

MINUTES

BASEHOR CITY COUNCIL MEETING #2

May 27, 2003

7:00 PM

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

Members Present: Pres. Julian Espinoza (arrived at 7:14 p.m), John Bonee, Iris Dysart, William "Bill" Hooker, Keith Sifford

Staff Present: Mary Mogle, Gene Myracle, Baron Powell, Vince Weston, John Thompson, Joseph McAfee

The May 27th meeting of the Basehor City Council was called to order by Mayor Joseph Scherer. Roll called was answered with all members present except Julian Espinoza. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

A motion was made by K. Sifford and seconded by B. Hooker to approve the minutes of May 12, 2003 as written. All aye. Motion carried 4-0.

TREASURER'S REPORT

The city treasurer reported he invested \$50,000 in a certificate of deposit at the rate of 1.96% APY for a period of one year. He noted although that is an extremely low rate, it was the best one at this time.

A motion was made by I. Dysart and seconded by K. Sifford to approve the Treasurer's Report #2 (accounts payable list) as submitted. All aye. Motion carried 4-0.

(Council President Julian Espinoza arrived at 7:14 p.m.)

SCANNED

2-21-07 *lx*

STAFF REPORTS

City Clerk

City clerk Mary Mogle reported in the council packets were renewal bids for employee Health/Life/ADD insurance and the city insurance package which includes liability, property, linebacker, automobile and inland marine insurance. The clerk noted she received a fax shortly before the meeting from the insurance broker depicting an additional fifteen percent increase from Coventry. The increase would make Coventry health insurance higher than the United Healthcare bid. Her recommendation was to remain with United Healthcare but down grade from the KC6 plan to the KM-C plan to make it a little more affordable for both the employee and employer.

City Engineer

Engineer Joe McAfee submitted a report showing a time table and cost estimate for the 158th Street (between Parallel and 24/40 Hwy) grant project. Mr. McAfee stated if the City wished to wait to start the project in November of 2003, they would not have to pay out any funds until January 2004.

City Attorney

City attorney John Thompson submitted a summary for council review showing various pending legal matters. In Mr. Thomspson's opinion, the two lawsuits pending regarding zoning issues would be resolved prior to trial date. He noted he would be discussing the method of assessing court costs on citations in executive session. He requested the chief of police be invited to attend that portion of the executive session. Mr. Thompson also reported he was recommending an additional paragraph be included in the resolution regarding the Section 42 housing in Falcon Lakes Subdivision that does not bind the City to any future actions regarding the development. Mr. Thompson included in his packet a page from the League of Kansas Municipalities showing their web address. He encouraged Council to use the website to research any questions they may have regarding ordinances, resolutions and state statutes.

The city attorney questioned Mrs. Mogle if she knew if his malpractice insurance would cover him in conjunction with the City's linebacker policy. The clerk stated if he was acting at the direction of the city council he would probably be covered. However, if the city council felt he acted on his own accord, the board would most likely vote to not allow the City's insurance company to represent Mr. Thompson in any

personal litigation. She noted it takes a vote of the governing body collectively to activate the coverage for any type of litigation coverage.

OLD BUSINESS

Item #1. Resolution for Support of Application of Senior Housing (Falcon Lakes Subdivision)

Councilman Bonee stated he saw no problem with the resolution except a typo. Councilwoman Dysart stated she had a problem with the verbage "support" and felt it binded the council to future action regarding the project. The city attorney assured her it was a terminology that was accepted, and for the most part, required by the State of Kansas regarding this type of project. Mr. Thompson read the following paragraph suggesting it be incorporated into the proposed resolution.

Item #2. Mutual Aid Agreement with City's Lansing, Tonganoxie and Bonner Springs

Mayor Scherer reported other area cities are drafting similar reciprocating agreements and suggested tabling action until those agreements could be reviewed.

NEW BUSINESS

Item #1. Liquor Sales on Sunday

Councilmember's Hooker and Sifford went on record as opposing liquor sales on Sunday while members Bonee, Dysart and Espinoza were in favor. The board discussed in depth what hours and holidays should be written into the charter ordinance. The city attorney noted the council has the power to designate dates and times through the adoption of the ordinance.

The mayor stated although the City of Basehor does not receive revenue from retail packaged liquor sales at this time, passing liquor sales on Sundays would benefit local businesses. Councilman Bonee asked that the governing body look into regulating how many liquor stores and drinking establishments would be allowed within the city limits. (See Action Item #4)

Item #2. Appointment of Municipal Court Clerk

Appointment of Court Clerk is made by the municipal judge on an annual basis. (See Action Item #6)

Item #3. Agreement with Leavenworth County Regarding Wastewater from South of 24/40 Hwy (Cedar Lakes Subdivision)

Mayor Scherer explained the County Commissioners have requested the Council take a formal vote regarding the acceptance of wastewater from the Cedar Lakes Subdivision. The mayor suggested also including action regarding participation in the upsizing of the sewer line (in conjunction with the Pinehurst Development). (See Action Item #7)

Item #4. Award Bid for 24/40 Interceptor Line

Bids for the 24/40 Hwy Interceptor Project were opened on May 22nd with only three contractors submitting bids. The base bids were as follows:

Miles Excavating	\$1,244,200.00
Wilson Plumbing	\$1,394,987.00
Redford Construction	\$1,498,778.00

The bid will be discussed in Executive Session later in the meeting. (See Action Item #9)

Item #5. Renewal of Cereal Malt Beverage License On Premises for Doc & Bruties Pizza BBQ

Request is being made by the owner of Doc & Brutie's Pizza BBQ for a cereal malt beverage license at 2806 N. 155th St. No discussion at this time. (See Action Item #9)

Item #6. Employee Health/Life/ADD Insurance

Council discussed the various health insurance plans and costs. The city clerk explained if the council chose the KM-C United Healthcare plan, it would increase the City's contribution by approximately \$523.00 per month and the employees contribution by \$124.00.

Councilman Hooker questioned if the City was obligated to pay the employee's increase. The clerk responded at this time by stating the City Council has the right to choose any plan and any contribution. However, under Action Item #2, when Mr. Hooker asked the question again, the clerk noted the Employee Policy Manual would have to be changed since it reads the City will contribute 50% toward the employee's family insurance cost. (See Action Item #2)

Item #7. Contract with EMC Insurance for Liability, Automotive, Property, Linebacker and Inland Marine Insurance

Councilman Hooker noted the proposed policy did not show coverage for the Ford Taurus and Kenworth Truck. The clerk suggested tabling action until she could contact the insurance agent. (See Action Item #1)

Item #8. Schedule Worksession with County Commissioners Regarding Planning Area

Council agreed to hold a worksession with Leavenworth County at the June 16th monthly worksession.

CITIZENS AND PETITIONS**Item #1. No Written Requests Received From Citizens This Month****Item #2. Citizen Comments Regarding Agenda Items**

Mayor Scherer asked if there was any one in the audience who wished to speak for or against an agenda item. No one came forward, therefore, he closed the public portion of the meeting at this time.

ACTION ITEM**Item #1. Approve or Deny Contract with EMC Insurance for Liability, Automotive, Property, Linebacker and Inland Marine Insurance**

A motion was made by B. Hooker and seconded by K. Sifford to table the vote until the automobile coverage for the Taurus car and Kenworth truck could be verified. Council reserved the right to be telephone polled at a later date. All aye. Motion carried 5-0.

Item #2. Approve or Deny Contract with United Healthcare for Employee Health/Life/ADD Insurance

A motion was made by K. Sifford and seconded by J. Espinoza to approve the KM-C Health/Life/ADD plan with United Healthcare of Midwest as presented. All voted in favor except B. Hooker. Motion carried 4-1.

Item #3. Approve or Deny Text for Mutual Aid Agreement with City's of Lansing, Tonganoxie and Bonner Springs

A motion was made by K. Sifford and seconded by I. Dysart to table action for further study. All aye. Motion carried 5-0.

Item #4. Approve or Deny Charter Ordinance Adopting Liquor Sales on Sunday

A motion was made by J. Espinoza to approve the proposed Charter Ordinance allowing liquor sales on Sundays and exclude sales on Easter and Christmas. After further discussion Mr. Espinoza rescinded his motion.

A motion was made by J. Espinoza and seconded by B. Hooker to table action and direct the city attorney to contact Alcohol Beverage Control office and research the state statutes regarding dates and times for liquor sales. All voted in favor except K. Sifford. Motion carried 4-1.

Item #5. Appointment of City Engineer

A motion was made by K. Sifford and seconded by J. Espinoza to appoint Joseph McAfee as the city engineer for one year (expires May 2004). All aye. Motion carried 5-0.

Item #6. Appointment of Municipal Court Clerk

A motion was made by J. Espinoza and seconded by I. Dysart to approve the appointment of Traci Jo Myracle as municipal court clerk for a period of one year (expires May 2004). All aye. Motion carried 5-0.

Item #7. Approve or Deny Agreement with Leavenworth County Regarding Wastewater Treatment South of 24/40 Hwy (Cedar Lakes Subdivision)

A motion was made by J. Espinoza and seconded by K. Sifford to authorize the city attorney to draft an interlocal agreement between Leavenworth County and the City of Basehor agreeing to take wastewater from the Cedar Lakes Subdivision with the hookup fees being 100% if annexed into the city and 125% if not annexed and allocate approximately \$35,000-\$40,000 for the upsizing of sewer line (in conjunction with the Pinehurst development). All voted in favor except B. Hooker. Motion carried 4-1.

Item #8. Approve or Deny Resolution Pledging Support for Senior Housing (Falcon Lakes LLC, applicant)

Addition to Resolution as recommended by city attorney:

NOW, THEREFORE, BE IT RESOLVED by the City of Basehor governing body that the specific purpose of the passage of this resolution is to allow Falcon Lakes, L.L.C. top comply with its tax credit application and that this resolution shall not be used for any other purpose including, but not limited to, any legal issues which may arise between the City of Basehor and Falcon Lakes, L.L.C.

6-9-03
amend to
"to" not
"top".

A motion was made by J. Espinoza and seconded by J. Bonee to approve the resolution with the additional paragraph drafted by the city attorney. Espinoza, Bonee, Sifford - Aye. Hooker, Dysart - Nay. Motion carried 3-2.

EXECUTIVE SESSION

A motion was made by J. Espinoza and seconded by K. Sifford to recess into an executive session at this time for a period of one hour to discuss legal matter with counsel. All aye. Motion carried 5-0. (8:35 p.m.)

Chief Weston, Engineer Brann and Superintendent Myracle were invited into the session at various times during the session.

At 9:35 p.m., the mayor called the regular meeting back to order noting no formal action was taken during the executive session.

Item #9. Award Bid for 24/40 Hwy Interceptor Project

A motion was made by J. Espinoza and seconded by K. Sifford to award the 24/40 Hwy Interceptor Project to Miles Excavating at the base price of \$1,244,200.00 Contingent they receive approval from KDHE and authorize the mayor to sign any necessary papers regarding the project. All aye. Motion carried 5-0.

Item #10. Approve or Deny Cereal Malt Beverage On Premises License to Doc & Bruties Pizza BBQ

A motion was made by J. Espinoza and seconded by J. Bonee to approve the issuance of a Cereal Malt Beverage License (on premises) to Doc & Bruties Pizza BBQ restaurant. All aye. Motion carried 5-0.

MAYOR'S REPORT

Item #1. Governing Body Workshop

6/9/03 amended from "report" to "reported".

Mayor Scherer report he and Councilmember's John Bonee and Iris Dysart attending the League of Kansas Municipalities Governing Body Institute this month. He noted the board members felt the seminar was very beneficial.

COUNCIL MEMBER REPORTS

Bill Hooker

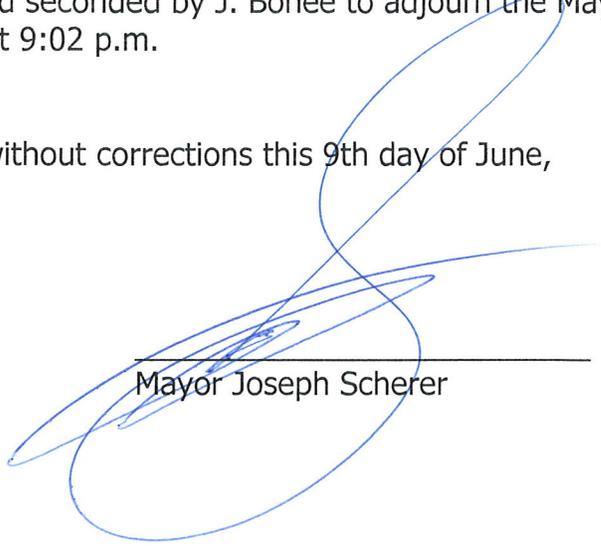
Councilman Hooker stated he would like to see at least two weeks to review the council packets. He did not feel that one week was ample. Mayor Scherer explained the time table he has set up and will meet with department supervisors on June 9th.

Mr. Hooker also questioned why the city council would not hear the variance that was awarded to Highview Apartments. The city clerk advised Mr. Hooker the variance was brought before the Board of Zoning Appeals which does not require Council approval. *6/9/03 amended from "highview" to "Heritage".*

ADJOURNMENT

A motion was made by J. Espinoza and seconded by J. Bonee to adjourn the May 27th meeting. All aye. Meeting adjourned at 9:02 p.m.

Submitted for Council approval with/without corrections this 9th day of June, 2003.



Mayor Joseph Scherer

Attested by:


Mary A. Mogle, CMC