MINUTES

BASEHOR CITY COUNCIL
December 21, 1998
7:00 P.M.
Basehor City Hall

OFFICIAL PRESIDING: MAYOR JOHN PFANNENSITEL

COUNCIL MEMBERS PRESENT: Pres. Robert Vervaecke, Joseph Odle, Victor Ziegler Charles Wilderson, Burl Gratny

Staff Present: Jane Scherer, Treas. John Thompson, Atty. Mary Mogle, CMC Vince Weston, COP John Zoellner & Kelly Hupp, Planning & Zoning

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The monthly meeting of the Basehor City Council was called to order at 7:00 p.m. by Mayor John Pfannenstiel.

EXECUTIVE SESSION

Mayor Pfannenstiel requested an executive session to discuss personnel and attorney-client matters.

A motion was made by V. Ziegler and second by R. Vervaecke to convene into an executive session for up to thirty minutes to discuss personnel and attorney-client matters. All Aye. Motion Carried 5-0.

At 7:15, the governing body reconvened with Mayor Pfannenstiel calling the regular monthly Council meeting to order. Pledge of Allegiance was recited.

APPROVAL OF MINUTES

C. Wilderson moved to approve the December 21, 1998 Minutes as written. V. Ziegler second the motion. All Aye. Motion Carried 5-0.

APPROVAL OF TREASURER'S REPORT

Treasurer's Report & Supplement - It was moved and seconded by R. Vervaecke and B. Gratny to approve the November 1998 Treasurer's Report and Supplement as presented. Vervaecke, Wilderson, Ziegler, Gratny-Aye. Odle-Nay. Motion Carried 4-1.

Investments - C. Wilderson moved to reinvest CD #20078 at the highest rate available for a period of six months. V. Ziegler second the motion. All Aye. Motion Carried 5-0.

Interfund & Intrafund Transfers - Mayor Pfannenstiel explained it is necessary to take Council action to make annual transfers to the Equipment Reserve and Capital Improvement Funds, as well as, make transfers within each fund to balance the year end budget. The Mayor explained the reason for each amendment (incorporated by reference to official minutes).

A motion was made by R. Vervaecke and C. Wilderson to approve the intrafund transfers as presented. All Aye. Motion Carried 5-0.

It was moved and seconded by R. Vervaecke and B. Gratny to transfer available funds from the General Fund to the Municipal Equipment Reserve Fund. All Aye. Motion Carried 5-0.

R. Vervaecke moved to transfer available funds from the General Fund to the Capital Improvement Fund. All Aye. Motion Carried 5-0.

CITIZENS AND PETITIONS

Citizen Comments On Agenda Items - Mayor Pfannenstiel asked for public comment regarding any agenda item. There were none at this time. The public portion of the meeting was then closed.

STAFF AND COMMITTEE REPORTS

City Clerk

Worker's Compensation Bids - City clerk, Mary Mogle, presented two bids for 1999 Worker's Compensation.

Kansas Municipal Insurance Trust	4,450.00
Republic Indemnity	5,550.00

A motion was made C. Wilderson and R. Vervaecke to accept the bid from Kansas Municipal Insurance Trust as presented. All Aye. Motion Carried 5-0.

Mayor Pfannenstiel reported that Evans Insurance of Tonganoxie, Kansas will be named as our agent with Kansas Municipal Insurance Trust.

Chief of Police

Purchase of Radar Unit - A motion was made by J. Odle and second by R. Vervaecke to approve the purchase of a new radar unit in the amount of $1,715.00 from Kustom Signal. General Police Capital Outlay Fund will be charged.

Renovation of Police Department - The police station is back in order. New furniture and equipment has been purchased to replace what was damaged during the flood on October 17th.

City Superintendent

Winter Maintenance Program - Mayor Pfannenstiel reported salt and sand was applied on city streets this past weekend due to icy road conditions.

City Engineer

Update on Collection System Rehabilitation Project - A report was given by Mayor Pfannenstiel that repairs to the collection system has not started due to a delay in obtaining an easement from a property owner in Rickel Subdivision.

Schedule Worksession - Engineer, Pat Cox, has requested a worksession to be held on January 11th 7:00 p.m. to discuss design perimeters of pumping station, buildings and interceptors. The worksession scheduled as requested.

Kansas State Revolving Loan - The City of Basehor received their first payment from the Kansas State Revolving Loan for expenses already incurred for the new wastewater facility and collection system rehabilitation.

City Attorney

Solid Waste Ordinance - City attorney, John Thompson, reported the proposed ordinance amends Sections 15-325, 15-318, 15-321. The ordinance no longer offers a senior citizen discount and increases the fees for private haulers permits. Mayor Pfannenstiel explained that senior citizens were paying $4.65 per month while the City's cost for contractual services and administrative fees was $7.25. Therefore, the City could no longer afford to offer the discount.

A motion was made by J. Odle and second by V. Ziegler to adopt the ordinance as presented. All Aye. Motion Carried 5-0.

ORD. 332 - AN ORDINANCE AMENDING ARTICLE 3, SOLID WASTE, CHAPTER XV, UTILITIES, OF THE CODE OF THE CITY OF BASEHOR, KANSAS.

Wastewater Fee Ordinance - Mr. Thompson announced the ordinance presented amends Sections 3 & 4 of Ordinance 320. This ordinance will allow adjustments to user charges throughout the year with supporting documentation for the change.

It was moved and seconded by V. Ziegler and B. Gratny to adopt the ordinance as presented. All Aye. Motion Carried 5-0.

ORD. 333 - AN ORDINANCE AMENDING ORDINANCE NO. 320 ESTABLISHING THE MONTHLY CHARGE FOR SEWAGE TREATMENT AND THE METHODS TO BE USED IN CALCULATING THOSE CHARGES FOR CUSTOMERS OF THE SANITARY SEWER SYSTEM IN BASEHOR, KANSAS

Planning Commission

Planning Consultant - Mayor Pfannenstiel announced that Kelley Hupp will remain on as the City's planner through the interlocal agreement with Leavenworth County. He feels she will be a great asset to the City.

Future Land Use Map- Planner, John Zoellner, presented a map and ordinance amending the existing future land use area. The area involved in the update is located on the north side of 24-40 Hwy, northwest of 150th Street. The update will be from R-0 zoning to "high intensity" which allows multi-family, industrial, and commercial. The amendment will also assist in considering the rezoning of property located at 150th & 24-40 Highway that is currently before the planning commission.

Mr. Zoellner noted the County is in the process of evaluating their comprehensive plan and regulations to accommodate the other City's planning areas. Mr. Zoellner asked that the map be adopted as "Exhibit A" and to be incorporated by reference.

A motion was made by R. Vervaecke and second by V. Ziegler to adopt the future land use ordinance and incorporate by reference, Exhibit A, the future land use map. Vervaecke, Ziegler, Wilderson, Gratny-Aye. Odle-Nay. Motion Carried 4-1.

ORD. 334 - AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF BASEHOR, KS.

Cole Rezoning - The Planning Commission recommends rezoning in Section 1*(amended by Council 1/19/99 to Section 2)*, Twp 11, Range 22 from R-0 to CP-3 contingent that entrance access, water and water controls are met.

Mr. Zoellner reported, that to date, the planning office has not received any correspondence from Mr. Cole as requested. The planner reported at the last meeting, several area residents appeared expressing concerns regarding the stormwater runoff.

A motion was made by B. Gratny and second by V. Ziegler to table the rezoning request until the proper document was provided by the developer. All Aye. Motion Carried 5-0.

Hodge Subdivision - The Planning Commission recommended approval of preliminary plat in Section 2, Twp 11, Range 22 for a three lot subdivision contingent that the developer

include a "frontage driveway" that gives access to all three lots onto 150th Street and required engineered sewer septic systems. Mr. Zoellner reported the lots conform to the area. The lots can be served by a proposed sewer benefit district, however, the City's schedule does not meet the developers schedule.

A motion was made by V. Ziegler and second by C. Wilderson to approve the preliminary plat as presented by the planning commission to include a frontage driveway. All Aye. Motion Carried 5-0.

MAYOR'S REPORT

Annual Calendar of Events - R. Vervaecke moved to approve the 1999 Calendar as presented. V. Ziegler second the motion. All Aye. Motion Carried 5-0.

1999 Employee Wage Increase - Mayor Pfannenstiel reported the proposed salary adjustments call for the city clerk, chief of police and superintendent to be placed on a salary, rather than hourly. The wage increases were taken into consideration when preparing the 1999 budget.

R. Vervaecke moved to approve the employee wage increase for 1999 as presented. J. Odle second the motion. All Aye. Motion Carried 5-0.

Renewal of Cereal Malt & Liquor License - It was moved and seconded by J. Odle and V. Ziegler to approve the renewal of cereal malt beverage license for Casey's General Store, Roseroom Cafe, Bichelmeyer Bros., and Doc & Bruties for the year 1999. Odle, Ziegler, Gratny, Vervaecke-Aye. Wilderson-Nay. Motion Carried 4-1.

Renewal of Liquor License - J. Odle moved to approve renewal of liquor license for the year 1999 to Rumsey's Liquor Store and Kelley's Grille & Bar. Odle, Ziegler, Gratny, Vervaecke-Aye. Wilderson-Nay. Motion Carried 4-1.

1999 City Election - Mayor Pfannenstiel announced this year, terms for three council members, will expire. Deadline to file for office is noon, January 26th and the election will be held on April 6th.

COUNCIL MEMBER REPORTS

Charles Wilderson

Miscellaneous Information - Councilman Wilderson gave a report on the following items.

- Welcomed members of the Leavenworth County Leadership Class.
- Invited city staff and council members to PRIDE Appreciation Dinner on January 16.
- Holiday Lighting Contest - Winners were Stepping Stones Daycare (business), Modesty Rymer, Mr. Oliver, Mr. Tom Steele.

Victor Ziegler

Lawsuit - Councilman Ziegler reported the lawsuit filed against the City of Basehor regarding an accident that occurred on 24-40 Highway is clearly not the City's liability, however, the signs are not adequate and should be addressed with Kansas Department of Transportation. Mayor Pfannenstiel noted he has received other complaints regarding the high speed in that area and plans to address the issues with KDOT after the holidays.

Grinder Pumps - Mr. Ziegler announced he read where the County has passed a resolution prohibiting grinder pumps. He requested the City of Basehor send a letter to the County Commissioners supporting their actions. And to make it clear to the County that the City does not want to annex areas with grinder pumps.

Burl Gratny

Speed Limit on 155th St. - City attorney, John Thompson, reported he confirmed with county counsel, David Van Parys, that 155th Street is under the jurisdiction of Leavenworth County. Mr. Van Parys suggested making a formal proposal to the County Commissioners to consider the reduction from 40 mph to 30 mph on 155th Street.

Councilman Odle suggested addressing the area north of Leavenworth Road at the time time. He would also like to see flashing lights placed in the school zones. Chief Weston stated he would discuss the lights with the school district.

ADJOURNMENT

There being no further matters to discuss, R. Vervaecke moved to adjourn the meeting. B. Gratny second the motion. All Aye. Meeting adjourned.

Submitted for Council approval with/without corrections this 19th day of January, 1999.

John Pfannenstiel, Mayor

Mary A. Mogle, CMC

WORKERS' COMPENSATION INSURANCE PROPOSAL - REPUBLIC INDEMNITY CO.

FOR

CITY OF BASEHOR, KANSAS

EMPLOYERS LIABILITY LIMITS:

BODILY INJURY BY ACCIDENT $500,000 EACH ACCIDENT
BODILY INJURY BY DISEASE $500,000 POLICY LIMIT
BODILY INJURY BY DISEASE $500,000 EACH EMPLOYEE

STATUTORY COVERAGE:

WORKERS' COMPENSATION INSURANCE PAYS, BASED UPON STATUTORY REQUIREMENTS, FOR OCCUPATIONAL RELATED INJURIES OR DEATH SUSTAINED TO AN EMPLOYEE DURING THE COURSE OF THEIR EMPLOYMENT.

STATE	CLASSIFICATION	CODE	ESTIMATED PAYROLL	RATE PER $100	ESTIMATED PREMIUM
KS	STREET CLEANING & DR.	9402	$ 61,840	4.92	$ 3,043
KS	POLICE OFFICERS & DR	7720	$ 151,388	1.98	$ 2,997
KS	CLERICAL	8810	$ 61,352	.18	$ 110

TOTAL MANUAL PREMIUM ..... $ 6,150

PLUS INCR. E.L. CHARGE ..... $ 105

LESS EXPERIENCE MODIFICATION (.88) ..... -$ 751

EXPENSE CONSTANT ..... $ 50

TOTAL ANNUAL ESTIMATED PREMIUM ..... $ 5,554

Embry & Company

104 West 9th St., Suite 200
Kansas City, MO 64105
Telephone (816) 421-5155
Facsimile (816) 421-1736

Fax Sheet

DATE: December 7, 1998

TIME: 3:05 PM

Number of pages including cover sheet: 3

☒ **CONFIDENTIAL**
☒ **Urgent!**
☐ **For your information**
☐ **Response requested**

TO: MARY ANN MOGLE	FROM: Kevin J. O'Brien
CITY OF BASEHOR, KS.	Embry & Company
FAX: 724-2568	
RE: WORKERS COMP INSURANCE BID	

Mary Ann:

We are pleased to attach our proposal of Workers Compensation Insurance Coverage for the City of Basehor, Kansas. It represents a very competitive bid and is provided by Republic Indemnity, an insurance company that is rated "A" by A.M. Best, a well known insurance company rating organization, for its financial stability and claims paying ability.

I know that you are currently insured with KMIT, and that KMIT offers excellent educational materials and training. However, since Basehor has not had any claims which require an emphasis on such training, and Republic Indemnity does also offer educational materials, it is important to note 3 key issues related to KMIT:

1. KMIT was created in 1994, at a time when insurance premiums were escalating and municipal insurance markets were few and far between. The Workers Compensation environment in the past 3+ years in Kansas has been very competitive with more insurers competing for business utilizing lower rates than at any time in the past.

2. KMIT is an **ASSESSBLE** pool. This means that if there were to be an unprofitable year for the pool (as there was in 1997) due to one or more large claims, every member of the pool, regardless of any one member's loss experience, can be assessed an unlimited amount of additional dollars to assist the pool to profitability. So even if Basehor never has a claim, but the pool is insufficiently capitalized and needs additional dollars to make it whole, Basehor could be assessed for such an amount.

3. KMIT has approximately 10% of its members who own and/or operate electical generation facilities. This fact alone subjects the entire pool and its membership to a much greater set of exposures that could lead to claims that cities such as Basehor would not otherwise be exposed to. In fact, in 1997, which was a very unprofitable year and one in which a future assessment will almost certainly be required, the pool sustained a $400,000 claim due to such an accident related to a power generation facility.

In summary, we believe that a pooling arrangement makes sense only when:

a. the marketplace cannot offer a competitive alternative,
b. the premium level paid into the pool is adequate to sustain large losses,
c. the exposures that each member brings to the pool are truly similar (and not skewed to favor the cities with more hazardous exposures), and
d. the residents of the member cities are protected from the risk associated with assessment.

We would be happy to assist in answering any questions that may arise. We would be happy to provide a list of references if asked.

We appreciate this opportunity to provide the City with our proposal.

Kevin O'Brien

Kevin J. O'Brien, CPCU

CITY OF BASEHOR
KMIT - Workers' Compensation Quote For 1998

Based On Estimated Payroll For 1998

Classification Description	Class Code	Payroll	Loss Cost	Premium
Sewage Disposal Plant Operation & Drivers	7580	41,304	2.73	1,126
Police Officers & Drivers	7720	81,577	2.28	1,858
Clerical Office Employees NOC	8810	41,448	0.21	86
Street Cleaning & Drivers	9402	21,250	5.66	1,202
Totals		$185,579		$4,271

Experience Mod	0.88	
Advanced Discount	0%	
Expense Constant		$160
Annual Contribution		$3,919

KANSAS MUNICIPAL INSURANCE TRUST
KMIT - WORK COMP FOR KANSAS CITIES

Start Date: January 1, 1998

League of Kansas Municipalities

300 SW 8th – Topeka, KS 66603 – (785) 354-9565 – Fax: (785) 354-4186

Kansas Municipal Insurance Trust

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Independence

Ted Stolfus
Bonner Springs

Chris McKenzie
Executive Director
Ex Officio

Bernie Hayen
Pool Administrator

October 16, 1998

Dear KMIT Member:

Please find enclosed your monthly KMIT packet including your monthly claims reports (if applicable) and Teach Tool #17 – *Working in Cold Conditions.*

It will soon be time to start the KMIT renewal process and marketing season for 1999. Enclosed you will find a copy of your 1998 contribution quote. Please remember, an essential part of your annual quote is the listing of payroll by classification code. In an effort to provide you with the most accurate quote for 1999, please take a few minutes to review the payroll information listed on the 1998 quote. If this information needs to be updated, please notify us as soon as possible. **If we do not receive any notification from you, your 1999 annual contribution will be figured using the payroll information listed on your 1998 quote.**

Once again, we would like to thank you for your dedication to the KMIT philosophy of safety in the workplace. Thanks to your efforts, claims are down and we are having one of our best years yet!

We look forward to your continued participation in the pool. If you should have any questions, please do not hesitate to contact either myself or Bernie Hayen, Pool Administrator.

Sincerely,

Jennifer Findley
Program Manager

KMIT.
Workers' Compensation Insurance for Kansas Cities.