

APPROVED

BASEHOR
CITY COUNCIL MEETING

February 7, 1984
7:30 p.m.
Fairmount Township Hall

PRESENT: Mark Grube
John Novak
Bob Van Cleave
Loran Wilkes

PRESIDING: Forrest Tuter, Mayor

OTHERS PRESENT: Susan E. Guy, City Clerk
Bruce Browne, City Engineer
John Thompson, City Attorney
David Hornick, Leavenworth County Alcohol
and Drug Abuse
Marie Rogers, Leavenworth County Alcohol
and Drug Abuse
Louis Clothier, Leavenworth County Utility
Assistance Coalition
Frank Morgan, Basehor United Methodist Church
John Watkins, Jefferson County Cable Corporation
Citizens of Basehor

Mayor Tuter explained that some Council members would be late arriving at the meeting and the meeting could not officially begin until a quorum is present. Therefore, he asked the visiting guests to address the members present.

LEAVENWORTH COUNTY ALCOHOL AND DRUG ABUSE

Mr. David Hornick explained that the Alcohol and Drug Abuse Council was formed one and one half years ago by the Kansas State Legislature. He said the Leavenworth County Council services only Leavenworth County. Funding for this Council is in part from tax generated from private clubs in the state which is distributed to cities of over 10,000 population. Private and some community funding has also been obtained.

Mr. Hornick said a number of programs have been set up dealing with alcohol and drug abuse. One of these is S.A.D.D. (Students Against Drunk Drivers). Another program involves young athletes in the school system in an intensive three-day retreat to help them develop a positive self-image of themselves. So far these projects have involved participation in the Leavenworth School system and Fort Leavenworth. Hopefully these programs will be expanded to include other areas of the County.

SCANNED

3-8-07 *EA*

Mr. Hornick said the purpose of appearing at the Council meeting was to encourage involvement in the Council from the Basehor area. He said the Alcohol and Drug Abuse Council would like to have three or four persons who would be willing to take an active part in the Council and make it aware of what is happening in the Basehor area. The second purpose of his presentation is funding. Mr. Hornick said that although the legislature provided some means of funding for this Council additional funds are needed to carry out its activities. The City of Leavenworth approved a \$5,000 appropriation. He said he is not asking the Basehor City Council for any specific amount but would like them to keep the program in mind should any funds be available which could be designated for this purpose.

Mr. Hornick was asked to provide the Council with additional information. Mr. Hornick said he will provide copies of the roster, by-laws and a summary of the projects the Council is currently working on to each Council member.

Mayor Tuter said he would like to see interest generated in the community for these programs before the Council would consider appropriations for funding.

LEAVENWORTH COUNTY UTILITY ASSISTANCE COALITION

Mr. Louis Clothier, Chairperson with the Utility Assistance Coalition introduced Mr. Frank Morgan, a member of the Board of Directors and pastor of the Basehor United Methodist Church.

Mr. Clothier said the LCUAC was formulated in January of 1983 to assist needy families in meeting minimum payments on their winter utility bills. This year the program has been expanded to address three types of needs. The first is to provide an emergency one-time monetary payment to individuals meeting the income guidelines. The second is to provide "Bundle Up" kits to allow an individual to live comfortably at a lower thermostat rate and assist in maintaining their health. The third part of the program is that of education aimed at prevention and health maintenance during the winter months.

Mr. Clothier said he came to address the City Council for two purposes. The first is to ask for recognition as an organization. He said Lansing has done this by means of a Proclamation. This recognition would help in their fund raising program now underway. Mr. Clothier said they would also like the Council to consider a donation to this effort from the City Council and also participation on the Board of Directors from members of the community.

Mayor Tuter said he would have no reservation with a proclamation. (Mayor Tuter declared the week of February 27 as Leavenworth County Utility Assistance Coalition Awareness Week in Basehor.)

Mayor Tuter thanked Mr. Hornick and Mr. Clothier for their presentations and advised that the Council would consider these programs.

8:15 P.M. With four members of the Council present, Mayor Tuter called the meeting of the Basehor City Council to order.

MINUTES

Minutes of the January 3, 1984 City Council Meeting and January 24, 1984 Special Council Meeting were reviewed. Mark Grube moved the minutes of the January 3, 1984, Council Meeting be approved as presented. John Novak seconded the motion. All aye. Motion carried.

Bob Van Cleave moved the minutes of the Special Meeting held January 24, 1984, be approved as presented. Mark Grube seconded the motion. All aye. Motion carried.

TREASURER'S REPORT

The Treasurer's Report dated January 31, 1984, was reviewed. Mark Grube moved the Treasurer's Report dated January 31, 1984, be approved as presented. The motion was seconded by John Novak. John Novak, Loran Wilkes and Mark Grube voted Aye. Bob Van Cleave voted No. Motion carried. Mr. Van Cleave said the reason he voted "No" was based on a memorandum he had received from Mr. Thompson regarding his opinion of conflict of interest paying Mayor Tuter for snow removal. Mr. Thompson said he would discuss this matter later in the meeting.

Mrs. Guy asked for approval of a bill from Jim Rutledge for pumping the lift station. She said Mr. Hayes had checked the lift station and determined it was not operating properly and would require a company who pumps septic tanks to do the work. Total bill submitted is \$150.00.

Mrs. Guy said coupon interest on bonds for Sewer Lateral Districts 1 and 2 is also due by April 1, 1984. Because this payment must be received 20 days prior to the due date approval is asked prior to the March 6 Council Meeting to allow sufficient time. (Total amount of interest is \$1,982.50 - \$910.00 for Lateral No. 1 and \$1,072.50 for Lateral 2.)

Loran Wilkes moved the payment of \$150.00 be made to Jim Rutledge for work on the lift station, and coupon interest on Lateral Districts 1 and 2 be approved. The motion was seconded by Bob Van Cleave. All aye. Motion carried.

MUNICIPAL COURT REPORT

Mark Grube moved that the Municipal Court Report dated January 9, 1984, be approved. The motion was seconded by Loran Wilkes. All aye. Motion carried.

JEFFERSON COUNTY CABLE

Mr. Watkins presented the Council with maps of Basehor showing the cable routes to be used to service all homes in the city limits. He said they are working with Kansas Power and Light and also Kansas City Power and Light who have 20 poles in Basehor. He said it will be necessary for Kansas Power and Light to reset three poles or for Jefferson County Cable to set poles next to those owned by Kansas Power and Light. He said there are no plans to cross any streets by excavation and these crossings would be made overhead or by drilling under the streets.

Mr. Watkins said they have worked out an agreement with Breuer Inc. to place their equipment in the second floor of Breuer's building, replace the existing 80 foot tower with a 120 foot tower and place either one satellite dish or two smaller dishes on the south end of the Breuer property. He said this property is already zoned commercial and therefore no zoning change would be required. He asked if any building permits would be required for either the tower or the dishes. Mr. Thompson said he did not believe this would be necessary; however, he will look into the matter.

Mr. Watkins said construction would begin in 15 days. Weather permitting, they should be able to complete 3 or 4 miles of the 16 miles of cable system each week. He said inquires about service etc. could be directed to their office in Centralia, Kansas - 800-332-0058. Mr. Watkins will make several more copies of the maps available to the City.

NEW RADAR GUN

Officer Mike Webb, representing Lloyd Beth, Chief of Police, presented information regarding a quotation from MPH for leasing and purchasing a new radar unit for the police department. The quotation for a K-55 radar unit, which would be a demonstrator unit with trade-in of the Speed Gun Six now being used, was \$1,285.00, for purchase or \$38.01 per month for 48 months on a lease purchase plan. Mark Grube said he felt the lease purchase plan would be best as it would spread out the expenditure over a four year period. It was explained that the purchase price on the lease purchase arrangement would amount to approximately \$1,824.00.

Bob Van Cleave moved the City of Basehor purchase the MPH K-55 radar demo unit on a 48-month lease purchase agreement at \$38.01 per month. The motion was seconded by Mark Grube. All aye. Motion carried.

DRAINAGE PROBLEM

Bruce Browne said he inspected the property at 153rd Terrace and Rickel Drive as requested by Mrs. Guy. Persons interested in buying this residence were concerned with the drainage problem at the back of this property and asked if the city would permit them to install an 18 inch culvert along the flow area and level the yard. Mr. Browne said the culvert under Rickel Drive is 36 inches and it would require at least a pipe that large through the back of the property in question. He said the cost of this would be extremely high and may not prove effective. Therefore, he could not approve this project. Mr. Browne said he tried to discuss a drainage district with residents of the area several years ago but there was no interested generated in this project.

LAGOONS

Mr. Browne said he has not received the report from the lab on tests of the lagoons. Mr. Browne said because of the extreme cold weather samples were not taken to the lab until recently.

CONFLICT OF INTEREST

John Thompson said he prepared a memorandum regarding conflict of interest. He said as a courtesy to Bob Van Cleave he had sent him a copy requesting Mr. Van Cleave to call him. Since he had not heard from Mr. Van Cleave and had not supplied copies of the memorandum to other council members he had not intended to bring the matter up at this meeting.

Mr. Thompson said the issue of conflict of interest was brought up when it was questioned whether an elected official could be paid for operating equipment for snow removal. In summarizing his memorandum Mr. Thompson said the council could enter into a contract with a municipal officer prior to services being performed or could ratify a contract once services have been performed; however, the officer involved must abstain from voting on the contract. Mayor Tuter said he has no voting power unless there is a tie vote by Council.

Mr. Wilkes asked John Thompson if what the Council did in paying Mayor Tuter for his services in snow removal was legal and above-board. Mr. Thompson said in his opinion the Council's action was proper. Mayor Tuter pointed out that he brought the matter of his pay to the attention of Council and requested that it be made a matter of public record.

Mr. Wilkes said he did not see any problem with the Mayor handling the snow removal. He said he has always felt that any work to be done should be discussed beforehand; however, this was

an emergency situation. Mr. Wilkes pointed out that Mr. Van Cleave requested payment for expenses at a conference after attending the conference. Mr. Van Cleave said this was only for out-of-pocket expenses and he picked up about two-thirds of the cost involved.

Mr. Thompson said he will make copies of his memorandum and distribute to the Council.

WEIGHT LIMITATIONS

Mr. Thompson said he has supplied the Council members with draft copies of three types of ordinances relating to weight limitations of vehicles on streets as well as sample ordinances from other cities. Mr. Wilkes said he has not had an opportunity to review these.

John Novak moved that consideration of the weight limitation ordinance be tabled until the next council meeting. The motion was seconded by Loran Wilkes. All aye. Motion carried.

SALES TAX - SIDEWALK PROJECT

Mr. Thompson said in order for materials used in construction of the sidewalk to be tax exempt the city would have to have some evidence of payment to the contractor so the contractor could put in for the sales tax refund. Mr. Van Cleave said they could have the sidewalk committee pay to the City and the City could pay the contractor.

Mr. Wilkes said the sidewalk is on a County road and is not actually City property. He said he would not be in favor of the City being billed for concrete put on county property. Mr. Wilkes said he had some indication that the school board might be asked to cover the concrete bill and lend its tax exempt status to the project. Mayor Tuter suggested letting the school district handle the matter.

John Novak moved we pursue getting the contractor's bills for the concrete and take care of the sales tax. The motion was seconded by Bob Van Cleave. John Novak, Bob Van Cleave and Mark Grube voted Aye. Loran Wilkes voted No. Motion carried.

AUDIT

Mr. Thompson said he has determined the City would not be required to have an in depth audit based on receipts for 1983.

CODE ORDINANCES

Mrs. Guy said she has received information regarding membership in the International Conference of Building Officials. This organization supplies updated code books (electrical, building, mechanical, plumbing and fire) to members and assists in questions and review of

building permits. Membership in this organization is \$60.00 which includes copies of the various code books.

Mrs. Guy also stated the latest ordinances adopting the various codes make reference to editions of 1973 and 1975. She requested the Council consider updating these ordinances by adopting by reference the new editions of the code books.

John Novak moved the City update the various building code ordinances and order three copies of each publication referenced in the ordinance, and the City apply for membership in the International Conference of Building Officials at a cost of \$60.00. The motion was seconded by Loran Wilkes. All aye. Motion carried.

LICENSES

Mrs. Guy said at the present time the city requires plumbers to obtain a license and post a \$1,000 bond; however, only a \$5.00 permit is required for electrical work. No mechanical license or permit is required. She said most cities in the area do require all three to be licensed and bonded. John Thompson will look into the legal aspects of this matter.

CITY CLERKS SCHOOL

Mrs. Guy requested approval to attend the 34th Annual City Clerks and Municipal Finance Officers School to be held in Lawrence, Kansas March 7, 8 and 9. Cost of registration is \$90.00.

Mark Grube moved approval for Mrs. Guy to attend the 34th Annual City Clerks and Municipal Finance Officers School in Lawrence, Kansas on March 7-9 with the City paying the registration fee, mileage and meals. The motion was seconded by Bob Van Cleave. All aye. Motion carried.

INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS

Mrs. Guy said she has received information and an application for membership in the International Institute of Municipal Clerks at a cost of \$35.00. She said there are a number of publications available at no cost to members.

Mark Grube moved approval of Mrs. Guy becoming a member of the International Institute of Municipal Clerks at a cost of \$35.00 to the City. The motion was seconded by Bob Van Cleave. All aye. Motion carried.

NATIONAL FLOOD INSURANCE PROGRAM

Mrs. Guy said a representative from Federal Emergency Management Agency (FEMA) visited the City office recently regarding the National Flood Insurance Program for Basehor. Basehor entered this program approximately 10 years ago. In order to convert Basehor from an emergency status to the regular program a new ordinance needs to be adopted and the old ordinance recinded. Mrs. Guy supplied copies of the proposed new ordinance supplied by FEMA to Mr. Browne and Mr. Thompson for review.

Mr. Browne said he did not see any problem with the proposed ordinance and suggested Mr. Thompson review the wording. Mr. Thompson will review this prior to the next meeting.

LOGO

Mrs. Guy said it will be necessary to order letterhead stationery soon. She said there have been several persons who suggested the city might want to adopt a logo or slogan to be put on the letterhead. Possible a contest could be held or interest might be generated by the art department at the school. Mr. Van Cleave agreed to work with Mrs. Guy on this project.

BUSHMAN, WOLF & WOOD

Mayor Tuter said a letter of understanding had been received from Bushman, Wolf & Wood relating to accounting services with the firm. The letter agreed to certain charges which will be made should the City require the services of the firm. There was concern expressed that this might obligate the city to an audit with the firm. Mr. Thompson said the letter is more or less a letter of intent that these are services they will perform if the city should engage them and at these rates.

Loran Wilkes moved the City sign the letter of intent from Bushman, Wolf and Wood. The motion was seconded by Bob Van Cleave. All aye. Motion carried.

MUNICIPAL LEGISLATIVE CONFERENCE

Mayor Tuter said he received an invitation from the Kansas Mayors Association to attend a Municipal Legislative Conference on February 15, 1984. There is no charge for registration.

John Novak moved the City pay mileage and meal expenses for the Mayor to attend the Municipal Legislative Conference February 15, 1984, in Topeka.

CITY BUILDING

Mayor Tuter said Mrs. Landauer requested he approach the Council on starting work on the new city building. Mayor Tuter said he wanted to make sure the Council is still in agreement on the work to be done. Mr. Wilkes said he does not see any reason why we cannot pour concrete.

SMITH ENTERPRISES

Mayor Tuter said he received a letter from Mr. Thompson regarding ditching done by Smith Enterprises and the break in the telephone cable. Mr. Thompson said this involves a claim by the telephone company asserted against the City representing a potential lawsuit. He said he felt the matter should be considered in Executive Session to discuss potential liability about this claim.

MOTOR GRADER

Mark Grube said he had a conversation with Dale Breuer who expressed an interest in operating the City's motor grader for snow removal. He said Mr. Breuer advised him he is qualified to operate this machinery and thought it would do a better job of snow removal than the truck and blade now in use. Mr. Grube said he told Mr. Breuer he would bring the matter to the attention of the Council for their action should they see fit to act upon it. Mr. Grube said it was his recommendation that we not do anything on this at this time of year.

CABLES AT LAGOONS

Loran Wilkes said the Council voted last spring to put permanent markers at the corners of the lagoons and install cable gates at the entrances to the lagoons. Mayor Tuter said the City had some material to use for this project and could get Dick Hayes to do the digging. Loran Wilkes said he did not care who did the work as the person is knowledgeable. There was no objection from the council.

WATER TREATMENT OPERATOR

Mr. Wilkes said he has not been happy with the performance of Mr. Jordan as the sewer operator. He said Mr. Jordan is not available much of the time and others, such as Dick Hayes, have been handling problems that arise. Mr. Wilkes said he would like to see Mr. Hayes named as sewer operator.

Mayor Tuter said he has talked with Mr. Jordan about his work at the lagoons and reminded him he was to get state certified. Mayor Tuter said he informed Mr. Jordan he should get his certification by the time appointments are made or there would be some changes made. He said at this time he is not ready to take the state certification test.