

CITY OF BASEHOR

LEAVENWORTH COUNTY
BASEHOR, KANSAS 66007

SCANNED

3-13-07 *OK*

Regular City Council Meeting February 6, 1979
7:30 p.m. at the Fairmount Township Hall

unapproved

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

MINUTES:

President of the Council Allen Goens asked if there was any additions or corrections to the minutes. J. Ebert asked if page 6 of the addition to the December 5 minutes were for approval. The City Clerk explained it was not, that this was the additions that the Mayor had asked be added to the December minutes. J. Ebert stated he did not remember all of it being on there and the latter part he did not remember at all. The Clerk asked Ebert if he meant the Mayor requesting that it be put in the minutes. Ebert stated no he was talking about the last paragraph that he did not recall it. The Clerk stated it was on the December tapes. Cook stated he could verify that part happening. Cook moved to approve the minutes. Ebert stated he would vote no because he would not approve minutes that contain a lie. When Goens asked what was a lie, Ebert said that was his statement and to put it in the minutes and he was not going to discuss it. Goens stated that normally the minutes were not voted on anyway that they would stand as approved. Ebert stated that there was a no vote from him and he wanted it recorded in the minutes as such. The minutes of the regular council meeting, January 3, 1979 were approved as printed.

TREASURER REPORT:

The treasurer's report was presented to the Council for consideration. Leo Martell, city engineer, entered the meeting. J. Cook moved, second by M. Sterner to reinvest c.d. #2656, c.d. #2830 and \$10,000.00 of the savings account in the institution where the City can get the best rate for three months. Four yes-opposed none. Motion carried. J. Cook moved, second by M. Sterner to accept treasurer's report and adopt appropriation ordinance #140. Four yes-opposed none. Motion carried.

PRESENTATION OF PETITION & REQUESTS (CITIZENS):

COUNCIL'S RECOMMENDATION ON POLICE PROTECTION FOR SCHOOL PROPERTY

It was felt that until Dr. Stansberry asked the school board if they would offer the City some financial help on it the City would be unable to do anything. It had been brought to the Council's attention that the school property was one of the better patrolled areas in town, since there had been so many problems there.

REPORT OF CITY OFFICIALS:

DOUGLAS WATERS/CITY ATTORNEY

He had nothing to report at that time but would have comments on some of the letters under "Notice & Communication". He also had some ordinances to present to the Council.

EARL REAVIS/CHIEF OF POLICE:

DISCUSS CADETS BEING COVERED BY CITY'S INSURANCE

There was no one present from the police department at this time but A. Landauer had a question concerning the age of the juveniles that are coming into the cadet program. A. Landauer wanted to know if the City insurance covered the 13 year old cadets. Waters stated he had not seen the policy so he didn't know. Cook stated that he felt the parental consent form released the City from liability unless gross negligence could be proved. Waters felt it would normally release that type

of liability unless it was a malice action on the part of the officer that was involved in the driving, such as, for instance, where he deliberately exceeded the speed limit without any provocation and there was an accident.

LEO MARTELL/CITY ENGINEER:

REPORT ON PROGRESS OF SEWER STUDY

Martell stated he would like to make a report on the sewer study. The E.P.A. Step 1 is due August of this year and the study had slowed down some in the office because of lack of technical assistance. Martell stated he is enlisting the help of Burns and McDonald as a consultant to him which will give the City a much better report. Martell will also have to get E.P.A.'s approval to do this. Martell wanted the Council's approval on the way he was conducting it. He stated it would not cost the City anymore.

UNDERGROUND HOUSES DO NOT MEET BUILDING CODE

Martell had done some more research into an underground houses and he found there are some touchy spots as far as meeting the Uniform Building Code. Martell stated when a City adopts the Building Code they can add to it or take away from it by ordinance. When asked if the Planning Board should make a revision and present it to the Council Martell stated that it would be one way.

EARL REAVIS/CHIEF OF POLICE:

PAYMENT OF LOST WAGES

Reavis informed the Council that one of the police officers had to take a day off from work to appear in Court at Leavenworth because of an appeal from the Municipal Court. In doing this the officer lost a day's wages from work. Reavis asked the Council to consider reimbursing the officer, and other officers that would be involved in a situation like this, either part of their wages, all of their wages or some other alternative. After discussing the request J. Cook moved, second by M. Sterner to retroactively pay the officer and any further occurrence at their normal daily rate of pay not to exceed \$75.00. Four yes-opposed none. Motion carried.

NOTICE & COMMUNICATION:

SEWER LATERAL #1 and #2 TRANSFERRED TO BOND & INTEREST FUND

Goens presented to the Council the letter from Bushman, Wolf and Wood recommending they transfer the balance in Sewer Lateral's # 1 and #2 into Bond & Interest Fund. A. Landauer asked if the Bond & Interest Fund was still with the Sewer Dept. and if the Bond & Interest was Federal funds. She was told yes. J. Ebert moved, second by J. Cook to transfer the balance of Sewer Lateral #1 and #2 into Sewer Bond and Interest Fund. Four yes-opposed none. Motion carried.

WOLF TO ASSIST WITH FIXED ASSETS

Mrs. Scherer, city treasurer, explained that she had talked to Mr. Wolf on setting up the Fixed Assets. He had advised her on how to start it. First, everything over \$200.00 evaluation will have to be recorded. The City will have to state where it was purchased, what fund the money was taken out of and date of purchase plus purchase cost. After all this is done a separate card will have to be made for each item and then it will have to be ledgered out. Mr. Wolf advised Mrs. Scherer to set up her inventory control sheet, figure up all this information with individual asset record card; and he advised when he is down here helping with the budget that he would take an extra hour and help her set up the ledgering of it. Mr. Wolf also advised to ignore the street lighting that it was optional and he would prefer not to get into that part. J. Cook moved, second by A. Landauer to take Mr. Wolf's suggestion and have him assist in setting it up at budget time. Four yes-opposed none. Motion carried.

CITY COUNCIL-PLANNING BOARD MEETING

It was decided to set up the meeting between the City Council and Planning Board on the Planning Board's regular meeting of February 19. A. Landauer moved, second by M. Sterner to meet with the Planning Board on February 19. Four yes-opposed none. Motion carried.

LOVVORN DECLINED TO PAY COST OF DRIVEWAY AND PARKING LOT

Goens passed the letter around for the Council to read, he stated Mrs. Lovvorn declined to pay for the gravel but had no objection to the work that was done. Goens stated since she declined to pay for it that the City had no choice but to go ahead and pay for it. Waters stated he would have to advise the Council that there really would be no chance of recovering it, if this was brought as an action against Sylvia for recovering it.

R. O. BARR'S COMMERCIAL HAULING PERMIT - APPROVED

A renewal permit for solid waste hauling from R. O. Barr, a commercial hauler, was considered. J. Cook moved, second by M. Sterner to renew Mr. Barr's commercial hauling permit. Four yes-opposed none. Motion carried.

MARCH & APRIL COUNCIL MEETINGS WILL BE AT CITY OFFICES

Goens stated that the March 6 and April 3 Council meetings are on Election Days so would the Council wish to change the dates or move the meetings to the City Offices, since the township hall will be occupied. If the dates are changed the Council will have to check with the township board before another can be set. It was discussed to hold the meeting at the City Offices and Mr. Warden stated he would give his permission to use one of the township's tables for the Council to use at the City Offices while holding their Council meeting. M. Sterner moved, second by J. Cook that the next two meetings be held at the City Offices, March 6 and April 3, and proper public notice be given. Four yes-opposed none. Motion carried.

INTRODUCTION & CONSIDERATION OF ORDINANCE:

SECOND READING AMENDING ORDINANCE #10(NUISANCE)

Waters stated this was the second reading of the amendment of Ordinance #10 regarding the addition of wrecked and salvage motor vehicles. J. Cook moved to waive the second reading and accept the amendments to Ordinance #10 on nuisance. A. Landauer asked Mr. Waters on the one part where it read that "whenever the Chief of Police of such City shall file with the Clerk" does this take all of the Mayor and Council control away from their action on it. Goens stated he felt it meant what the Chief of Police sees fit to be under this ordinance would be brought to the Council's attention--that it would come back to the Council. This was why Landauer asked Waters to explain it to her because to her the Chief of Police could go ahead and do this and the Mayor and the Council would not have any authority. Waters stated the way he saw it as it presently exists, the Chief of Police could use his own discretion on this and also be advised by the Council and individual citizens to where there may be a problem so that he can act on it. Waters stated to the Council the language that they were going over right now is as it is right now in the present ordinance it is not part of the amendment of this---the underlined sections are the sections that were amended. Mrs. Landauer stated it was a question she wanted asked because if the Chief of Police takes this away from the Mayor and Council then they don't have the right to say anything. She also stated this is one of the underlined words that is in there. Waters stated in the original ordinance the words "City Clerk" was in the place where the words "Chief of Police" has been inserted. Landauer stated she just wanted this brought out so the Mayor and the City Council has the authority over the police force. M. Sterner seconded Cook's motion. Four yes-opposed none. Motion carried. A. Landauer asked that her question be put in the minutes. Number 128 was assigned to the ordinance.

RESUBMITTED SEWER HOOK-UP CHARGE ORDINANCE

Waters explained that at the last meeting the Council had past the first reading of the amendment to Ordinance #34, on charges for sewer hook-up and when a vacant home charge started, subsequently he had been informed by the Clerk that the schedule that he had set up in accordance with what he had in handwriting on his Ordinance #34 was not complete in accordance with what she used at the City Office. Waters stated he had revamped the ordinance to include the fees that the City Clerk actually had been using and if the Council wishes to consider this it would be on a first reading because of the changes made. After much discussion the Council had a few minor changes and asked that self-service or automatic car wash be added as a separate category. Martell was to check into what price should be charged for a car wash. J. Cook moved, second by J. Ebert to waive the first reading and accept the ordinance. Four yes-opposed none. Motion carried.

STREET & EQUIPMENT:

MOTOR GRADER STARTING TO SHOW WEAR

Goens informed the Council that the motor grader was starting to show a lot of use. Goens stated the grader uses a lot of oil and the clutch is adjusted on it as far as it will go. He told the Council to keep this in mind and be prepared that the grader could be left in a snow drift someday.

POT HOLE MONEY QUESTION

J. Ebert had a question concerning the money that was received for pot holes from the state. He wanted to know if the City was specifically to fill pot holes with it. Ebert stated the money had been put in the fund for street repair but he wanted to know if this was in good faith with the state. Sterner and Goens stated that there were quite a few pot holes filled with the money.

SANDER FOR CITY DISCUSSED

Reavis asked the Council if the City would be interested in getting a sander to put on the back of the dump truck. Reavis said he had seen some in Kansas City that was used on the back of a pick-up but there was no reason they couldn't be put on the back of the truck. The sander holds about a yard of sand and they are all one unit with a small gasoline engine that will do the spreading. The Council asked Reavis to check into it for them.

ALLEY BEHIND SCHMUTZ DISCUSSED

A. Landauer brought up the subject of the alley that had been discussed at the last meeting. She stated that the people involved know where the property lines were located. The people also told Mrs. Landauer that all of the big holes in the alley had been filled last summer by the City help and City equipment and that all the people needed was to have the things moved out of the alley. Reavis asked if this was behind Lester Schmutz that the Council was talking about and was there suppose to be stuff in the alley way. Landauer told him there were some people that wanted to use that alley to get into their property in back but have to go over private property to do so. Reavis stated that there was a fence built over the alley at the other end. Cook stated he felt if the City was going to open the alley that they were going to open the entire alley. He stated he didn't like Lester Schmutz's junk any better then anybody but if the City was going to move Lester Schmutz's junk and open that alley the City should move somebody's fence and open the other end. Landauer agreed for all safety reasons it should be.

FINANCE & ADMINISTRATION

CHURCH FOR SALE

Goens informed the Council he had a note stating the First Baptist Church

property was up for sale. Bill Hooker asked that the Council be made aware that the property is for sale---this included the church, the parsonage, the white house and the lots to the north of the white house. Cook had been told the price was \$79,000.00 and he was also told that if the City bought the whole piece that the Church would rent the parsonage back from them if the City so desired.

PROBLEM WITH CARS PARKING ON STREET

Mrs. Oroke had a question to asked the Council which concerned the cars that are parked along the street. She said when the road grader goes by it had to plow around them which leaves a pile of snow there or maybe there's one car comes in where it had just been graded and parks with one side of the car over in the snow and the other in the street and there is no room for vehicle to pass. If the fire truck had to get down the street it couldn't get through. The problem was discussed but no action taken.

CARS PARKING ON SIDEWALK

Sterner asked Reavis if there had been anything done about the people parking across the sidewalk. She felt the people should be notified and if it doesn't stop they should be given tickets.

ADJOURNMENT

M. Sterner moved, second by A. Landauer to adjourn. Meeting adjourned at 8:45 p.m.

Wilma R. Kibler
City Clerk