

CITY OF BASEHOR

LEAVENWORTH COUNTY
BASEHOR, KANSAS 66007

SCANNED

3-22-07 *ST*

City Council Meeting October 5, 1976

Council Members Present: Mayor Clarence Worley Council-Margaret Sterner, John Ebert and Allen Goens.

Absent: David Cochran and Anna Mary Landauer.

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

Meeting was called to order by Mayor Worley.

MINUTES

Minutes of the regular September 7th meeting were considered. J. Ebert requested a word change and a deletion of a statement made by him stating he only made the statement once. These corrections were made and minutes were approved as corrected.

TREASURERS REPORT

M. Sterner moved to reinvest CD #113 of \$20,000.00 in CD's at Citizens Mutual. A. Goens gave a second to this motion. Three yes-opposed none. Motion Carried.

DILLON PERMIT CONSIDERED

Ray Dillon appeared to request a building permit in Rickel I-2 zone. Mayor Worley stated according to the Planning Commission minutes they feel no permits should be allowed until the area is platted. Much discussion followed with A. Goens making a motion to accept as presented and allow a permit to Mr. Dillon. J. Ebert gave a second to this motion. Two yes- one no (Sterner). Motion Carried.

ESPY SPECIAL PERMIT

A special permit for a mobile home to be located on the property of Alfred Espy located on Parallel was considered. This request is for their son and daughter in law. The daughter-in-law will be having heart surgery and will need extra care for herself and infant daughter. Following much discussion M. Sterner moved to allow this special permit for one year. J. Ebert gave a second to this motion. Three yes-opposed none. Motion Carried.

PETITION TO ANNEX

A petition for annexation from Billy and Kathy Howard was considered. This land consists of 0.548 acres more or less. M. Sterner moved to allow this annexation to the City of Basehor. A. Goens gave a second to this motion. Three yes-opposed none. Motion Carried.

LETTER FROM PLANNING COMMISSION CONCERNING KLINKENBERG

Mayor Worley then read the letter from the Planning Commission concerning the request from Naomi Klinkenberg to open Cedar street to serve her two lots. Much discussion followed with M. Sterner making the motion to allow Mrs. Klinkenberg to open the street at her own expense with AB3 being put on the road, she will be permitted to sell this property with City Engineers approval of the work done and with a bond for \$150.00 to cover seal coating costs. J. Ebert gave a second to this motion. Three yes-opposed none. Motion Carried.

LIBRARY BOOK MOBILE

Mr. Jim Hathaway, librarian from Leavenworth City appeared to present the possibility of Leavenworth County buying a book mobile. The County Commissioners have agreed if this purchase can be made they will petition Johnson County for the Library Tax money, some 18 thousand dollars, to be brought back to Leavenworth County since the service required would be provided. He went on to state this unit would be in Basehor one full day a week. Following many questions and much discussion J. Ebert moved to allocate \$500.00 from Basehor for this purpose. M. Sterner gave a second to this motion. Three yes-opposed none. Motion Carried.

LANDAUER VOTE

Attorney Waters stated according to K.S.A. 15-301 the Mayor has the obligation to vote to break the tie vote. Mayor Worley then read a written statement concerning his vote and directed this to become a part of the minutes. "Concerning the matter of the driveway drain pipe at the Robert Landauer residence, it is my belief they were wrong in entering upon Public Right of way and removing one 15 inch corrugated drain pipe and replacing it with an unapproved type small drain pipe.

The pipe removed was and remains the property of the City. As of this date it has not been returned to it's rightful owner.

There have been statements made, for example (1) the City has no ordinance stating the size of driveway drain pipes (2) The City should not try to enforce laws they do not have etc. It is my belief that such statements have no bearing whatever on the real issue involved, that is the control of Public right of way.

The governing body of this City, in considering a Civil Suit a motion was made to drop any further action, the vote was 2 yes, 2 no, and 1 abstaining. To those who have to settle the issue, there would be some doubt as to the City's sincerity in filing a suit when three of five members of the Council apparently was not in agreement with the action taken, for whatever reason they might have had.

In breaking the tie, I believe under these circumstances, I have no other alternative but to vote yes to the motion to drop any further action." This action concerning Robert Landauer caused the vote to be 3 yes- 2 no and 1 abstaintion. There will then be no further action at this time.

DELINQUENT SEWER & SOLID WASTE

Waters reported that Charles Turner, County Clerk, should be sending a certified letter of persons who have had this charge added to their taxes.

REAVIS--POLICE

Reavis stated he had applications to consider for the new police reserve officer. Discussion followed with a special meeting being set for October 15-7:00 at City Offices to interview applicants as well as several other matters. Reavis went on to state he had found a patrol car at Central Fire & Police for \$3,600.00. Following much discussion council felt the money was not available at this time.

MARTELL REPORTS

City Engineer reported on progress of the street specifications for Basehor. He stated at least two months would be needed to complete this project. Martell continued with report on power to lagoons. He stated that Ken Shoumaker of Kansas Power and Light stated if the property owners would put in writing that Kansas Power and Light can trim trees and keep them trimmed, the company will go that way with the power. Martell said two property owners are involved and that he will get the names. Martell also informed council of a talk he had with the State Health Department. The State told him if Basehor was in serious trouble with lagoons we would have been warned, as long as we are trying to comply, homes can be added to the lagoons.

NOVEMBER COUNCIL MEETING CHANGED

It was noted that the November council meeting would come on election day. For this reason council agreed the November meeting will be held November 9th.

MUNICIPAL JUDGE REPORT

Mayor read the municipal judge report for August and September which was 15 citations amounting to \$370.00.

CLERK REPORTS ON BUILDING PERMIT INFORMATION

The City Clerk presented council with permit fee information from surrounding towns. Discussion followed with the decision to continue the subject until the special meeting.

WAYNE WOLF COMMENTS ON CITY TREASURER

Mayor read a letter which was requested of Mr. Wolf as to his opinion on the City Treasurers position.

COUNTY COMMISSIONERS EXTEND CLERK'S POSITION

Mayor read a letter from the Leavenworth County Commissioners stating the City Clerks position has been extended till December 31, 1976.

VAN CLEAVE RESIGNES

Mayor then read the resignation received from Robert Van Cleave, Municipal Judge.

DON ROBERTS LIQUOR LICENSE

A. Goens moved to approve the renewal of a liquor license for Don Roberts. J. Ebert gave a second to this motion. Three yes-opposed none. Motion Carried.

ORDINANCE #111

Ordinance #111, an ordinance amending Section 20.1 of ordinance #75 regarding the Zoning and Planning Code was given a second reading. A. Goens moved this ordinance be adopted. J. Ebert gave a second to this motion. Three yes-opposed none. Motion Carried.

ORDINANCE #112

Ordinance #112, an ordinance authorizing the adoption of the Uniform building Code, the Uniform Housing Code, the Uniform Plumbing Code, and the Uniform Mechanical Code, and repealing Ordinances No. 9, 17 and 36 was given a second reading. M. Sterner moved adoption of this ordinance. A. Goens gave a second to the motion. Three yes-opposed none. Motion Carried.

ELECTRICAL FEE ORDINANCE

Waters read an ordinance on electrical fees. Several changes were made. Waters will re-draft and bring back for a first reading.

EBERT REPORTS ON LAGOONS

Ebert gave a full report on lagoon data. He stated we are up to capacity.

CONSIDER LOWERING SPEED LIMIT

Ebert asked council to consider lowering the speed limit to 20 miles per hour from Martha to 153rd Terr on to Leavenworth Road. No action. This subject was taken under advisement.

CITY PURCHASE OF ~~DUMP~~ TRUCK

Mayor Worley then presented the idea of the city purchasing a ^{TRASH} ~~dump~~ truck. Much discussion followed. No Action.

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CETA FUNDING APPLICATION

M. Sterner made a motion to fill out a CETA application for a waste water treatment operator and trash truck driver combined. This motion died for lack of a second.

M. Sterner then moved to adjourn. A. Goens gave a second to this motion. Three yes-opposed none. Motion Carried.

Sylvia Lovvorn
Sylvia Lovvorn
City Clerk