

SCANNED

3-13-07 *AK*

CITY OF BASEHOR

LEAVENWORTH COUNTY
BASEHOR, KANSAS 66007

unapproved
7-3-79 WSK

Regular City Council Meeting June 5, 1979
7:30 p.m. at the Basehor High study hall

Council Present: Anna Mary Landauer, Garry Eberth, Milton Meyer, Allen Goens, Jim Cook.
Presiding: Mayor Clarence I. Worley.
Others Present: City Attorney, Douglas Waters, City Clerk, Wilma Kibler, City Treasurer, Jane Scherer, City Engineer, Leo Martell, Chief of Police, Earl Reavis, Citizens of the community.

MINUTES:

The minutes of the regular meeting, May 1, 1979 were approved as printed.

TREASURERS REPORT:

A. Landauer moved, second by A. Goens to reinvest c.d. #2574, c.d. #2735 and c.d. #4192 with the place that has the highest rate of interest. A. Landauer rescinded this motion and moved to leave the c.d.'s where they were and reinvest the ones at First State Bank for three months and the one at Citizens Mutual for six months. Five yes-opposed none. Motion carried.

SPECIAL COUNCIL MEETING AND PUBLIC HEARING MINUTES:

The minutes of the special council meeting and public hearing meeting, May 10, 1979 were approved as printed.

TREASURERS REPORT:

J. Cook moved, second by M. Meyer to accept the treasurer's report and adopt appropriation ordinance #144. Five yes-opposed none. Motion carried.

PRESENTATION OF PETITIONS & REQUESTS (CITIZENS):

RICKEL'S SUBDIVISION NO. 4 - DENIED

Norman E. Holmes presented Rickel's Subdivision #4 to the Council for their final approval. Leo Martell, city engineer, had approved the final plat. Goens asked the Mayor since three of the Council members lived within 200 feet of the project should they abstain from it. The Mayor stated he hoped they didn't. Cook stated he had no personal feelings about it developing or not developing. He felt he could make a reasonable decision on it. When Meyer was asked he agreed. After looking over the plat and much discussion about the lift station for the sewers, the availability of water and the roads being a benefit district instead of bonds being posted, J. Cook made the motion to deny the subdivision but it was brought to the Council's attention that a motion was already on the floor to accept the plat. Mayor Worley asked A. Landauer if she had made the motion and she said yes. She stated she had moved that from the plans that she had seen and the discussion that she had heard she felt the Council should accept the subdivision. J. Cook second the motion. One yes-four-opposed (G. Eberth, M. Meyer, A. Goens, J. Cook). Motion denied.

OWEN'S APPLICATION FOR LOT SPLIT

Mr. Owen and Mr. Walker requested the Council to approve a lot split and a building permit. Leo Martell looked at the building permit and approved it with the stipulation on the estimated cost being \$28.00 per square footage of house. The people were told the lot split application should be left at the City Offices when they picked up the building permit. The Mayor stated the permit would not be allowed until a driveway tube was installed and the driveway established. The tube should be 18 inches in diameter and 24 inches long.

EXECUTIVE SESSION ON WATER DISTRICT AND PLANNING COMMISSION

J. Cook moved, second by A. Landauer to go into an executive session for the discussion of the water district and on the Planning Commission pertaining

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to the communication from Mr. Waters for about 10 to 15 minutes. Five yes-opposed none. Motion carried. The executive session on the communication from Mr. Waters on the Planning Commission would be privileged in the attorney-client relationship. The Council went into the executive session at 8:45 p.m. and at 9:06 J. Cook moved, second by M. Meyer to adjourn the executive session and reconvene the regular meeting. Five yes-opposed none. Motion carried.

ACQUISITION OF RURAL WATER DISTRICT #4 - DENIED

Cook stated in view of the discussion in the executive session he moved that under Kansas Statute 12-527 that the City Council start negotiations for acquisition of the Rural Water District #4 in an effort to provide a better supply of water, more continuity in management and better control in government for the City of Basehor. Goens stated he did not feel this matter should be pushed as the Council had approximately 30 days before the water study would be heard and he felt the Council should wait the 30 days. It is the taxpayers money that the Council asked to spend for a study and he felt it should be spent as approved to do so. The Mayor stated there should be a second to the motion before there was any more discussion on the matter and M. Meyer second the motion. G. Eberth asked Mr. Waters to read the statute that Cook had quoted, which he did. The Mayor called for the vote with two-yes-two opposed (A. Goens, A. Landauer)-one abstained (G. Eberth). Landauer stated she felt they should wait for Martell's water study. Mayor Worley stated under the circumstances he felt the Council should wait the 30 days for the study and the decision could be made at the next Council meeting so his vote on the motion was no. Motion denied.

COUNCIL REINSTATED PLANNING COMMISSION

J. Cook moved, second by G. Eberth to rescind last month's motion to abolish the Basehor Planning Commission and replace the abolishment with; to break with the Leavenworth County Joint Planning Agreement under which the City has advisory assistance of Mr. Bob Hrabak. Five yes-opposed none. Motion carried. Doug Waters stated since the Council voted to withdraw from the joint planning agreement that was entered into with Leavenworth County and other cities in the community under which advisory assistance was available through the county planner Mr. Robert Hrabak. That agreement provides that upon written notice to the County Commission by the City they will be automatically terminated from that plan as far as participation of Mr. Hrabak in further meetings with the planning commission. G. Eberth moved, second by A. Landauer to have the city attorney write a letter to the county commission of the City's withdrawal from this agreement. Five yes-opposed none. Motion carried.

REPORT OF CITY OFFICIALS:

DOUGLAS WATERS/CITY ATTORNEY:

Waters stated at the last meeting there was a direction that a complaint be lodged against Lonnie's Salvage Yard, the issue of inoperable or wrecked vehicles on the premises. The citation was issued and this matter came up for hearing at the last court session. During testimony at the hearing there was testimony by city officials that the City of Basehor had in the past and is at present using this facility for disposal of vehicles for want of other places to take them. This was when Waters stated that it was incongruous for the City to be charging an individual on one hand of being in violation of the ordinance and on the other hand using the services that he is providing. Waters felt there was a conflict and that the Council should be aware of this. After much discussion with Lonnie Brizendine the Mayor stated he felt at this time the Council needed a motion and a vote from the Council to determine whether the Council is talking about a salvage operation. Waters stated

if the Council accepted it as a bus, garage and repair shop it would be under proper zoning under I-2. A. Landauer stated Lonnie's did sound like it was a bus, garage and repair shop under I-2 so she moved that the Council accept it that way, second by A. Goens. Five yes-opposed none. Motion carried. Waters stated with that vote and understanding by the Council he would request that the pending charges should be dismissed against the gentleman. J. Cook moved, second by G. Eberth to drop the charges. Five yes-opposed none. Motion carried.

PROPOSED CONTRACT FOR PURCHASE OF REAL ESTATE APPROVED

Waters presented to the Council for their consideration the proposed contract for purchase of real estate. After a discussion G. Eberth moved, second by J. Cook to offer the contract to Mr. Kemler. Five yes-opposed none. Motion carried. A. Landauer asked who the Council would appoint for the escrow agent. Waters stated he didn't know what Mr. Kemler's position on this would be, but Waters suggested that it be the City Clerk. A. Landauer moved, second by A. Goens to have the City Clerk as escrow agent if Mr. Kemler so accepts. Five yes-opposed none. Motion carried.

MUNICIPAL COURT DATE CHANGED

The Police Department and Municipal Judge asked if the Council had any objection on having Municipal Court on the second Monday each month at 7 p.m. instead of second Saturday at 11 a.m. The Council had no objection.

EARL REAVIS/CHIEF OF POLICE:

APPROVAL TO FIX THE AIR CONDITIONER ON CHEVY PATROL CAR

Reavis stated the air conditioner on the Chevy patrol car wasn't working and it would be approximately \$100.00 to repair it and would like the Council's approval to have it fixed. J. Cook moved, second by A. Goens to allow the repair of the air conditioner not to exceed \$110.00. Five yes-opposed none. Motion carried.

APPROVED EQUIPMENT PURCHASE FOR ISABELL

Reavis stated that the department had a partial uniform for Mike Isabell. He would need a pair of pants, leather and a vest. Isabell is scheduled to patrol in the middle of the month. The cost of the outfit for Isabell would be approximately \$200.00. A. Goens moved, second by J. Cook to approve the request. Five yes-opposed none. Motion carried.

FRANK EYERLY WILL BE LEAVING

Reavis informed the Council that Frank Eyerly would be leaving after the last of July. Since it was too late to have a new phone number published in the phone book the new operators of the cafe said if they received any calls during the day they would either call Frank or the City Clerk about it. They discussed different possibilities to the situation but did not come up with a solution.

LEO MARTELL/CITY ENGINEER:

CONTRACT ON STREETS

Martell stated he and Bob Harbour had looked at the streets and he had a contract with Harbour Brothers. The contract is not to exceed \$20,000.00. Martell felt prime and seal would be as good as double seal for the streets and this is what he would recommend the City use. The total sum was distributed as follows:

Seal Coating (18,000 gal. - 0.25 per., 0.25 seal)	11,700.00
Cover Material (Chips) 450 tons	4,500.00
Repair of Subbase, Shoulders, Material	
Machine Time and AB-3 Base	2,270.00
Miscellaneous, Hauling, Etc.	1,530.00
	<u>20,000.00</u>

J. Cook moved, second by A. Landauer to accept the road contract with Harbour as advised by Mr. Martell. Five yes-opposed none. Motion carried.

BURNS AND MCDONNELL LETTER ON U.S. ENVIRONMENTAL PROTECTION AGENCY'S GRANT

Martell read a letter from Burns and McDonnell on the status of the Basehor Facility Plan for the U.S. Environmental Protection Agency's grant. The letter would be on file at the City Offices.

LEO MARTELL/MUNICIPAL ENGINEER:

DANIEL CARROLL/MUNICIPAL JUDGE:

MAY COURT REPORT

The total fees collected for May Court was \$629.25.

WILMA KIBLER/CITY CLERK:

CONFIRMED DATE FOR PREPARING BUDGET

The Clerk informed the Council that Wolf said he would be able to come out June 15 at 7:30 p.m. to help prepare the budget.

DATE SET FOR PUBLIC HEARING ON DELINQUENT SEWER AND SOLID WASTE PEOPLE

The Clerk asked if July 12 would be alright with the Council to have the public hearing for the delinquent sewer and solid waste people. It was satisfactory with them. This would be at 7:30 p.m. at the high school.

MUNICIPAL JUDGE REQUESTED THE CLERK TO BE AT COURT

The Clerk said she had talked to the Municipal Judge and he would like to have her at court. It was discussed and decided to offer the clerk a flat fee of \$20.00 to attend the court. J. Cook moved, second by A. Goens that the Council instruct Wilma Kilber to be the Court Clerk at the rate of \$20.00 per session. Five yes-opposed none. Motion carried.

POUPPIRT'S VARIANCES ON BUILDING PERMIT

The variances for Derald Poupirt was discussed. The Clerk explained that the Planning Commission stated it was not for them to decide on a variances and it should go to the Board of Zoning Appeals. There had been a question on this that unless a variance had been denied, there would be no reason for it to go to the Zoning Appeals. After checking the ordinance it should go to the Zoning Appeals and their decision would be final. The City Attorney stated he felt the Board of Zoning Appeals could waive the public hearing since the neighbors had already signed a petition approving of what Derald Poupirt was doing.

LANDAUER'S DAMAGE ADJUSTMENT

The Mayor read a letter from Wilma Landauer on the damage done to her antiques and personal property when the Basehor sewer flooded her basement with sewer water and debris. The damage adjustment Mrs. Landauer was asking the City for was \$5,800.00. The attorney felt this should be discussed in an executive session in case there should be a law suit on the matter. The Council decided to put it last on the agenda.

LETTER COMPLAINING ON THE WAY THE SEWER AND SOLID WASTE IS BEING BILLED

The Mayor read a letter from a person who had not understood the billing on the sewer and trash. She felt the procedure should have been explained a little better.

FINANCE & ADMINISTRATION:

DISCUSSED PURCHASING CHRISTMAS TREE

The Mayor explained that some people had asked if there was going to be a tree every year for Christmas. The Mayor questioned if it would be better to plant a tree and eventually lose the tree or would it be better to try to buy a tree of any size every year. It was discussed that this Christmas the City could think about buying a nice balled Christmas tree for around \$15.00 or \$20.00 and plant it on Mussett's property and let it grow. This way it would solve the problem of worrying about buying a tree every year. It was asked by the Council if they could have a month to think about it. The Mayor said this could be tabled till September there was no need to worry about something until the deadline.

SIX HOLIDAYS FOR EMPLOYEE

Cook stated he had asked that the holiday for the maintenance man be put on the agenda because there had been a holiday on a Monday recently and the maintenance man didn't get the holiday and he was highly upset about it. Cook said there are 10 designated legal holidays but felt there was 6 that the employee should get. They are 4th of July, Memorial Day,

Labor Day, Thanksgiving Day, Christmas Day and New Years Day with the stipulation they do not fall on Saturday to interfere with the trash truck. In the event of a holiday falling on Saturday the employee would be given a compensatory day for it either ahead of Saturday or it could be worked out. J. Cook moved, second by G. Eberth that the Council allow the maintenance man the 6 holidays that were mentioned to be worked out in case there is a conflict with the trash route. The Mayor stated that the Council was going to give the maintenance man 6 holidays, he then wanted to know if the Council wanted to establish a policy on how it would be determined on what days. Cook stated he felt this would be an administrative decision and he felt this should be left to be worked out around the particular holiday. The maintenance man may prefer a Friday and the Mayor may not prefer to have him off three days in a row so it may work out. When the Mayor asked if the Council was going to make the decision on what days he takes off, Cook stated he thought the Council was prepared to back the Mayor on that decision if it is negotiated with the employee. The vote on the 6 holidays was five yes-opposed none. Motion carried.

SEWER & SOLID WASTE:

SOLID WASTE RATE INCREASE

Cook stated that on the solid waste pick-up the City had been charging the same rate for 2 years and with the cost of the fuel, labor and benefits he felt rather than wait until things became critical and also to get some extra money in escrow for the possibility of a back up truck or replacement of the present truck he felt there should be a rate increase to \$4.00 a month. J. Cook moved, second by M. Meyer that the Council increase the solid waste rate to \$4.00 a month effective July 1. Five yes-opposed none. Motion carried.

MAYOR'S REQUEST TO COUNCIL ON EMPLOYEES

The Mayor asked the Council that in the future if the employees approach anyone of the Council with a problem would they please not discuss or encourage the employee in any way and would they please bring the problem to him or take it to the Council and then bring it to him or whatever rather than giving the employee an answer or any encouragement in any way. After much discussion on the matter, Cook stated at this point since the Mayor would not be specific that it be made a matter of public record that he did in no way give Mike Isabell any direction or firm answer on his conduct or anything that he could do contrary to what the Mayor had directed him. Cook stated if the Mayor is trying to make innuendoes then it is just dead wrong unless he can be more specific. Cook said he did make directions to Isabell after his phone call to the Mayor and the Mayor told Cook to take over the trash route. That was when Cook called Isabell back and made arrangements to run the trash route and that was the only directive that was given.

EXECUTIVE SESSION ON DAMAGE CLAIM FROM LANDAUER

A. Goens moved, second by G. Eberth to go into an executive session to discuss the damage claim made by Wilma Landauer. Four yes-opposed none-abstained-one (A. Landauer). Motion carried. The Council decided to be in executive session for five minutes.

REGULAR MEETING OPENED

A. Goens moved, second by A. Landauer to open the regular session. Five yes-opposed none. Motion carried.

LANDAUER'S DAMAGE CLAIM - DENIED

Waters recommended to the Council on the claim that Wilma Landauer sent to the City on May 21, 1979 that he be authorized to send a letter to her denying the claim. G. Eberth moved, second by A. Goens to authorize Waters to do so. Four yes-opposed none-abstained-one (A. Landauer). Motion carried.

G. Eberth moved, second by A. Landauer to adjourn.

Wilma R. Kilde
City Clerk