

BASEHOR
CITY COUNCIL MEETING

November 1, 1983
Fairmount Township Hall

COUNCIL PRESENT: Mark Grube
John Novak
Bob Van Cleave
Loran Wilkes

COUNCIL ABSENT: Anna Mary Landauer

PRESIDING OFFICER: Mayor Forrest Tuter

OTHERS PRESENT: Susan E. Guy, City Clerk
John Thompson, City Attorney
Jane Scherer, City Treasurer
Lloyd Beth, Chief of Police
Citizens of Basehor

MINUTES

The minutes of the October 4, 1983 Council Meeting were reviewed. Bob Van Cleave moved that the minutes of the October 4, 1983, meeting be approved. The motion was seconded by John Novak. All aye. Motion carried.

TREASURER'S REPORT

The Treasurer's Report dated October 31, 1983 was reviewed. Mrs. Scherer noted a correction should be made on the maturity date for C. D. 5661 to April 24, 1984. Two Certificates of Deposit (Nos. 3113 and 3135), both in the amount of \$10,000, come due this month.

Mayor Tuter pointed out that \$693.25 made payable to CHIPS Sales, \$1,116.25 made payable to Carter-Waters, and another \$50.00 for gas is included in the October expenditures as part of the street improvements.

John Novak moved that the Treasurer's Report dated October 31, 1983, be approved. Loran Wilkes seconded the motion. All aye. Motion carried. Certificates of Deposit Nos. 3113 and 3135 will be discussed at the end of the meeting.

MUNICIPAL COURT REPORT

Mark Grube moved that the Municipal Court Report dated October 10, 1983, be approved. The motion was seconded by Loran Wilkes. All aye. Motion carried.

SCANNED

3-8-7 *lt*

HODGE PROPERTY

Mr. McBrien, a neighbor of Mr. Hodge, told the Council he thought action should be taken against Mr. Hodge or it should be forgotten. John Thompson said the initial handling of this matter was by Doug Waters. He said it was difficult to determine how far Mr. Waters had gone toward prosecution. Mr. Thompson said it was his understanding the Council was going to investigate to determine whether the violations still exist.

Mayor Tuter reviewed the violations as follows: The mobile home is still located on the property and no special permit has been issued. It was pointed out that Mr. Hodge had applied for a building permit for this mobile home and one was issued to him in error. Mayor Tuter said as far as he knows Mr. Hodge did not comply with regulations of the City or County regarding septic tank. Mr. Hodge was issued a building permit for a pole barn; however, this permit has expired.

Mr. Van Cleave said he will continue to look into this matter; however, he thought it would be more appropriate to turn it over to Mr. Thompson for further action.

Loran Wilkes moved that any violations by Mr. Hodge and his property be turned over to John Thompson, City Attorney, who is to give Mr. Hodge proper notification with a reasonable time schedule for compliance of the violations. The motion was seconded by John Novak. All aye. Motion carried.

JEFFERSON COUNTY CABLE

A discussion was held regarding Jefferson County Cable locating their equipment in Basehor. Mayor Tuter said there was no interest in any City or County property and a location on private property would be up to Jefferson County Cable.

READING OF ORDINANCES

Mr. Thompson said he could find no requirement that ordinances must be read before passage. He said if the Council is provided with the ordinance in advance they can dispense with the reading. If any citizens wish to have the ordinance read, it should be read.

NUISANCE ORDINANCE

John Thompson presented a Nuisance Ordinance for consideration. He said this ordinance would repeal some existing ordinances and would cover all types of nuisances as well as providing a means of enforcement.

Mr. Van Cleave questioned the need for Section 10 dealing with a hearing before the governing body. Mr. Thompson said that although the provision could take some time, it is necessary to give due process.

Mr. Novak said he thought there should be some provision if a person had 10 acres or more that some dumping of trash should be allowed. He said there is already an existing ordinance exempting 10 acres or more and this should be incorporated in Section 5 of the Nuisance Ordinance.

Loran Wilkes moved that we adopt Ordinance No. 174 establishing a procedure for abatement of nuisances. The motion was seconded by John Novak.

In a discussion Mr. Novak asked if the motion approved the ordinance as written or would it include a provision covering the 10 acres as previously discussed. Mr. Wilkes asked if there is already an ordinance covering the 10 acres, why would that have to be a part of this ordinance. Mr. Thompson said he could add a statement that this ordinance is not in conflict or does not repeal the other ordinance and that two will read together. Mr. Van Cleave said it could be deemed in the ordinance to mean 10 acres or less.

Mr. Van Cleave said the ordinance could be clarified in Section 5 regarding dumping of trash stating that it pertained to 10 acres or less as provided for in an existing ordinance.

Mr. Wilkes amended his motion that we adopt Ordinance No. 174 establishing a procedure for abatement of nuisances with the clarification in Section 5 regarding 10 acres. The motion was seconded by John Novak. All aye. Motion carried.

ORDINANCE NO. 174 - AN ORDINANCE ESTABLISHING A PROCEDURE FOR ABATEMENT OF NUISANCES: PROVIDING FOR NOTICE AND A HEARING: AUTHORIZING THE CITY TO ABATE SUCH NUISANCES AND ASSESS THE COSTS OF SUCH AGAINST THE PROPERTY UPON WHICH THE NUISANCE IS LOCATED UNDER CERTAIN CONDITIONS: PROVIDING FOR APPOINTMENT OF A PUBLIC OFFICER AND PRESCRIBING THE DUTIES OF SUCH OFFICER: PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE: AND REPEALING ORDINANCES NO. 10, 37, 128, AND 139.

Mark Grube moved that due to the lengthiness of Ordinance No. 174 we waive reading of said ordinance. Seconded by John Novak. All aye. Motion carried.

CULVERTS

Mr. Thompson said he has not received specifications from Mr. Browne regarding culverts. He passed out a proposed resolution for consideration by the Council. This resolution provides for adoption of a policy that the City would install, repair or

replace culverts in the City with the City bearing the cost of installing and repairing while the property owner would bear the cost of the pipe. He said the pipe would have to meet the specifications of the City Engineer and gives provision for the property owner to purchase the pipe themselves or from the City. Mr. Thompson pointed out that this is a resolution and not an ordinance. He said a resolution might be better in this case even though it gives up enforcement provisions it does not become binding on the City. It is a policy statement and the discretion of replacement or repair lies with the City.

John Novak moved that this proposed resolution be tabled until the next meeting. The motion was seconded by Bob Van Cleave. All aye. Motion carried. Tabled until December meeting.

SEWER BONDS

Mr. Thompson reported that on December 1, 1983, Temporary Notes issued for sewer modifications in the amount of \$84,500 come due. These notes were purchased by First State Bank of Tonganoxie. The bonding attorneys are interested in what the Council is going to do regarding issuance of bonds.

Mayor Tuter said that this particular item was to be on a time schedule of once we had a settlement of the costs on the sewer program as well as the amount of monies paid in by users paying off their share of the improvements, bonds were to be issued. There were 51 persons making this payoff in the amount of \$10,004.33. (This figure is now amended to 52 payoffs in the amount of \$10,206.45). seg He said we are at a point now where we can proceed and put the bonds up for sale.

John Novak moved that the amount of the payoff, \$10,004.33 be applied to the amount of the original note, \$84,500 and interest, using the balance to start legal proceedings for a bond issue. The motion was seconded by Bob Van Cleave.

The Council discussed what funds were available in sewer accounts. Mrs. Scherer said \$32,772.96 is now in the sewer account. This amount includes some of the payoffs from sewer users and there will be an additional amount of approximately \$4,000 from payoffs not yet shown. Mr. Novak asked about using additional monies from the sewer account to make a payment on the notes. Mayor Tuter said that only the money generated from the increased sewer charges and the payoffs could be used from this account.

It was pointed out that there is \$20,866.70 in the sewer construction fund account. John Thompson said he thinks this money could be used toward the temporary notes. Mayor Tuter

what would happen if this generated more money than originally figured and if this amount would have to remain untouched until the bonds are retired. Mr. Thompson said this surplus may be a negotiable issue with the bond company.

John Novak amended his motion that the amount of the payoff from sewer users and the \$20,866.70 or a portion thereof be applied to the \$84,500.00 temporary note for sewer improvements if the City Attorney determined the sewer construction fund account money can be used for this purpose. The motion was seconded by Loran Wilkes. All aye. Motion carried.

John Thompson asked if the Council had any preference as to which bond attorneys to use. Bob Van Cleave moved that John Thompson be instructed to get quotes from the three bonding attorneys in the area and select one of these based on cost and availability. The motion was seconded by Loran Wilkes. All aye. Motion carried.

STREET BONDS

Temporary Notes in the amount of \$80,000 were issued December 7, 1982, from First State Bank. These Temporary Notes were for street improvements. Interest, at the rate of 8.25% per annum, was to be paid semi-annually in accordance with Ordinance No. 156. To date no interest has been paid on these notes.

Mark Grube expressed concern that a year has passed since the street improvements and \$10,000 has already been spent to repair the streets while no money has been designated to retire the notes.

Mayor Tuter reported that sales tax revenue generated for this purpose amounted to \$14,323.24 for a period of January 1 through October 30, 1983.

John Novak moved that \$10,000 of sales tax revenue be used towards the interest (\$6,600.00) and the remainder towards the principal on the temporary notes for street improvements. The motion was seconded by Loran Wilkes.

Mr. Wilkes said he thought the motion should be amended to pay interest of \$6,600 and the amount feasible above that to the principal. Mark Grube said he would like to see something paid against the principal. A discussion was held regarding maintenance of the streets.

Mr. Novak and Mr. Wilkes withdrew their motion and second. Mr. Grube moved that we pay the \$6,600 interest on the temporary notes for street improvements when it is due. The motion was seconded by Loran Wilkes. All aye. Motion carried.

WEIGHT LIMITATIONS

Mr. Thompson said there was some concern regarding parking of heavy vehicles on the streets. He said there was a question raised that the Council might want to consider an ordinance pertaining to weight limitations of buses, trucks, etc. parking on the city streets.

Mr. Wilkes said he would rather get something to restrict parking rather than weight limitations as the later would be hard to enforce. Mayor Tuter said he does not think large vehicles of any type should be allowed to park along the side of the road, but you get into all kinds of problems with enforcement.

Mr. Thompson said he contacted the League of Kansas Municipalities and they are sending a copy of a sample ordinance adopted by other cities regarding restrictions. This matter will be discussed at the next meeting.

LIQUOR LICENSE FEES

Mr. Thompson said he was asked to determine what other cities are charging for a city liquor license. State statute provides a fee of \$100 to \$300. Basehor's license is \$300 and all surrounding cities are at that level.

CPR CLASSES

Lloyd Beth reported there will be another CPR class for area residents to be held Saturday, November 19. There is a charge of \$5.00 to persons taking this 8 hour class. Persons interested should contact the city offices.

TRAINING CLASSES

Mr. Beth said the police training classes were started about the 1st of October. In conjunction with these classes he needs approximately 4,000 rounds of ammunition for the firing range, with the cost in the neighborhood of \$300 to \$400.

Mark Grube moved that Lloyd Beth be authorized to purchase ammunition for the police training classes at a cost of approximately \$300 to \$400. The motion was seconded by Loran Wilkes. All aye. Motion carried.

Mayor Tuter said he was impressed by the quality of instructors and participation of those involved in these classes. He said by his involvement in these classes he has learned there is more to being a police officer than meets the eye. He said he has been made more aware of the fact that should we ever get into a serious situation our best interest is in having personnel who are prepared

and have been well instructed. Mayor Tuter said in the long run it will save the City a considerable amount and the ammunition needed at the firing range is well spent. He said you cannot really qualify an individual with 50 rounds of ammunition to hit a bullseye; and the approach used by the instructor makes you aware of what you are dealing with. Mayor Tuter encouraged the Council to attend some of these classes so that they might see what is really involved in police work.

POLICE RADIO

Mr. Beth passed around a flyer from Electronic Specialty Services with regard to a radio. He said another radio is required when additional manpower is needed on the streets, such as at Halloween. This radio could be transferred from car to car. At the present time if the radio goes out in one of the police cars there is no backup radio that can be used. John Novak asked if walkie-talkies would be better. Mr. Beth said it is difficult to pick up the dispatcher or other enforcement units with these sets.

Loran Wilkes moved that Lloyd Beth be authorized to purchase a radio for use by the Police Department from Electronic Specialty Services. The motion was seconded by Mark Grube. All aye. Motion carried.

ANIMAL CONTROL

Mayor Tuter said there has been a rash of dogs being abandoned in the city limits; however, Mr. Wilson has been handling the matter quite well.

LICENSES FOR WAYMIRE'S I.G.A.

Mrs. Guy submitted the application of Waymire's I.G.A. for renewal of their Amusement Devices License which expires November 16, 1983, and their Cereal Malt Beverage License which expires December 2, 1983.

John Novak moved that the Amusement Devices License and the Cereal Malt Beverage License for Waymire's I.G.A. be approved for renewal. The motion was seconded by Bob Van Cleave. All aye. Motion carried.

STREET REPAIRS

Mayor Tuter said it cost \$14.75 per ton for material to patch the streets. In addition to this the Department of Public Works for Leavenworth County submitted a statement in the amount of \$8,000 for material and labor for chipping and sealing the streets of Basehor.

Loran Wilkes moved that a check in the amount of \$8,000 be issued to pay the Department of Public Works, Leavenworth County, for labor and material in resurfacing Basehor streets. The motion was seconded by Mark Grube. All aye. Motion carried.

BREUER PROPERTY

Mr. Breuer was sent a letter advising him the City would pay one-half of the cost of a survey for the property he is proposing to sell to the City. Mr. Breuer advised the Council that he is not interested in participating in this cost.

Mark Grube moved that we table purchase of property from Mr. Breuer indefinitely. Seconded by Loran Wilkes. All aye. Motion carried.

CITY BUILDING

Mayor Tuter said we are waiting for the engineer from Federal Emergency Management Agency to inspect the foundation of the city building to determine if it is structurally sound to install a concrete floor. This structural inspection is necessary prior to Civil Defense submitting an application for funding on this project.

Mr. Grube said he thought we should start giving some consideration to the outside of the building and landscaping in order to make this a suitable building. Mayor Tuter said Mr. Wilkes and others had fixed the downspouts to take the water away from the building.

STREETS

John Novak said he thought we had agreed to resurface all of 156th Street and crowning of 153rd Terrace at Parallel. He said he would like to see it done before bad weather.

Mayor Tuter explained it would cost about \$600 to \$700 for labor and material for this. He said the only problem is that crowning would also have to be done on Rickel Drive, etc. Mayor Tuter said he would like to have Bruce Browne look into this matter to determine what would have to be done and the approximate cost.

REZONING NORTH OF LAGOON

Mr. Novak said the property north of the lagoon is zoned R-1 and he doubts that anyone would build an \$80,000 house around the lagoon. He said he would like the Council to consider rezoning the area for duplexes or fourplexes. Also, the subdivision rules and regulations require curbs and guttering. He would like to ask the Planning Board to discuss dropping these rules and regu-

lations since there are no storm sewers in the City. Mayor Tuter said he thought the Council should not act on this matter until the Planning Board requests action from the Council.

142nd STREET

Mr. Wilkes said he has talked to several property owners on 142nd Street who are interested in being de-annexed from the City of Basehor. He said they told him they would be meeting on this matter but would not have their petition ready tonight.

CERTIFICATES OF DEPOSIT

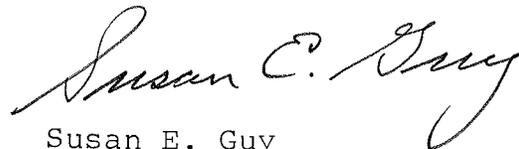
Mayor Tuter said two Certificates of Deposit come due in November. These funds will be needed to meet commitments of the City on the bonds issues.

Mark Grube moved that Certificate of Deposits No. 3113 and 3135 be cashed and the money placed in the Money Market Account. The motion was seconded by John Novak. All aye. Motion carried.

ADJOURNMENT

John Novak moved that the meeting be adjourned. The motion was seconded by Loran Wilkes. All aye. Motion carried. The meeting was adjourned at 9:35 p.m.

Respectfully submitted



Susan E. Guy
City Clerk