce Browne, PE            John Thompson, Atty.  
Jane Scherer, Treas.    Mary Mogle, Clerk  
Bill Mogle, WWTO        Vince Weston, COP  
Bryce Bettin, PCC        Mary Ohler, PAB  
Brenda Smith, Basehor Sentinel  
Citizens of Basehor (see register)

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

APPROVAL OF MINUTES

J. Pfannenstiel moved to approve the Minutes of April 18th Special Meeting and monthly meeting as written and the telephone poll of May 4th as submitted. J. Scherer second the motion. All Aye. Motion Carried 5-0.

APPROVAL OF TREASURER'S REPORT

A motion was made by C. Wilderson and second by J. Barlow to approve the April 1994 Treasurer's Report as submitted. Certificate of Deposit #10231 to be reinvested for six months with Citizens Bank combined with an additional \$30,000.00 from the money market account. J. Barlow second the motion. All Aye. Motion Carried 5-0.

APPROVAL OF MUNICIPAL COURT REPORT

It was moved and seconded by J. Barlow and J. Pfannenstiel to approve the April 1994 Municipal Court Report as submitted. All Aye. Motion Carried 5-0.  
Receipts-\$4,220.00

SCANNED

3-2-07 *st*

**CITIZENS AND PETITIONS**

BARBARA KONGS, a field representative for Northeast Kansas Department of Commerce. Kongs explained she was in charge of marketing and promotion of State programs such as Community Development Block Grants. A conference will be held June 8th in Atchison promoting the Main Street Program, Rural Tourism and Developing & Financing Businesses. The fee for the conference is \$20.00 per person which includes lunch and materials.

Several from the audience and boardmembers expressed interest in attending the seminar.

RANDY LANE, representing a group of concerned citizens, was present regarding the resent ordinance pasted prohibiting parking on Leavenworth Road. Lane noted that he realizes the no parking ordinance is for the safety of the community but expressed concerns to the lack of available parking for ball season and school functions. Lane requested a waiver on nights when they have numerous games scheduled. The Athletic Association is in the process of looking for alternative parking areas at this time. It was also requested that out-of-town visitors be given consideration until they get used to the new rules.

Pfannenstiel reminded Mr. Lane that north and south streets are available for parking and that warnings could be issued the first week of ball season.

Lane requested warnings be issued from May 31st through June 6, 1994. Odle stated he will notify the police chief.

JEFFREY SCHERER, developer of North Ridge Estates, requested annexation of his seventy acre subdivision. The subdivision will be an eight to ten year project containing 130 plus building lots. Scherer stated the City denied his previous annexation request because sewers were not available. He informed Council he is willing to upgrade the sewer system by installing concrete slopes and two aereators in the second cell of the north lagoon at his expense.

Engineer Browne stated the work cannot be done at the time of dredging but can be done within the same time frame.

Councilman Barlow cautioned Council about being partial to a Councilmember. He also expressed concerns approving another subdivision when the developer has not properly sold his current lots.

Attorney Thompson reported Dick Hayes has agreed to allow the City to use the 30 ft. right-of-way west of Hickory Pointe Subdivision to access the south lagoon. Hayes informed Thompson that in lieu he asked that the right of way be kept graveled and maintained for the duration of use. Thompson encouraged Council to sign a legal agreement. Thompson also noted there are hedge trees blocking lagoon access. Odle stated a culvert will have to be installed.

Thompson requested Council approval to continue negotiations with Dick Hayes for the use of the right-of-way.

J. Novak moved to allow city Attorney, John Thompson to draw up the necessary easement agreement for Council approval at the June 1994 meeting. C. Wilderson second the motion. All Aye. Motion Carried 5-0.

Councilman Barlow felt the problems in Hickory Pointe should be eliminated prior to giving approval on the annexation request.

Councilman Pfannenstiel noted the issues are separate and should be voted on in that matter. Barlow and Odle disagreed.

Pfannenstiel questioned the attorney as to the legal steps that have to be taken to assess the upgrade costs back to the developer. Thompson explained the petition and annexation agreement can stipulate the upgrade. If the developer chooses not to follow the agreement the city can vote to de-annex the property.

Council discussed the outcome of dredging the lagoons. Browne informed them dredging the lagoons does not effect the capacity of the systems.

Odle stated due to the increased costs in disposal, there is a good possibility that the lagoons will not be dredged this year. Browne agreed.

J. Pfannenstiel moved to authorize the attorney to draft an annexation ordinance. J. Novak second the motion. Jeff Scherer abstained. Wilderson, Novak and Pfannenstiel-Aye Jerry Barlow-No. Motion Carried 3-1-1.

Thompson was directed to have the ordinance prepared for the June 20th meeting.

Thompson informed Mr. Scherer that he needs to have his petition and annexation agreement amended to reflect the

costs of upgrading the north lagoon system.

Browne reiterated that an additional 600-700 ft. of sewer main will have to be built. Odle directed Browne to compile a package and submit to John Thompson.

Planning Commission Chairman, Bryce Bettin, reported the Planning Board made the separate sewer main a condition of the plat when originally submitted.

FRIENDS OF THE LIBRARY - A letter was submitted to Council requesting a donation to the Library's Summer Reading Program.

J. Novak moved to donate \$50.00 to the Friends of the Library for the Summer Reading Program. J. Pfannenstiel second the motion. All Aye. Motion Carried 5-0.

**CITY ENGINEER**

SEWER DIST. #12 BIDS - Engineer Browne announced he received two sealed bids for the construction of Sewer District #12. Browne opened the bids noting that both were accompanied by a 5% Bid Bond as required.

Meadows Construction-	Sec. #1	-	189,443.00
	Sec. #2	-	<u>38,000.00</u>
	TOTAL		227,443.00

Miles Construction	-	Sec. #1	-	147,975.50
		Sec. #2	-	<u>30,986.00</u>
		TOTAL		178,961.50

Browne recommended Council refer the bids to him for verification of tabulation. He noted that both companies were under his bid on Section #2.

J. Novak moved to submit the bids to the city engineer for a recommendation of award. J. Barlow second the motion. All Aye. Motion Carried 5-0.

Browne will have his recommendation by Thursday.

SCHEDULE PUBLIC HEARING - Clerk Mogle reported a public hearing date needed to be scheduled for valuations and assessments for Sewer District #12.

J. Scherer moved to schedule the public hearing for June 6, 1994 at 7:30 PM. C. Wilderson second the motion. All Aye. Motion Carried 5-0.

**BASEHOR PLANNING COMMISSION**

SPENCER'S PLACE - The Board recommends approval of the preliminary plat of Spencer's Place Subdivision with a variance from the 50' street right-of-way to 40'. This would require an additional 10 feet of right-of-way off of lots 1 through 3. This would make the front yard set back on Lot 3 less than 35 feet.

Bryce Bettin noted the final plat will show the adjustments of the lot lines.

A motion was made by J. Pfannenstiel and seconded by J. Novak to approve the preliminary plat with the recommended variances. All Aye. Motion Carried 5-0.

1995 BUDGET - Chairman Bettin listed a number of items the Board has been considering as 1995 projects.

Planning Consultant - \$4,000.00 (attend monthly meetings)  
Finish Comprehensive Plan - \$4,000.00  
Workshops, Map Updates, Misc. - \$2,000.00

Mayor Odle reported the Council needs to review the 1995 Budget before they make any decisions. He did not feel the City should enter into any contracts at this time.

J. Pfannenstiel moved to table the consultants contract until annual appointments are made or the budget is approved. J. Scherer second the motion. All Aye. Motion Carried 5-0.

**PARK ADVISORY BOARD**

IMPROVEMENTS TO THE PARK - Chairman Mary Ohler was present to request Council approval to construct a volleyball court and wood playground equipment in the city park. There will be no cost to the city for these improvements.

Councilman Barlow expressed concerns about using hard surfaced materials on the playground. He explained he read an article regarding the hazards and cautions the Board to look into other methods.

Councilman Pfannenstiel noted that the playground will be constructed to meet State and Federal guidelines.

J. Pfannenstiel moved to give the Park Board permission to construct a sand volleyball court and playground area in the city park. J. Scherer second the motion. All Aye. Motion Carried 5-0.

**CITY CLERK**

FIREWORKS - Clerk Mogle reported the special events insurance quote received from Evans Insurance will not cover the pyrotechnicians and asked Council to not to consider this company for coverage. Piedmont Fireworks has quoted \$551.35. Danny Dearing was present with further information.

Dearing reported he received a quote from Wald Co. giving him a bid of \$2,000.00 for all the fireworks and a one million dollar insurance policy. The company will pay the Lions Club \$200.00 for shooting off the display and in return the Lions Club will turn that back over to Wald Co. for additional fireworks. Dearing also reported he has solicited a \$150.00 donation from the Park Association and will be contacting the Lions Club for a donation.

Mary Ohler stated the Park Association plans to take donations at the gate at this year's 4th of July Event. The proceeds will go toward next years display.

J. Pfannenstiel moved to allocate \$2,000.00 (General Fund) for insurance and fireworks. J. Scherer second the motion. All Aye. Motion Carried 5-0.

TREE REMOVAL - Mogle informed Council there are two trees located in city right-of-way between 155th St. and 155th Terr. on Leavenworth Road that need to be removed. Maintenance worker, Don Wilson, noted that one tree was dead and the other is leaning over Leavenworth Road. He explained that the property owner to the south stated to him that if the City would drop the trees on his property he will find someone to take the wood and clean up the debris.

Council discussed with legal counsel whether it was the City's responsibility or the property owners. Thompson noted the City can be held liable in some cases.

Council was encouraged to hire a company that is bonded and insured.

A motion was made by C. Wilderson and seconded by J. Pfannenstiel to cut the two trees down with the Mayor authorizing the expenditure. All Aye. Motion Carried 5-0.

**CHIEF OF POLICE**

**CITY ATTORNEY**

City Attorney, John Thompson, presented Council with three ordinances for passage. 1) Authorizing the placement

of two stop signs in the Rankin Addition, 2) the reduction of speed from 30 mph to 20 mph in the Rankin and Klamm subdivisions and 3) a Petition and Ordinance encompassing the city park into the city limits of Basehor.

A brief discussion was held regarding a moratorium on annexation and the passage of the ordinance. Mayor reported the ordinance was requested last month.

J. Pfannenstiel moved to adopt all three ordinances as presented. C. Wilderson second the motion. Scherer-No. Wilderson, Pfannenstiel, Barlow and Novak-Yes. Motion Passed 4-1.

ORD. 267 - AN ORDINANCE REDUCING THE SPEED LIMIT FROM 30 MPH TO 20 MPH IN KLAMM SUBDIVISION AND RANKIN SUBDIVISION

ORD. 268 - AN ORDINANCE ESTABLISHING THAT A STOP SIGN BE PLACED ON 157TH STREET AT KLAMM AND THAT A STOP SIGN BE PLACED ON POPLAR STREET AT 157TH STREET.

ORD. 269 - AN ORDINANCE INCLUDING AND INCORPORATING THE CITY PARK AS HEREINAFTER DESCRIBED WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF BASEHOR, KANSAS.

#### MAYOR'S REPORT

APPOINTMENT TO PLANNING COMMISSION - Mayor reported he will be delaying his appointment of a new planning board member until which time he makes his annual appointments.

1994 STREET PROGRAM - Mayor Odle submitted a list (see attached) of streets to be considered for major repair by Leavenworth County Department of Public Works. Odle reported he is proposing the bare minimum due to the city's finances.

Odle noted that he is presently in negotiations with Kansas City, Kansas to jointly bomag and resurface 142nd Street. If all goes well the project costs will be as follows:

Phase I (City Streets per list)	-	\$30,753.16
Phase II (142nd Street)	Basehor-	18,825.00
	KCK	- <u>18,825.00</u>
TOTAL 1994 STREET PROGRAM COST	-	\$69,056.32

Treasurer, Jane Scherer, reported the Special Highway fund has \$27,221.79 (\$9,375.00 is obligated to the 24-40 Hwy Project) and \$8,099.73 remains from the 1993 G.O. Street Bond. Clerk Mogle reminded Council the street bond money must be used on certain streets. 142nd Street would qualify for the remaining bond money. The general fund will have to withstand approximately \$24,500.00 if Kansas City pays for 50% of 142nd Street.

#### **EXECUTIVE SESSION**

Mayor Odle entertained a motion to convene into a twenty minute Executive Session as requested by city attorney, John Thompson.

C. Wilderson and J. Scherer moved and seconded to convene into a twenty minute executive session. All Aye. Motion Carried 5-0. (Time- 9:00 PM)

At 9:22 PM, Mayor Odle reconvened the meeting announcing the following action:

ITEM #1 - Due to on-going street and sewer problems in Wellington Place Subdivision the Council is requesting Miles Excavating extend their bond one additional year.

It was moved and seconded by J. Novak and second by J. Pfannenstiel to direct the City Attorney to negotiate to extend Miles Excavating's bond in Wellington Place an additional year. All Aye. Motion Carried 5-0.

#### **OTHER BUSINESS**

Should the City of Basehor opt out from under the State Tax Lid and Levy Limit (as recommended by accountant). The Question & Resolution must be turned into the County Clerk's office no later than June 10, 1994.

J. Novak moved to place on the August 2, 1994 ballot to opt out from under the State Tax Lid and Levy Limit. J. Pfannenstiel second the motion. All Aye. Motion Carried 5-0.

Council briefly discussed placing an 1/2 cent sales tax question on the ballot at the same time. Mayor Odle felt that if too much was on the ballot, all issues may fail.

#### **JOHN NOVAK**

**JOHN PFANNENSTIEL**

SEMINAR - Councilman Pfannenstiel requested \$50 plus travel expenses to attend the League of Kansas Municipalities Planning Seminar in Burlington, Kansas on May 21, 1994.

J. Scherer moved to pay \$50 plus travel expenses for Councilman Pfannenstiel to attend the seminar. J. Barlow second the motion. All Aye. Motion Carried 5-0.

**CHARLES WILDERSON**

CONFERENCE - Councilman Wilderson requested \$20 to attend the Department of Commerce Conference in Atchison, Kansas.

J. Pfannenstiel moved to approve \$20 each plus expenses for Councilman Wilderson and Scherer to attend the Conference in Atchison. J. Scherer second the motion. All Aye. Motion Carried 5-0.

**JEFF SCHERER**

PARKING LOT - Scherer suggested looking into the possibility of a grant to chip & seal parking lot if used as a pickup location for the Transportation Enhancement Project.

**JERRY BARLOW**

SEMINAR - Councilman Pfannenstiel requested \$50 plus travel expenses for Barlow to attend the League of Kansas Municipalities Planning Seminar in Burlington, Kansas on May 21, 1994.

C. Wilderson moved to pay \$50 plus travel expenses for Councilman Barlow to attend the seminar. J. Pfannenstiel second the motion. All Aye. Motion Carried 5-0.

**ADJOURNMENT**

There being no further business to discussed the meeting was adjourned. Meeting adjourned at 9:30 PM.

Submitted for Council approval this 20th day of June, 1994.

Respectfully,

  
Mary A. Mogle,  
City Clerk