SCANNED

3-13-07 BK

CITY OF BASEHOR

LEAVENWORTH COUNTY
BASEHOR, KANSAS 66007

~~un~~approved
2-6-79 WBK

Regular City Council Meeting January 2, 1979
7:30 p.m. at the Fairmount Township Hall

Council Present: Anna Mary Landauer, Margaret Sterner, John Ebert, Allen Goens, Jim Cook.
Presiding: Mayor Clarence I. Worley.
Others Present: City Attorney Douglas Waters, City Treasurer Jane Scherer, City Engineer Leo Martell, City Clerk Wilma Kibler, citizens of the community.

LETTER TO THE COUNCIL

The Mayor opened the Council meeting by reading a letter to the Council and asked that it be made a matter of record. Following is the letter, "For the past two years, certain members of this governing body, portraying themselves as the champion of the tax payer, has attempted to harass, discredit and embarrass the Mayor at the monthly council meetings. On the last two counts they have failed. The harassment and nit picking seems to go on and on.

In my nearly eight years as a so called public official, I have not felt the need to apologize for anything that I have said or done, pertaining to City business or the tax payers dollar. True, I have made some mistakes, but nothing to warrant a public apology.

At the last meeting in November, another giant step backward was taken, when an accusation was made pertaining to my signature on a building permit. In checking back, as a matter of fact, I signed not one but four building permits. Not a signature allowing someone to build, but a necessary signature in the absence of the city clerk, to verify the fees had been paid. Only one person has the authority to allow a building to start, that is the building inspector or in this case the City engineer.

So please be forewarned, that any future accusations without evidence to justify such, could create some serious problems for those involved.

MINUTES:

The Mayor stated he had a couple of additions to the minutes. One of them was the accusation made last month pertaining to signing a building permit in exchange of some favor.

This addition that the Mayor requested happened during the heated discussion where reference was made to the building permit signed by the Mayor on unplatted land issued to Jim Cook in August, 1977. The additions by the Mayor is the following, "Cook stated that Ebert had spent a little of the City money in his day, that he remembered an incident where Ebert cost the City some engineer time. Ebert then stated that Cook took the Mayor's side on that deal so he could get a building permit on unplatted land."

The other addition concerned the rock that was put on Landauer Street. The Mayor stated he thought he gave the Council an answer on why he put the rock on the street and he would like it to be in the minutes.

His answer was that, "The Mayor stated when the people were applying for building permits there was some discussion on what should be done on the street and the Council more or less decided that sooner or later the City would have to take it over. A private party had been putting rock on the street but he didn't feel it was his responsibility anymore since the City had allowed houses built on the street. The Mayor stated the Council had more or less said the street was the City's whether they liked it or not, but officially it had never been accepted. The Mayor recalled he felt there should have been something done as far as the street was concerned before any building permits were issued. Also at the time the Council had discussed an agreement between the township

and Landauer which had never been given to the City or the City ever being notified officially of the agreement. As the Mayor said before in the minutes if the Council would go back aways it will verify that at the time when people were asking for building permits be issued the Mayor asked that the Council consider not allowing any building permits until it was determined who would be responsible for the street. At the time there was some discussion of an old agreement with the township in which some of the Council stated they were sure the City was going to be stuck with it. Because the City was going to have to honor this agreement so with that in mind for all practical purposes as far as the Mayor was concerned the City just as same as accepted the street, and this was the reason that, with the Councils answers quite sometime ago, the Mayor put the rock on the street."

TREASURERS REPORT:

The Council considered Appropriation Ordinance #139. This ordinance was approved by Council poll taken 12-29-78 to bring the books within the 1978 budget and was subject to change at this regular meeting. M. Landauer moved, second by J Cook to reinvest #2617 c.d. in either place with the highest rate of interest for three months. Five yes-opposed none. Motion carried.

J. Cook moved, second by M. Sterner to accept the polling on 12-29-78 and adopt Appropriation #139. Four yes-opposed one (J. Ebert). Motion carried.

PETITION & REQUEST (CITIZENS):

DR. STANSBERRY - POLICE PROTECTION ON SCHOOL GROUNDS

Dr. Stansberry stated he and the school board would like the Council to consider additional police protection for school property and requested someone being on duty on the police force on a 24 hours basis or as much as the school could get. The Council asked Stansberry if the school board had empowered him to offer any financial assistance to the City for this extra patrol or if the board would be inclined to make such an offer. Stansberry stated the school board had discussed it informal but not formal. The Council also asked if the school had considered other alternatives such as a security guard, a pair of wide angle video tape cameras on the school grounds, having no trepassing on school grounds after certain hours and prosecuting if it was broken, or an alarm system in the school building where it would notify the Chief of Police. The Mayor asked the Council to consider it and also asked Dr. Stansberry to have the school board to consider financial help on this matter.

CITY COUNCIL - PLANNING COMMISSION QUARTERLY MEETING

The Mayor stated a date needed to be set for the City Council-Planning Commission Quarterly meeting. After much discussion on the matter it was decided to attend the Planning Commission's regular meeting.

COST OF SNOW REMOVAL ON CONTRACT

J. Cook stated when Pete Bennett was working on the sidewalk he asked how the City handled their snow removal. Bennett stated he had a grader and was wanting to get some snow removal jobs and if the City wanted all the streets in Basehor cleaned he would charge $500.00 to $600.00 and it would run about $800.00 to $900.00 if the City also wanted the streets's sanded and salted. This cost was per job. Bennett also stated that these prices were cheap.

REPORT OF CITY OFFICIALS:

DOUGLAS WATERS/CITY ATTORNEY

RESIGNATION OF MUNICIPAL JUDGE

Mayor Worley read Michael Crow's letter of resignation from Municipal Judge for Basehor. Mr. Crow was appointed by the Governor of Kansas to fill the vacancy the position of State Representative for the 41st District of the House of Representatives of the State of Kansas. The Council stated they had really appreciated Mr. Crow and felt he was a very fine judge.

VERBAL APPLICATION FOR MUNICIPAL JUDGE

Doug Waters introduced Ed Schneeberger and Dan Carroll to the Council and

stated both gentlemen had expressed that they would be interested in the Municipal Judge position and would like to be considered for it by the Council. Waters stated that both gentlemen would be happy to answer any questions the Council may have and present their position on any issues the Council might want to bring to their attention. Each gentleman presented his verbal qualifications and answered questions presented to them by the Council. After the Council heard both gentlemen it was decided they would go into an executive session at the end of the meeting for discussion and the gentlemen was told they could return to their homes and Waters would report to them of the Council's decision later.

CONSENT, RELEASE AND WAIVER OF LIABILITY FORM FOR MUNICIPAL TRASH COLLECTION

Waters explained to the Council for their information about the form he had drawn up pertaining to the consent, release and waiver of liability by parents and/or guardian for the employment for a juvenile by the City of Basehor for Municipal Trash Collection. This is for the City's protection and the City's assurance that the parents know that the child is participating and are aware of it and give their consent.

SPECIAL PERMIT FOR CABINET SHOP

Waters presented to the Council the proposed Special Permit for John Duncan to open a cabinet shop. Waters stated it would need the Mayor's signature.

EARL REAVIS/CHIEF OF POLICE

RADAR GUN - DENIED

Since the Chief of Police was not present the Mayor presented to the Council for their consideration to purchase a radar gun. He stated there had been a bigger discount on the demonstrator. The Council discussed the possibilities of the radar gun but some of the Council felt there was other problems that needed taken care of. J. Cook moved to let Reavis purchase the demonstrator this month. The motion died for a lack of a second.

LOUIS KLEMP INTRODUCTED TO COUNCIL

The Mayor had the Council and City Officials introduce themselves to Louis Klemp. Mr. Klemp was newly elected to the Leavenworth County Commissioners from the 1st District.

LEO MARTELL/CITY ENGINEER

MONITOR REPORT FROM KANSAS DEPT. OF HEALTH & ENVIRONMENT

Martell stated he had received a copy of the monitoring report from the health dept. from the City Clerk but there wasn't any report for the quarter to go with it. Martell stated that there hadn't been any Leavenworth report for the fourth quarter, that he was aware of, that goes with the monitoring report. He would contact the City of Leavenworth to see why Basehor hasn't received a copy of the report. Martell would also send in the daily flow reading.

WATER STUDY

When asked how the water study was progressing, Martell stated it was slow but they were working on it. He figured it would probably be a couple of months before it was finished.

MICHAEL CROW/MUNICIPAL JUDGE

DECEMBER COURT REPORT

The fines for the December court was $501.00.

WILMA KIBLER/CITY CLERK

COMPLAINTS RECEIVED AT CITY OFFICE

The City Clerk reported she had received a phone call from a gentleman complaining about his trash pick up. He starting cussing the town, the trash pick up, the dogs and his trashy neighbors. He felt none of his complaints had been taken care of. After he hung up on the City Clerk he came in a little later to the City Offices with his trash can and slammed it down in front of the desk and started cussing on the same things.

The City Clerk received two calls on the Sewer and Solid Waste billing. They were upset about the three-month in advance billing. The one gentleman said he would not pay it this way that he would continue to pay one month at a time.

He also wanted to know what the City was going to do with the money and who would get the interest off of it. The lady that called felt the Council had not considered the older people in the town that was on fixed income. She said they did not have a salary and did not have the money to pay 3 months in advance. She was also concerned about what the City was going to do with the money and what would happen with the interest off of it. The Mayor stated he had told the City Clerk, and hoped he was right, that as far as the City was concerned the people could pay the bill a month at a time as long as the 3 months is paid up at the end of the 3 month period. A. Landauer asked the Mayor and the City Attorney if this quarterly billing could be done according to the ordinance or would the ordinance have to be changed to be able to do the collection this way. Waters stated it did say in the ordinance a number of times that it is a monthly fee. A. Landauer asked that Waters check the ordinance to see if the quarterly billing could be done this way or in order for the City to change the billing would the City have to go through an ordinance. Waters stated Section 19 in Ordinance 94 says the charges should be billed monthly. If the Council wished a different format Waters felt the people should be advised on the statement with their bill stating this is for the convenience and cost saving for the operation system that it is being billed 3 months at a time rather then monthly but that there is no penalty assessed upon them for not paying it in advance. Waters said the ordinance clearly states that it shall be billed monthly. A. Landauer questioned that in order to change that City ordinance the City Council would have to do so. Waters stated if that was the desire of the Council it would have to be an amended ordinance if this was to become the official action of the City. If it was the desire of the Council as an informal basis the City could leave the note with the billing requesting that they do this. If there would really become an issue on it, it would probably be better to have it formalized and put it on an amended ordinance. Right now it is an administrative decision with this note pointing out to them advising them of it. For it to become legislative there would have to be a change in the ordinance if you are going to enforce it. It was decided to leave it as an administrative decision. A. Landauer requested that she would like it be put in the minutes that she brought it up about the ordinance.

NOTICE & COMMUNICATION:

DISCUSS AUTHORITY OF THE MAYOR TO SPEND UP TO $200.00

The Mayor stated that there had been some discussion at the last month's meeting concerning the authority of the Mayor to spend up to $200.00. It was stated that this was for emergency use only. The Mayor stated the City had leased the property and the parking lot and driveway was not done for the convenience of the owner. When asked if the owner didn't profit from it the Mayor answered he didn't feel she did, not if the City uses up the lease. The Mayor stated the spending up to $200.00 was not for emergency use only. It was authorized for the repair and maintenance. He also stated the Council could do as they like. They could take the authority away from him, but he could not operate on the basis of emergency only, because then you get into the problem of who determines what is an emergency. The Mayor stated as far as he was concerned he had never abused his privilege of spending here in the City and he didn't intend to in the future, but the Council would have to take the emergency part off, which was not in there in the first place, or take it away from him whichever the Council wanted to do. The majority of the Council did not object to the Mayor spending the $200.00 as long as it was spent on public property and not private property. Mr. Waters was asked if the City Offices was private property or the City property. Waters answered it was private property. The Mayor was told he could spend the $200.00 on public property but did not have the permission to spend it on private property. J. Ebert moved, second by A. Landauer that the Mayor did not have the authority to

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spend the $200.00. J. Ebert amended the motion by adding on private property. Four yes-opposed one (J. Cook). Motion carried.

COUNTY COMMISSIONERS LETTER ON MAINTAINING 155th STREET

The Mayor read a letter the City had received from the County Commissioners stating that they will continue to maintain 155th Street since it is a County Secondary Road.

INTRODUCTION & CONSIDERATION OF ORDINANCE:

FIRST READING WAIVED ON ORDINANCE AMENDING SECTIONS 1, 5 AND 8 OF ORDINANCE #10

Waters proposed to the Council the amendment of Ordinance #10 on nuisance for their consideration. There was a discussion on the ordinance. A. Landauer moved, second by A. Goens to accept the ordinance. Five yes-opposed none. Motion carried. Waters asked if the Council wished to waive the first reading of the ordinance that there should be a motion waiving the first reading. A. Landauer moved, second by A. Goens to waive the first reading and adopt the ordinance on nuisance. Five yes-opposed none. Motion carried.

FIRST READING WAIVED ON ORDINANCE AMENDING SECTIONS 1, 2 AND 3 OF ORDINANCE #34

Waters presented to the Council a proposed ordinance amending Sections 1, 2 and 3 of Ordinance #34. He was very concerned about Ordinance #34 because of the handwriting on it and assumed this was the desire of the Council at that time. J. Cook moved, second by M. Sterner to waive the first reading and adopt the sewer fee change. Five yes-opposed none. Motion carried.

STREET & EQUIPMENT:

TRACTOR AND MOWER RECEIVED

The Mayor informed the Council the City had received the tractor and mower. It had been delivered about three weeks ago.

ALLEY BETWEEN RIPLEY AND OLIVE STREETS BLOCKED

A. Landauer stated she had had calls on the alley between Ripley and Olive. The complaint was that some of the people would like to have the use of the alley and it is not open. The reason the alley is closed is because of rubbish and things in it. The people are driving on the other people's property to get around the things in the alley. The Mayor stated the City would probably have to have the City Engineer set up property stakes or wait until the people on the corner put up a fence, since no one knew for sure where the property lines were located. The Mayor stated there would be a problem of the alley needing to be rocked because there are several big holes up through it. It was decided to have Reavis just go to talk to Schmutz to see if he would move the things out of the alley.

PARKING ACROSS NEW SIDEWALK

J. Ebert stated he had noticed people parking across the new sidewalk. It was discussed on what could be done to keep the people from doing this. It was decided to have the police department talk to the two families on this matter.

POLICE & PUBLIC SAFETY:

NO INJURIES FOR 1978

Kibler of the police department stated the City had no injury accidents in the year of 1978.

BATTERY FOR WALKIE TALKIE AND POLICE CAR

Kibler stated that the police department needed a battery for the walkie talkie and thought the cost would be around $40.00. He also stated the department needed a battery for the new police car. J. Cook moved, second by M. Sterner to purchase the two batteries, precisely the car battery, a Die-Hard, not to excede $100.00 on both items. Five yes-opposed none. Motion carried.

EXECUTIVE SESSION

At this time it was decided to go into an executive session to discuss the Municipal Judge position. J. Cook moved, second by M. Sterner to go into an executive session. Five yes-opposed none. Motion carried.

MEETING OPEN TO PUBLIC

When the Council came back from the executive session on the discussion of the Municipal Judge position into their regular meeting J. Ebert moved, second by J. Cook to appoint Ed Schneeberger as the new Municipal Judge. Five yes-opposed none. Motion carried.

ADJOURNMENT

J. Cook moved to adjourn the meeting.

Wilma R. Kilber

City Clerk