

SCANNED

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CITY OF BASEHOR

LEAVENWORTH COUNTY

BASEHOR, KANSAS 66007

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SVM

BASEHOR CITY COUNCIL MEETING JUNE 3, 1980
BASEHOR HIGH SCHOOL STUDY HALL
7:30 P.M.

COUNCIL PRESENT: A.M. Landauer, J. Cook, M. Meyer, M. Sterner.

PRESIDING: Mayor Allen Goens

OTHERS PRESENT: Douglas Waters, city attorney; Jane Scherer, city treasurer, Leo Martell, city engineer; Carol Sindelar, Martell's assistant; Earl Reavis, chief of police; Sherrie Magaha, city clerk; citizens of the community.

MINUTES

The minutes of the previous meeting were approved as written through a motion by A. M. Landauer, second by M. Sterner. 4 yes. Motion carried.

TREASURER'S REPORT

M. Sterner moved to re-invest \$25,000 of CD #747 for a six-month period at Citizens Mutual. Second by A. M. Landauer. 4 yes. Motion carried.

M. Sterner moved to accept the treasurer's report. Second by M. Meyer. 4 yes. Motion carried.

(appropriation ordinance #155) SVM.

PETITIONS AND REQUESTS

CITIZEN COMPLAINT ABOUT MISSED TRASH

Mr. Bill Mogle asked the council what he should do when his trash is missed. Mayor Goens told him to call him on Saturday afternoon if his trash was missed. Mr. Mogle stated he had been missed one week in January and had disposed of the trash through his brother's pick-up service and had paid his brother's bill. However, he was still being billed for that week. The council agreed that the one week charge should be deducted from the bill and the city clerk was directed to notify the billing clerk to this effect.

COMPLAINT ABOUT MEYER DAIRY ODOR

Mr. Joseph Hotujac, a citizen who resides on State Avenue, told the council that he and numerous others were upset with the terrible odor emitting from Meyer's Dairy. He said they had petitioned the dairy and health department about it but nothing was done. He said they were told to bring their complaint to the city council for themth to act on the matter. The council told Mr. Hotujac that they were aware of the problem and although Meyer's Dairy had taken some steps to correct the problem the odor was still offensive. The council asked Leo Martell, city engineer to take samples from Wolf Creek to see if waste was being dumped there causing a pollution problem. They also asked Douglas Waters, city attorney, to write Ralph Tomlin at the dairy about the complaints and see if action could be taken. The council told Mr. Hotujac that they would try to have something on the matter by the next meeting.

DOUGLAS WATERS/CITY ATTORNEY

ORDINANCES FOR CITY'S CONSIDERATION

Mr. Waters told the council he had prepared two ordinances for their consideration but would hold them for the proper place on the agenda.

PETITION FOR ELECTION ON REVENUE BONDS REJECTED

Mr. Waters told the council that on May 15 public notice was given in the Basehor Sentinel of the council's decision to issue revenue bonds for the sewer project. He said that the county clerk, Larry Scheller, notified him that a petition was on file at the county clerk's office but has not been filed to this point at the city clerk's office which is provided in State Statute KSA 10-1210. The public notice said the petition must be filed at the city clerk's office within 15 days of publication of the notice. Mr. Waters said that Mr. Scheller informed him 206 valid signatures are on the petition. Mr. Waters said, if in fact, there is a petition addressing this, we have not received it to this point. He said the council can still accept or reject the petition, whatever it might be, and advised the council that the legal requirements have not been complied with and there is nothing to show that a proper petition has been presented.

J. Cook said since it had not been filed within the time limit the council should

go ahead and procure the revenue bonds since technically there's been no protest. Mayor Goens said everytime something comes up the city is, "blasted with we didn't take the legal steps to do it. It's really a case of, you can be lenient or you can be lawful. It's up to you".

J. Cook said, "there has been such a concern with absolute compliance with everything that is done I would be in favor of rejecting this non-petition and procuring the bonds."

A. M. Landauer said she felt, that if the citizens have done this they should have some consideration. M. Sterner asked why is it always the city council that has not taken the right steps. Why did they by-pass the city council. It was filed before with the city clerk and she did what she was supposed to, why wasn't it filed this time with the city clerk and then taken up to Leavenworth. If she had failed in her job it would be different.

J. Cook said there had been a lot of talk about hearing from the "people". He said he had a different interpretation on the last petition and election on hearing from "the people". He stated we have about 750 registered voters, had a turnout of 215 and we got beat two to one of those voting. He said he felt that in the last election we actually did receive a non-verbal mandate to proceed because there were nearly 500 people who did not care, who agreed or trusted the city to do a job that they did not wish to get involved in. He also related that he had told a citizen if the people could show the sewer project was such a bad thing and could get 350 signatures on the petition he would resign, but the 350 signatures were not received. He said he felt the city has a silent mandate of the people and also non-compliance with the petition.

J. Cook moved to reject the non-petition and procure the revenue bonds. Second by M. Sterner. 3 yes. 1 abstained, A. M. Landauer. Motion carried.

MAYOR'S STATEMENT

At this time, Mayor Goens said he had a statement to make concerning the trust being questioned of city officials. He said if he heard any such remarks concerning him, they (those saying it) better make "damn" sure they can afford it because, "I don't like it and I don't care who knows it".

LEO MARTELL/CITY ENGINEER

LETTER ON ILLEGAL SEWER HOOK-UP

Mr. Martell told the council he had done some work on preparing a letter to Mr. Walker concerning the illegal sewer hook-up but needed to get with Mr. Waters to complete it. He said he hoped this would help get the problem corrected.

PROBLEM WITH DRAINAGE DITCH AT DEGRAWS

Mr. Martell reported Edward DeGraw, 15416 Chestnut, had never put in a culvert tube and consequently rain water runs into the Bilyk resident's yard and also pushes gravel from DeGraw's into Bilyk's. He said a culvert tube was required by the building permit. The council agreed that Mr. DeGraw be notified of the problem with enough time given to correct it.

EARL REAVIS/CHIEF OF POLICE

TRANSMISSION OUT IN NOVA POLICE CAR

Mr. Reavis reported the transmission had gone out in the Nova police car. He had three prices for the council for the repairs: \$325.00, Jim Graham, to rebuild the present transmission; \$425.00, Apollo Transmission, to install a larger rebuilt transmission; and, \$365.00, Kansas Auto, for rebuilt transmission of same size. M. Sterner moved to go with the \$425.00 rebuilt larger transmission from Apollo Transmission. Second by J. Cook. 4 yes. Motion carried.

RADIO IN PLYMOUTH PATROL CAR

Mr. Reavis said the police department had had trouble with the police radio in the Plymouth and that it was taken to Topeka FM Communications where they've had a service contract for the GE model radio for some time. Topeka FM said they could not fix the GE radio. The council felt this was wrong and directed the treasurer to withhold the \$36.50 monthly payment from Topeka FM and asked Mr. Waters to contact them on the matter.

BILL HODGE'S HELP WITH POLICE CAR COMMENDED

J. Cook reported that when the police car was damaged by vandals recently Bill Hodge dropped everything to practically rebuild the damaged car, working on it all day, so that the police could have it in order to patrol graduation night. The council directed the clerk to write Mr. Hodge a letter showing their appreciation for his work. Mayor

Goens said he would like to see the police cars parked in the township yard where they would be under a light and in a fenced area on the main street. He said he would ask the township about this matter.

Mayor Goens also told the council he had a letter from the police department concerning the complaint from Mr. Baska. He said since the case has not been to court he would wait until after it was tried before making the letter public.

SHERRIE MAGAHA/CITY CLERK

PUBLIC HEARING FOR SEWER AND SOLID WASTE DELINQUENCIES

Mrs. Magaha told the council that Mrs. Kibler, billing clerk, suggested the public hearing for sewer and solid waste delinquencies take place just prior to the July 1 council meeting. The council agreed to hold the hearing at 7 P.M. July 1, 1980 at the Basehor High School study hall.

REQUEST FOR VACATION

Mrs. Magaha asked the council if she was entitled to a vacation this year and if so could she take the week of July 6-13. She was told that she had one day of vacation for each month worked and she could take that week. The council agreed to close the office during that time rather than hire someone for the four half-days.

MAYOR'S REPORT

TIRES FOR TRASH TRUCK

Mayor Goens reported he had purchased the new tires for the trash truck but they had to be ordered from Topeka and still were not in. He said in the meantime the truck had a blowout and if the tires weren't in they may have to hire the Lansing firm to pick up trash on Saturday.

HIRE BOY TO DO ODD JOBS IN CITY

Mayor Goens said he had been riding around town and noticed culvert tubes are full of dirt and there are a lot of weeds, etc., needing to be cleaned up. He suggested the city hire a boy to do some of this type of work. A. M. Landauer moved to hire a boy to help Jack with odd jobs around the city. Second by M. Sterner. 54 yes. Motion carried. The council agreed to pay minimum wage to the employee.

NOTICE AND COMMUNICATION

NOTICE FROM KANSAS DEPARTMENT OF HEALTH AND ENVIORNMENT

Mayor Goens passed around, for the council to read, a notice from Kansas Department of Health and Environment which contained information about a proposed county-wide wastewater treatment plan.

LETTER FROM MASHA

The council was given a letter from MASHA concerning a public hearing to be held on various health programs.

FINANCE AND ADMINISTRATION

BUILDING FOR CITY EQUIPMENT

J. Cook said he had discussed the price of a 60' by 40' steel building for the city, with a friend in the business and was quoted a price of around \$11,000 delivered and erected. He said retail the buildings sell for about \$16,000 or more. He said there was probably enough money in the sinking fund to pay for the building and a basement area under a portion of it. M. Sterner said if the city needed the larger building for equipment only, a smaller office-type building could be purchased for around \$4,000. After some discussion the council agreed to have J. Cook get other bids for a similar large building and bring the bids to the next meeting. Mayor Goens said the council might want to check on the progress of the property trade before going ahead with a purchase, to which the council agreed.

A. M. Landauer stated that the civil defense director, Ed Powers, may be interested in the fact that the building will have a basement and that possibly funds were available for this as there are no shelters for emergency purposes in the Basehor area.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE CHANGING STREET ADDRESSES

Mr. Waters passes around an ordinance recognizing two properties within the city limits as having addresses on Ripley Street rather than Martha Street for the council's consideration. J. Cook moved to declare an emergency, waive the first and second reading of the ordinance and adopt same. Second by M. Sterner. 4 yes. Motion carried. The ordinance was assigned #140.

ORDINANCE RAISING MAXIMUM FINE FOR RECKLESS DRIVING

Mr. Waters asked the council to consider an ordinance raising the maximum fine for the offense of reckless driving to \$150.00. J. Cook asked if the maximum fine

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could be higher, up to \$500.00. Mr. Waters said it could and the court could suspend a portion of the fine as part of the probation clause. After some discussion the council agreed to change the maximum fine to \$500.00. M. Sterner moved to declare an emergency, waive the first and second reading and adopt the ordinance with the change. Second by J. Cook. 4 yes. Motion carried. The ordinance was assigned #141.

STREETS AND EQUIPMENT

STOP SIGNS PURCHASED

A. M. Landauer said she had checked on prices for stop signs and found they could be purchased from Justrite Sign Co., Kansas City, for \$26.10 each. J. Cook moved to purchase 15 stop signs from Justrite Sign Co., for \$26.10 each. Second by M. Sterner. 4 yes. Motion carried.

SEWER AND SOLID WASTE

MANHOLE VANDALIZED

Mayor Goens reported that Jack Gatewood had discovered a manhole had been vandalized just prior to the meeting and he had called Ace Pipe Cleaning to have it cleaned out. He said he expected the cost to be around \$200.00. He said he would like to see something done to lock the manhole covers to prevent future vandalism attempts. The council discussed having someone check the manholes and see how they could be locked and decided to have Mayor Goens find out if Neu Plumbing could come up with an idea on the problem. J. Cook moved to give Mayor Goens the authority to contact Neu Plumbing on the matter but if the cost is outlandish contact another company. Second by M. Sterner. 4 yes. Motion carried.

ADJOURNMENT

M. Sterner moved to adjourn the meeting. Second by M. Meyer. 4 yes. Motion carried.

Sharon U. Masaha
CITY CLERK