

CITY OF BASEHOR

LEAVENWORTH COUNTY
BASEHOR, KANSAS 66007

unapproved
5-2-78
LWKK

Regular City Council Meeting April 4, 1978

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 Worley.

Others Present: Douglas Waters, City Attorney; Virginia Williams, City
Treasurer; Wilma Kibler, City Clerk; Leo Martell, City
Engineer; Earl Reavis, Chief of Police; citizens of
the community.

MINUTES:

The minutes of the regular council meeting March 7, 1978 were corrected and approved. The correction was a following, under TREASURERS REPORT the vote to accept the report should have read two yes-opposed none, and two that did not vote. (A. Landauer, J. Ebert). A. Landauer requested a word change be made under RURAL WATER DISTRICT #4 BUILDING PERMIT APPROVED AND FEE WAIVED as she meant to say middle school rather than high school as reported.

TREASURERS REPORT:

M. Sterner moved, second by J. Cook to reinvest the \$10,000.00 from the savings account into a c.d. with the establishment that pays the largest amount of interest. Five yes-opposed none. Motion carried.

J. Cook moved, second by M. Sterner to accept the treasurers report and adopt appropriation ordinance #130. Five yes-opposed none. Motion carried.

PETITIONS AND REQUESTS (CITIZENS):

RURAL WATER DISTRICT #4 - INSTALL DRIVEWAY TUBE

Mr. Warden stated he had been to the County Engineer to see about obtaining a tube for the entrance off of 155th Street. While there he was told the County would come out and determined what size of tube would be required and install it for the water district. He asked the Council if it would be up to the County Engineer or the City Engineer to determine the size of tube. The Mayor stated since the County was suppose to maintain 155th Street that whatever they said would be fine with him.

WATER DISTRICT TO PAY ENGINEER FOR WORK ON TOWER

Mr. Warden stated that the Water Board approved paying all of the engineering work that Mr. Martell would be doing on the water tower.

BUDY - MUD IN YARD

William Budy stated he lived on South Circle Drive and wanted to know what the Council planned on doing about Bunce's tube as he felt the first big rain we had that he would have all the mud in his yard. He also stated there had been a "Stop Work Order" put on Bunce's house to get him to straighten this out but there had not been a thing done about it.

Martell stated that changing Bunce's tube would not stop the mud situation as it was coming down from North Circle Drive. He also stated the "Stop Work Order" was for the junction box and since then they had decided to move the culvert on the north end to fit the natural water flow.

SCANNED

3-22-07 *lt*

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The Mayor stated Bunce's tube was discussed at the last Council meeting and it had been settled between the Council and Mr. Bunce on what should be done. When Mr. Budy asked when it would be done Martell said in a week to 10 days.

RESPONSIBLE FOR OPENING DEDICATED RIGHT OF WAY

Dr. Rankin asked that Council who would be responsible for converting a dedicated right of way into a street. The street was Klamm Drive going west off of 156th Terr. The City Attorney asked if this had been brought before the Planning Commission. Rankin replied that it had and they told him to take it directly to the City Council. Dr. Rankin asked the Council that a vote be taken to give Waters authority to look into the procedures and present a plan to the Council at the next meeting.

A. Goens moved, second by J. Ebert to give Douglas Waters, city attorney, the authority to look into the procedures. Five yes-opposed none. Motion carried. Mr. Waters stated he would provide Dr. Rankin a letter of an opinion on the procedures and would give copies of it to the Council.

MRS. OROKE WARNS CITY ABOUT 155th STREET

Mrs. Oroke stated that last June the Mayor had told her the County was going to fix 155th Street and would like to know when the County would start. The Mayor stated he did not know and that the City had had a verbal agreement on this up until that day when he received a written agreement. The written agreement stated that the County will maintain 155th St. on a yearly bases. Mrs. Oroke then asked if that meant the County would fill the pot holes only and not redo 155th like the Mayor had stated last June. The Mayor stated it did as he had talked to Commissioner Vining and he indicated there would be no money this year as far as resurfacing and redoing 155th Street. Mrs. Oroke stated she had been told by Mr. Lewis that if the City had been warned about the street situation and there was any damage to a vehicle hitting one of the holes that the City was liable and would have to pay for it, and she was warning the City if anything happened to her car the City would be liable. Mrs. Oroke was also informed by a member of the Council about the holes on 155th Street. Cook stated it would be made a matter of public record and M. Sterner stated it was also a matter of public record that Mrs. Oroke was aware of the location of the pot holes.

SENIOR CITIZENS REQUEST

Mr. and Mrs. Elmer Dyster appeared at the Council meeting in behalf of the Senior Citizens. Mrs. Dyster stated that the building that the City Offices occupied is for sale and the Senior Citizens were interested in purchasing it for recreation of the group. She had several questions about the building that the Council answered for her. Cook felt his first duty was to give the City a chance at buying the building since he is on the Council and has power of attorney for the owner. He felt the City is in imminent danger of being without an office.

LETTER FROM EBERTH CONST. CO. COMPLAINING ABOUT 155th ST.

Steve Eberth read a letter to the Council from Eberth Const. Co. stating that when their tractor hit a large hole on 155th St. in front of Lee's Service station it caused a blow-out of two tires. When they talked with Mayor Worley about the maintenance of 155th Street they were told about the verbal agreement with the County. They wanted to know if there was a serious accident who would be responsible and felt the situation needed immediate attention. The Mayor stated this would be made a matter of public record in the minutes.

RENEW SPECIAL PERMIT ON TRAILER IN DANIELS SHOPPING CENTER

Joe Daniels stated it was time to renew the special permit for the trailer at Daniels Shopping Center and he was there to request it be renewed.

COUNTY OF LEAVENWORTH

LEAVENWORTH, KANSAS 66048

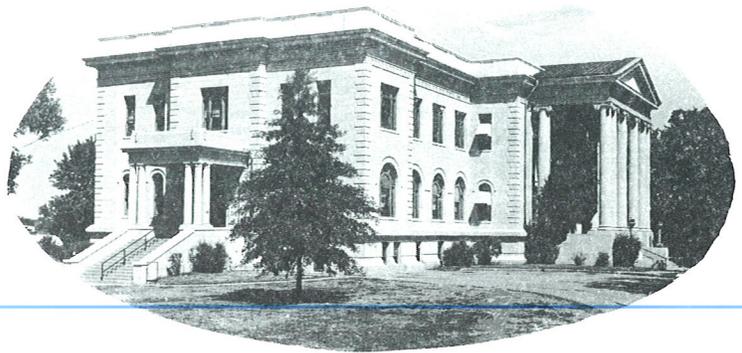
COUNTY COMMISSIONERS

HOWARD R. VINING, Chairman
Third District

JAMES B. LEWIS
First District

HENRY L. FOTH
Second District

Board Meets Monday, Tuesday, Wednesday and Friday
Area Code 913 — 682-8823



April 4, 1978

TO: Mayor, Basehor, Kansas

SUBJECT: Maintenance of 155th Street Basehor, Kansas

Dear Mayor Clarence Worley:

This is to confirm that the Leavenworth County Public Works Department will maintain 155th Street, Basehor, Kansas during Fiscal Year 1978.

Maintenance will be performed as soon as the roadway dries to a point that the patch will hold.

Board of County Commissioners
Leavenworth County, Kansas


James B. Lewis, Chairman

A. Landauer moved, second by A. Goens that the City renew the special permit for the trailer at the Daniels Shopping Center. Three yes-opposed two (M. Sterner, J. Cook). Motion carried.

STREETS IN POUPIRT ADDITION

A group from the Poupirt Addition were at the meeting complaining about 155th Terr. Mr. Waters stated that the street was a dedicated 60 foot public right of way through that area. The street was not an improved street and never had been accepted by the City. Mr. Waters suggested a benefit district be formed to repair the street but with Poupirt owning all the property on the west side of the street, which is outside of the city limits, he could vote it down. A member of the group stated there had been a verbal agreement according to Mr. Poupirt that the City had accepted the plat and he (Poupirt) would bring the street up to the City's specifications then the City would accept them. It was also stated that recently there had been three vehicles stuck at the same time and if for any reason a Care Unit or fire truck needed to get into the area it would have been impossible. The Mayor asked if any of them had contacted Mr. Poupirt on the roads. The group said not recently but did not feel it would do any good. A member of the Council said because of the public safety aspect it cast a different light on the subject and felt the City Attorney should check into it to which the Council agreed.

REPORT OF CITY OFFICIALS:

DOUGLAS WATERS/CITY ATTORNEY

COUNTY'S AGREEMENT ON 155th STREET

Mr. Waters passed around to the Council the letter from the Board of County Commissioners confirming that the Leavenworth County Public Works Dept. would maintain 155th Street during Fiscal Year 1978. That maintenance will begin as soon as the roadway dries so the patch will hold.

COURT ORDER ON BRYAN VS THE CITY OF BASEHOR

Mr. Waters gave a copy of a court order to each member of the Council that would be entered on the Bryan vs the City of Basehor at the end of the week. Waters stated the opinion received from the judge reversed an earlier opinion that he had made in favor of the City. The judge has ordered that a prorated portion of plaintiff's ad valorem tax payments for the tax year 1976 and 1977 be returned to them in relation to the Solid Waste funds. Waters stated there was no explanation for the reversal of the decision and there was some questions he had about the decision. He and the County Attorney's office are asking for some clarification on the matter.

WATER DISTRICT EASEMENT

Waters stated at the last meeting the problem that existed with the legal description of the easement for the new tower was discussed. Mr. Waters is still not satisfied with the legal description and will submit to Mr. Murray, attorney for the Water District, a proposal of a description for the easement so it is clear it is a 60 foot easement, a regular dedicated roadway.

SUGGEST LOT SPLIT ORDINANCE

Waters stated in reviewing the ordinances of the City he didn't feel the City had an adequate ordinance section handling lot splits and he would like to propose a draft of a new ordinance for the Council to consider at the next meeting.

LEO MARTELL/CITY ENGINEER

RESUBMIT APPLICATIONS TO EPA

Martell stated as the result of the meeting with the representatives from the Environmental Protection Agency everything that had been signed previously would have to be resubmitted. The Mayor signed Resolution 78-1, the old application that has been brought up to date for the EPA grant and a new contract for Professional Engineering Service with Leo M. Martell and Associates.

STREET PRICES FROM HARBOUR BROS.

Martell stated that Harbour Bros.' unit price for working on the streets for this year will be the same as last year's seal coating price and tonage on AB 3 price of \$8.00. If the City wanted an hourly rate on the blade it would be \$30.00, and if the City kept the blading separate from the rock it would reduce the rock \$1.00. Harbour Bros. will give the City both prices and the City can decide. The Council discussed the possibly of a bond issue for the streets. The Clerk was asked to put this possibly on the agenda in about two or three months to be discussed again. A. Landauer moved, second by A. Goens to have Leo Martell to get an estimate on the streets that have been listed. Five yes-opposed none. Motion carried.

CHAIN LINK FENCE AROUND METER AT SOUTH LAGOON

Martell stated he felt there should be a chain link fence put around the south lagoon meter as there is so much damage done there. The fence would be approximately 15 feet square and 6 feet high. J. Cook moved, second by M. Sterner the City allow Leo Martell to negotiate with Mac's Fence for the fence. Five yes-opposed none. Motion carried.

MICHAEL CROW/MUNICIPAL JUDGE

MARCH COURT DOCKET

The court fines for the month of March was \$177.00.

NOTICE & COMMUNICATION:

QUARTERLY MONITORING REPORT

The report was for the period from 12-1-77 to 2-28-78. Martell stated it was not a very good report.

KANSAS DEPT. OF HUMAN RESOURCES DIVISION OF EMPLOYMENT

Letter stating the City's contribution rate for the year of 1978 is 0.380% and the year eligible for rate reduction was 1981. Also enclosed were Notice of Refusal of Work forms.

PLANNING COMMISSION LETTER ON MODULAR HOMES

The letter concerning the motion and unanimous approval of accepting Rocky Range Plat which is located within the 3 mile limit. The Plat was signed.

The letter also stated that upon unanimous approval the Basehor City Planning Commission wanted to inform the City Council about three ordinances concerning modular homes. (Ordinances 35 (1b), 73 and 80) The Commission felt the Council should familiarize themselves with their contents and inform the City Clerk. The Council discussed the ordinances and the City Clerk was so informed.

FEAGLES SUGGESTING CENTRAL PICK UP FOR TRASH

A letter from the Feagles on the trash pick up saying they were not particularly pleased with Saturday morning pick up. They suggested a pick up point located centrally with the stipulation that all trash should be bagged or cardboard boxed, sealed and be at the pick up point by 10:30 a.m. for the residents that sleep late.

STREET & EQUIPMENT:

REAR TIRES FOR TRACTOR - APPROVED

A. Goens check the tires on the tractor and found one of the tires has 9/32th tread and the other tire 3/8 of an inch, while a new tire has an inch. He checked with three different companies and found Firestone store was the cheapest bid. Their price was \$346.36 to come out and change and put two new tires on. D & H Tire Co. price was \$431.10 and McDowell had new tire take off which is 10 ply for \$480.00 to do the whole job. The prices did not include tubes. A. Landauer stated D & H Tire Co. had given her a price on tubes at \$39.80 each.

J. Cook moved, second by M. Sterner to call Co-Op and take the lesser bid of the two places. Five yes-opposed none. Motion carried. When M. Sterner asked if the City was going to have new tubes put in Goens stated the company would tell the City if they needed to be replaced when they took them out. The Mayor directed Goens to check with Co-Op and Firestone on the price of new tubes.

FINANCE & ADMINISTRATION

J. Cook stated that City Hall is just about sold as Jim McClug called Monday saying the Senior Citizens had the money lined up and they liked the building. J. Cook felt he should offer it to the City first as the City has no other place to move at a reasonable rate and are not ready to build. The price of the building is \$12,500 with any incidental expenses to be paid by the buyer. A. Landauer presented a list of rental places she had called but at present time there was no vacancies available. Waters stated around 6:30 p.m. that evening he had talked to Wayne Wolf, the accountant, about it and Wolf thought the City could use the funds in the Sewer District Revenue Funds toward the purchase. Mr. Waters stated he had not checked the statutes yet but would. J. Ebert stated all he had ever found out is you can't even think about it and didn't see how the Council could sit there and hear Mr. Waters say that. He asked that it be made a matter of record. Waters gave several alternatives that the City could use to obtain funds.

Waters quoted. 5-2-78 WRK

J. Ebert stated that Eyerly's little house might be for rent for \$85.00 a month plus utilities which would be approximately the same the City is paying now which is \$125.00. The Mayor directed Ebert to check into it. A. Landauer moved, second by J. Ebert not to buy the present building that the City is now renting. Three yes-opposed none-two that did not vote (M. Sterner, J. Cook). Motion carried. J. Cook stated he would notify the City Clerk or the Mayor the instant the building is sold.

JENNINGS PRESENT PROPERTY TO COUNCIL

Ambrose Jennings presented drawings of his land he owned for the Council to study and discuss for possible building site for City Office.

SEWER & SOLID WASTE:

CHECK SPECIAL WAIVER FOR OPEN TRUCK WITH GARBAGE

J. Ebert questioned if the City had gotten a special waiver or did they need one from the state to haul garbage in an open truck to the dump. It would be checked.

PRICE FOR APARTMENT ON TRASH PICK UP

The Mayor stated he was asked by the owner of the apartment building if the Council could give a price to pick up trash at this place consisting of four units. J. Cook moved, second by A. Goens to charge the apartment building \$13.80 deciding that the apartment should pay per unit. Five yes-opposed none. Motion carried.

OUTSIDE CITY LIMIT REQUEST TRASH PICK UP

Gary Klinger, living about one mile outside the city limit, asked if the City would consider picking up his trash. The Council decided the City had all it could handle and if the City picked up one person outside the City there would be others wanting the same service.

ADJOURNMENT

J. Cook moved to adjourn. Meeting adjourned at 10:15 p.m.

Wilma R. Kibler
City Clerk