

MINUTES

BASEHOR CITY COUNCIL MEETING

July 14, 2003

7:00 PM

Basehor City Hall

Official Presiding: Mayor Joseph Scherer

Members Present: Pres. Julian Espinoza, John Bonee, Iris Dysart, Bill Hooker

Members Absent: Keith Sifford

Staff Present: Mike Hooper, Matt Henderson, Mary Mogle, Baron Powell, John Thompson and Vince Weston

CALL TO ORDER

The July 14th meeting of the Basehor City Council was called to order by Mayor Joseph Scherer. Roll call was answered with all members present except Keith Sifford. Pledge was recited followed by a moment of silence.

PRESENTATION REGARDING PROPOSED NEW POST OFFICE

Russ Rainey, Project Manager for the United States Postal Service, introduced other postal representatives present, Linda Day (Manager of Administration Services), Tricia Creason (Facilities Services Specialist) and Jo Rundus (Basehor Post Master). Mr. Rainey explained the process he and his committee must go through in order to justify the construction of a new post office in the Basehor area. The first step of the process was to meet and inform the community of the project, which was the purpose of his appearance before the City Council. The second step is to find a site location and design the building and third step is to construct the building. It is necessary the project receive support from the community for a new post office or the project will be delayed. Mr. Rainey went on to say they have three options 1) locate in an existing building, 2) lease a building, or 3) find land and construct a building. The building cannot be smaller than 5,075 sq. ft and the lot must have 51,000 sq. ft. or more. Location boundaries that have been set by the committee will be as follows:

- * North Boundary - Hickory Street
- * South Boundary - 24/40 Hwy
- * East Boundary - 147th Street
- * West Boundary - 158th Street

SCANNED

2-21-07 *lx*

Mr. Rainey noted a decision would not be made for fifteen days; however, the reality is to look for land to building a facility since he has not been able to find an existing building that meets their needs. The committee members answered questions from the audience. The project manager reported Mayor Scherer would be the point of contact and urged anyone with land or facility that would meet there needs to contact him or Mayor Scherer.

MINUTES

A motion was made by J. Espinoza and seconded by B. Hooker to approve the minutes of June 23, 2003 Council Meeting and June 25, 2003 Telephone Poll as written. All aye. Motion carried 4-0.

TREASURER'S REPORT

A motion was made by J. Espinoza and seconded by I. Dysart to approve the Treasurer's Report and Investment Recommendations as submitted. All aye. Motion carried 4-0.

STAFF REPORTS

City Clerk

Item #1. Section 218 Social Security Agreement

The city clerk explained the need to pass Section 218 Social Security Agreement was a housekeeping matter. She noted when the City first incorporated the City Council did not opt to cover their employees in the Social Security Retirement Program; however, in the early 1990's the Internal Revenue Service made it mandatory that all employees not covered under an approved retirement program pay into the Social Security program. At this time, the Section 218 Agreement should have been addressed. The clerk noted she would be asking for approval to pass a Resolution for Referendum starting the process.

Item #2. Section 125 Cafeteria Plan

The city clerk reported AFLAC representatives met with the employees and explained the Section 125 Cafeteria Plan and supplemental insurance policies. Ten employees signed up for policies, which qualify the City for AFLAC to administer the Section 125 Cafeteria Plan at no cost. The clerk noted she would be asking for approval to implement the Section 125 Cafeteria Plan and authorize her to sign necessary paperwork.

Chief of Police***Item #1. Municipal Policy Statement Implementing Costs for Municipal Services***

Chief Weston explained the need to implement a policy charging non-governmental agencies and individuals for finger printing, police reports, and background checks.

Item #2. Adoption of 2003 Standard Traffic Ordinance and Public Offense Code

Chief Weston made no reference to this subject at this time. (The adoption of the 2003 Standard Traffic Ordinance and Public Offense Code are manuals that are incorporated by reference on an annual basis by the passage of ordinances.)

City Attorney

The city attorney reserved comments and requested an executive session later in the meeting.

OLD BUSINESS***Item #1. 158th Street Grant***

Mayor Scherer stated the governing body needs to make a decision to either move forward or reject the \$600,000 (KLINK) grant for improvements to 158th Street. If the City chooses to move forward, \$13,000 of the 1.2 million dollars of the city's share would need to be paid out in year 2003. The mayor went on to say the future development plan needs to indicate where the downtown section of the city should be, and if it is not at 158th Street, then the money should not be spent on 158th Street.

Councilman Hooker asked the city treasurer for his input regarding the project. The treasurer stated he did not see how the City could come up with 1.2 million dollars without taking out loans or creating benefit districts.

Mayor Scherer questioned if the money should be spent on 158th Street or existing streets in the older part of town. Councilman Bonee responded stating "the City should take care of residents who have paid taxes all these years".

Item #2. Section 125 Cafeteria Plan

There was no discussion at this time.

Item #3. Planning Commission Appointment

Mayor Scherer stated he has received no response from residents regarding the position of planning commission member; therefore, it will be necessary for him to solicit to fill the vacant position.

Item #4. County Sewer Plan for Cedar Lakes/Pinehurst

The mayor announced two months ago he sent a letter to Leavenworth County stating the City of Basehor would receive wastewater from the Cedar Lakes area; however, the County Commissioners said they never received the correspondence. Mayor Scherer reported the city attorney is currently working on a formal resolution which would charge the Cedar Lakes residents a sewer rate of 125% unless they annex into the city limits. The resolution should be ready for action in the next sixty days.

NEW BUSINESS***Item #1. Municipal Policy Statement Implementing Cost for Municipal Services***

There was no discussion at this time.

Item #2. Adoption of 2003 Standard Traffic Ordinance and Public Offense Code

There was no discussion at this time.

Item #3. Section 218 Agreement for Social Security Coverage

There was no discussion at this time.

Item #4. Future Development Plan

Mayor Scherer announced there was a need to have a worksession totally devoted to discussing the needs and vision of the City of Basehor. He reported that he and the code administrator attended a Department of Commerce seminar where they discussed grants available for the development of future development plan. The grant would require the city to share the cost of \$5,000, in turn, the State would fund \$25,000.

Item #5. County Liquor Sales

Mayor Scherer reported the Leavenworth County Commissioners have requested feedback from the City's of Basehor and Tonganoxie as to whether they support liquor sales in the county. Councilman Bonee stated he felt if the County passes Sunday Liquor Sales, the

City of Basehor should revisit their stand to oppose it. He did not feel it was fair to deny city businesses the opportunity to profit, when across the highway a county business thrive.

Mayor Scherer took an informal vote at this time for the support of county Sunday liquor sales. Bonee, Dysart, Hooker spoke in opposition of county Sunday liquor sales which Espinoza continued to support Sunday liquor sales.

Item #6. Board of Zoning Appeals – New Members

Mayor Scherer stated he was requesting the governing body direct the code administrator to rewrite the Board of Zoning Appeals by-laws that would prohibit planning commission members from sitting on the Board of Zoning Appeals.

Item #7. Cable Franchise

Mayor Scherer reported he has reviewed the proposed Sunflower Cable franchise agreement and has some questions for district manager, Patrick Knorr.

- *Mayor Scherer:* Opposed to granting a fifteen year agreement since the company has not fulfilled the current franchise agreement.
Patrick Knorr: Stated he did not feel the agreement had been breached, Sunflowers only fault is that funding has not been available to upgrade services. Plans are in place to start upgrading the system to provide high definition, high speed internet, and telephone services within the next forty-eight months. Some areas would be serviced within the next four to six months.
- *Mayor Scherer:* Questioned if underground service would be provided in all new subdivisions.
Patrick Knorr: Responded by stating underground cable would be provided where other utilities were already underground.
- *Mayor Scherer:* When does Sunflower Cable anticipate locating an office in Basehor?
Patrick Knorr: There is no immediate plans to locate an office in Basehor. If they opened an office in Basehor, it would be necessary to increase residents monthly bills by \$5.00.
- *Mayor Scherer:* Would like to see Section 7.2 identify commercial as well as residential and asked that the new franchise agreement designate the 158th Street and 24/40 Highway corridors.
Patrick Knorr: Look at area in a case by case basis.

CITIZENS AND PETITIONS (Presentations Limited to 5 Minutes)***Item #1. Basehor Athletic Association, Fireworks Display***

Resident, Debbie Bonee (14500J Parallel), appeared on behalf of the Basehor Athletic Association, to request permission to have a fireworks display in conjunction with the National Baseball Tournament. The fireworks display would be part of the opening ceremony held on July 15th at Basehor-Linwood High School. All license and insurance papers have been provided to the City of Basehor.

Item2. Citizen Comments Regarding Agenda Items

City treasurer Baron Powell appeared before the council expressing his interest in developing the Future Development Plan. He felt the council and staff should come up with document showing available resources and estimated costs prior to making decisions regarding future developments. He noted the 2003 Budget has an allocation of \$10,000 for the development of a plan, with the 2004 Budget having an allocation of \$30,000.

Bob Moore (2636 N. 157th St) appeared to express his support for city and county Sunday liquor sales.

Mayor Scherer asked if anyone else wished to speak regarding an agenda item. No one came forward, therefore, the public portion of the meeting was closed. The mayor requested a five-minute recess.

A motion was made by J. Espinoza and seconded by J. Bonee to recess for up to five minutes. All aye. Motion carried.

At this point, Mr. Walter Heimbaugh expressed his dissatisfaction with the Mayor for not allowing him to speak. Mayor Scherer stated he asked if there was anyone else who wished to speak and saw no show of hands. Mr. Heimbaugh stated he was not being given his right to speak. Mayor Scherer stated he took offense to Mr. Heimbaugh's comments and stated he would be happy to reopen the public portion of the meeting when he called the meeting back to order.

When the council reconvened, Mayor Scherer announced the public portion of the meeting was opened to hear Mr. Heimbaugh. (8:40 pm)

Mr. Heimbaugh thanked the Mayor for allowing him to speak and apologized for his outburst earlier and made the following comments regarding agenda items:

- Thought it was unreasonable for the City of Basehor to spend money upgrading 158th Street and the (KLINK) grant was not a good one.

- Supports the Dept of Commerce planning grant and advised the Council that a good plan should cost approximately \$50,000.
- Advised the Council to sign the cable franchise agreement for a period of five years since technology changes daily.
- Supports the City in opposing county Sunday liquor sales.
- Supports the City taxing their planning area to help with costs in developing a good Future Development Plan

ACTION ITEMS

Item #1. Approve or Deny Municipal Policy Statement, Cost for Municipal Services

A motion was made by J. Espinoza and seconded by I. Dysart to approve the Municipal Policy Statement, Cost for Municipal Services as presented. All aye. Motion carried 4-0.

Item #2. Approve or Deny Ordinance Adopting 2003 Standard Traffic Ordinance and Public Offense Code

A motion was made by J. Espinoza and seconded by B. Hooker to approve the ordinances adopting the 2003 Standard Traffic Ordinance and Public Offense Code as presented. All aye. Motion carried 4-0.

ORD. 414. AN ORDINANCE AMENDING CHAPTER XIV, TRAFFIC ARTICLE 14-101, OF THE CODE OF THE CITY OF BASEHOR, KANSAS

ORD. 415. AN ORDINANCE AMENDING CHAPTER XI, PUBLIC OFFENSES, ARTICLE 11-101, OF THE CODE OF THE CITY OF BASEHOR, KANSAS

Item #3. Approve or Deny Resolution to Request Authorization of Referendum to Implement Section 218 Agreement.

A motion was made by J. Bonee and seconded by J. Espinoza to approve the Resolution to Request Authorization of Referendum to Implement Section 218 Agreement as submitted. All aye. Motion carried 4-0.

Item #4. Approve or Deny Future Development Plan

A motion was made by I. Dysart and seconded by J. Espinoza to table action. All aye. Motion carried 4-0.

Item #5. Approve or Deny Support of County Liquor Sales

A motion was made by B. Hooker and seconded by I. Dysart to deny support for county liquor sales. Hooker, Dysart, Bonee-Aye. Espinoza-Nay. Motion carried 3-1.

Item #6. Board of Zoning Appeals – New Members

A motion was made by B. Hooker and seconded by J. Espinoza to direct the code administrator to rewrite the Board of Zoning Appeals by-laws to not allow any member of the planning commission to serve as a member. All aye. Motion carried 4-0.

Item #7. Cable Franchise

A motion was made by B. Hooker and seconded by J. Espinoza to table action at this time. All aye. Motion carried 4-0.

Item #8. Schedule 2003 Budget Public Hearing (8/11/03 @ 7:00 p.m.)

A motion was made by I. Dysart and seconded by J. Espinoza to schedule the 2003 Budget Public Hearing for 7:00 p.m. on August 11, 2003. All aye. Motion carried 4-0.

Item #9. Approve or Deny Contract with AFLAC for Section 125 Cafeteria Plan & Supplemental Insurance Policies

A motion was made by J. Bonee and seconded by J. Espinoza to approve the creation of a Section 125 Cafeteria Plan with AFLAC and designate the city clerk to sign all necessary paperwork and act as designated agent. All aye. Motion carried 4-0.

Item #10. Approve or Deny Fireworks Display for Basehor Athletic Association

A motion was made by J. Bonee and seconded by J. Espinoza to authorize the Basehor Athletic Association to have a fireworks display on July 15, 2003. All aye. Motion carried 4-0.

EXECUTIVE SESSION (to discuss Legal and Personnel Issues)

A motion was made by J. Espinoza and seconded by I. Dysart to recess into an executive session for up to one hour to discuss personnel and legal matters. All aye. Motion carried 4-0. (9:10 p.m.)

At 10:10 p.m. the Board reconvened with Mayor Scherer calling the regular meeting back to order announcing that no formal action was taken in the executive session. Based on discussion in the session the following action will be made in open session.

A motion was made by B. Hooker and seconded by I. Dysart to direct the city attorney to research and investigate the site plan of Basehor Town Square Plaza and return at the next meeting with a recommendation. All aye. Motion carried 4-0.

MAYOR'S REPORT

Item #1. Donation of Defibrillation Machine from Resident Victor Ziegler

Mayor Scherer announced resident Victor Ziegler has made a generous donation of \$1800 toward the purchase of a Defibrillation machine for the police department. The machine costs an additional \$150.00, which he authorized. He thanked Mr. Ziegler for the donation.

COUNCIL MEMBER REPORTS

There were no council member reports at this time.

ADJOURNMENT

There being no further business to discuss, a motion was made by J. Espinoza and seconded by J. Bonee to adjourn the meeting. All aye. Meeting adjourned.

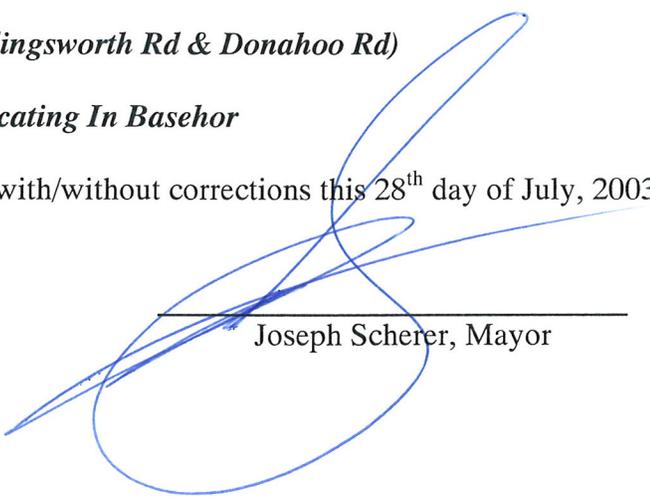
WORKSESSION

The City Council discussed the following topics in a brief works session held directly following the council meeting. (Note: Minutes of Worksessions are not a matter of written record)

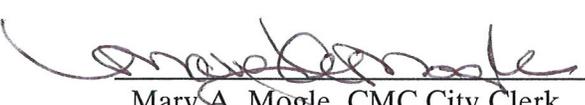
- Item #1. KDOT & K7 Corridor (Hollingsworth Rd & Donahoo Rd)***
- Item #2. Storm Shelter Funding***
- Item #3. Potential Factory Outlet Locating In Basehor***

Submitted for Council approval with/without corrections this 28th day of July, 2003.

Attest:



Joseph Scherer, Mayor



Mary A. Mogle, CMC City Clerk