

CITY OF BASEHOR

LEAVENWORTH COUNTY

BASEHOR, KANSAS 66007

Regular City Council Meeting December 5, 1978
7:30 p.m. at the Fairmount Township Hall

unapproved
1-2-79

Council Present: Anna Mary Landauer, Margaret Sterner, John Ebert, Allen Goens, Jim Cook.

Presiding: Mayor Clarence I. Worley.

Others Present: City Attorney Douglas Waters, City Treasurer Jane Scherer, City Engineer Leo Martell, City Clerk Wilma Kibler, citizens of the community, Chief of Police Earl Reavis entered at 7:40 p.m.

MINUTES:

The minutes of the regular council meeting, November 8, 1978, were approved as printed only after there had been a discussion on the minutes not portraying all of the Council meeting. Councilman Ebert stated he had discussed this previously with the City Clerk and this was the way she wanted the minutes. He also wanted to know if she had any amendments to the minutes. The Clerk said she did not so Ebert stated he had to vote no on the minutes. When asked what it was in particular about the minutes Ebert stated it would not do any good to talk about it because it would not get into the minutes. Members of the Council stated if it was a correction that needed to be made and they had overlooked it they would like to know about it. Mayor Worley asked the City Clerk if she could very briefly explain it to them. She stated under the treasurer's report she had not put the discussion of the City Office parking lot and the driveway, plus she had not stated Mr. Ebert's reason for voting no. After a discussion concerning the omission of J. Ebert's statement from the minutes the Mayor said if it had been asked to make the statement a matter of record it should have been, but if it hadn't been requested then it wouldn't be a matter of record.

TREASURERS REPORT:

The treasurer's report was presented for consideration. M. Sterner moved, second by J. Cook to reinvest c.d. #2574 due 12-4-78 and c.d. #2735 due 12-8-78 at the place with the highest rate of interest for 90 days. Five yes-opposed none. Motion carried. These would be for \$10,000.00 each. M. Sterner moved, second by J. Cook to reinvest c.d. #401 due 12-1-78 for \$20,000.00 and c.d. #400 due 12-8-78 for \$11,400.10 for six months. Five yes-opposed none. Motion carried. On J. Ebert inquiry about Joe Carney's bill of \$244.56 and where the rock was used, it was found that two loads went on Landauer Street. The majority of the Council felt Johnny Landauer should be billed for the rock that was used and the cost of hauling it, since Landauer Street had not been officially accepted by the City as a city street. J. Ebert brought up that he felt the owner of the City Office should be billed for the rock that was used on the parking lot and driveway. When the question was brought up on the Mayor having the authority to spend up to \$200.00 members of the Council stated the \$200.00, the Mayor is allowed to spend without the Council's approval, is for emergency situations only when Council members could not be polled. The Mayor asked the Council if they could proceed with approving the treasurer's report and he would put the City Office parking lot and driveway matter elsewhere on the agenda so they could discuss it. J. Cook moved, second by A. Goens to accept the treasurer's report and adopt appropriation ordinance #138. J. Ebert stated he wanted to look the report over some more and if they wanted to go ahead and vote he would have to delay his vote. The vote for the treasurer's report was three yes-opposed two (A. Landauer, J. Ebert). Motion carried. It was decided to put the parking lot and driveway matter under the City Attorney's report.

SCANNED

3-22-07

PRESENTATION OF PETITIONS AND REQUESTS (CITIZENS):

KEY TO TOWNSHIP HALL TO SECRETARY OF PLANNING COMMISSION

Robert VanCleave, secretary of the Planning Commission, asked if he could get a key to the Fairmount Township Hall so he would be able to get to the Planning Commission filing cabinet when he needed to. Mrs. Scherer stated she had a key to the hall and she would turn it over to Mr. VanCleave.

ESPY RENEWAL FOR SPECIAL PERMIT FOR MOBILE HOME - APPROVED

Al Espy requested a renewal of a special permit for a mobile home on his property. It will be for the Espy's son, Thomas, and his wife while they are having a house built. A. Landauer moved, second by J. Ebert to accept the request for renewal of the special permit for a mobile home for one year. It was general agreement not to renew it again after this year unless under extraordinary circumstances. Five yes-opposed none. Motion carried.

LIVE NATIVITY SCENE

Mayor Worley read a note from the Basehor Area Association of Churches explaining that they were planning a live nativity scene the week of December 18. They asked the permission of the Council to use the electricity from the City Offices to light two flood lamps during the evenings and to leave one on all night. They also wanted to use the little room and office to store and change costumes and make coffee for the carolers and participants. This would be for a maximum of five nights.

CHRISTMAS TREE DISCUSSED

There was a discussion on if there would be a Christmas tree beside the City Offices this year. It was understood the Lions Club was going to plant a live Christmas tree at the high school grounds but didn't know if there would be a second one beside the City Offices.

COUNCIL APPROVED LIVE NATIVITY SCENE

When asked who would be opening and closing the City Offices, during the week of the nativity scene, for the people, the Mayor stated he was in hopes that some members of the Council would volunteer to do this. After some discussion several members agreed to volunteer their time. A. Landauer moved, second by A. Goens to accept the Council of Churches program for the Christmas season and for the use of the building if they like. Five yes-opposed none. Motion carried.

REPORT OF CITY OFFICIALS:

DOUGLAS WATERS/CITY ATTORNEY

CITY OFFICE PARKING LOT AND DRIVEWAY DISCUSSED

Waters stated according to the lease of the building, before any improvements to the structure or the outside grounds around the property is made the owner of the building should be notified in writing and then she would have the say to whether she would want this improvement done or not. Also on the Mayor authorized to spend up to \$200.00 this would be up to the Council to determine if this situation is an emergency or not and it would be subject to the vote of the Council for approval or disapproval. Waters felt since this is an improvement to the property the landlord would probably accept it, so at this time it would be up to the Council to vote whether if they approved or disapproved of the expenditure, and request in writing to the landlord if they have her approval to change the character of the property. The Mayor stated there was one other alternative. The Council could get a petition started asking for a recall on the Mayor which would be satisfactory to him if they wanted to do that. He also stated he would accept the results whatever they were. A heated discussion followed during which reference was made to the building permit signed by the Mayor on unplatted land issued to Jim Cook in August, 1977. Cook told J. Ebert if he felt there was something illegal about the permit he could see the county attorney about the matter. Some members of the Council expressed their feelings that there was no

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difference in sending a bill to the owner of the building as there was in sending one to Mr. Landauer. A. Landauer moved, second by J. Ebert to send the landowner a statement for the rock. Four yes-opposed one (J. Cook) Motion carried.

ECODYNE SMITH & LOVELESS DIVISION

Waters stated the Mayor had talked to the people concerning the City's bill with Smith and Loveless. They have dropped the labor part off of the bills and will be sending a bill covering the parts and transportation only for the settlement.

MAINTENANCE ON 155th STREET ON COUNTY COMMISSIONERS AGENDA

Waters stated he had met with the County Commissioners on the maintenance on 155th Street by the county and they had put it on their agenda this month for their consideration to give the City a written verification of whether they will or will not maintain 155th Street for 1979.

EARL REAVIS/CHIEF OF POLICE:

MOVING RADAR DENIED

Reavis presented to the Council for their approval the purchase of a moving radar gun for the police department. Reavis stated the M.P.H. Industries Inc. is out of Chanute with a factory in Lee Summit, Missouri. The cost of the radar was \$1,195.00 with the trade in of the old radar. This also includes a 5 year parts warranty and a 2 year warranty on labor. A discussion followed with J. Cook moving, second by M. Sterner to deny the request of the radar at this time. Five yes-opposed none. Motion carried.

POLICE DEPT. TO MOVE TO ADJOINING ROOM

Reavis asked the Council if they would consider letting the police department move into the little room in back of the City Office since they can't rent it. This would be done with the understanding if the City should rent the room the police department would move into the City Office. J. Ebert moved, second by J. Cook to allow them to move back if there is no difference in security and until such time that there is a renter for the space. Five yes-opposed none. Motion carried.

LEO MARTELL/CITY ENGINEER:

COOPERATION ON WATER STUDY

Martell stated that they have had very good cooperation from the water board, school board and Mr. Eyerly on obtaining information for the survey on the water study. They have presented a case to MARC and asked them to review the population projection for Basehor and MARC has agreed and will start a new study.

MICHAEL CROW/MUNICIPAL JUDGE:

NOVEMBER COURT REPORT

The November court fines totaled \$495.00.

WILMA KIBLER/CITY CLERK:

MONTHLY RAISE APPROVED

The Mayor read a letter from the City Clerk requesting a \$56.00 a month raise starting January, 1979. There was a discussion on the matter. J. Cook moved, second by A. Goens to approve the raise of \$56.00 per month with \$20.00 coming from the Solid Waste Fund, \$20.00 coming from the Sewer Fund and \$16.00 coming from the General Fund. Five yes-opposed none. Motion carried.

NOTICE & COMMUNICATION:

RENEWAL OF CEREAL MALT BEVERAGE LICENSE - WAYMIRE'S IGA FARM MART

Mr. Waymire applied for renewal of his license for retail cereal malt beverage for the Waymires IGA Farm Mart. J. Cook moved, second by A. Landauer to renew the Cereal Malt Beverage license. Five yes-opposed none. Motion carried.

CHRISTMAS & NEW YEAR GREETINGS

Council agreed to pay \$2.00 each for a Christmas and New Year greeting in

the Basehor Sentinel. Mrs. Magaha, editor, stated she requested this at the meeting since it was the only time she could approach them as a group.

BILL FROM KANSAS LEAGUE OF KANSAS MUNICIPALITIES

The Mayor presented to the Council the annual city membership and subscription for 1979 to the League of Kansas Municipalities. The fee is based on the City's population of 1,411. The membership and research subscription base charge is \$70.00 with a per capita charge (\$.05) \$70.55 and a valuation charge of \$28.75 bringing the total to \$169.30. The Kansas Government Journal subscription for eight journals is \$32.00 bringing the total for membership dues and subscription to journals to \$201.30. It was also stated that if it is possible have the journal sent to the city engineer. J. Cook moved, second by J. Ebert to approve the renewal of the annual city membership and subscription for 1979. Five yes-opposed none. Motion carried.

INTRODUCTION & CONSIDERATION OF ORDINANCE:

LOT-SPLIT ORDINANCE - SECOND READING

Waters presented to the Council the lot-split ordinance for the second reading. J. Cook moved, second by A. Landauer to waive the second reading and accept the ordinance. Five yes-opposed none. Motion carried. The number assigned to the ordinance was 127.

HOUSE NUMBERING IS COVERED BY ORDINANCES #40 AND #110

Waters stated at the last meeting Mr. Warden pointed out that there may still be some houses that have not changed their house numbers and wondered if the City would have a means to get them back into the system. After Waters reviewed the ordinances he found Ordinance #40 and #110 that covers the house numbering in the community with a penalty on anyone not in accordance with the ordinances, so Waters felt it was not necessary to draft an ordinance pertaining to this matter.

DISCUSSED ORDINANCE #10 ON NUISANCE AND PROPOSED SALVAGE YARD ORDINANCE

Waters presented to the Council, for their review, a copy of a change that he had made in Section 1 and 8 of the present Ordinance #10 on nuisance. Waters also passed around to the Council a proposed ordinance on salvage yards. The ordinance defined and set up regulations on a commercial salvage operation. The two proposed ordinances were presented to the Council for their consideration and information. There was a discussion on what changes the Council felt should be made in the ordinances. Mr. Waters will present the proposed ordinances next month with the changes made that was requested by the Council.

STREET & EQUIPMENT:

COUNCIL APPROVED PURCHASE OF TRACTOR & MOWER

The Mayor stated he had found a 1966 International 140 tractor and a belly-mounted mower that he would like the Council to consider purchasing. The cost of the tractor and mower was \$1,650.00. They would allow a \$100.00 trade in for the City's old mower. After much discussion J. Cook moved, second by A. Goens to buy the tractor and mower and trade in the other sickle bar. Five yes-opposed none. Motion carried. The Mayor stated there would be a \$50.00 delivery charge on it. It was discussed where the money would come from to pay for the tractor and mower. The Mayor stated it could come from the Sinking Fund until there was enough money in the Special Highway Fund for it.

SEWER & SOLID WASTE:

MUSSETT'S HOUSE AND DAIRY ON BILLING

The Mayor stated Jerry Mussett had asked if the City would pick up the trash from his house and from the dairy. The price for Mussett's house would be the usual fee of \$3.45 and the dairy would be \$6.00. J. Cook moved, second

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by A. Landauer to approve the trash pick up at the dairy and house. Five yes-opposed none. Motion carried.

FINANCE & ADMINISTRATION:

MAP STAND DELIVERED FOR CITY OFFICES

A. Landauer stated the Basehor Middle School had finished the map stand and she had delivered it to the City Offices and helped the City Clerk put the maps on it.

SEWER & SOLID WASTE:

TRAPPING MUSKRATS AT LAGOONS

The Mayor informed the Council that there is a young man from the cement company trapping muskrats at the lagoons.

CITY CLERK NOT BEING NOTIFIED OF NEW RESIDENCES FOR BILLING

The Mayor brought it to the Council's attention that after a builder has hooked up to the sewer line and sold the house there is no way that the City Clerk knows when someone has moved in unless she calls Darlene Peterson of the water district or reads the Real Estate Transactions in the newspaper because the people are not notifying her. The Mayor felt the builder should start paying a vacant charge on the sewer as soon as he hooks up the house to the main sewer line. Waters will check to see if an ordinance is needed to be able to do this.

ADJOURNMENT:

A. Landauer moved, second by J. Cook to adjourn. The meeting adjourned at 9:57 p.m.

Wilma B. Killeen
City Clerk

Regular City Council Meeting December 5, 1978 Additions

The addition by Mayor Worley at the January 2, 1979 City Council meeting under TREASURERS REPORT is as following:

"The Mayor stated when the people were applying for building permits there was some discussion on what should be done on the street and the Council more or less decided that sooner or later the City would have to take it over. A private party had been putting rock on the street but he didn't feel it was his responsibility anymore since the City had allowed houses built on the street. ~~The Mayor stated the Council had more or less said the street was~~ the City's whether they liked it or not, but officially it had never been accepted. The Mayor recalled he felt there should have been something done as far as the street was concerned before any building permits were issued. Also at the time the Council had discussed an agreement between the township and Landauer which had never been given to the City or the City ever being notified officially of the agreement. As the Mayor said before in the minutes if the Council would go back aways. it will verify that at the time when people were asking for building permits be issued the Mayor asked that the Council consider not allowing any building permits until it was determined who would be responsible for the street. At the time there was some discussion of an old agreement with the township in which some of the Council stated they were sure the City was going to be stuck with it. Because the City was going to have to honor this agreement so with that in mind for all practical purposes as far as the Mayor was concerned the City just as same as accepted the streets, and this was the reason that, with the Councils answers quite sometime ago, the Mayor put the rock on the street."

The addition by Mayor Worley at the January 2, 1979 City Council meeting under CITY OFFICE PARKING LOT AND DRIVEWAY DISCUSSED is as following:

"Cook stated that Ebert had spent a little of the City money in his day, that he remembered an incident where Ebert cost the City some engineer time. Ebert then stated that Cook took the Mayor's side on that deal so he could get a building permit on unplatted land."