

## CITY OF BASEHOR

LEAVENWORTH COUNTY  
BASEHOR, KANSAS 66007

-1-

unapproved

3-12-07 OK  
6-3-80

SUM

REGULAR BASEHOR CITY COUNCIL MEETING  
MAY 6, 1980 BASEHOR HIGH SCHOOL STUDY HALL

COUNCIL PRESENT: Milton Meyer, Garry Eberth, Jim Cook, Margaret Sterner.

PRESIDING: Mayor Allen Goens

OTHERS PRESENT: City attorney, Douglas Waters; City treasurer, Jane Scherer; City engineer, Leo Martell; City Clerk, Sherrie Magaha, citizens of the community.

The meeting was called to order at 7:30 p.m.

The first order of business was the appointment of city officials. Mayor Goens asked for individual approval of the following officials.

City Attorney: Douglas Waters---J. Cook moved, second M. Sterner---4 yes-opposed none.

City Treasurer: Jane Scherer----M. Sterner moved, second G. Eberth---4 yes-opposed none.

City Engineer: Leo Martell-----M. Meyer moved, second J. Cook---4 yes-opposed none.

City Clerk: Sherrie Magaha-----G. Eberth moved, second M. Sterner---4 yes-opposed none.

Police Chief: Earl Reavis-----J. Cook moved, second M. Sterner---4 yes-opposed none.

Municipal judge: Mike Willcott--M. Sterner, second G. Eberth---4 yes opposed none.

Animal Control: Carolee Gabel---M. Meyer moved, second G. Eberth---4 yes-opposed none.

Mayor Goens asked approval of Mrs. Leola Oroke for re-appointment to the Zoning Board of Appeals. J. Cook moved, second by M. Sterner for Mrs. Oroke's re-appointment. 4 yes, Motion carried.

APPROVAL OF MINUTES

The minutes of the previous meeting were approved as written.

A. M. Landauer entered the meeting.

TREASURER'S REPORT

M. Sterner moved to reinvest CD's (#3113, #3135, #741) coming due in May in the same savings and loan as before for a six-month period. Second by J. Cook. 5 yes. Motion carried.

J. Cook moved to approve the treasurer's report. Second by G. Eberth. 5 yes. Motion carried.

PETITIONS AND REQUESTS*(appropriation ordinance #153) SUM.*JOE BATESEL COMPLAINT ON TRASH PICKUP

Joe Batesel, a citizen, asked what recourse he had if his trash wasn't picked up. Mayor Goens told him if his trash was missed to call him that afternoon and he would take care of it. Mr. Batesel asked if he could deduct that week from his bill. M. Sterner told him no because he could put the missed trash out for pickup the following week.

MARION MCBRIEN ON LAWSON MOVING

Mr. McBrien, a citizen, told the council that Mr. Lawson was moving from his home and that he (Mr. McBrien) hoped the council wouldn't allow such a situation again. Mayor Goens assured Mr. McBrien that the council would take harder measures if the situation ever arose again.

COMPLAINT ABOUT POLICE OFFICERS

Mr. Bill Baska, a citizen, related to the council an incident involving his son and two Basehor police officers--George Kibler and John 'Chip' Lenahan. He said the officers cited his son April 26 for driving left of center. He claimed the officers put the boy in the police car and then searched his son's vehicle. While detaining the boy, another call came in and the boy was taken with the officer on a disturbance call. Mr. Baska said he felt this was unnecessary and feared for his son's safety. He asked the mayor and council to take some sort of corrective action against the officers. Mayor Goens told Mr. Baska he would speak to the chief of police about the matter.

EYERLY'S REQUEST TO DISCONTINUE SEWER SERVICE TO LITTLE HOUSE

The council considered Eyerly's request to be taken from the sewer billing for their little house since the house was no longer used as a dwelling but for storage. They said they were planning to demolish the house within the year. G. Eberth moved to allow Eyerly's to be taken off the sewer billing for this building. Second by M. Meyer. 5 yes. Motion carried.

CHANGE OF MARTHA STREET TO RIPLEY STREET

The council discussed changing Martha Street to Ripley Street since the two families living

on Marthause a Ripley St. address. Mr. Waters told the council all that was needed was an ordinance for changing the street's name. J. Cook moved to change Martha Street to Ripley Street. Second by A.M. Landauer. 5 yes. Motion carried.

REPORTS OF CITY OFFICIALS

DOUGLAS WATERS/CITY ATTORNEY

BILL FOR SPECIAL ELECTION

Mr. Waters passed around, for the council to see, a bill for the special election expenses. The total cost for the election was \$848.20.

CONDUCTING OF POLLS BY TELEPHONE BETWEEN MEETINGS

Mr. Waters said he had researched this at the mayor's request and found that informal polls could be taken when the council is not in session but it would be with the understanding that it was without official action and only given to assist and provide information and to discuss the city business. He said no binding action could be taken that would be considered a secret ballot. Mayor Goens asked what happened when the city must pay an outstanding bill or has an opportunity to purchase something at a good price and can't wait until the next council meeting. Mr. Waters said as an administrative decision, not a legislative one, the council could take a vote on an informal basis but that it should be brought before the public for discussion and formal record made of the decision. Mr. Watters suggested that any time serious implications could result from the action, a special meeting should be called. Mayor Goens asked how much time was needed to call a special meeting. Mr. Waters said the statute does not call for publication of a meeting and that the only stipulation is that the meeting only be held for the purpose it was called and that minutes would have to be taken. J. Cook said he wanted to clarify that the council is not in violation of anything by taking polls on administrative matters as long as there is a public record made; that possibly the only place the council has erred in recent history, eventhough the two polls taken this month are in the minutes, we should re-affirm that decision in the public meeting. Mr. Waters said this was correct. J. Cook said, in other words, if it's legislative or something involving a great deal of money we should hold a special meeting but otherwise we've been operating properly. Mr. Waters agreed the council had been operating properly.

OPINION OF ATTORNEY GENERAL

Mr. Waters read a synopsis of an opinion from the Attorney General which stated the city was within its rights to collect delinquent sewer and solid waste fees. The opinion also stated that the Judge in the case of Robert Bryan vs City of Basehor erred in his decision against the city.

MIKE WILLCOTT/MUNICIPAL JUDGE

The fines collected for April amounted to \$186.00 mostly traffic violations.

LEO MARTELL/CITY ENGINEER

REPORT ON LANDAUER STREET

Mr. Martell said he checked Landauer Street for elevation from the first asphalt drive west to 155th Street and found that the driveway surface and the flow line of the ditch to 155th were on a level plain. He said the city can't do any grading to improve the drainage due to the lack of slope. He suggested leaving it alone. Mayor Goens asked what could be done about gravel washing into Landauer Street from the road shoulders. Mr. Martell said he would check Landauer again to see how this problem could be remedied.

STREET WORK SURVEY

Mayor Goens metioned that he, Mr. Martell and someone from the council should check the street for repair and the cost involved. G. Eberth said he felt the city wouldn't have enough money to make a difference. Mr. Martell said the cost of oil could be around \$1.00 a gallon according Harbour Brothers. J. Cook said the council should consider what the city's cash means might be due to the outcome of the sewer bonds and that the city should hold on to what cash it has in case of any bills in the wake. There was discussion considering the pros and cons of abandoning street work this year. M. Meyer moved to abandon the street surface work for this year. Second by J. Cook. 4 yes, 1 no, A. M. Landauer. Motion carried.

The council did say that gradework, rock and patchwork would be done. Mrs. Rhonda Thomas asked about the poor condition of her street and Mayor Goens told her that a plumber working for the water district tore it up immediately following re-surfacing and did not repair the damage.

CALL TO CLERK FROM CITIZEN

Mayor Goens also related that a citizen called the city clerk at 8 a.m. on a Saturday morning to ask if the mayor was grading just to antagonize the neighbors. The mayor said he had instructed the clerk to hang up the phone if the incident happened again and that the complaintant could call him.

SHERRIE MAGAHA/CITY CLERK  
COMPENSATION FOR WORK AT RABIES CLINIC

Mrs. Magaha asked the council if she was to be paid for the rabies clinic or if it was part of her present job. Mayor Goens stated the clerk gets paid for it. A.M. Landauer asked if the animal control officer could work the clinic as part of her job. There was a question of bonding which Mr. Waters said as long as Mrs. Gabel was a city employee it shouldn't matter. The council agreed to have Mrs. Gabel sell the city dog tags at the rabies clinic this year with Mrs. Magaha as a back-up if Mrs. Gabel could not be there.

MAYOR'S REPORT

TIRES FOR TRASH TRUCK

Mayor Goens reported that he had brakes on the front of the trash truck and on the tractor. He also said the trash truck has two bad tires on it and they should be replaced. Mayor Goens said tires from the Tire Farm would cost approximately \$85.00 each. A.M. Landauer told the mayor she would like him to contact Hummelgaard's in Tonganoxie before a decision was made on the matter. Mayor Goens asked her to check on the price at Hummelgaard's for him and let him know what it is. J. Cook moved to authorize Mayor Goens to purchase two tires for the trash truck not to exceed \$200 for each tire. Second by G. Eberth. 5 yes. Motion carried.

A.K. Mussett told the council he had a spare tire the city could have for the trash truck.

EARL REAVIS/POLICE CHIEF

APPLICANT FOR POLICE DEPARTMENT

Mr. Reavis told the council he had an applicant for the police department and would like the council to set a date to interview the man. The council agreed to interview the applicant on May 13, 1980, 7 p.m. at city office.

BIDS FOR OLD POLICE CAR

Mr. Reavis told the council that he had had a bid for the police car and that Jack Gatewood also had expressed an interest in bidding for the car. J. Gatewood was in attendance and offered a sealed bid. The mayor opened the bids which were for \$55.00 and \$50.00. J. Cook moved to accept the highest bid of \$55.00 for the old police vehicle. Second by M. Meyer. 5 yes. Motion carried. The bid was offered by Paul Schmutz.

NOTICE AND COMMUNICATION

LETTER ON EMS ADVISORY COUNCIL

Mayor Goens read a letter from the County Commissioners asking for a city representative to the newly-organized Emergency Medical Service Advisory Council. The council asked Mr. Marion McBrien if he would be interested in serving on this council. Mr. McBrien said he would like to serve on the advisory council.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

SECOND READING OF ORDINANCE #139

The council considered the second reading of an ordinance amending the fines in Ordinance #10 (abatement of nuisance). A.M. Landauer moved to waive the second reading and adopt Ordinance #139. Second by M. Sterner. 5 yes. Motion carried.

FINANCE AND ADMINISTRATION

DATE SET FOR BUDGET PREPARATION

Mayor Goens stated the council should set a date in June for preparation of the 1981 budget. The council agreed to set the date for 7 p.m., June 4, 1980 at city office. The clerk was directed to contact Mr. Wayne Wolfe to see if the date was satisfactory with him.

PETTY CASH FOR CITY OFFICE

M. Sterner moved to set up a \$25.00 petty cash fund for city office. Second by G. Eberth. 5 yes. Motion carried. The fund will be used to purchase small items.

BILL FOR REPLACING OFFICE STORM DOOR

There was a question of who was responsible for the bill for replacing the wind-damaged storm door at city office. After checking the lease it was agreed that the owner of the building is responsible for the bill. The clerk was directed to notify Mrs. Lovvorn and send her the bill.

PROPERTY TRADE BETWEEN CITY AND TOWNSHIP

Mayor Goens reported that since the last meeting it was learned that the township was planning to add on to the fire station and would like to purchase, then trade with the city, 75 feet of Mr. Ambrose Jennings' property. Following that trade, the city would trade a small triangular piece of ground with one equal in size with Mr. Jennings in order to square up the property. J. Cook said the only thing he would question was the useage of a well which would be on the township property.

would be on the township's property once the trade was completed. He asked if the township would give the city all rights to the well. Mr. A. K. Mussett, who was acting spokesman for the township, said there would be no problem as the township wasn't interested in the well. The council also wanted the township to bear the expense of the title transfers. Mr. Waters read a resolution from the township board which showed their intent of the property transfer. Mr. Waters said he would check into all aspects of the titles, rights to the existing well and the township's bearing of all expense dealing with title transfer. He said a resolution similar to the township's should be made record at the meeting. J. Cook moved to make a resolution to comply with the township's request contingent upon their agreement to bear any extra costs, full cost of all transfers, perpetual and exclusive rights to the well that will be transferred to them on the property. Second by A.M. Landauer. 5 yes. Motion carried.

SEWER AND SOLID WASTE

PUBLIC RECORD OF SEWER HOOK-UPS

Mayor Goens asked that it be made a matter of public record that sewer hook-ups permits were purchased by W. H. Owen and Robert Walker for their homes on Leavenworth Road. This came about since it was learned both homes were adjoined to a sewer line on one easement rather than two separate easements and a problem could arise for the homeowner if one or the other decided to sell the property.

SPRAYING FOR MOSQUITOES

A. M. Landauer said she had had calls complaining about mosquitoes and asked if the city could spray for them. She was told the county does the spraying.

ELECTION RESULTS ON SEWER BONDS

Mayor Goens read a letter from Larry Scheller, county clerk, which said the vote had been certified and the results were 155 against and 65 for the sewer revenue bonds. Mayor Goens said he had contacted Karl Muedener at Kansas Department of Health and Environment and he said right now there is no money available but when there is the state will do it. He said he gave him an example: The town of Weir, Ks., was using old mine shafts for sewers and they had a vote which was turned down so the state went in, put in septic tanks and charged them for it. Mayor Goens said Mr. Muedener said in one way Basehor is fortunate in that the state funds are not available right now. It could be a year, this December or possibly this fall before state funds are available but he said the city must do something about the problem.

G. Eberth asked Mr. Waters if there was any stipulation on issuing the revenue bonds again. Mr. Waters said as long as two thirds majority of the council agreed they could re-issue the bonds. There was considerable discussion about the availability of the funds and the necessity for upgrading the sewers. The citizens in attendance questioned the need for the new pumping station and the 12-inch interceptor line, saying this was one of the causes the vote failed. Mrs. Carol Sindelar told them that the State and EPA stipulations for the facility study was a 20-year plan in order for the city to attain the 75 percent grant and the pumping station and interceptor was part of this plan and was indeed necessary.

Another question was the feasibility of a third cell at both north and south lagoons. This, according to Mrs. Sindelar, was looked into but due to the needed acreage for such a project ( 5.4 additional acres, north lagoon; 9 acres, south lagoon) it would not be cost effective nor feasibly possible. The cost of such a project was estimated at \$1,291,108.00. At present, there is 1 acre at the north lagoon and 2 acres at the south lagoon.

J. Cook asked if state statutes allows the city to assess sewer service charges to pay for such a project. Mr. Cook suggested two alternatives; a \$40 per month charge for a one-year period or a \$450 one time charge in order to attain the \$180,000.00 for the city's share of the grant. Mr. Waters said State Statute 12-631g allows for such assessments. At this time, G. Eberth moved to issue revenue bonds again and get the issue off of dead center. Second by M. Sterner. 4 yes, 1 no-A. M. Landauer. Motion Carried.

MAYOR'S STATEMENT ON BICKERING AT COUNCIL TABLE

Mayor Goens said he had called a special meeting prior to the meeting to iron out some problems. From here after, he said, I wish to see no bickering at the table from no one. When I call a special meeting we'll have our knock down, drag outs there. When we get to the table its to take care of business and the people in this town. No personal feelings against anybody at this table.

SOLID WASTE EXEMPTIONS CEASED

M. Sterner said she would like to see the people with exemptions on solid waste be

raised back up with the exception of those who qualify under the Homestead Act, and the haul-own-trash permits. Mayor Goens said in his opinion he would like to see the elderly/disabled exemptions allowed and would like to see the people with haul-own-trash permits policed and if not in compliance revoke their permits. M. Sterner moved to raise the fees back up with the exception of the Homestead Act qualifiers and all persons with haul-own-trash permits, who do not show receipts of proper dumping, go back on trash billing; all to begin in June. Second by M. Meyer. 4 yes, 1 abstained-- A. M. Landauer. Motion carried.

MEETING ADJOURNED

J. Cook moved to adjourn the meeting. Second by M. Sterner. 5 yes. Motion carried.

Sharon U. Magala  
City Clerk