

SCANNED

3-13-07

CITY OF BASEHOR

LEAVENWORTH COUNTY

BASEHOR, KANSAS 66007

unapproved

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1-8-80
SUM

Regular City Council Meeting December 4, 1979
7:30 p.m. at the Basehor High study hall

Council Present: Anna Mary Landauer, Garry Eberth, Milton Meyers, Jim Cook.
Presiding: Mayor Allen Goens

Others Present: Douglas Waters, city attorney; Leo Martell, city engineer; Sherrie Magaha, city clerk; Earl Reavis, chief of police; Carol Sindlar, Leo's Secretary; citizens of the community.

MINUTES:

The minutes of the November 6, 1979 meeting were approved as printed.

TREASURER'S REPORT:

The council agreed to stagger CD's so that one would be coming due each month of the year rather than the present system. Garry Eberth moved to reinvest CD #460 for six months at Citizens Mutual and put CDs #2574 and #2735 in the passbook account and stagger them so the city has one coming due in January and one in February. J. Cook seconded the motion. 4 yes. A. M. Landauer moved to adopt appropriation ordinance #149. Second by G. Eberth. 4 yes.

PRESENTATIONS OF PETITIONS AND REQUESTS

VAN CLEAVE REQUEST

Robert Van Cleave made a request to be notified of any special meetings held by the council.

WEEKLY DEPOSIT OF CHECKS

The council discussed the deposit of checks which are kept at city office for nearly a month. A. M. Landauer moved to have a weekly deposit at the bank. After some discussion about creating CD's when enough money is on hand, A.M. Landauer amended her motion to have a weekly deposit of checks into the savings account or if it's \$10,000 or more to purchase a \$10,000 certificate of deposit. J. Cook second. 4 yes. Motion carried.

SNOW FENCE DISCUSSED

Mayor Goens brought to the council's attention a request he'd had from Mrs. Norma Barron on Ripley Street for a snow fence. He told the council that the Barron property is out of the city limits about 300 feet but the city removes snow up to the Barron driveway since the plow has to turn around there. He also said the Pebleys who reside inside the city limits and who are Barron's neighbors had approved of the fence. After considerable discussion the council decided the snow fence be denied this year as it could possibly set a precedent. A question was raised about installing street lighting and how the city decides where street lights are located. The city has no set ruling on this but usually they are placed where absolutely necessary.

KEMLER REQUEST FOR HALF OF PURCHASE PRICE OF PROPERTY HE IS SELLING TO CITY

Mayor Goens told the council that Mr. Kemler had again approached him about paying half of the purchase price (\$3,750) for the property the city is purchasing, prior to the end of the year. Leo Martell told the council the survey of the boundaries was complete and in order. Mayor Goens said Mr. Kemler had asked for one half of the price now and half after the first of the year just as long as he didn't have to receive the total amount all in the same year. A.M.Landauer moved to pay Mr. Kemler half of the purchase price of the land. J. Cook second. 4 yes. Motion carried. At this time, Mr. Waters passed around the real estate contract between the city and Mr. Kemler for the council's approval and the proper signatures.

WAYMIRE'S CEREAL MALT LICENSE APPROVED

The council recognized a request from Olin R. Waymire for renewal of his cereal malt beverage license. J. Cook moved to renew Waymire's cereal malt license. A. M. Landauer, second. 4 yes. Motion carried.

AUDIT COMPLETE

Mayor Goens told the council that Wayne Wolfe had completed the audit of city books and all was found to be in order. The cost of the audit was \$2,355.

M. STERNER IN HOSPITAL

J. Cook told the council that M. Sterner was not in attendance at the meeting as she was hospitalized at Bethany Hospital.

REPORT OF CITY OFFICIALS

DOUGLAS WATERS/CITY ATTORNEY

LAWSON ALLEGED SALVAGE OPERATION

Mr. Waters told the council that he had tried with unsuccessful results to contact Mr. Lawson and the owner of the property in question, to come to the meeting. He suggested the council could use the amended ordinance #10, which includes a clause concerning salvage vehicles, to make Mr. Lawson clean up the property and stop the salvage business. He said Lawson was also allegedly carrying on the salvage business in the improper zoning which does not comply with the city's zoning ordinance. Mr. Waters said he would get with the police chief and they would draw up a letter of nuisance to send to Mr. Lawson and if he did not comply within 10 days, a complaint would be filed for prosecution in municipal court. Mr. Marion McBrien, a citizen, told the council that he had contacted numerous people on Parallel and almost all were upset with Mr. Lawson's activities. The council gave Mr. Waters the go-ahead to bring action against Mr. Lawson in the form of the letter of nuisance.

DISTRICT COURT PROBATION SERVICE CONTRACT

Mr. Waters recommended that the council stay with the Leavenworth District Court probation services as they are very helpful in Basehor's Municipal Court proceedings. He passed around the contract between the city and Leavenworth District Court for council approval. The contract would be in affect for one year from Jan. 1, 1980 to Dec. 31, 1980. A.M. Landauer moved to accept the municipal court contract with the county for one year. M. Meyer second. 4 yes. Motion carried.

EARL REAVIS/CHIEF OF POLICE

SHOCKS NEEDED FOR PATROL CAR

Mr. Reavis reported the police car needs shock absorbers on the front end. The council directed him to purchase the needed shocks. He also told the council that the old Ford police vehicle was in bad shape and the council might be thinking about this for action at some later date.

LEO MARTELL/CITY ENGINEER

REPORT ON WASTEWATER FACILITY GRANT: GIVEN BY CAROL SINDELAR

Mr. Martell turned the EPA report on the wastewater facility to Carol Sindelar for her comments to the council. Ms. Sindelar told the council that the sewer facility plan is currently being reviewed by EPA, KDHE, MARC and the Division of State Planning and Research. She said that initial review comments from EPA indicate that there is a possibility that the interceptor C and pump stations may not be eligible for Federal participation. EPA and KDHE asked for further justification which has been sent for their further review. She also indicated that KDHE is also going to require a standby aerator at the North Lagoon at a cost of \$6,100 which would raise the estimated cost of construction of the project from \$171,000 to \$180,500 (construction and engineering costs). The city's share of the cost (25%) can be passed on to developers and to individuals wishing to hook into the sewer. She said a typical hook-up fee would range from \$250-\$500 which means the city could recoup its investment. Mayor Goens asked Ms. Sindelar about the shopping center lagoon and how they stand with the state. He said that he was wondering if this interceptor line the city could justify some of this if the city would have to hook them on. He asked if that would help justify some of the funding. Leo Martell said it probably would if they have had any problems. Mayor Goens said they had 5 years before something had to be up-graded and it has been 3 or 4 years now. Ms. Sindelar said it could be possible but to wait and see what EPA had to say. One thing, she said, Basehor soil is not suitable for septic tanks and that without the interceptor this could cause major problems and this, in itself, was favorable for the funding.

A. M. Landauer asked with the increased cost how much would the user's cost be increased. Ms. Sindelar said the user's cost would be approximately \$9.70 per month and quoted the actual breakdown of the cost. Mrs. Landauer asked the mayor and council if they felt the present users should pay for the construction or those coming in in the future should pay. J. Cook said, generally we are in non-compliance at this time so even if no one moves into the town we're still going to have to do something. Cook stated it was

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something in which the city has no choice only a few minor methods of how it's done. Mrs. Landauer said she felt the people who are going to use the facility in the future should pay a higher fee than the ones presently on the system. Ms. Sindelar stated the user's fees would have to be prepared and be approved by Regional Administrators prior to the construction so it's not something that only the city has a say in. She asked the council to note a copy of the time breakdown for each step in the sewer facility construction from the application of funding to completion, of which the council had copies. J. Cook moved to approve the facility plan. G. Eberth second. 3 yes, 1 no, A.M. Landauer. Motion carried. J. Cook asked Mrs. Landauer why she voted no and she answered I don't think the present users need to pay this extra fee: the developers of the land should carry the cost.

J. Cook asked Mr. Waters if he had anything on the bond issue procedure. Mr. Waters said he had no memorandum but what the city was looking at was a general obligation revenue bond to be financed all or in part by revenues by the sewer operation. It would have to be an election approved by a majority of voters. He said he did not believe it could be set up as a benefit district.

J. Cook asked if the issue could be put on the April primary ballot and Waters said it could. Mr. Waters was directed to see what was necessary to have it put on that ballot. At this time, Ms. Sindelar asked the council to appoint someone, by resolution, to sign the numerous documents for the sewer grant funding. J. Cook resolved that the council appoint Allen Goens as the official representative and signer in all government matters pertaining to sewer improvement.

MIKE WILLCOTT/MUNICIPAL JUDGE

NOVEMBER COURT REPORT

The fines collected for November totalled \$340.50.

SHERRIE MAGAHA/CITY CLERK

TYPEWRITER STILL NOT WORKING AT OFFICE

Mrs. Magaha reported the large typewriter at city office was still not working properly. She said the bill for the previous repairs had not been paid due to this. The council directed her to have the machine returned for proper repair.

POSTING OFFICE HOURS

Mayor Goens suggested the new office hours be posted at city office and be made a matter of record. The new hours are Monday, Tuesday, Thursday and Friday from 9 a.m. to 1 p.m. The hours are to be posted on the office door.

NOTICE AND COMMUNICATION

CRISIS EVACUATION MEETING

A letter was passed around from Leavenworth Emergency Preparedness announcing a meeting concerning crisis evacuation to be held January 10, 1980.

LETTER FROM PLANNING COMMISSION ON McCREARY LOT SPLIT APPLICATION

Mayor Goens read a letter from the planning commission which recommended denial of a lot split requested by Patrick McCreary. The denial was due to five items omitted from the application. After some discussion, J. Cook moved to concur with the planning commission and deny the lot split at this time. A.M. Landauer second. 4 yes. Motion carried. Cook asked the clerk to write Mr. McCreary of the council's decision and enclose a copy of the planning commission's letter. He said if Mr. McCreary would re-apply and correct the omitted items in the application, the commission and council would re-consider the application.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE AMENDING STANDARD TRAFFIC CODE

Mr. Waters introduced an ordinance amending the Standard Traffic Code to include 'careless driving' and the fines for this offense. The council agreed to a fine of \$25.00 for the first offense and not less than \$50.00 or more than \$100.00 and 5 days up to 10 days in jail or a combination of both for the second offense for the violation of careless driving. J. Cook moved to waive the first reading and adopt the ordinance amending the Standard Traffic Code. G. Eberth second. 4 yes. Motion carried.

ORDINANCE AMENDING SOLID WASTE ORDINANCE

Mr. Waters introduced an ordinance amending the solid waste ordinance setting the fee for trash collection, the type of receptacles to be used for refuse, the permit fee for

hauling one's own trash and the clause allowing those 65 or older and / or disabled a discount on their trash collection fee. At this time, Cook asked Mr. Waters if a person would be in violation of the ordinance if he purchased a permit to haul his own trash and then have another trash collection service pick it up. Mr. Waters said the ordinance states that any person purchasing a permit must haul his own trash and to have another collection service to pick it up would be in violation of the ordinance. Mr. McBrien asked if he could purchase a \$10 permit before the first of the year as he wished to withdraw from the city service. Cook explained the new ordinance had not been passed as yet and if he bought the permit now it would cost him \$48 (12 x \$4). Mr. McBrien agreed to wait until after the first of January. J. Cook moved to waive the first reading and accept the amendment of the solid waste ordinance. M. Meyer second. Mayor Goens told the council that dumping fees had gone up to \$6.00 per ton at the landfill and the council may want to consider an increase in the monthly trash collection fee. After some discussion the council agreed to raise the collection fee from \$4.25 to \$4.50 per month. Mayor Goens called for the vote on the first motion. 3 yes, 1 abstain, A.M. Landauer. Motion carried. J. Cook moved to declare an emergency and waive the second reading of the amended solid waste ordinance and adopt. G. Eberth second. 3 yes, 1 abstain, A.M. Landauer. Motion carried. The ordinance was assigned #135.

FINANCE AND ADMINISTRATION

MEETING DATE CHANGED

The council agreed to change the January meeting date as it falls on New Years Day. The January meeting will be held January 8, 1980.

COPY PAPER RETURNED; NO PROOF OF RETURN

Mrs. Magaha told the council that Modern Business Machines was billing the city for copy paper which was returned in August and that there is no proof of the return of the paper. Allen Goens asked the clerk to check with Mrs. Thorne to see if she knew how the paper was returned or any other pertinent information.

SEWER AND SOLID WASTE

FACILITY FUND DISCUSSED

The council discussed setting up the facility fund out of solid waste revenues which would be used for repair of heavy equipment. Mr. Waters was directed to prepare an ordinance which would give the council the authority to set up the facility fund.

AMENDING SOLID WASTE BUDGET

Mayor Goens said he felt the council should consider amending the 1980 solid waste budget as it could possibly run short next year due to escalating costs. The council directed the city treasurer to take care of the necessary steps to amend the budget to \$25,000 for 1980 so that a public hearing could be held prior to the January 8 meeting. The hearing time was set for 7:20 p.m. on January 8, 1980.

MEETING ADJOURNED

The meeting adjourned at 9:15 p.m.

Sherrie Magaha,
City Clerk