

CITY OF BASEHOR

LEAVENWORTH COUNTY  
BASEHOR, KANSAS 66007

unapproved  
6-5-79 WOK

Regular City Council Meeting May 1, 1979  
7:30 p.m. at the Basehor High School study hall

First order of business was the presentation of the Oath of Office to the newly elected officers. Council members: Anna Mary Landauer  
Garry Eberth  
Milton Meyer

Council Present: Anna Mary Landauer, Garry Eberth, Milton Meyer, Allen Goens, Jim Cook.

Presiding: Mayor Clarence I. Worley.

Mayor Worley then presented the appointments for City Officials:

City Attorney: Douglas Waters---Four yes-opposed one (A. Landauer)

City Treasurer: Jane Scherer-----Five yes-opposed none

City Engineer: Leo Martell-----Five yes-opposed none

Chief of Police: Earl Reavis-----Four yes-opposed one (A. Landauer)

Municipal Judge: Daniel Carol-----Five yes-opposed none

City Clerk: Wilma Kibler-----Five yes-opposed none

Others Present: City Attorney, Doug Waters; City Treasurer, Jane Scherer;  
City Engineer, Leo Martell; Chief of Police, Earl Reavis;  
City Clerk, Wilma Kibler; Citizens of the community.

Mayor Worley submitted his recommendation for reappointment to the Board of Zoning Appeals: Charles T. Caldwell---Five yes-opposed none  
William Hooker-----Five yes-opposed none

MINUTES:

The minutes of the regular council meeting, May 1, 1979 were corrected and approved. The corrections are as follows: under DISCUSSION OF DAY-CARE CENTER it should be future instead of further also under LEASE/PURCHASE AGREEMENT ON A NEWER GRADER it should be Chamler instead of Chamer.

TREASURERS REPORT:

A. Landauer moved, second by J. Cook to reinvest c.d. 2656, c.d. 2830 and c.d. 2899 in the First State Bank or Citizens Mutual whichever pays the highest rate for 90 days. Five yes-opposed none. Motion carried.

A. Goens moved, second by A. Landauer to reinvest \$10,000.00 out of the Savings Account with the place that has the highest rate of interest for 90 days. Five yes-opposed none. Motion carried.

Questions concerning the treasurer's report were answered. A. Landauer moved, second by A. Goens to accept the treasurer's report and adopt appropriation ordinance #143.

PRESENTATION OF PETITIONS & REQUEST (CITIZENS)

REQUEST TO APPROACH COUNTY REGIONAL FOR COMPREHENSIVE PLAN - DENIED

John Novak asked the Council, since he was the representative of the City, if he could have their approval to approach the County Regional Planning Commission on the County looking into a comprehensive plan for all the cities in the County. He stated this would be cheaper for each city if the whole county did it together. The Mayor stated to Mr. Novak that the Council did not want to make the authorization right now. After much discussion between the citizens and Council on the subject the Council went to the item on the agenda.

PLANNING COMMISSION RECOMMENDS ADOPTING SEC. 8.1, ORDINANCE #75

The Mayor stated the Planning Commission recommended that the City adopt Sec. 8.1, Ordinance #75. This would allow a cabinet-making shop in the

SCANNED

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B-1 zoning area. At this time Doug Waters presented to the Council an ordinance for them to consider on cabinet shops being allowed in B-1 zone. After considering it J. Cook moved, second by A. Goens to waive the reading and adopt the change in Sec. 8.1, Ordinance 75. Five yes-opposed none. Motion carried.

PLANNING COMMISSION RECOMMENDS THE ZONE CHANGE BE DENIED

The Mayor stated the Planning Commission recommends the petition of change of zone from "R" to "I-2 be denied. John Tillotson, attorney from Leavenworth, asked if he could approach the Council. Mr. Tillotson stated he represented the landowner for the change of zoning. Tillotson asked if the Council had a written report from the Planning Commission. Tillotson stated his client stated he was turned down for lack of conformity with the city's master plan. Tillotson asked if this was what had been relayed to the Council. The Mayor read from the Planning Commission's letter that the petition be denied because it did not conform to the comprehensive zoning plans. Tillotson stated the tract lies east of an area which is designated on the 1972 plan as being appropriately used for industrial types of uses. He stated the tract lies in an area that is totally unplanned and has never been zoned pursuant to this master plan in his view. That it is simply land which was incorporated into the City. Tillotson stated the land remains in the classification R "rural or residential" because no other use has ever been assigned to it. He felt their position is that the logic which led to the consultant designating the adjacent property as appropriate for industrial use in 1972 applies equally to this property; and because it has not been assigned some other use is not a reason for denying the petition. He stated in other words because the Planning Commission has assigned this lack of conformity with the master plan as the reason, it's really a fallacious reason in that there never has been any use assigned to this property; and therefore the use assigned to the adjacent property which was obviously studied is one that is appropriate. Tillotson stated this property is situated right on the edge of the principal drainage area on which the City of Basehor is located and according to the master plan the City of Basehor drains to the west or where the City's sewage treatment facilities are located so this property could be easily serviced with the City utilities from that standpoint. In addition, this property is located next to high traffic areas and improved roads making the class of best use an industrial type use. The landowner, Bernie's Excavating Co., Inc., a corporation owned by Bernie Barge, intends to construct a service and garage facilities for his trucks and equipment for maintenance and repairs. Barge would propose using approximately one-half of this tract for his purpose, the other half would be available for other commercial or industrial development. Barge's uses are not ones that would require a lot of visibility and what he would propose to use is the easterly most portion of this property. So Barge would be making available in the City of Basehor a tract for future development for either commercial or industrial use which obviously is something that all the cities are interested in because of the effect on the tax base. Barge has offered to construct, at his own expense, a street to city standards to serve this property. He said obviously he has to have access, but he will do it in such a manner as to make this a street that could be dedicated to public use and acceptable to the City for future maintenance. Tillotson feels this is an appropriate request and one that ought to be granted by this City Council. Cook stated he was concerned about the aesthetics of this operation and also the nebulous terms in which the rest of the property is being discussed. Cook was not calling anybody a liar or saying it was being misrepresentative but in the discussion he

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had heard he got the feeling there was more intended than was being told but even if there wasn't he was not convinced that this is the sort of thing the city would want. Cook also stated if the attorney was talking about fallacy that it was fallacious to assume just because something has not been assigned a use that it must be assigned a use. It was stated that R is the lowest zone Basehor has and I-2 is next to the very highest. This is a 6 or 7 step change and it opens up a lot of possibilities that the city may not want. Cook stated that the city has kind of a mess on that end of town anyway and there was two ways you could look at it. You could say well you already have a mess and a little more won't hurt but Cook chose to say let's stop the mess now and live with what the city has and learn from the city's errors. Cook didn't feel what had been proposed for the use of the property would add that much to the tax base. Goens stated he agreed with everything that Cook had said. He also felt that anytime the city makes a change on something like that, it can be jumped all over town and soon the whole town will be spot zoned. Goens said he felt the city should stay with zone that is there. He also stated that there is property for sale that is zoned industrial, but if someone can buy a piece of property cheaper and have the zone change to what they want, it would be to their advantage but not to the city's advantage. Cook stated there would be proper buffering on this zone change, that this is one of the basic problems with the comprehensive plan now. Cook felt with the whole 40 acres going into I-2 zoning and residential and rural on both sides there would be no way to properly buff the area. J. Cook moved, second by A. Goens to uphold the Planning Commission's recommendation and deny the zoning change from R to I-2. Four yes-opposed none-abstained-one (A. Landauer). Motion carried.

HOBBS SPLIT OF LOT - APPROVED

The Mayor stated that the Planning Commission's recommendation of the petition of Charles and Karolyn Hobbs for split of lot pursuant of Ordinance 127 be approved. J. Cook moved, second by A. Landauer that the City accept the recommendation of petition for split on Mr. Hobbs lot. Five yes-opposed none. Motion carried. There was a stipulation that Mr. Hobbs would have to deed to the city by quiet claim deed an additional 20 feet of road frontage since the lots were on a county road, designated as an arterial street in the comprehensive plan. J. Cook amended his motion, second by A. Landauer to agreement prusuant to the proper procedure on the 20 feet right-of-way. Five yes-opposed none. Motion carried.

DATE SET FOR WAYNE WOLF TO PREPARE BUDGET

The Mayor stated that the Council needed to set a date in June for Wayne Wolf to prepare the budget for 1980. The Council decided on June 15 (Friday) at 7:30 p.m. in the City Offices.

REPORT OF CITY OFFICIALS:

DOUGLAS WATERS/CITY ATTORNEY

RESOLUTION #5 - FOR DAY-CARE CENTER IN FIRST BAPTIST CHURCH

Mr. Waters stated that at the last Council meeting there had been a discussion about a special use permit to allow the First Baptist Church property to be used as a day-care center. Waters then passed around a draft of a resolution to that effect for the Council to consider before it was signed by the Mayor. J. Cook moved, second by A. Goens to adopt Resolution No. 5. Five yes-opposed none. Motion carried. It was decided by the Council that the resolution should be amended that May 2 should be May 1, May 10 instead of May 1 and Regular to Special. J. Cook moved, second by A. Landauer to amend the Resolution. Five yes-opposed none. Motion carried.

LEO MARTELL/CITY ENGINEER

BILL FOR PENS AND CHARTS GIVEN TO COUNCIL

Martell stated he had to get a supply of pens and charts for the flow meters. He presented the bill from Coffman Industries, Inc. to the city for \$139.88.

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MONITORING REPORT FOR DEC. 1, 1978 THROUGH FEB. 28, 1979

There was a discussion on the monitoring report from the state. It was decided that Martell would have to get in touch with the City of Leavenworth to try and find out when they make their test on the lagoons so he could get the tapes of the daily flow to them. This way the state would have it for their report. Martell stated he would make a written report to the state on the BOD<sub>5</sub> Concentration within the 15 days allowed.

ANOTHER SOURCE OF WATER

A. Landauer passed around to the Council copies of an independent study on water supply for a new subdivision near Tonganoxie. Martell explained the wells that serve Basehor and the proposed well are both coming out of the same water vein. Martell stated that no one knows how long the source of water will last.

POUPPIRT BUILDING PERMIT

Martell stated there is a request for a front porch in Poupirt addition to be extended beyond the setback line, according to subdivision regulation, by 3 feet. Martell stated the way he reads the zoning regulation the person should apply for a variance. He can't give them a permit to go across the line without a variance. The people have a signed petition from everybody within 200 feet which is the same thing as what is required by the Planning Commission. The Planning Commission sends out notices to everybody within 200 feet and then they have a public hearing for the reaction of the people. As far as Martell is concerned as building inspector they have a 45 foot setback in that addition, the biggest in town, and 3 or 5 feet isn't going to hurt the appearance of the neighboring homes on those big lots. Waters felt it should be submitted to the Planning Commission for their consideration.

REPORT ON STREETS

Martell stated they had not met with Harbour to look the streets over as of yet. Martell felt with Harbour's prices he had available he could make a report on it himself. Martell stated he did not have a contract with Harbour as yet for the streets.

ED SCHNEEBERGER/MUNICIPAL JUDGE

APRIL COURT FINES

The April Court report stated there was \$274.25 in fines collected.

EARL REAVIS/CHIEF OF POLICE

NEW TIRES FOR POLICE CAR.

Reavis stated the patrol car **needs** two new tires for the back so they could take the snow tires off. He figured the price would be around \$40.00 each. J. Cook moved, second by A. Goens to approve the purchase of two tires not to exceed \$100.00 for the patrol car. Five yes-opposed none. Motion carried.

INSURANCE FOR CADETS DISCUSSED

Reavis asked Waters if he had found out any **more** information on the insurance coverage for the cadets. Waters stated at the last meeting Mr. Tice had advised that the city's insurance and the insurance of the juvenile or his parents would cover any normal situation where a juvenile was injured while on this program; unless he was in a situation where he was acting as an agent or employee of the city, such as if he was asked to go out and direct traffic and he's hit by a car. Tice is saying the City would need a workman compensation program to cover situation of employment if this was what the city was going to get into with the ride along program. Tice indicated to Waters such a coverage program would be expensive. After much discussion the Council asked Reavis if he would be willing to draw up a Code of Ethics for the police officers to follow where the cadets are concerned so the City wouldn't be put in a situation where they would be held liable. Reavis was then directed by the Council to draw up a Code of Ethics. Reavis was also to get with Waters and the insurance man to know exactly what the city has to guard against.

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NOTICE & COMMUNICATION

LETTER FROM U.S.D. 458

The Mayor read a letter from the Board of Education asking the Council to waive the sewer hook-up fee of \$200.00 for the new Board of Education Office. A. Landauer moved, second by J. Cook that the city waive the hook-up fee for the Board of Education Office. Five yes-opposed none. Motion carried.

1979 DISTRICT SCHOOLS FOR WASTEWATER OPERATORS

The Mayor explained that the city had a letter stating the towns that would be holding the schools for wastewater operators. They were Russell--May 16 and 17 and Atchinson--Oct. 10 and 11 but the city clerk called and found out there will be a school sometime in August at Lawrence. They will have the school and examination for certification.

INTRODUCTION & CONSIDERATION OF ORDINANCES

SECOND READING TO CHANGE MEETING PLACE OF COUNCIL

Waters presented to the Council for the second reading the ordinance that changed the meeting place from the township hall to the study hall at the high school. J. Cook moved, second by A. Landauer to waive the second reading and accept the ordinance pertinent to change of meeting place. Five yes-opposed none. Motion carried. The number assigned to the ordinance was 130.

DRAFT ORDINANCE ON PLAT SIZE CONSIDERED

Waters presented to the Council for their consideration a draft of an ordinance changing Sec. 3.2 of Ordinance 46 so that final plats that are presented may be uniform in size. The Register of Deeds office had requested that all plats be 24" x 36". The Council discussed whether they had a choice on if they had to comply to the request. The Council decided to table the ordinance until they had to comply. Waters will check with the Register of Deeds on the matter.

POWER TAKE OFF COVERED

Goens stated that the power take off had been covered on the tractor which the state had said needed to be done.

GENERAL CLEAN UP WEEK

A. Landauer asked if the City was going to have a general clean up in town so everything could be gotten in order all at once especially up and down 155th Street. She felt the Mayor and Council should have a general clean up week for everybody to clean up their property.

LAWSON'S PROPERTY

The Mayor asked the Chief of Police if Lawson's property had been cleaned up. Reavis stated that it changes from day to day except for the pile of brush. It was decided that the chief should talk to him and explain if it was not cleaned up and stopped there would be a complaint signed against him.

SALVAGE YARD AD IN NEWSPAPER

A. Landauer asked if anyone had seen the ad in the newspaper stating that C & L Salvage would buy and pick up junk cars and trucks. The Council discussed what they should do with the matter. It was also discussed whether the city could prove that Lonnie's was operating a salvage yard. J. Cook moved, second by M. Meyer that the city direct Reavis to issue a complaint. Four yes-opposed one (A. Goens). Motion carried.

FINANCE & ADMINISTRATION

PUBLISHING DELINQUENT NAMES IN NEWSPAPER - DENIED

The Council discussed publishing the names of the people that was delinquent on sewer and solid waste billing. The Mayor stated the Council could do whatever they wanted but he was not in favor of it. Waters stated the city may collect delinquent fees or charges like the county. If the city decided to do so there are set procedures such as mailing the schedule of fee and the

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amount of delinquencies to the property owner and hold a public hearing for them to voice any protest they might have on having it placed on the property tax roll. In Waters opinion the city may also use publication of the delinquent list in addition to any other collecting process that the Council may wish to take. Waters stated it would need to be done by resolution but he would feel better if it was done by ordinance. A. Landauer moved, second by A. Goens that the City do like we did last year for the city clerk to send out the letter and get the balance on the tax rolls. Five yes-opposed none. Motion carried.

DISCUSSED BUYING PROPERTY

The Mayor stated approximately a month or two ago he approached a gentleman concerning a piece of property for the city. The Council was informed of this at a work session and their feelings was that the city should look some more to see if something less expensive could be found. Cook said he would do so and he had found something. It was decided to go on with the agenda and leave this to the end of the meeting.

SHELVES FOR CITY OFFICE - TO GET BID

A. Landauer stated she felt the city offices needed more shelves so it would be a little more presentable. She asked the Council if they would allow her to get a bid on this. The Council so directed her to get the bid and bring it back to the next meeting.

PRICE SET FOR CABINET SHOP TRASH PICK-UP

The Mayor stated the trash truck had started picking up the cabinet shop. He needed the Council to establish a charge for it. He stated the sizes of the barrels were about 20 to 30 gallons and were made of cardboard. The shop has had 20 to 25 barrels of trash a week. After a discussion J. Cook moved, second by A. Goens to set the charge at \$30.00 a month. Five yes-opposed none. Motion carried.

FUND FOR REPLACING EQUIPMENT ON TRASH TRUCK NEEDED

The Mayor stated some type of fund should be established for the solid waste department with so much being paid in each month for replacing equipment. He asked the Council to be thinking about it and discuss it at next month's meeting.

HOSPITALIZATION FOR EMPLOYEE

The Mayor stated he had discussed with the Council about an hospitalization insurance plan for the man that is employed for the city. He presented a plan to the Council along with a suggestion for a retirement plan. He stated the charge for the husband, wife and one child is \$67.72 a month for the insurance and the city could set up an account and pay into it for retirement. J. Cook moved, second by M. Meyer to increase the benefits on the job, at this time, to \$75.72 including \$8.00 a month into an retirement plan and \$67.72 for hospitalization. Five yes-opposed none. Motion carried.

EXECUTIVE SESSION

J. Cook stated that as far as the executive session he wanted to discuss the real estate and also some administration consideration concerning the Planning Commission. J. Cook moved, second by A. Landauer to go into executive session for 10 minutes until 10 o'clock for the purpose of discussing the real estate transaction and the Planning Commission administration. Five yes-opposed none. Motion carried.

REGULAR MEETING RECONVENES

J. Cook moved, second by A. Landauer to reconvene the meeting and end the executive session. Five yes-opposed none. Motion carried.

NEGOTIATE FOR PROPERTY

J. Cook stated at a work session there was discussion of purchase of a piece of property but in the meantime the city had found that Sam Kemler owned about an acre immediately adjacent to the township hall and the Council felt that this is contiguous with the post office, township hall and city. J. Cook

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moved, second by A. Landauer to empower Mr. Waters to enter into the negotiation with Mr. Kemler on the property at the figure discussed in the executive session. Five yes-opposed none. Motion carried.

DISBAND PLANNING COMMISSION

In discussion in executive session of the Planning Commission Cook felt that the Planning Commission is irretrievably off the beam to what their function should be and is causing great problems for people trying to deal with the city by putting unnecessary stumbling blocks in front of every effort. They are also being unreasonably coerced by Mr. Hrabak so at that time Cook moved, second by A. Goens that Basehor by ordinance disband the Planning Commission. Five yes-opposed none. Motion carried.

ADJOURNMENT

J. Cook moved, second by A. Goens to adjourn the meeting. Meeting adjourned at 10:15 p.m.

*Wilma R. Kildee*  
City Clerk