

CITY OF BASEHOR

LEAVENWORTH COUNTY
BASEHOR, KANSAS 66007

unapproved

BASEHOR CITY COUNCIL MEETING

July 7, 1981

Basehor High School Study Hall

Council Present: Garry Eberth, Anna Mary Landauer, Milton Meyer,
Robert Van Cleave. Loren Wilkes was not present.

Presiding: Mayor Forrest Tuter

Others Present: City Attorney, Doug Waters; City Engineer, Leo Martell;
City Clerk, Leslie Hubbel; City Treasurer, Jane Scherer,
Chief of Police, Lloyd Beth; Citizens of the Community.

MINUTES

The minutes of the June 2nd regular council meeting were approved as written. The minutes of the June 16th special meeting were approved with the addition of various words omitted from the first paragraph. The motion to approved these minutes with the requested changes was made by Anna Mary Landauer. Seconded by Garry Eberth. All yes. Motion carried.

TREASURER'S REPORT

Before approval of the treasurer's report, Anna Mary Landauer asked for verifications of bills received from The Lockwood Company, Modern Business Machines and Carter-Waters, Inc. Following the response from the city treasure regarding these bills Anna Mary Landauer moved to approve the treasurer's report. The motion was seconded by Milton Meyer. All yes. Motion carried.

CABLE TV ORDINANCE

Garry Eberth moved to have the first reading of the Cable TV ordinance at this particular meeting. The motion was seconded by Milton Meyer. All yes. Motion carried. The ordinance given to the council by city attorney Doug Waters was a copy of the ordinance which was previously passed by the Tonganoxie City Council. Upon discussion of the ordinance the council agreed to make the following provisions: Section 4 should read "that the insurance coverage shall not be less than \$100,000 and \$300,000 primary coverage with a \$2,000,000 umbrella coverage. In Section 7 the Council voted to review the franchise fee annually. Section 13 was substantially changed as follows: "The city may terminate this franchise and all rights therein granted in the event the grantee or its successors or assigns thereof (a) shall fail to comply with any of the terms of the provisions of this ordinance. (b) Shall become bankrupt. (c) Of suffer foreclosure on any assets subject to this ordinance. Said termination may be made by mailing notice thereof to the grantee." In subsection 17 a period of 15 days was placed in the blank shown in that subsection of the ordinance. Upon Mayor Tuter's request Council member Robert Van Cleave performed the first reading of the proposed ordinance to the council and the citizens present. Following the reading Robert Van Cleave moved to approved the first reading of the ordinance and Anna Mary Landauer seconded the motion. All yes. Motion carried.

REQUEST FROM CITY TREASURER FOR NEW EQUIPMENT

City treasurer, Jane Scherer, made a request to the Council regarding an adding machine, electric typewriter and a fire-proof file cabinet. Mrs. Scherer stated that her adding machine had broken and that Leavenworth Office Equipment Co., had quoted hat it was not worth repairing. She was given a quote of \$149.00 for a new machine which includes \$20.00 trade-in on the broken machine. Anna Mary Landauer moved to purchase the new adding machine from Leavenworth Office Equipment

SCANNED

3-12-07 *st*

CITY OF BASEHOR

LEAVENWORTH COUNTY
BASEHOR, KANSAS 66007

at the quoted price. The motion was seconded by Robert Van Cleave. All yes. Motion carried.

Mrs. Scherer told the council that she could use the old electric typewriter which was at the city office but it needed repairs done to it. Leavenworth Office Equipment quoted a price of \$52.50 for the repair work on the typewriter. Anna Mary Landauer moved to have the old typewriter repaired for Mrs. Scherer's use at the quoted price from Leavenworth Office Equipment. The motion was seconded by Milton Meyer. All yes. Motion carried.

At the June meeting the council approved the purchase of a two-drawer fire proof file cabinet for the protection of the city's financial documents at Mrs. Scherer's home and requested for the clerk and treasurer to obtain prices for the council's consideration. Mrs. Scherer reported that it would cost in the neighborhood of \$500.00 which does not include freight charges. Anna Mary Landauer moved to purchase the fire proof file cabinet with the company that offers the most economical freight charges. Milton Meyer seconded the motion. All yes. Motion carried.

PETITIONS AND REQUESTS

Mr. Richard Warden representing the Fairmount Township Board asked if the city could provide a receipt showing that the Township had paid the sum of \$3900.00 on September 22, 1980 to the city for 75 feet of property owned by Ambrose Jennings. The Mayor said no vote would need to be taken on this issue and that the city clerk would take care of it as soon as possible.

REPORTS FROM CITY OFFICIALS

DOUG WATERS - CITY ATTORNEY

PROPOSED RESOLUTION FOR LAW ENFORCEMENT FUNDS

Mr. Waters stated that the past two years the city has had a two mill levy that has been collected for the purpose of law enforcement and that the statutes states that the city cannot exceed for more than two years without taking some kind of action. Due to the time element involved with the proposed budget public hearing in August, City Attorney Doug Waters and proposed a resolution for the council's consideration for passage. Due to the time element so that the fund could be incorporated into the proposed budget the resolution would have to be passed at this meeting along with a first reading of the resolution and with the resolution being published for three consecutive weeks in the local newspaper. After a small discussion by the council Robert Van Cleave moved to pass the proposed resolution. Anna Mary Landauer seconded the motion. All yes. Motion carried. Mayor Tuter then performed the first reading of the resolution to the council and citizens present.

LEO MARTELL - CITY ENGINEER

Complying with a letter dated June 17th from city attorney, Doug Waters, Mr. Martell was present to report on any alternative plan or plans that he might have for bringing the city sewer system into compliance with the government regulations. Mr. Martell said that whatever plan was used, another deeper cell would need to be added to the existing lagoons in order to take care of the increased suspended solids. He suggested that the cell be added to the south lagoon. He said he was not prepared to give any cost factors at this time and apologize to the Mayor and Council for this. Mayor Tuter added that he had talked with Mr. Frank Baser of the Kansas Department of Health and Environmental Protection Agency and said that "They do not care how or what the city does, but that their requirements must be meet." The

CITY OF BASEHOR
LEAVENWORTH COUNTY
BASEHOR, KANSAS 66007

Mayor said that two individuals had expressed interest in becoming certified operators. Mr. Martell seem to think that no matter what was done certified operators would be necessary.

LLOYD BETH - CHIEF OF POLICE

Mr. Beth reported to the Council the resignation of Brian Smith from the Basehor Police Department. He reported that the remaining staff had patrolled a total jof 289 - 1/2 hours during the past month and that he personally had patrolled approximately 60 hours himself during the month.

Mr. Beth noted to the Council that the Nova Patrol Car was in bad need of new tires and had suffered a blow-out during the previous weekend. Mr. Beth asked the council for approval to purchase a set of new tires for the Nova Patrol Car. Robert Van Cleave made a motion to approve this purchase at the most economical price. Garry Eberth seconded the motion. All yes. Motion carried.

Mr. Beth and Mr. Tuter submitted two applications and letters or recommendation of Mr. Harold of Kansas City, Kansas and Mr. Wayne Buford of Lansing, Kansas for the appointment to the Basehor Police Department. Mayor Tuter advised the Council that both Mr. Curran and Mr. Buford had been patrolling in the city during the past month per the approval of himself and Mr. Beth. Garry Eberth expressed to the Mayor his disapproval of their actions regarding this matter and felt that the council members should have been notified or a special meeting been held so that the council could approve or disapprove their appointments before patrolling in the city of Basehor. Mr. Eberth stated that as a council member he felt "slided" and that serious consequences could have developed from the Mayor's and Chief of Police's actions. Milton Meyer expressed to the Mayor and the council that he felt that these officials had acted completely out of line. The Mayor accepted Mr. Eberth's and Mr. Meyer's statements and said that "He and Mr. Beth were only trying to act in the best interest of the city and were prepared to take any and all responsibilities for the actions of these two gentlemen while they were patrolling in the city. It was then noted by the city treasurer and the city clerk that no salaries had been issued to these two officers because no official report was turned in documenting their hours worked. Mayor Tuter then asked the Council to consider the appointment of Mr. Harold Curran of Kansas City, Kansas to the Basehor Police Department. Robert Van Cleave moved to appoint Mr. Curran. There was no second. The Mayor advised that since there was no second to Mr. Van Cleave's motion the appointment of Mr Curran would be held in "check" at this time. Mr. Curran then expressed his qualifications and desires to the council for possible reconsideration in the future. Mayor Tuter then asked the Council for the approval of Mr. Wayne Buford of Lansing, Kansas to the Basehor Police Department. Mr. Van Cleave moved to appoint Mr. Buford to the police department. Garry Eberth seconded the motion. A vote was then held with Mr. Bufored receiving two yes votes from Mr. Van Cleave and Mr. Eberth and two no votes from Mrs. Landauer and Mr. Meyer. Mayor Tuter then announced that he would vote for the approval of Mr. Buford to the Police Department as the deciding vote in this tie situation. City attorney Doug Waters stated that from his handbook and knowledge that it stated that "it is probable that the Mayor could make the deciding vote on his appointment if only four council members were present and it was a two-two vote." Mr. Waters stated that he did not have the current handbook yet regarding the 1981 Kansas Legislature and would have

CITY OF BASEHOR

LEAVENWORTH COUNTY
BASEHOR, KANSAS 66007

to advise the next day regarding this procedure. Mayor Tuter then advised Mr. Buford that his appointment would remain "unconfirmed" until verification from Mr. Waters was received.

DONALD WILSON - ANIMAL CONTROL OFFICERS/NOT PRESENT

LESLIE HUBBEL - CITY CLERK

City Clerk, Leslie Hubbel read her resignation to the Council members and citizens present. She stated that she has the opportunity to finish her college education and would like to do so. She stated her resignation would be effective August 1, 1981. She thanked the many people who had helped and assisted her in her duties as the city clerk of Basehor. Garry Eberth moved to accept Mrs. Hubbel's resignation. Milton Meyer seconded the motion. All yes. Motion carried. Mr. Van Cleave requested that an ad be published in the newspaper for a new city clerk.

MIKE WILCOTT - MUNICIPAL COURT JUDGE

Municipal Court Fines of \$230.00 had been received. Mostly speeding tickets.

FORREST TUTER - MAYOR

CITY TRASH TRUCK

Per the Mayor's request city treasurer Jane Schere compiled all the financial records concerning the trash truck. The Mayor reported that since February 1978 through June 1981 the city had earned a profit of \$11,178.54 from its trash collection service.

Mayor Tuter advised the council that the trash truck needed a brake job and would like to have Johnny Cash do whatever was necessary to make the truck safe. He did not have any figures to how much this would cost. Garry Eberth moved to have Johnny Cash take care of the brakes on the trash truck. Anna Mary Landauer seconded the motion. All yes. Motion carried.

BILL FROM MR. MARTELL - SEWER CONSTRUCTION PROJECT

Mayor Tuter submitted a bill to the council for approval from Martell and Associates, P.A. for work which had been done in connection with the sewer construction project. The Mayor referred to the bill as an "legitimate bill incurred by the previous council." The Mayor also was seeking council approval on a form which requires his signature which applies to the Environmental Protection Agency for payment of 75% of the city the city had received from Mr. Martell's office. Mayor Tuter said he would not authorize either one without the entire council's approval. A vote was then taken to pay Mr. Martell's bill and to sign the form from the EPA. Council members Eberth, Van Cleave and Meyer voted to sign the form and to authorize payment to Mr. Martell. Mrs. Landauer voted no. Mayor Tuter reassured Mr. Martell that he realized that the bill was an honest legitimate bill for work which had been performed but he would not authorize anything without 100% of the council's approval. Mr. Martell said "that he understood." Garry Eberth expressed to the Mayor that with a majority of the vote that should be enough to direct him to go ahead and sign the documents and authorize payment to Mr. Martell. Mayor Tuter said that he still would not sign anything without the entire council's approval, and asked city attorney Doug Waters to make a comment on the matter. Mr. Waters stated that he did not want to say anything until he could get with the EPA and find out exactly where we stand. He said that he would have to get with the regional office and would be able to find out more about where we stand with them regarding future funds, etc., and would be able to report back by the next council meeting or before. Garry Eberth then made a motion that when Doug Waters finds out exactly where everything stands with regards to the fundings from the EPA and if everything checks out okay that the papers are signed and payment is authorized to Mr. Martell. Milton Meyer seconded the motion. All yes. Motion carried.

CITY OF BASEHOR

LEAVENWORTH COUNTY
BASEHOR, KANSAS 66007

FINANCE AND ADMINISTRATION

Anna Mary Landauer moved to have the public hearing on the proposed city budget at 7:00 P.M. on August 4th before the next regularly scheduled council meeting. Garry Eberth seconded the motion. All yes. Motion carried.

ADJOURNMENT

Garry Eberth moved to adjourn the July council meeting. Milton Meyer seconded the motion. All yes. Motion carried. Meeting was then adjourned.