

MINUTES

BASEHOR CITY COUNCIL
September 20, 1993
7:30 PM
Basehor City Hall

OFFICIAL PRESIDING: MAYOR JOSEPH P. ODLE

MEMBERS PRESENT: Jerry Barlow, John Novak, Charles Wilderson
John Pfanennstiel and Jeff Scherer

Others Present: John Thompson, Atty. Jane Scherer, Treas.
Bruce Browne, Eng. Mary Mogle, Clerk
Bill Mogle, WWTO Vince Weston, COP
B. Smith, Sentinel Citizens (attached)

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The meeting of September 20, 1993 was called to order at 7:35 PM by Mayor Joseph Odle. All members were present at roll call.

APPROVAL OF MINUTES

It was moved and second by J. Barlow and second by J. Pfanennstiel to approve the August 16, 1993 - G. O. Bond Spec. Meeting, August 16, 1993 - 1994 Budget Hearing, August 16, 1993 - Monthly Meeting and August 30, 1993 - Sewer District Hearing. All voted in favor. Motion carried 5-0.

APPROVAL OF TREASURER'S REPORT

C. Wilderson moved to approve the August 1993 Treasurer's report as submitted. J. Pfanennstiel second the motion. All Aye. Motion carried 5-0.

APPROVAL OF MUNICIPAL COURT REPORT

A motion was made by J. Barlow to approve the August 1993 Municipal Court report as submitted. J. Pfanennstiel second the motion. Motion carried 5-0.

CITIZENS AND PETITIONS

GARY ANDERSON, residing at 20061 167th Street, appeared before the City Council in opposition to Steven Miles receiving a special use permit for contractor storage. Anderson stated the area residents are concerned about the hazardous waste this type of business would involve. Currently Miles hauls waste products from car washes, septic systems and restaurants all of which are hazardous. He informed the Council the business will be located only one-fourth of a mile from two wells which the city uses as their

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water supply. An additional concern of the area residents is the heavy trucks going by the grade school on Leavenworth Road carrying hazardous materials.

Anderson explained KDHE told him there should be very stringent regulations placed on this business if they are approved. He does not feel the County will make adequate inspections at the business location.

Councilman Pfanennstiel stated according to the County's Minutes the special use permit will not allow the drivers to bring the waste products to the business location. They must dump prior to returning to the area.

Another man from the audience stated he had talked with KDHE and they expressed to him that the worker was running late and the dump site was closed, KDHE could not stop them from bring the waste back and store overnight.

A motion was made by J. Novak directing the clerk to draft a letter to the County Commissioners to regulate the length of trucks, ground water seeping into wells and the traffic hazards. J. Barlow second the motion. All Aye. Motion carried 5-0.

Councilman Wilderson volunteered to represent the City at the County Commissioners meeting on September 23 at 10:00 am.

Attorney Thompson was also directed to send a letter to the Commissioners asking why the City had not been notified of the proposed special use permit.

LINDA PHELPS - sent a letter requesting a street light be placed between 15397 and 15403 Martha.

A motion was made by J. Novak and second by J. Scherer to approve the installation of a street light between 15397 and 15403 Martha. The vote was unanimously in favor. Passed 5-0.

PROPOSED SEWER BENEFIT DISTRICT

Mayor Odle informed Council that before they passed the resolutions several questions needed to be addressed.

- Q. Should participants in the benefit district still have to pay the \$600.00 connection fee?
- A. Yes, since the connection fee is applied to the maintenance of the lagoon facility and not the district.

- Q. Does a participant have to make connection to the sewer main immediately?
- A. Yes, if it is a new construction. If existing house they would need to make connection only if major repair was needed to their septic system.
- Q. Should future connections be allowed to become a part of the district?
- A. Question was not addressed by Council at this time.

Councilman Pfannenstiel questioned how the property owners were going to be assessed. Thompson explained the owners will be assessed by the appraisal method rather than the square footage method. And will be so noted in the resolution. The appraisals will be figured without improvements to property.

Mayor Odle questioned Browne as to whether or not Kelley's Bar & Grille or the shopping center would still be allowed to be included in the district since they do not have property adjoining 155th Street.

Browne informed the Mayor and Council that if a property is not adjacent to the district then it becomes a legal question whether or not they should be included.

Ray Breuer asked that additional ground owned by him be included in the district, reported Browne. Legal boundaries have not been written since Browne was waiting on information from Ray Breuer.

Thompson stated the resolution stating the 250 Ft. setback will have to be amended at next months meeting with a final legal boundary is set.

Councilman Scherer asked if the City had ever considered paying the additional monies necessary for a 12" main verses the proposed 8" main. Browne stated the 8" main will handle all the properties included in the district adequately.

A motion was made by J. Novak to accept the Resolution for Advisability with the understanding that the boundaries of the district will be defined at the next meeting and it will be by appraisal method. J. Pfannenstiel second the motion. All Aye. Motion carried 5-0.

(note: Skaggs & Bryan were the only affected property owners in attendance for the vote.)

PLANNING COMMISSION

A motion was made by J. Pfannenstiel and second by J. Scherer to accept the resignation of John Trehey. All Aye. Motion carried 5-0.

PARK ADVISORY BOARD

MEETING TIME - A motion was made by J. Novak and second by C. Wilderson to allow the Park Advisory Board to change their meeting time from 7:00 PM to 8:00 PM. The vote passed unanimously. Motion carried 5-0.

PLACEMENT OF SIGN - The Board requested Council give permission for the Park Association to place a sign at the entrance of the park. Pfannenstiel announced Miller Sign has offered to donate \$300.00 worth of materials and labor while the Association will be responsible for the additional \$350.00.

J. Novak moved to allow the donation and placement of the sign at the entrance of the park. J. Barlow second the motion. All Aye. Motion carried 5-0.

TREE MEMORIAL - The Advisory Board requested permission to make a donation of a 7-8 ft. tall evergreen tree to the David Mitchell tree program in the memory of Louis Haney. The tree will be transplanted from the park to the Basehor high school.

It was moved and second by J. Novak and second by J. Scherer to grant permission of the transplant of the evergreen in the name of Louis Haney. The vote passed 5-0 unanimously in favor.

CITY CLERK

WEIGHT LIMITATIONS - Clerk Mogle reported heavy equipment and trucks have been traveling through Basehor and asked Council their opinion regarding the regulating of weights on city streets.

Mayor and Council expressed concerns as to what types of trucks you would limit as well as what tonage would be involved.

Clerk directed to contact other cities and the League of Kansas Municipalities to obtain further information and suggestions.

CLUTCH FOR IHC - A new clutch is needed for the IHC tractor. The cost of parts and labor will be \$750.00.

Councilman Novak expressed this to be extremely high and felt the tractor was not worth the expenditure. He felt a new tractor should be purchased.

The clerk reported the replacement last year cost the City \$1,200.00. Mogle reported the funds were not available to purchase a \$20,000.00 tractor.

Other Councilmembers felt that \$750.00 was a necessity since they did not have the \$20,000.00 necessary to purchase a new tractor.

J. Barlow moved to approve the expenditure of \$750.00 to repair the clutch on the IHC tractor. The motion was second by J. Scherer. Four voted aye with Novak voting nay. Motion carried 4-1.

AUGUST AGENDA - Clerk Mogle requested an amendment to the August agenda be made. She explained she typed revenue bonds and they should have been general obligation bonds. She noted that the Minutes were worded correctly.

A motion was made by J. Pfannenstiel and second by C. Wilderson to approve the amendment to the August agenda to read general obligation bonds and not revenue bonds.

SOLID WASTE BID - The City's solid waste contract will expire January 1, 1994. Mogle reported the last bid was for a period of five years and asked Council if they wished to continue with a long term bid. She explained at the present time the county nor state have imposed any recycling guidelines to the best of her knowledge.

Councilman Scherer asked that the bid state the company use the smaller residential trucks since the larger ones are damaging city streets.

J. Novak moved to offer a five year bid for solid waste and to specify a weight and truck limitation. J. Scherer second the motion. All Aye. Motion carried 5-0.

CITY ATTORNEY

BOND RESOLUTION - Two resolutions prepared by bond counsel was submitted for Council approval by city attorney Thompson. Thompson explained by passing the resolutions this would be the first step in issuing the bonds as previously voted on.

The first step is to pass a resolution deeming it necessary and advisable to improve the main trafficways. The next step will be to pass the ordinance designating portions of certain roads and streets as main trafficways.

A motion was made by J. Novak to approve the resolution and ordinance submitted allowing the city to proceed with the issuance of \$100,000.00 general obligation bonds. The motion was second by J. Pfannenstiel. All Aye. Motion carried 5-0.

MAYOR'S REPORT

MORATORIUM - On last months agenda the Mayor requested a short term moratorium be placed on annexations and subdivisions. Odle explained that until the City was able to dredge the lagoons and bring existing streets up to standard he did not feel the City should increase the burden on the City budget by adding more subdivisions. Odle reported last month, Councilman Scherer voted on the issue and then following the meeting reminded the Mayor that he had a preliminary plat pending. Odle felt that Scherer's vote was a conflict of interest.

Odle reported at the August 1993 meeting, Councilman Novak reserved the right to bring the question up at the September meeting.

A motion was made by J. Novak and second by J. Barlow to place a moratorium on annexations and subdivisions from September 20, 1993 to June 1, 1994. Discussion followed.

Councilman Pfannenstiel announced that what is approved today will not need repair for five-six years or more. He did not feel a moratorium would make a difference only proper planning on the City's part is gong to help.

Odle rebutted by stating the city coffers are going to be less next year than this year and the city is suppose to be planning for 10-12 years down the road not just five or six. Odle stated if the City had done proper planning ten years ago the town would not be in this shape and having to borrow \$100,000.00 to make major repairs to the streets. Scherer and Pfannenstiel both stated that future repairs can be made through the increase in city taxes.

Mayor Odle called for a vote.

Novak and Barlow moved in favor of the moratorium with while Scherer, Pfannenstiel and Wilderson voted against the moratorium. Motion failed 3-2.

going to allow his vote since he felt it was a direct conflict of interest. Scherer stated his vote was going to stand.

City attorney, John Thompson, reported the K.S.A Statues state that Scherer should make a disclosure. He can vote but would be taking a chance for rebuttal. Thompson suggested the City direct him to obtain an attorney general's opinion regarding the matter.

Odle wanted the record to reflect that directly following last month's meeting, Jeff Scherer stood on the steps of city hall and informed the Mayor that he stood to make a profit on thirty (30) houses and wasn't going to take the chance of loosing them.

A motion was made by J. Novak and second by J. Pfannenstiel to obtain an attorney general's opinion regarding the possible conflict of interest. All Aye. Motion carried 5-0.

JOHN NOVAK

CRESTWOOD SUBDIVISION - Expressed concerns regarding the poor condition of the streets in the new subdivision.

JOHN PFANNENSTIEL

PARK OPEN HOUSE - Councilman Pfannenstiel invited Mayor and Council to attend the Park Ground Breaking ceremony on October 17th at 2:00 PM. He reported the Board will be finalizing their plans for the gazebo and will present to the City Council at their October meeting.

JERRY BARLOW

CRESTWOOD SUBDIVISION - Questioned why the streets in Crestwood Subdivision are in such disrepair. Odle reported the sewer lines are located under the street and their has been some definite settling along with heavy construction equipment utilizing the streets.

CHARLES WILDERSON

No comments at this time.

JEFF SCHERER

No comments at this time.

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ADJOURNMENT

There being no further business to discuss, J. Novak moved to adjourn the meeting. J. Barlow second the motion. All Aye. Motion carried 5-0. Meeting was adjourned at 9:15 PM.

Submitted for Council approval this 18th day of October, 1993.

Respectfully,

Mary A. Mogle, City Clerk

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