

CITY OF BASEHOR

LEAVENWORTH COUNTY  
BASEHOR, KANSAS 66007

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*approved 5-7-81*  
~~unapproved~~ *2*

BASEHOR CITY COUNCIL MEETING

May 5, 1981

BASEHOR HIGH SCHOOL STUDY HALL

COUNCIL PRESENT: Milton Meyer, Garry Eberth, Anna Mary Landauer, Loren Wilkes,  
Robert Van Cleave.

PRESIDING: Mayor Forrest Tuter

OTHERS PRESENT: City Attorney, Douglas Waters; City Clerk, Leslie Hubbel; City  
Treasurer, Jane Scherer; Municipal Court Judge Mike Wilcott;  
Chief of Police, Earl Reavis; Citizens of the Community.

Mr. Jim Cook, acting on behalf of the previous council, relinquished the control of the council to the newly elected members.

MINUTES

The minutes of the regular meeting were approved following a correction by Anna Mary Landauer. Under "Petitions and Requests" where Steve Bowlin had reported that a plumber had left a hole on 155th Terrace, Mrs. Landauer noted that it was in an alley immediately adjacent to 155th Terrace. A motion was made to approve the minutes and was seconded. Motion carried.

TREASURER'S REPORT

Following several questions on various bills to be paid, Anna Mary Landauer moved to reinvest C.D. #3113 due on 5-14-81 and C.D. #3135 due on 5-28-81 at the First State Bank of Tonganoxie. Seconded by Milton Meyer. All yes. Motion carried. Garry Eberth moved to approve the treasurer's report. Seconded by Milton Meyer. All yes. Motion carried.

PRESENTATION OF THE OATH OF OFFICE OF THE NEW CITY OFFICIALS

Due to the resignation of former City Clerk Sherrie Magaha, Municipal Court Judge Mike Wilcott gave the oath of office to the following: Forrest Tuter - Mayor; Robert Van Cleave and Loren Wilkes - Council Members; Leslie Hubbel - City Clerk.

MAYOR TUTER ASSUMES CONTROL OF COUNCIL

Mayor Tuter assumed control of the council by thanking Mike Wilcott for his assistance in the swearing in the oath of office to the new city officials. Mayor Tuter noted to the Council that the new City Clerk had been sworn in before receiving prior approval from the Council. Anna Mary Landauer made a motion to appoint Leslie Hubbel as the new City Clerk. Seconded by Robert Van Cleave. All yes. Motion carried.

APPOINTMENTS OF CITY OFFICIALS

Mayor Tuter asked the Council if there would be any objections to postponing the appointments or re-appointments of the city's officials until the June meeting. The Mayor stated his reason for this was so that he and the Council members could spend some time considering the different offices and the people who are filling the positions at the present time. He stated that the city had received correspondence from some of the present officials stating that they would like to continue in the capacity that they are now serving. With the exception of Mrs. Magaha's resignation as City Clerk effective April 30th no other city officials have indicated that they would like to resign from their present position. The Council made no specific objections to Mayor Tuter's request except Milton Meyer did expressed that it was "customary" that the appointments be made at

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the May meeting. Mayor Tuter noted that the statutes do not require that the appointments be made at the May meeting. City Attorney Doug Waters agreed with Mayor Tuter that according to the statutes it was not mandatory that the appointments be made at this time and the officials who were appointed under the previous Council would remain in authority until such time that the Mayor and Council members make their appointments.

#### TREASURER'S REQUEST FOR HANDBOOK

Mayor Tuter stated that in a previous conversation with City Treasurer Jane Scherer, it was indicated to him that it would be beneficial for her to have an Accountant's Handbook which is available from the state for city treasurers. The Mayor advised the Council that the cost of the handbook would be \$10.00 and asked if the Council would like to make a motion for the city to purchase the handbook for Mrs. Scherer. Garry Eberth moved that the Accountant's Handbook be purchased. Seconded by Anna Mary Landauer. All yes. Motion carried.

#### SELECTION OF COUNCIL PRESIDENT

Selection of the new Council President began with the nomination of Garry Eberth by Milton Meyer followed by the nomination of Anna Mary Landauer by Loren Wilkes. Robert Van Cleave seconded the nomination of Garry Eberth and there was no second to the nomination of Anna Mary Landauer. A vote was then held with Garry Eberth receiving 3 yes votes, 1 opposed vote and 1 abstention.

#### PETITIONS AND REQUESTS

##### LANDOWNERS RIGHTS ASSOCIATION

Officers of the Landowners Rights Association (Jim Abbott, President; Tom Mc Morris, Vice-President; Leonard Bach, Secretary; Calvin Fields, Treasurer) spoke out in opposition to a quarry currently being proposed in an area northwest of Basehor. Abbott, speaking on behalf of the Association requested that the Council: (1) Send a letter to the Leavenworth County Planning Commission expressing their opposition to the existence of the quarry and (2) That the Council members attend the Planning Commission's May 15th meeting to personally express their official opposition to the quarry. Anna Mary Landauer moved that the Council send the Leavenworth County Planning Commission a letter in opposition to the proposed quarry. Seconded by Garry Eberth. All yes. Motion carried.

#### REPORTS OF CITY OFFICIALS

##### DOUG WATERS - CITY ATTORNEY

##### LAWSUIT

City Attorney, Doug Waters advised the Council that a lawsuit had been filed against the city by Wilma and Garland James for damages sustained to their property approximately two years ago from a back up of the sewer system. A response to the law suit is required within 20 days after the May 4th receipt of the papers. Mr. Waters requested that he be allowed to draft a response and pleading to the lawsuit in conjunction with the insurance representative so that a proper defense can be made of the suit. The Council accepted Waters request.

##### LEO MARTELL - CITY ENGINEER / Not Present

##### EARL REAVIS - POLICE CHIEF / No Business

##### LESLIE HUBBEL - CITY CLERK

A budget meeting with City Accountant Mr. Wayne Wolfe was scheduled for 7:00 p.m. on June 16, 1981 at the Basehor City Hall. The Council further discussed whether

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an audit of the city books should be made immediately or postponed until the regular scheduled bi-annual audit in December. Since it was concluded an audit would have to be conducted in December regardless of whether an immediate audit was made, the Council decided to conduct only the December audit. Finally, since the Council was unsure whether the bi-annual audit was a complete review of the city's accounts, including sewer and solid waste, a review of the audit's scope would have to be made.

## FORREST TUTER - MAYOR

Mayor Tuter expressed his hope that, as Mayor, he could serve the people of Basehor in a positive and meaningful way.

## MIKE WILCOTT - MUNICIPAL COURT JUDGE

Court Receipts for the month of April - \$435.00 (Primarily Speeding Violations)

## INTRODUCTION AND CONSIDERATION OF ORDINANCES

### CABLE TV PROPOSAL

City Attorney Doug Waters, pursuant to a request from last month's council, presented an ordinance to grant a non-exclusive contract to the Leavenworth - Jefferson County Electric CO-OP to provide cable television to the Basehor area. Mr. Waters stated that up to a 3% tax on gross revenues derived from the cable TV service may be levied by the city against the contractors, but if any additional amount is charged, a report must be filed with the F.C.C. outlining the need for the additional charge. Mr. Waters also noted that the State law requires at least one public hearing meeting to consider the ordinance. Councilmen Van Cleave requested the issue be tabled until the June meeting to give additional time to review the ordinance and make modifications prior to the public hearing. It was noted in this regard that CO-OP Representative Johnson requested that the Council make a confirmation on whether they are inclined to approve the cable TV proposal by May 10th so that he can timely advise the CO-OP's financiers of the decision. The above motion was then seconded by Milton Meyer and approved by a vote of 3 yes, 1 no and 1 abstention.

## FINANCE AND ADMINISTRATION / No Business

### NOTICES AND COMMUNICATIONS

#### K-STATE WORKSHOPS

The Mayor announced that he had received a letter from Kansas State University concerning 1 and 2 day workshops they are holding on traffic safety. Police Chief Earl Reavis recommended the Council send at least one representative to the workshop. The Mayor let each of the Council members review the letter and left the decision up to each of them to decide if they could work it into their own schedule.

#### ROAD GRADER INSURANCE

Mayor Tuter discussed a letter the city received from Dean Machinery Company stating that the insurance would be due on the motor grader by May 15th at the rate of \$1.08 per \$1000 value of the vehicle. The letter also stated that if the city did not act on this matter by the above mentioned date the company would do so for us and bill the city accordingly. The Council was unsure of the appraised value of the vehicle so it was moved that its value,

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and the subsequent amount of insurance be reviewed and then paid. The motion was made by Garry Eberth and was seconded by Milton Meyer. All yes. Motion carried.

## STREETS AND EQUIPMENT

Anna Mary Landauer asked former City Clerk Sherrie Magaha whether the incorrect shipment of street signs had been returned and if she was aware of what the shipping charges would be. Mrs. Magaha informed her that the signs had not yet been returned and that the city would have to pay for the shipping charges for the return shipment of incorrect signs and the replacement shipment of the correct signs. The signs are at the city office and Mayor Tuter expressed his feeling that there were enough miscellaneous articles at the city office and that we should have them returned regardless of the shipping expense. Anna Mary Landauer moved that we return the incorrect shipment of street signs. Seconded by Garry Eberth. All yes. Motion carried.

## SEWER AND SOLID WASTE

Wilma Kibler reminded the Council about the upcoming hearing on the delinquent sewer and solid waste receipts which is to be held at 7:15 p.m. on the evening of June 2nd at Basehor High School Study Hall. She also reminded that a public hearing notice must appear in the local newspaper 20 days before the hearing date as stated in the ordinance. She also reminded the Council and City Clerk that there would be a mailing to all the delinquent accounts notifying them of the public hearing. These letters would have to go out by certified mail. Mr. Hooker made a general question to the Council regarding their views on the sewer project. He expressed his concern particularly to the newly elected members of the Council and the newly elected Mayor. He expressed that he felt that the previous Council was very strongly for the sewer project. Mayor Tuter then gave the floor to Councilmen Van Cleave and Wilkes, both of which expressed similar views opposing the sewer projects as they felt that the sewer could be made to supply the needs of the people without spending a large sum of money. Mayor Tuter expressed that he wanted time to sit down and talk with the city attorney and the city engineer about this matter along with other Council members and citizens. Councilman Eberth asked Mr. Hooker what he would like to see along this line and Mr. Hooker expressed something along the line of a sewer treatment plant and would be willing to pay more on a monthly basis. Councilman Eberth noted that a sewer treatment plant was too expensive for the citizens and that was one of the reasons for the present sewer project and not going with a sewer treatment plant. Councilman Eberth also explained that they are not trying to go the cheapest way possible but to be reasonable in this matter and to look at all the possible alternatives available.

## ADJOURNMENT

Anna Mary Landauer moved to adjourn the meeting. Seconded by Robert Van Cleave. All yes. Motion carried.

Leslie Hubbel  
City Clerk