

BASEHOR
CITY COUNCIL MEETING

December 6, 1983
Fairmount Township Hall
7:30 P.M.

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

PRESIDING OFFICER: Mayor Forrest L. Tuter

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

MINUTES

The minutes of the November 1, 1983, Council meeting were reviewed. Anna Mary Landauer moved that the minutes of the November 1, 1983 meeting be approved. The motion was seconded by John Novak. All aye. Motion carried.

The minutes of the Special Meeting held November 30, 1983, were reviewed. Anna Mary Landauer moved that the minutes of the Special Meeting held November 30, 1983, be approved. The motion was seconded by Mark Grube. All aye. Motion carried.

TREASURER'S REPORT

It was pointed out that Certificate of Deposit No. 3172 in the amount of \$10,000.00 matures on December 28, 1983. Anna Mary Landauer moved that Certificate of Deposit No. 3172 be reinvested at the highest rate of interest available. The motion was seconded by Loran Wilkes. All aye. Motion carried.

Mayor Tuter said the check made payable to him in the amount of \$154.00 was for a safety light for the International Truck and \$124.00 of it was for an extra set of tires for the Nova Police Car which will be used on the tactical driving range.

Mark Grube moved that the Treasurer's report dated November 30, 1983, be approved as presented. The motion was seconded by Anna Mary Landauer. All aye. Motion carried.

SCANNED

3807 lt

MUNICIPAL COURT REPORT

Mark Grube moved that the Municipal Court Report dated November 14, 1983, be approved as presented. The motion was seconded by Anna Mary Landauer. All aye. Motion carried.

CULVERT RESOLUTION

John Thompson presented a draft of a resolution regarding culverts at the last meeting. He has since received specifications regarding culvert size and installation from Mr. Browne. He said this resolution provides for the adoption of a policy that the City would install, repair or replace culverts in the City with the City bearing the cost of installation and repair and the property owner paying for the pipe. He said the purpose of a resolution instead of an ordinance is that an ordinance would have the effect of a law where a resolution gives up enforcement provisions but does not become binding on the city. It will provide more flexibility in resolution form.

John Novak said that many people have added brick supports, gates, etc. at the end of their driveways. He said he thought the resolution should spell out that any aesthetic features will be replaced at the expense of the property owner. Bob Van Cleave said he does not think the city could in any way be held liable for these structures. Mr. Novak said the general public may not understand it and a paragraph added to the resolution regarding aesthetic features might clarify this. Mr. Thompson said he would add a paragraph regarding this to the resolution and present it at the next meeting.

WEIGHT LIMITATIONS ON STREETS

Mr. Thompson said he contacted the League of Municipalities to see what other cities have done regarding weight limitations on their streets. He outlines the three approaches being used as follows:

(1) Adopt an ordinance regulating weight limitations. Basically the problem with this is enforcement. Unless the city has some facilities in the immediate area to weigh the vehicles this cannot be enforced. He recommended the Council not consider this type of regulation.

(2) Designate a truck route or area allowing truck traffic and no truck traffic would be permitted in any other area except for origination and destination.

(3) Axle limitation - an example of this would be vehicles with three axles or more would be prohibited from parking on the

streets. This type of regulation defines the type of vehicle that is in violation. The problem is determining what type vehicle.

Mayor Tuter suggested a length designation as well as axle limitation. Mr. Thompson said the city could also designate parking areas and times allowed to park.

John Novak said he would like to have John Thompson draw up an ordinance based on axle limitations for Council review. Mr. Thompson said he has several ordinances from other cities which detail this approach. He said he will provide the Council members copies of these ordinances in advance of the next meeting. Mr. Wilkes suggested including phrasing in the ordinance as to licensed weight designations. Mr. Thompson said he would get weight registration from the state and use this as a guide.

HODGE PROPERTY

Mr. Van Cleave said he prepared and presented to each council member a summary of the four areas of concern regarding Mr. Hodge's property. He said he prepared his report as a councilman and not as an attorney. Mr. Van Cleave said he would like to add to the report that if the pole barn should pose a hazard as it now stands, it should be taken down.

In discussion there was concern expressed that the mobile home and the house are both connected to the same septic tank. Mr. Thompson said if there is a violation and the City goes to court the City would have the burden of proof. It would be necessary to have a report from our Engineer and the County as to the existence of the system and whether it is in compliance.

Mr. Wilkes asked if the mobile home was in violation? Mr. Thompson said the practice of allowing a mobile home has been a policy decision of the Council. Mrs. Landauer said that a special permit for a mobile home has to be renewed every year and medical proof has to be given that a family member residing in the mobile home needs care.

John Novak moved that Mr. Hodge be allowed to continue to raise cattle on his property, finish building the pole barn if he makes application for another building permit, allow the mobile home if Mr. Hodge requests a special permit from the Council and supplies the necessary documents regarding the health need of a relative, and turn the problem of the septic tank over to the City/County Health Department. The motion was seconded by Bob Van Cleave.

It was pointed out that the property is zoned R-1 which does not allow for cattle. Mr. Novak said he thought there was a grandfather clause which would allow Mr. Hodge to have the cattle. Mr. Thompson said it was his understanding that once property is transferred, the provisions of a grandfather clause which existed with the original property owner are lost to the new owner. Mr. Van Cleave

said he thought there was something about continued use which might permit Mr. Hodge to have cattle.

Mayor Tuter asked Mr. Browne if there was any way to verify the septic tank system as it now exists or would it be better to look for evidence of overload. Mr. Browne said if there is some visible evidence of seepage it is about the only way to see if it is not functioning properly. Mr. Browne said it would be questionable if the septic tank could handle both the house and the mobile home.

Mayor Tuter pointed out that if Mr. Hodge cannot produce documents for occupancy of the mobile home, the mobile home should not be allowed to remain on the property and any problem with the septic tank to the mobile home would be removed.

Mr. Novak restated his motion as follows: The City would allow animals on the property, issue a building permit for finishing the pole barn if requested, allow occupancy of the mobile home if Mr. Hodge can produce documentation for occupancy and present it to the Council for issuance of a special permit. Mr. Van Cleave seconded the motion. All aye. Motion carried.

Mr. Thompson was asked to notify Mr. Hodge of the Council's decision.

STREET SIGNS

Mrs. Guy reported Mr. Wilson has compiled a list of street signs and supplies necessary to install the signs. She requested authorization to order 21 street name plates, 24 posts, a yield sign and nuts and bolts from National Sign Company at an approximate cost of \$395.00.

Anna Mary Landauer moved that Mrs. Guy be authorized to order street signs, posts and equipment as outlined above, from National Sign Company at a cost of approximately \$395.00. The motion was seconded by Mark Grube. All aye. Motion carried.

TEMPORARY NOTE ON SEWERS

Mrs. Guy reported that all transactions have been completed on the issuance of a Temporary Note on Sewers in the amount of \$66,500.00. A payment of \$30,000.00 from the sewer and sewer construction account was made on the original note of \$84,500.00. The new note of \$66,500.00 includes interest on the original note in the amount of \$7,182.50, prefunded interest on the current note in the amount of \$4,322.50 and \$495.00 legal expenses. Closing on the note was held Friday, December 2, 1983 at the First State Bank of Tonganoxie.

J AND F DISPOSAL

Mayor Tuter introduced John Jegen with J and F Disposal. Mr. Jegen stated there is one year remaining on the City's contract for trash removal with J and F. He proposed the City enter into a five-year contract at this time. By doing so, there would be no increase in collection cost the first year and the present \$4.05 per unit would be reduced to \$4.00 per unit. Each of the next four year's figures would be based on the rise or fall in the Consumer Price Index for the Kansas City Region as in the past. This would give a savings the first year of 24 cents per unit or \$1,249.92. If the City continues with the present contract, based on a 4.8% rise in the Consumer Price Index, the cost per house per month would increase to \$4.24.

Opinion from the Council expressed satisfaction with the service received from J and F and that the City should not attempt to go into the refuse business again.

Anna Mary Landauer moved that the City of Basehor enter into a five-year contract with J and F Disposal beginning January 1, 1984. The motion was seconded by Mark Grube. All aye. Motion carried.

POT HOLES

Mayor Tuter said whenever weather permits more cold patch will be needed to fill pot holes.

CITY BUILDING

Mayor Tuter said Civil Defense brought two engineers from Federal Emergency Management Agency to review the structural condition of the City Building to determine what would have to be done to accommodate facilities for Civil Defense in the basement of the building. Mrs. Guy said there are certain supplies and equipment that would have to be provided by the City for this facility; i.e. generator and enough fuel for two weeks, sleeping accommodations, food, water and handicap facilities. Mr. Reger, the Engineer with FEMA said he would make his report to the State who would notify us of their decision.

LAGOONS

Mr. Wilkes asked Mr. Browne if the aerators should be run during the cold weather. Mr. Browne said they should be operated all year; that cold water holds more oxygen and they operate better. He also requested Mr. Jordan take samples to the lab.

SIDEWALK PROJECT

Mr. Van Cleave suggested the City write letters to Mrs. Kon Martin, the Lions Club and Mr. Mel Hedrick with Leavenworth County, expressing our appreciation for their efforts on the sidewalk project and congratulating them on the excellent job they did. Mrs. Guy