

## AGENDA

### BASEHOR CITY COUNCIL

April 21, 2008

6:00 p.m.

Basehor City Hall

**VOLUNTEER RECOGNITION RECEPTION - 6:00 p.m.**

**REGULAR MEETING – 7:00 p.m.**

**1. Roll Call by Mayor Chris Garcia and Pledge of Allegiance**

**2. Consent Agenda**

*(Consent Agenda Items will be acted upon by one motion unless a Council Member requests an item be removed for discussion and separate action.)*

- a. Approve Minutes
  1. April 7, 2008 Work Session and Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

**3. Call to Public**

Members of the public are welcome to use this time to comment about any matter relating to City business that is listed on this Agenda. The comments that are discussed under "Call to Public" may or may not be acted upon by the Council during this meeting. There is a five-minute time limit. (Please wait to be recognized by the mayor then proceed to the podium; state your name and address).

- a. Citizen Comments Regarding Agenda Items

**4. Scheduled Discussion Items**

- a. Consider a request from Benchmark Management regarding funding for street projects under the Transportation Development District (TDD).

**5. Business**

- a. Consider a petition for creation of a benefit district, as requested by Affinity Development, for Basehor Town Center.
- b. Consider priorities for funding requests through KDOT corridor management funds.
- c. Consider Future Land Use Amendment from commercial to Medium-Density Residential for the Property located at 15251 State Avenue, as requested by Benchmark Management, LLC.
- d. Consider change of zoning from R-O, Suburban Residential to R-3, Multi-Family Residential for property located at 15251 State Avenue.

- e. Consider ordinance for voluntary annexation of portions of the Cedar Falls Subdivision, less and except lots 1, 28 and 57.
- f. Consider final plat for Fox Ridge 2<sup>nd</sup> Plat and Subdivision Improvement Agreement.
- g. Consider continuing membership in the Mid-America Regional Council and payment of annual membership dues.
- h. Consider Park Advisory Board member resignations and appointments.
- i. Consider purchase of a 2008 Ford Ranger 4x2 animal control vehicle.
- j. Consider transfer of \$244,000 from Sewer Fund to Bond & Interest Fund for KDHE State Revolving Loan payment.
- k. Consider setting public hearing for delinquent utility accounts (5/19/08, 7:00 p.m.).
- l. Consider passage of an ordinance relating to Erosion and Sediment Control, Chapter IV, Building and Construction.
- m. Consider changes to Maintenance Laborer-Level I (part-time seasonal) job description.
- n. Consider city administrator contract changes in regards to vacation policy, sick leave and severance pay.

**6. City Administrator Report**

**7. Mayor's Report**

**8. Council Member Reports**

**9. Executive Session**

**10. Adjournment**

*Basehor City Council reserves the right to amend the agenda following its publication in the Basehor Sentinel newspaper. Citizens are encouraged to attend all public meetings. Updates to the agenda may be reviewed at [www.cityof.basehor.org](http://www.cityof.basehor.org)*

Minutes

**BASEHOR CITY COUNCIL**

**April 7, 2008**

**6:00 p.m.**

**Basehor City Hall**

**Official Presiding: Mayor Chris Garcia**

**Members Present: Pres. Terry Thomas, Iris Dysart, Keith Sifford, and  
Jim Washington**

**Members Absent: Terry Hill**

**Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle, Dustin Smith, and  
Lloyd Martley**

**Newspaper Present: Lara Hastings, *Basehor Sentinel***

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**WORK SESSION – 6:00 p.m.**

The work session was called to order with all members present with the exception of Councilmember Hill. The city attorney was not in attendance.

**Discussion regarding agenda items.**

Councilmember Sifford asked Council to consider scheduling another meeting later in the week to discuss Mr. McIntosh's topic [regarding improvements to 150<sup>th</sup> Street and 24-40 Highway corridor]. Mr. McIntosh noted his financial institution wants to know where the access points were going to be in conjunction with his development and 24-40 Highway. Council suggested adding the item to the April 14<sup>th</sup> work session agenda. Mr. Slaugh reported KDOT grant funding was in conjunction with Mr. McIntosh's plan and needed to provide a ballpark figure of what each project would cost. Mr. Slaugh noted another issue was the right-in/right-out for 153<sup>rd</sup> Street. President Thomas suggested having KDOT put in writing that they refused the right-in/right-out access.

Councilmember Washington asked to defer items m, o, p, and q.

Mr. Slaugh reported in conjunction with agenda item "a" he would like to become a Tree City USA. K-State Forestry recommended planting a variety of trees rather than one species.

***d. Consider resolution pledging support for PRIDE, waive of fireworks stand permit fee, and payment of funds for 4<sup>th</sup> of July fireworks display as budgeted.***

Councilmember Washington thought the fireworks ordinance was incorrect and that the permit fee should be \$500. The city clerk reported she would research the ordinance.

***h. Consider change of zoning from R-0, Suburban Residential to R-3, Multi-Family Residential for the property located at 15251 State Avenue.***

Mr. Slaugh reported the city attorney recommended that annexation and plats not be approved at the same time. Planning Director Dustin Smith explained annexations do not need to go to the planning commission and can be forwarded directly to the city council.

Councilmember Dysart questioned why the City would allow R-3 zoning when the Comprehensive Plan recommended doing away with the classification. Mr. Smith explained that was the zoning classification requested by the developer and explained he has suggested to the planning commission to have only two zoning districts R-1 and Planned Residential.

President Thomas said he would like to see all annexations go through the planning commission before coming before the city council. Mr. McIntosh noted current zonings do not allow commercial in residential areas. He explained his chose the R-3 zoning because it was the only zoning that would allow him to put a buffer between residential and commercial.

Councilmember Washington asked the city clerk and planning director if it was a statute or city policy to annex property in at the lowest classification and then require the property owner to rezone. Mr. Smith noted it was not a statute but city policy and that the city attorney has recommended annexing property in with a similar zoning classification as what they had prior to annexation.

***i. Set a public meeting and a public hearing to discuss alternatives concerning the Wastewater Treatment Facility expansion and provide detailed information to the public regarding plant expansion and potential impact on the sewer user charges or other taxes which will fund the improvements.***

Mr. Slaugh reported this item was a requirement of KDHE when applying for a State Revolving Loan.

***j. Consider purchase of flashing indicator lights on 158<sup>th</sup> Street on 158<sup>th</sup> Street, north and south side approaching 24-40***

Mr. Slaugh reported the flashing indicator lights recommended by the city superintendent were the same as the ones installed at the elementary school on Leavenworth Road.

President Thomas suggested installation of LED Stop Signs. He explained he had an opportunity to view the stop signs while on a trip and was impressed with their effectiveness. The city superintendent reported he have been unable to find a contractor willing to install rumble strips on 158<sup>th</sup> Street and explained KDOT informed him they would not be participating in any further work at the intersection of 158<sup>th</sup> and 24-40 Highway.

***k. Consider payment for mechanical repairs on Kenworth dump truck***

Mr. Myracle reported during the winter he started having problems with his Kenworth truck. Repairs to the truck have been made at the same place he purchased the truck. The truck has about 21,000 miles and is no longer covered under warranty.

Councilmember Washington asked where the funds would come from. Mr. Myracle reported the payment would come from both the street and sewer fund.

***l. Consider purchase of 7 ft. sickle bar mower attachment for public works department***

Mr. Myracle reported he was gaining more area to mow and running into difficulties mowing some right-of-way. He received a bid from Heritage Tractor for a Frontier sickle bar in the amount of \$2895 and a bid from Brandt Fabricating in the amount of \$365 for pickup, setup, and delivery. *(Tape 1, Side B)*

***m. Consider a request from the Cedar Lakes Home Owner's Association to refund and transfer \$18,375 from the Sewer Fund to the Cedar Lakes maintenance fund.***

Councilmember Dysart reported when the City entered into an interlocal agreement with Leavenworth County for connection of Sewer District No. 7 to the City's sanitary sewer system, the 24-40 Interceptor benefit district had yet to be formed. It was her opinion the money should not be returned to Cedar Lakes.

Cedar Lakes resident John Flower disagreed with Councilmember Dysart and explained the City sent a bill to Leavenworth County for connection to the City's sanitary sewer system and as part of that bill there was a charge of \$18,375 toward the 24-40 interceptor upgrade. Leavenworth County, as part of the KDHE revolving loan, paid the City \$18,375 toward the interceptor project. That money was put in the City's account and later transferred out and felt Cedar Lakes homeowners paid \$18,375 too much. The City could pay County back and in turn the County would pay the State back to reduce the KDHE loan. Mr. Flower noted Cedar Lakes was never hooked up to the 24-40 Interceptor project. Councilmember Dysart reported that was an agreement with the County prior to the creation of the 24-40 Interceptor project. Mr. Flower noted the Council reversed their decision to exclude Cedar Lakes in the benefit district.

Five- minute break (6:55 p.m.)

**REGULAR MEETING – 7:00 p.m.****ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE**

The meeting was called to order with all members present with the exception of Councilmember Hill. The city attorney was not in attendance.

**CONSENT AGENDA**

*(Consent Agenda Items will be acted upon by one motion unless a Council Member requests an item be removed for discussion and separate action.)*

- a. Approve Minutes
  1. March 17, 2008 Work Session and Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the Consent Agenda. Discussion followed. President Thomas asked that page 9, of the March 17 minutes under Executive Session should read "city attorney and city administrator". A roll call vote was taken with all members voting in favor. Motion passed 4-0.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to table agenda items "g", "h", "m" pending city attorney's opinion, table agenda items "o", "p", "q" and agenda item "9 (a)" until the April 21 meeting. City Administrator Carl Slaugh requested agenda item "p" be discussed. Councilmember's Washington and Sifford with withdrew their motions.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to table agenda items "g", "h", "m", "o", "q" and "9(a)". A roll call vote was taken with all members voting in favor. Motion passed 4-0.

**CALL TO PUBLIC**

Members of the public are welcome to use this time to comment about any matter relating to City business that is listed on this Agenda. The comments that are discussed under "Call to Public" may or may not be acted upon by the Council during this meeting. There is a five-minute time limit. (Please wait to be recognized by the mayor then proceed to the podium; state your name and address).

1. *George Smith, PRIDE, Resolution of Support, waive fireworks stand permit fee, clarification on annual donation.*

Mr. Smith (14923 Parallel) requested Council adopt a resolution supporting PRIDE, waive fireworks stand permit fee, and a donation of \$3,500 for purchase of fireworks.

Mr. Smith felt the Council should be concerned with road connectivity through Basehor and suggested Council consider the boulevard from 155<sup>th</sup> Street east to 147<sup>th</sup> Street, Basehor Town Center.

***2. John Foley, 15015 Parallel, concerns regarding location of Sonic dumpster***

Mr. Foley reported he has an issue with the location of the dumpster at Sonic. The dumpster created site-distance issues from several locations within the shopping center parking lot. Police Chief Lloyd Martley agreed with Mr. Foley noting it was difficult to see oncoming traffic. Chief Martley noted since the dumpster was located on private property, the City could not police the area. He suggested moving the dumpster to the same location as the other dumpsters used by the shopping center.

Mr. Smith explained the property was part of the same plat, but thought Sonic owned the property. President Thomas suggested someone talk to Sonic to see if they would consider moving the dumpster farther south, but did not feel the City could require them to move the dumpster if they did not want to. Councilmember Dysart wanted to see the dumpster painted and broken boards repaired as well. The planning director was directed to contact Sonic.

**a. Citizen Comments Regarding Agenda Items**

***Ed McIntosh (15315 Briar Rd)*** requested his matter concerning the 150<sup>th</sup> Street intersection be added to the April 14<sup>th</sup> work session. He explained the agenda item "g" was the same process that he used in past projects and unless there was a better zoning classification, he requested the R-3 zoning be approved.

***John Flower (15515 Cedar Lane)*** wanted to take the opportunity to apologize to the Council and specifically to Councilmember Dysart for his demonstration earlier regarding the Cedar Lakes issue.

Public portion of the meeting closed.

**SCHEDULED DISCUSSION ITEMS**

None

**BUSINESS**

***a. Consider Tree City USA and Arbor Day Proclamation***

A motion was made by President Thomas and seconded by Councilmember Dysart to approve the Tree City USA and Arbor Day Proclamation. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

***b. Consider National Library Week Proclamation***

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the National Library Week Proclamation as submitted. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

***c. Consider Volunteer Appreciation Week Proclamation***

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the Volunteer Appreciation Week Proclamation as submitted. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Mr. Slauch reported a special recognition ceremony would be held on April 21<sup>st</sup> at 6:00 p.m

***d. Consider resolution pledging support for PRIDE, waive of fireworks stand Permit fee, and payment of funds for 4<sup>th</sup> of July fireworks display as budgeted.***

A motion was made by President Thomas and seconded by Councilmember Sifford to support the resolution as submitted, waive of fireworks stand permit fee, and authorize funds authorized in the budget [\$3,500]. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

RES 2008-05 A RESOLUTION PLEDGING SUPPORT, ENDORSEMENT, AND COOPERATION FOR THE 2008-2009 KANSAS PRIDE PROGRAM

***e. Consider payment of funds for Basehor Dairy Days as budgeted***

A motion was made by President Thomas and seconded by Councilmember Sifford to approve payment of funds for Basehor Dairy Days as budgeted [\$5,000]. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

***f. Consider annexation of property located at 15251 State Avenue***

A motion was made by Councilmember Dysart and seconded by President Thomas to approve the annexation of property located at 15251 State Avenue as presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

ORD. 531. AN ORDINANCE ANNEXING LAND LOCATED AT 15251 STATE AVENUE INTO THE CITY OF BASEHOR, KANSAS

- g. ***Consider Future Land Use Amendment from Commercial to Medium-Density Residential for the Property located at 15251 State Avenue, as requested by Benchmark Management, LLC.***

(Tabled to April 21, 2008)

- h. ***Consider change of zoning from R-0, Suburban Residential to R-3, Multi-Family Residential for the property located at 15251 State Avenue.***

(Tabled to April 21, 2008)

- i. ***Set a public meeting and a public hearing to discuss alternatives concerning the Wastewater Treatment Facility expansion and provide detailed information to the public regarding plant expansion and potential impact on the sewer user charges or other taxes which will fund the improvements.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to set a public meeting on May 5<sup>th</sup> at 7:00 p.m. and the public hearing for June 2 at 7:00 p.m. to discuss alternatives concerning the Wastewater Treatment Facility expansion and provide detailed information to the public regarding plant expansion and potential impact on the sewer user charges or other taxes which will fund the improvements. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

- j. ***Consider purchase of flashing indicator lights on 158<sup>th</sup> Street, north and south side approaching 24-40***

A motion was made by President Thomas and seconded by Councilmember Washington to approve the purchase of some type of flashing light not to exceed \$7,000 for the intersection of 158<sup>th</sup> & 24-40 Highway. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

- k. ***Consider payment for mechanical repairs on Kenworth dump truck***

A motion was made by Councilmember Sifford and seconded by President Thomas to approve payment [\$4,376.38] for mechanical repairs on the T300 Kenworth truck. Discussion followed. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

- l. ***Consider purchase of 7 ft. sickle bar mower attachment for public works department***

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the purchase of a 7 ft. sickle bar mower attachment for public works department. A roll call vote was taken with all members voting in favor. Motion

passed 4-0.

- m. ***Consider a request from the Cedar Lakes Home Owner's Association to refund and transfer \$18,375 from the Sewer Fund to the Cedar Lakes maintenance fund.***

(Tabled to April 21, 2008)

- n. ***Consider approval of the five-year Capital Improvement Plan***

A motion was made by President Thomas and seconded by Councilmember Sifford to approve the five-year Capital Improvement Plan (CIP) and presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

- o. ***Consider priorities for funding requests through KDOT corridor management funds***

(Tabled to April 21, 2008)

- p. ***Consider amendment to Ordinance 520, Standard Traffic Ordinance***

A motion was made by Councilmember Washington and seconded by President Thomas to amend the agenda to read Ordinance 532 based on an updated version provided by the city attorney. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

Councilmember Washington noted generally he has a problem easing up on the standard traffic ordinance and requested the police chief explain the motive behind the change. Chief Martley explained the amendment was requested by Judge Pray explaining the amendment would allow a third offense "Driving while license canceled, suspended, or revoked" citation to be amended to a felony and forwarded to District Court. If the City chooses not to change the ordinance, the City could possibly end up paying about \$6,000 in jail fees (90 day jail sentence).

A motion was made by President Thomas and seconded by Councilmember Washington to approve Ord. 532 as presented. A roll call vote was taken with all members voting in favor. Motion passed 4-0.

ORD. 532 – AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 2 OF THE CODE OF THE CITY OF BASEHOR REGARDING INCORPORATION OF STANDARD TRAFFIC ORDINANCE.

- q. ***Consider city administrator contract changes in regards to vacation policy, sick leave and severance pay***

(Tabled to April 21, 2008)

**CITY ADMINISTRATOR REPORT*****Follow-up report on sanitary sewer utility billing practices***

Mr. Slaugh noted he did not uncover anything significant regarding the sanitary sewer billing practices. In regards to Mr. Joe Kleidosty he did not receive a welcome packet since he requested the contract via fax. Information regarding billing practices are included in the Welcome Packet and have also been scanned and available on the City's website. The city clerk reported she has researched the "landlord" policy with other cities and would work with the city attorney to draft a new ordinance for Council approval.

***Update on Basehor Town Center project and proposed benefit district***

Mr. Slaugh reported he met with Town Center Bond Counsel to review benefit district documents. Another meeting was scheduled for next week. Mr. Slaugh explained the school district was expected to pay about \$300,000 and the City about \$230,000 for infrastructure. The school and municipal facilities would benefit the developer by assisting him in developing the remaining portion of his development. He was in the process of obtaining answers to other questions and would provide those at April 21 Council meeting.

Mayor Garcia reported it was his understanding there would be a total of three benefit districts. Mr. Slaugh explained there would be one benefit district for Basehor Boulevard, a second benefit district to improve 155<sup>th</sup> Street, and the third benefit district for sanitary sewers. He also explained that a "letter of credit" could be required from the developer (*Tape 2, Side A*) for up to 20% of his development.

**MAYOR'S REPORT**

Mayor Garcia reminded Council a 6:00 p.m. work session would not be held on April 21<sup>st</sup> in lieu of Volunteer Recognition and reception.

**COUNCIL MEMBER REPORTS**

None

**EXECUTIVE SESSION*****a. City Administrator annual performance review***

(Tabled to April 21, 2008)

**ADJOURNMENT**

A motion was made by President Thomas and seconded by Councilmember Sifford to adjourn the April 7, 2008 Council meeting. A roll call vote was taken with all members voting in favor. Motion passed 4-0. Meeting adjourned at 7:39 p.m.

Submitted for Council approval with/without corrections or additions this 21<sup>st</sup> day of April, 2008.

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Chris Garcia, Mayor

Attest:

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Mary A. Mogle, CMC, City Clerk

Audio recording #39  
2 audio cassette tapes

BANK: First State Bank

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amount
15217	04/09/2008	Printed	HERITAGE T	HERITAGE TRACTOR INC	FRONTIER SB1107 7' SICKLE BAR	2,895.00
15218	04/09/2008	Printed	LEAV APPRA	LEAVENWORTH COUNTY APPRAISER	LIST PROPERTY OWNERS - SWR/SW	75.00
15219	04/11/2008	Printed	ADVANCE PE	ADVANCE PEST CONTROL	PEST CONTROL PARK & WTF	88.00
15220	04/11/2008	Printed	AFLAC	AFLAC	CAFETERIA PLAN WITHHOLDING PYM	789.20
15221	04/11/2008	Printed	AT&T	AT&T	PHONE SERVICES WTF/LITF STATIO	33.55
15222	04/11/2008	Printed	ATMOS ENER	ATMOS ENERGY	UTILITY SERVICES-GAS	1,036.36
15223	04/11/2008	Printed	BASEHOR CH	BASEHOR CHAMBER OF COMMERCE	2008 ADVERTISING BUDGETED FUND	3,000.00
15224	04/11/2008	Printed	CASEYS	CASEY'S GENERAL STORES	GAS CITY VEHICLES 03/08	3,276.30
15225	04/11/2008	Printed	BASEHOR CI	CITY OF BASEHOR	SEWER/SOLID WASTE SERVICES	95.31
15226	04/11/2008	Printed	COMET INDU	COMET INDUSTRIAL PRODUCTS	REPAIR/SERV GENERATOR LIFT ST	625.00
15227	04/11/2008	Printed	CONS WATER	CONS RURAL WATER DISTRICT #1	WATER SERVICES	153.13
15228	04/11/2008	Printed	CROW, CLOT	CROW, CLOTHIER & ASSOCIATES	ATTORNEY FEES COURT-MARCH '08	85.00
15229	04/11/2008	Printed	CUSTOM RUB	CUSTOM RUBBER STAMP COMPANY	RECEIVED/DATE STAMP FRONT OFC	55.85
15230	04/11/2008	Printed	CUSTOM TRU	CUSTOM TRUCK & EQUIPMENT	REPAIR KENWORTH TRANSMISSION	4,376.38
15231	04/11/2008	Printed	DATAMAX	DATAMAX	MONTHLY BASE/EXCESS COPY CHARG	285.73
15232	04/11/2008	Printed	DIV ACCTS	DIVISION OF ACCOUNTS & REPORTS	2009 BUDGET TRAINING SEMINAR	100.00
15233	04/11/2008	Printed	DOCKERY T	TRACI JO DOCKERY	MILEAGE REIMBURSEMENT COURT CON	233.31
15234	04/11/2008	Printed	E. EDWARDS	E. EDWARDS WORK WEAR	SAFETY BOOTS-HOLDEN & LEE	240.05
15235	04/11/2008	Printed	EFTPS	EFTPS	FIT/SS/MEDI WITHHOLDING PYMT	9,586.97
15236	04/11/2008	Printed	GRIFFIN/WI	WILLIAM GRIFFIN	BANKRUPTCY WITHHOLDING PYMT	200.00
15237	04/11/2008	Printed	HAYNES EQU	HAYNES EQUIPMENT CO	REPAIR GRINDER PUMPS-CEDAR LAK	1,006.44
15238	04/11/2008	Printed	INTERNAL R	INTERNAL REVENUE SERVICE	IRS GARNISHMENT WITHHOLDING PY	332.42
15239	04/11/2008	Printed	ICC ACCTS	INTERNATIONAL CODE COUNCIL	BUILDING SAFETY WEEK CAMPAIGN	73.00
15240	04/11/2008	Printed	JIMS LOCK	JIMS LOCK & SAFE SERVICE	REPAIR/PROGRAM LOCK @ PARK	132.00
15241	04/11/2008	Printed	JOCO ENVIR	JOHNSON COUNTY ENVIRONMENTAL	SAMPLE TESTING 03/20 & 03/27	328.75
15242	04/11/2008	Printed	KS DOR WTH	KANSAS DEPARTMENT OF REVENUE	KS STATE WITHHOLDING PYMT	1,402.21
15243	04/11/2008	Printed	KANSAS PAY	KANSAS PAYMENT CENTER	CHILD SUPPORT WITHHOLDING PYMT	223.50
15244	04/11/2008	Printed	KS TREASUR	KANSAS STATE TREASURER	GO BOND 1993 FINAL PAYOFF	5,972.71
15245	04/11/2008	Printed	KPF EFT	KPF EFT PROGRAM	KPF RETIREMENT WITHHOLDING PYT	2,664.30
15246	04/11/2008	Printed	LAWRENCE	LAWRENCE JOURNAL WORLD	WANT AD/ORDINANCE/RATE INCREAS	420.40
15247	04/11/2008	Printed	LCDC	LCDC	BOARD MEETING LUNCHEON	7.00
15248	04/11/2008	Printed	LEAV PROB	LEAV CTY & CO PROBATION OFFICE	JAN-MARCH PROBATION SERVICES	2,075.00
15249	04/11/2008	Printed	LEAV COOP	LEAVENWORTH COUNTY CO-OP	239.8 GALLONS DIESEL FUEL	894.21
15250	04/11/2008	Printed	LEAV PAPER	LEAVENWORTH PAPER SUPPLY LLC	CASE TRASH CAN LINERS	43.91
15251	04/11/2008	Printed	LOI TECH	LOI TECHNOLOGY	MOVE INTERNET BOX, FIREWALL,	622.46
15252	04/11/2008	Printed	MCAFFEE HEN	MCAFFEE HENDERSON SOLUTIONS	ENGINEERING SERVICES	9,631.26
15253	04/11/2008	Printed	MOGENSON	MICHAEL S. MOGENSON	PROSECUTING ATTORNEY 03/08	400.00
15254	04/11/2008	Printed	OREILLYSPR	O'REILLY AUTO PARTS	REPAIR PARTS FOR MOWERS PWD	36.68
15255	04/11/2008	Printed	OMNI-SITE	OMNI-SITE.NET	MONTHLY WIRELESS SERVICES	150.00
15256	04/11/2008	Printed	PITNEY BOW	PITNEY BOWES	POSTAGE FOR METER MACHINE	200.00
15257	04/11/2008	Printed	PONZER	PONZER-YOUNGQUIST PA	REVIEW-PR GARDENS/TOWN CNTR	1,511.14
15258	04/11/2008	Printed	POSITIVE P	POSITIVE PROMOTIONS INC	SUPPLIES VOLUNTEER RECEPTION	65.40
15259	04/11/2008	Printed	PRAY	WILLIAM E. PRAY	MUNICIPAL COURT JUDGE SERVICES	250.00
15260	04/11/2008	Printed	PRIDE	PRIDE	FIREWORKS DONATION 2008	3,500.00
15261	04/11/2008	Printed	PROSE	PROSE	STEECASE 9000 DESK - POLICE	300.00
15262	04/11/2008	Printed	PUBLIC SAF	PUBLIC SAFETY CENTER INC	TOWELETTES FOR FINGERPRINTING	83.25
15263	04/11/2008	Printed	QUILL	QUILL	DISPLAY ORGANIZER/ENVELOPES/BO	262.33
15264	04/11/2008	Printed	REAVEY LAW	REAVEY LAW LLC	LEAGAL SERVICES PROVIDED	1,920.00
15265	04/11/2008	Printed	SCOTT'S PLU	SCOTT'S PLUMBING & HEATING	BACKFLOW TESTING @ WWTF	193.00
15266	04/11/2008	Printed	SELECT IMA	SELECT IMAGING	FILEBOUND HOSTING FEE 04-05/08	300.00
15267	04/11/2008	Printed	SLAUGH	CARL SLAUGH	MEAL REIMB-KS BROWNSFIELD WORK	10.00
15268	04/11/2008	Printed	SPECTRA	SPECTRA	MISC FASTENERS PWD & WWTF	376.36
15269	04/11/2008	Printed	STARK RAVI	STARK RAVING SOLUTIONS	REVISED AUDIO SYSTEM INSTALL	229.00
15270	04/11/2008	Printed	KU COMT ED	UNIVERSITY OF KANSAS	60TH ANNUAL CITY/COUNTY CONFER	260.00
15271	04/11/2008	Printed	VESTA LEE	VESTA LEE LUMBER COMPANY	PALLET CONCRETE MIX	126.00
15272	04/11/2008	Printed	WESTAR GRP	WESTAR ENERGY	STREET LIGHTS/UTILITIES-ELECTR	3,410.16

Total Checks: 56 Bank Total: 66,643.03

Total Checks: 56 Grand Total: 66,643.03

## BALANCE SHEET

AS OF 04/14/08

Page: 1

4/14/2008

12:29 pm

City Of Basehor

As of: 4/30/2008

Balances

## Fund: 13 - SUMMATION OF ALL FUNDS

## Assets

## Acct Class: CA CURRENT ASSESTS

001 FSB CHECKING ACCOUNT	46,636.50
002 FSB MONEY MARKET ACCOUNT	3,213,014.16
016 103-3 OVERNIGHT ACCT MIP	85,390.39
031 30433 CNB 3.10% DUE 10/18/08	800,000.00
045 418000021 COMMERCE 4.5% 05/13	1,400,000.00

## Acct Class: CA CURRENT ASSESTS

5,545,041.05

Total Assets

5,545,041.05

## Liabilities

## Acct Class: CL CURRENT LIABILITIES

214 SEWER FUND MONTHLY BALANCE	896,252.81
215 SOLID WASTE MONTHLY BALANCE	78,326.69
216 GENERAL FUND MONTHLY BALANCE	1,520,812.82
218 MUNICIPAL EQUIP FUND MO BAL	156,966.44
219 CAPITAL IMPROVE FUND MO BAL	785,163.34
220 SPECIAL PARK & REC FUND MO BAL	126,733.06
221 CONS HIGHWAY FUND MONTHLY BAL	1,904,610.66
226 BOND & INTEREST MONTHLY BAL	14,709.45
300 CL MAINTENANCE MONTLY BALANCE	61,465.78

## Acct Class: CL CURRENT LIABILITIES

5,545,041.05

Total Liabilities

5,545,041.05

Total Liabilities &amp; Balances

5,545,041.05

**REVENUE/EXPENDITURE REPORT**  
AS OF 04/14/08

For the Period: 1/1/2008 to 4/30/2008

	Original Bud.	Amended Bud.	YTD Actual	CURR MTH
<b>Fund: 01 - GENERAL FUND</b>				
Revenues	2,467,360.00	2,467,360.00	719,989.25	14,712.87
Expenditures	2,178,959.00	2,178,959.00	516,950.83	78,927.45
Net Effect for GENERAL FUND	288,401.00	288,401.00	203,038.42	-64,214.58
<b>Fund: 04 - SPECIAL PARK &amp; RECREATION FUND</b>				
Revenues	35,348.00	35,348.00	4,072.91	0.00
Expenditures	19,500.00	19,500.00	0.00	0.00
Net Effect for SPECIAL PARK & RECREATION FUND	15,848.00	15,848.00	4,072.91	0.00
<b>Fund: 05 - SEWER FUND</b>				
Revenues	5,851,539.00	5,851,539.00	203,605.57	890.79
Expenditures	5,715,259.00	5,715,259.00	179,591.86	8,666.05
Net Effect for SEWER FUND	136,280.00	136,280.00	24,013.71	-7,775.26
<b>Fund: 07 - CEDAR LAKES MAINTENANCE</b>				
Revenues	14,119.00	14,119.00	284.57	0.00
Expenditures	10,500.00	10,500.00	2,341.38	1,006.44
Net Effect for CEDAR LAKES MAINTENANCE	3,619.00	3,619.00	-2,056.81	-1,006.44
<b>Fund: 08 - BOND &amp; INTEREST FUND</b>				
Revenues	890,969.00	890,969.00	309,731.51	0.00
Expenditures	1,011,084.00	1,011,084.00	363,053.34	5,142.71
Net Effect for BOND & INTEREST FUND	-120,115.00	-120,115.00	-53,321.83	-5,142.71
<b>Fund: 09 - SOLID WASTE FUND</b>				
Revenues	162,744.00	162,744.00	41,442.41	0.00
Expenditures	162,182.00	162,182.00	34,012.22	722.73
Net Effect for SOLID WASTE FUND	562.00	562.00	7,430.19	-722.73
<b>Fund: 10 - CONSOLIDATED HIGHWAY FUND</b>				
Revenues	787,548.00	787,548.00	118,331.66	0.00
Expenditures	588,700.00	588,700.00	50,232.28	6,871.01
Net Effect for CONSOLIDATED HIGHWAY FUND	198,848.00	198,848.00	68,099.38	-6,871.01
<b>Fund: 11 - MUNICIPAL EQUIP RESERVE FUND</b>				
Revenues	218,247.00	218,247.00	707.03	0.00
Expenditures	225,000.00	225,000.00	46,814.75	0.00
Net Effect for MUNICIPAL EQUIP RESERVE FUND	-6,753.00	-6,753.00	-46,107.72	0.00
<b>Fund: 12 - CAPITAL IMPROVEMENT FUND</b>				
Revenues	388,976.00	388,976.00	71,502.51	0.00
Expenditures	375,000.00	375,000.00	0.00	0.00
Net Effect for CAPITAL IMPROVEMENT FUND	13,976.00	13,976.00	71,502.51	0.00

**City of Basehor  
May 2008 Monthly Calendar of Events**

<b>Date</b>	<b>Time</b>	<b>Event</b>	<b>Location</b>
5	6:00 p.m.	City Council Work Session & Meeting	City Hall Meeting Room
6	6:30 p.m.	Planning Commission Work Session and Meeting	City Hall Meeting Room
7	8:00 a.m.	Chamber of Commerce Board Mtg	First State Bank & Trust
8	11:30 a.m.	LCDC Board Meeting	LCDC Office
12	6:00 p.m.	City Council Work Session 20th LV CO Peace Officer Recog.	City Hall Meeting Room Eagles Hall, 300 S 20th Street
13	1:00 p.m.	Municipal Court	City Hall Meeting Room
14	4:00 p.m.	Park Advisory Board Meeting	City Hall Meeting Room
19	6:00 p.m.	City Council Work Session & Meeting	City Hall Meeting Room
22	Noon	Chamber Membership Meeting	Reece Nichols Office
27	3:00 p.m.	LCDC Infrastructure Meeting	LCDC Office
28	11:45 a.m.	Port Authority Meeting	Heritage Center, 109 Delaware

Next Meetings:

June 2, 2008 Council Work Session & Regular Meeting

June 9, 2008 Work Session

June 9, 2008 Council Work Session & Regular Meeting

## WORK SESSION AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider a petition for a benefit district to finance public improvements for the Basehor Town Center project.

**Department:** Administration, Planning

**Background/Description of Item:**

A petition to establish a benefit district and issue general obligation bonds for public improvements for the Basehor Town Center project has been received from Level-4 Engineering on behalf of Affinity Development Inc. and was discussed at the work session April 14, 2008.

Three benefit districts are being proposed:

	Estimated Cost of Public Improvement
1. 155 <sup>th</sup> Street from Hickory St. to approximately 1400' South	\$937,500
2. Basehor Blvd. from 155 <sup>th</sup> St. east approximately 2500'	\$1,980,700
3. Basehor Town Center Sanitary Sewer	\$819,900
<b>Total</b>	<b>\$3,738,100</b>

Each benefit district is proposed to be assessed to the adjoining property owners on the basis of square footage. Gary Anderson, Gilmore and Bell, is working with Affinity Development and Level-4 Engineering to merge two of the benefit districts, Basehor Blvd and the sanitary sewer. Work is also being done to merge a funding and development agreement into one document that will make provisions for payments on behalf of the property owners on the west side of 155<sup>th</sup> Street that are included in the benefit district.

The items to be considered will include the proposed benefits to the city, liabilities or risks, whether some or all of the assessments may or should be paid by the developer on behalf of the adjoining property owners, and whether improvements to the west side of 155<sup>th</sup> Street should be required of the developer.

Due to the length of time available, some of the documents may not be completed in time for council consideration and the decision may have to be extended to the next city council meeting on May 5, 2008.

**Funding Source:** Basehor Town Center proposed benefit district

**Recommendation:** Approve the request for formation of a benefit district following completion of and agreement on a funding and development agreement for Affinity Development Inc. for Basehor Town Center.

Prepared by: Carl E. Slaugh, City Administrator  
Council Date: April 21, 2008

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider priorities for funding requests through KDOT corridor management funds.

**Department:** Administration and Public Works

**Background/Description of Item:**

At a meeting with Kansas Department of Transportation (KDOT) officials on March 27 it was stated that \$600,000 in FY 2009 corridor management funds would be made available to the City of Basehor for corridor projects. At the March 17 city council meeting a decision was made to submit the north portion of 150<sup>th</sup> Street from Craig Road to Parallel as a number one priority.

At the work session on April 14 more discussion took place on the current and projected projects that may be eligible for corridor funds and their priority.

There is some indication that a multi-year project for improvement of the 150<sup>th</sup> and 24-40 intersection might be approved if the city wanted to commit potential funds to that project, rather than to some other projects. The intersection project is estimated to cost in excess of \$4.0 million. The entire project would need to have some preliminary design completed in order to submit it as a funding request.

The estimated cost of each of the projects is being prepared.

<b>Corridor Management Projects</b>						
150th St.- Craig St. to Parallel Rd.	1	333,990				
Wolfcreek Blvd Reverse Frontage 150th-153rd	2					
155th St.- 24/40 N. for 800'	3		320,000 (1)			
158th St.- 24/40 N. to Parallel Rd.	4			734,976		
150th and 24-40 Intersection North	5					
150th St. 24-40 north to Wolfcreek Blvd	6					
Reverse Frontage 150th-153rd South Side	7					
150th and 24-40 Intersection South	8					
Reverse Frontage Rd.- 155th to 158th St.	9				124,015	

**Funding Source:** Transportation, TDD and Corridor Management Funds

**Recommendation:** Approve priorities on various street projects and application to KDOT for corridor management projects.

Prepared by: Carl E. Slaugh, City Administrator  
 Council Date: April 21, 2008

<b>Capital Improvements Plan 2008-2012</b>						
<b>Project:</b>	<b>Priority</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Community Facilities</b>						
Improve PD Parking Lot	1	10,000				
Extend City Hall sidewalk	2	1,000				
Unfunded Future Projects						
City Hall and Police Building	3					5,000,000
Community Center (\$4.0 million)	4					
Total Revenues:		279,773	307,869	335,965	364,061	392,157
Balance Forward:		593,037	861,810	1,169,678	1,505,643	1,869,703
Capital Expenditures:		11,000	0	0	0	5,000,000
<b>Projected Balance:</b>		<b>861,810</b>	<b>1,169,678</b>	<b>1,505,643</b>	<b>1,869,703</b>	<b>-2,738,141</b>
<b>Transportation</b>						
<b>Corridor Management Projects</b>						
150th St.- Craig St. to Parallel Rd.	1	333,990				
Wolfcreek Blvd Reverse Frontage 150th-153rd	2					
155th St.- 24/40 N. for 800'	3		320,000 (1)			
158th St.- 24/40 N. to Parallel Rd.	4			734,976		
150th and 24-40 Intersection North	5					
150th St. 24-40 north to Wolfcreek Blvd	6					
Reverse Frontage 150th-153rd South Side	7					
150th and 24-40 Intersection South	8					
Reverse Frontage Rd.- 155th to 158th St.	9				124,015	
<b>Other Projects</b>						
155th St. and Parallel Intersection	1		499,428			
155th St- Parallel N. to Elm	2			480,000		
155th St. and Leavenworth Rd. Intersection	3			998,855		
147th St.- Donahoo Rd. to Hollingsworth Rd.	4			535,000 (2)		
147th St.- Leavenworth to Donahoo Rd.	5				610,000	
K-7 to Donahoo Rd. Left Turn Lane	6					250,000
Parallel Rd.- 155th St. to 163rd St.	7					165,000
Miscellaneous Improvements	-	181,468	185,823	190,283	194,850	199,526
<b>Unfunded Future Projects</b>						
147th St.- Parallel Ln. to Leavenworth Rd.	12					1,371,534
142nd St.- State Ave. to Parallel Rd.	13					727,425
Rev. Frontage Rd.(N)- 153rd to 150th St.	14					
Rev. Frontage Rd.(S)- 153rd to 150th St.	15					
150th St. Intersection Improvements	16					
Total Revenues:		572,678	610,252	647,942	685,750	723,679
Balance Forward:		1,732,021	1,772,286	1,679,825	-1,573,171	-1,834,761
Operating Expenditures:		16,955	17,462	17,968	18,475	18,982
Capital Expenditures:		515,458	685,251	3,882,969	928,865	614,526
<b>Projected Balance:</b>		<b>1,772,286</b>	<b>1,679,825</b>	<b>-1,573,171</b>	<b>-1,834,761</b>	<b>-1,744,589</b>

<b>Capital Improvements Plan 2008-2012</b>						
<b>Project:</b>	<b>Priority</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Public Utilities</b>						
New Plant Expansion	1	3,940,000				
Remove Chestnut lift station	2	150,000				
Storage shed	3		50,000			
Sewer Line Rehabilitation	-	400,000	400,000	400,000		
Plant Bond Payments	-	488,000	488,000	811,581	1,135,162	1,135,162
Total Revenues:		6,459,932	1,066,466	1,179,534	1,271,714	1,360,008
Balance Forward:		633,604	1,825,517	1,652,363	1,306,631	1,116,951
Operating Expenditures:		290,019	301,620	313,685	326,232	339,281
Capital Expenditures:		4,978,000	938,000	1,211,581	1,135,162	1,135,162
<b>Projected Balance:</b>		<b>1,825,517</b>	<b>1,652,363</b>	<b>1,306,631</b>	<b>1,116,951</b>	<b>1,002,516</b>
<b>Recreation and Leisure</b>						
Trail 1- Tomahawk Valley	1		132,331			
Trail 2- BES to Park	2		19,608			
Unfunded Future Projects						
Recreation Complex/City Park	3		4,000,000			
Total Revenues:		30,010	31,162	32,373	33,647	34,989
Balance Forward:		101,400	125,230	-1,913	23,903	50,797
Operating Expenditures:		6,180	6,365	6,556	6,753	6,956
Capital Expenditures:		0	151,939	0	0	0
<b>Projected Balance:</b>		<b>125,230</b>	<b>-1,913</b>	<b>23,903</b>	<b>50,797</b>	<b>78,830</b>

**Notes:**

- (1) Funded by a Transportation Development District (TDD).
- (2) Leavenworth County project.
- (3) Forecasts do not include interest.

**Narrative – City Council  
April 21, 2008  
Dustin Smith, Planning Director**

**Future Land Use Amendment from Commercial to Medium-Density Residential for the property located at 15251 State Avenue, as requested by Benchmark Management, LLC.**

A staff report and supporting information is provided in the agenda packet. No development plan has been provided at this time, but will be required prior to building permits being issued for construction.

Staff will be available for discussion at the meeting.

**Staff Recommendation**

Staff and the Planning Commission recommend approval of the future land use amendment from Commercial to Medium-Density Residential.

ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE AMENDING THE CITY'S OFFICIAL FUTURE LAND USE MAP, WHICH IS A COMPONENT OF BUILDING BASEHOR – GROWING TOGETHER, A COMPREHENSIVE PLAN FOR THE CITY OF BASEHOR, KANSAS 2006, TO CHANGE THE FUTURE LAND USE DESIGNATION OF PROPERTY LOCATED AT 15251 STATE AVENUE FROM LOW-DENSITY RESIDENTIAL TO MEDIUM-DENSITY RESIDENTIAL, AS REQUESTED BY BENCHMARK MANAGEMENT, LLC.**

**WHEREAS**, the Planning Commission of the City of Basehor, Kansas has adopted Building Basehor – Growing Together, a Comprehensive Plan for the City of Basehor, Kansas 2006 pursuant to the authority granted by Kansas Statutes, and

**WHEREAS**, pursuant to K.S.A. 12-747, the Comprehensive Plan adopted by the Planning Commission and any current amendments must be adopted by the Governing Body prior to its becoming effective, and

**WHEREAS**, a certified copy of the 2006 Comprehensive Plan has been provided, together with a summary of the public hearing concerning the recommended and proposed amendments by the Planning Commission held on March 5, 2008 have been submitted to the Governing Body.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS THAT:**

**SECTION 1.** The Governing Body of the City of Basehor, Kansas, hereby adopts the aforementioned amendment to the Future Land Use Map, which is a component of Building Basehor – Growing Together, a Comprehensive Plan for the City of Basehor, Kansas 2006 to change the future land use designation of the property located at 15251 State Avenue from Low-Density Residential to Medium-Density Residential, as requested by Benchmark Management, LLC.

**SECTION 2:** The City Clerk is hereby directed to forward a copy of the amended Future Land Use Map to any and all taxing jurisdictions that lie within the City limits or in that area outside of the City limits covered by such Plan.

**SECTION 3.** Not less than two (2) copies of this Ordinance, to each of which shall be attached to a copy of Building Basehor – Growing Together, a Comprehensive Plan for the City of Basehor, Kansas 2006, marked or stamped as “official copy as incorporated by ordinance” shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

**APPROVED** by the Mayor this 21<sup>st</sup> day of April, 2008.

\_\_\_\_\_  
Chris Garcia, Mayor

ATTEST:

\_\_\_\_\_  
Mary Ann Mogle, City Clerk

Approved as to form:

\_\_\_\_\_  
Patrick Reavey, City Attorney

**Excerpt of Minutes**  
**Basehor Planning Commission Meeting**  
**April 1, 2008**  
**Basehor City Hall**

**E2- Public Hearing -Future Land Use Amendment from Commercial to Medium-Density Residential for the property located at 15251 State Avenue, as requested by Benchmark Management, LLC.**

Mr. Smith reviewed the staff report. Mr. Smith stated that staff recommended approval. Chair Flower opened public hearing.

*Ed McIntosh-* stated he had no problems with the rezoning.

*Richard Ryerly- 15121 Briarwood-* Mr. Ryerly stated he had a few questions for the planning commissioners; and wanting to know how the wastewater would be handled.

*Terry Hill- 14101 Wingfoot Ct.-* stated that the Planning Commission should be careful on any rezoning changes. Because there could already be plans for a property even though it has not been annexed.

Chair Flower asked if there were any others to speak in favor. Hearing none Chair Flower asked for those not in favor.

*Tom McClain- 18681 152<sup>nd</sup>* - Mr. McClain stated that he had concerns of future use for the property.

Hearing no others wishing to speak, Chair Flower closed the public hearing at 7:56 p.m.

Commissioner Logsdon made the motion to accept as recommended by staff. Commissioner Povilonis seconded. Chair Flower called for a vote. Motion passed, 7-0.

## STAFF REPORT

**Date:** March 4, 2008

**Subject:** Consideration of future land use amendment from Commercial to Medium-Density Residential, submitted by Benchmark Management, LLC. for property located at 15251 State Avenue.

**File No:** A-01-08

### GENERAL INFORMATION

**Applicant:** Basehor Properties, Inc.  
P.O. Box 516  
Basehor, KS 66007

**Owner:** Same as above  
**Address:**

**Phone:**

**Engineer/ Architect:** N/A

**Location:** 15251 State Avenue.  
**Current Zoning:** "B-3, General Business (County), but upon approval of the annexation it will be automatically zoned R-O" Suburban Residential.

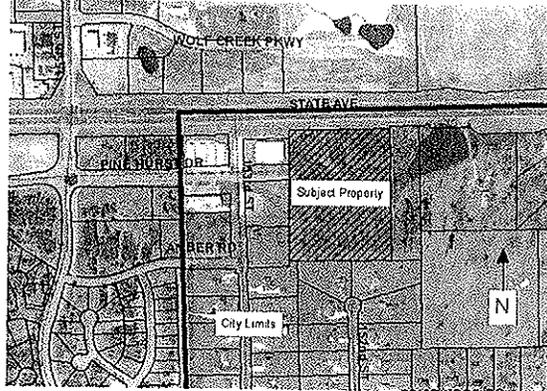
### PROJECT BACKGROUND

Benchmark Management, LLC. has submitted an application for the annexation and rezoning of the property located at 15251 State Avenue from R-O, Suburban Residential to R-3, Multi-Family Residential. A development plan has not been submitted with the change of zoning.

The property is located on the south side of State Avenue, approximately 610 feet east of the Pinehurst Subdivision. The property is currently located in the unincorporated portion of Leavenworth County, but the City has historically allowed the annexation to run concurrent with rezoning and development applications. The property is shown in Map 1, below.

The property consists of approximately 9.78 acres. The existing county zoning is B-3, General Business. Upon annexation, the property will come into the City as R-O, Suburban Residential.

Map 1: Location



Access to the property will be via Briarwood Lane, which will require improvements to city standard for the length of the subject property. Additional improvements to the unimproved portion of the street will be determined with the development of the property. U.S. 24/40 Corridor Management funds may be available for the improvement of Pinehurst Drive/Briarwood Lane due to its functionality as a reverse frontage road between 150 Street and 155 Street.

## **FACTORS FOR CONSIDERATION**

- 1. The general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary.**

### Land Uses in the General Vicinity

The general vicinity of the property to the west is commercial and to the south is residential. There is an existing commercial area containing several businesses such as a Heating and Cooling business, tavern, restaurant, mini-storage, auto repair and offices. To the south is the Briarwood Subdivision, which contains average lot sizes of approximately one-half acre and larger. The property is bound on the north side by U.S. Highway 24/40. The area across the highway is developing in a high-intensity commercial nature.

### Existing Land Use Designation and Uses

Although the property is currently in the unincorporated portion of the County, it is within close proximity to the City and within our urban growth management area (UGMA). The existing land use designation on the property is low-density residential, according to the city's FLUM.

Relationship to Comprehensive Plan

The following Comprehensive Plan language supports the future land use amendment:

***MDR 3: Location***

*Medium Density Residential / Multi-Family neighborhoods should be located close to arterial and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. The neighborhoods should possess direct connection to work, shopping, and leisure activities, but settings where the only access provided consists of local streets passing through lower density neighborhoods should be avoided.*

***MDR 4: Variety of Housing Styles/ Building Massing and Form***

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged. Larger buildings shall be designed with a variety of wall planes and roof forms to create visual interest. Projects should be compatible with the established mass and scale of other buildings along the block.*

Relationship to U.S. 24/40 Corridor Plan

The property lies within a T-3 Suburban transect zone, which recommends a maximum of six (6) dwelling units per acre.

**2. Population and building intensity standards and restrictions and the application of the same.**

No building plans have been submitted to the city and are not required until the site planning application is made. The development of the property will have to comply with the City's existing regulations and policies, as well as the standards of the U.S. 24/40 Corridor Plan.

**3. Public facilities including transportation facilities of all types whether publicly or privately owned which relate to the transportation of persons or goods.**

A. Transportation Impacts

The applicant has indicated that the purpose of the comprehensive plan amendment is pursuant to the development of the property for multi-family residential housing with a maximum density of 14 units/acre.

*Major Street Plan implications*

The future land use amendment implies has minimal impact on the major street plan, since the streets that will serve the property are already in place. Although, there will need to be improvements to the street adjacent to the property.

B. Sanitary Sewer

The property is relatively close to the existing sanitary sewer system in Pinehurst. Impacts to the sewer system and design will be determined when a development plan is submitted.

C. Water

Suburban Water will provide water to the site. Impacts to the water system and design will be determined when a development plan is submitted.

**3. Public improvement programming based upon a determination of relative urgency.**

The street adjacent to the property will require improvements to city standards between the Pinehurst Subdivision and the eastern property boundary. The developer will be responsible for the improvements between the property boundaries, but the other options for the improvement of the remaining portion of the street up to the Pinehurst Subdivision will need to be determined.

**4. The major sources and expenditure of public revenue including long range financial plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the community, both public and private.**

As part of the U.S. 24/40 Corridor Plan, corridor management funds will be available for improvements to the local arterial/collector street system (reverse frontage roads) that will provide traffic distribution along the highway. Pinehurst Drive/Briar Lane will be the reverse frontage street that parallels the highway on the south side and should be eligible for KDOT funding for the improvements. Development of the frontage road system will promote the economic development of the area.

**5. Utilization and conservation of natural resources.**

Existing Natural Features

The property is heavily vegetated with mature tree cover.

Slope

The property has a moderate slope to the southeast away from the highway.

Floodplains

There are no floodplains on the site. The nearest floodplain is along Wolf Creek, approximately 3,500 feet to the east.

Soils - The site contains the following soil types:

1. Shelby (*Sp*) loam classification – this soil type is predominant on the property. This soil type is characteristic of bedrock at greater than 60 inches and water table depth of greater than ten feet (10'). This is indicative that the limitations in terms of footings and foundation construction should be minimal, but this soil is not well suited for septic tank absorption fields. Therefore, the applicant should be required to connect to the city's sewer system.

**6. Any other element deemed necessary to the proper development or redevelopment of the area.**

None.

**Recommendation**

The Planning Department recommends approval of the comprehensive plan amendment to change the future land use from Commercial to Medium-Density Residential for the subject property.

# Affidavit in Proof of Publication

STATE OF KANSAS  
Leavenworth County

Erika Gray of the Legal Dept. of the Basehor Sentinel being first duly sworn, deposes and says:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Leavenworth County, Kansas, with a general paid circulation on a weekly basis in Leavenworth County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Basehor Sentinel

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than one year prior to the first publication of said notice and been admitted at the post office of Basehor in said County as second class matter.

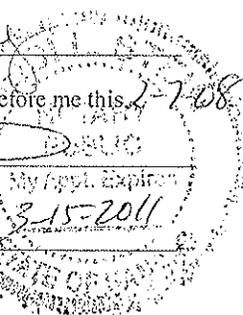
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 02/07/2008 with publications being made on the following dates:

02/07/2008

*Erika Gray*

Subscribed and sworn to before me this 2-7-08

*[Signature]*  
Notary Public



My Appointment expires:

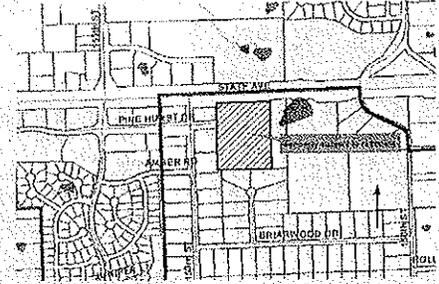
Publication Charges	\$84.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	\$84.00

(First published in the Basehor Sentinel, Thursday, February 7, 2008)

### PUBLIC HEARING NOTICE PLANNING COMMISSION CITY OF BASEHOR, KANSAS

Notice is hereby given that the Planning Commission of the City of Basehor, Kansas will hold a public hearing on Tuesday, March 4, 2008 at 7:00 PM. in the meeting room of City Hall, located at 2620 N. 155<sup>th</sup> Street, Basehor, Kansas to consider a change of zoning on property located at 15251 State Avenue from R-O, Suburban Residential to R-3, Multi-Family Residential for Southside Villas Senior Living to be located on said property in Basehor, Kansas, submitted by Benchmark Management, Inc. The property is more particularly described as and is also shown in the map below:

TRACT #2: A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION, 11, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, THE WEST LINE OF SAID NORTHEAST QUARTER HAVING AN ASSUMED BEARING OF SOUTH 00°12'13" WEST, THENCE SOUTH 00°12'13" WEST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 76.70 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF US 24 HIGHWAY; THENCE SOUTH 89°28'00" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF US 24 HIGHWAY, 574.79 FEET; THENCE SOUTH 00°12'13" WEST, PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, 757.62 FEET; THENCE NORTH 89°30'52" WEST, PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, 758.10 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED. ALL IN LEAVENWORTH COUNTY, KANSAS.



All persons who desire to comment for or against said application are invited to appear at the time and place mentioned above. Copies of the application and full legal description are available for review during normal business hours at Basehor City Hall. Questions about the application may be directed to Dustin Smith, Planning Director, at (913) 724-1370 ext. 24

PLANNING COMMISSION  
CITY OF BASEHOR

LARRY GROSKO  
VINCENT STONESTREET  
5400 N. 107<sup>TH</sup> STREET  
KANSAS CITY, KS 66109

MICHAEL WHITE  
18719 150<sup>TH</sup> STREET  
BASEHOR, KANSAS 66007

WILLIAM WHIPPLE  
18655 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

WILLIAM & KATHLEEN SCHAFFER  
15076 BRIARWOOD DRIVE  
BASEHOR, KS 66007

STRANGELA & MICHAEL HARRIS  
18731 150<sup>TH</sup> STREET  
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18749 150<sup>TH</sup> STREET  
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ALLEN & CHRISTINA NUZIK  
18567 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

ROBERT & SHARON MADRIGAL  
15120 BRIARWOOD DRIVE  
BASEHOR, KANSAS 66007

JOHN & SHERRY GIRVIN  
18773 150<sup>TH</sup> STREET  
BASEHOR, KANSAS 66007

STEVEN & CARRIE BARBARICH  
18543 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

*TONY & DEBORA YAZEL  
15142 BRIARWOOD DRIVE  
BASEHOR, KANSAS 66007*

HERITAGE LAND LC  
9518 W 121<sup>ST</sup> TERRACE  
OVERLAND PARK, KS 66213

JAMES & GERALYNN DXBURY  
18523 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

MATT & MARY REED  
15162 BRIARWOOD DRIVE  
BASEHOR, KANSAS 66007

S & C DEVELOPMENT LLC  
2641 N. SHEFFORD  
WICHITA, KANSAS 67205

JAMES & LAURA SMITH  
PO BOX 408  
BASEHOR, KANSAS 66007

LAWRENCE & SUSAN KLAMM  
15163 BRIARWOOD DRIVE  
BASEHOR, KANSAS 66007

BASEHOR DEVELOPMENT CO, LLC  
17712 169<sup>TH</sup> STREET  
BONNER SPRINGS, KS 66012

CHARLES & PAULA WARCZAKOSKI  
18520 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

MICHAEL & CHERYL NEWMAN  
PO BOX 418  
BASEHOR, KANSAS 66007

JOHN & DIANA HALEY  
18701 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

*ROBERT & DEBRA ADAMS  
15297 BRIARWOOD DR  
BASEHOR, KANSAS 66007*

RICHARD & MARY DREILING  
15121 BRIARWOOD DRIVE  
BASEHOR, KANSAS 66007

PHILLIP & PAMELA FOX  
18681 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

JAMES & GOLDEN COLEMAN  
15275 BRIARWOOD DR  
BASEHOR, KANSAS 66007

CHARLES & MARY BIZZELL  
15091 BRIARWOOD DRIVE  
BASEHOR, KANSAS 66007

RONALD & KALA COLEMAN  
18673 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

ELIZABETH SIRRIDGE TRUST  
15267 BRIARWOOD DR  
BASEHOR, KANSAS 66007

STEPHEN & RONDA FOSTER  
15231 BRIARDWOOD DR  
BASEHOR, KANSAS 66007

FEYERBEND FAMILY TRUST  
18661 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

HIMPEL CONSTRUCTION  
EARL BRYANT ENTERPRISES  
21874 PARALLEL  
TONGANOXIE, KANSAS 66086

RICHARD & VICTORIA PIERCE  
15211 BRIARWOOD DR  
BASEHOR, KANSAS 66007

EARL & HELEN ATTERBURY  
18655 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

EARL BRYANT ENTERPRISES  
15280 BRIAR RD  
BASEHOR, KANSAS 66007

MELVIN JACKS  
NORMA CLARK  
15183 BRIARWOOD DR  
BASEHOR, KANSAS 66007

ROBERT & TINA THORNTON  
18601 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

CONFLUO TRUST  
AJMSK TRUST  
14127 BELRIVE CIRCLE  
BASEHOR, KANSAS 66007

CHARLES & SUSAN EBERTH  
15186 BRIARWOOD DR  
BASEHOR, KANSAS 66007

JANICE BISHOP  
15300 BRIARWOOD DR  
BASEHOR, KANSAS 66007

DONALD & SANDRA LANE  
18669 150<sup>TH</sup> STREET  
BASEHOR, KANSAS 66007

*DANA & APRIL FLOYD*  
*15200 BRIARWOOD DR*  
BASEHOR, KANSAS 66007

DENNIS & DIANE STAAB  
18570 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

DONALD & VIVIAN BERRY  
18600 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

EDWIN & DORIS GORMAN  
18600 153<sup>RD</sup> STEET  
BASEHOR, KANSAS 66007

WAYNE & SHERRY AGEE  
18604 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

RONALD & JEAN HOYLER  
18650 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

ARBIE & DELORES WARREN  
18658 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

MIKE & LOUISE ZELJEZNAK  
18662 153R STREET  
BASEHOR, KANSAS 66007

STEVEN & KATHLEEN SMITH  
18666 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

IVAN & MARY CAVLOVIC  
18678 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

THOMAS & ANN MCCAIN  
18681 152<sup>ND</sup>  
BASEHOR, KANSAS 66007

DONALD & EULA GRIPP  
18660 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

**Narrative – City Council  
April 21, 2008  
Dustin Smith, Planning Director**

**Change of Zoning from R-O, Suburban Residential to R-3, Multi-Family Residential for the property located at 15251 State Avenue.**

A staff report and supporting information is provided in the agenda packet. No development plan has been provided at this time, but will be required prior to building permits being issued for construction.

Staff will be available for discussion at the meeting.

**Staff Recommendation**

Staff and the Planning Commission recommend approval of the change of zoning.

(15251 State Avenue)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BASEHOR, KANSAS BY REZONING CERTAIN PROPERTY, AS DESCRIBED BELOW, IN THE CITY OF BASEHOR, KANSAS FOR PROPERTY LOCATED AT 15251 STATE AVENUE FROM R-O, SUBURBAN RESIDENTIAL TO R-3, MULTI-FAMILY RESIDENTIAL, AS REQUESTED BY BENCHMARK MANAGEMENT, LLC.**

**WHEREAS**, under the Zoning Ordinance of the City of Basehor, Kansas, the Governing Body of the City of Basehor, Kansas, is given the power to amend or change the zoning on certain property within the corporate boundaries of the City of Basehor, Kansas; and

**WHEREAS**, the property was annexed by the City Council on April 7, 2008.

**WHEREAS**, the Planning Commission of the City of Basehor, Kansas, in compliance with the Zoning Ordinance and the Kansas Statute, K.S.A. 12-757, held a public hearing on March 5, 2008 at 7:00 o'clock p.m. in City Hall, Basehor, Kansas, and the official date and time set out was published in the Basehor Sentinel, the official newspaper, and as a result of such hearing, recommended approval of the request to rezone the property from R-O, Suburban Residential to R-3, Multi-Family Residential.

**AND WHEREAS**, upon a motion made and duly seconded and adopted, the Governing Body approved the rezoning request at its April 21, 2008 meeting.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:**

**SECTION 1:** That the zoning category of R-3, Multi-Family Residential shall be applied to the following described property, to-wit:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION, 11, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, THE WEST LINE OF SAID NORTHEAST QUARTER HAVING AN ASSUMED BEARING OF SOUTH 00°12'13" WEST; THENCE SOUTH 00°12'13" WEST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 76.70 FEET TO THE SOUTH RIGHT-OF-WAY LINE US 24 HIGHWAY; THENCE SOUTH 89°28'00" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF US 24 HIGHWAY, 574.79 FEET; THENCE SOUTH 00°12'13" WEST, PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, 757.62 FEET; THENCE NORTH 89°30'52" WEST, PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, 758.10 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED. ALL IN LEAVENWORTH COUNTY, KANSAS.

**SECTION 2:** That the Zoning District Map adopted under the Zoning Ordinance of the City of Basehor, Kansas, shall be amended to reflect the rezoning, as set forth in Section 1 above.

**SECTION 3.** That the rezoning shall take effect and be in force from and after the passage, approval, and publication of this ordinance in the official newspaper of the City of Basehor, Kansas.

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CHRIS GARCIA, Mayor

ATTEST:

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MARY MOGLE, City Clerk

Approved and Passed this 21st day of April, 2008.

**Excerpt of Minutes  
Basehor Planning Commission Meeting  
April 1, 2008  
Basehor City Hall**

**E3 – Public Hearing -Change of Zoning from R-O, Suburban Residential to R-3,  
Multi-Family Residential for the property located at 15251 State Avenue.**

Mr. Smith reviewed staff report. Mr. Smith stated that staff recommended approval. Chair Flower asked if the applicant wish to speak.

*Ed McIntosh-* Stated that the future customer would work on any requirements to try and leave as much tree line as much as possible.

Chair Flower opened the public hearing. Hearing none in favor or against, Chair Flower closed the public hearing at 8:11p.m. No further discussion.

Commissioner Logsdon made the motion to accept as recommended.  
Commissioner Matthews seconded. Chair Flower called for a vote. Motion passed, 7-0.

## STAFF REPORT

**Date:** March 4, 2008

**Subject:** Consideration of change of zoning from R-O, Suburban Residential to R-3, Multi-Family Residential, submitted by Basehor Properties, LLC. for property located at 15251 State Avenue.

**File No:** Z-01-08

### GENERAL INFORMATION

**Applicant:** Basehor Properties, Inc.  
P.O. Box 516  
Basehor, KS 66007

**Owner:** Same as above  
**Address:**

**Phone:**

**Engineer/ Architect:** N/A

**Location:** 15251 State Avenue.  
**Current Zoning:** "B-3, General Business (County), but upon approval of the annexation it will be automatically zoned R-O" Suburban Residential.

### PROJECT BACKGROUND

Benchmark Management, LLC. has submitted an application for the annexation and rezoning of the property located at 15251 State Avenue from R-O, Suburban Residential to R-3, Multi-Family Residential. A development plan has not been submitted with the change of zoning.

The property is located on the south side of State Avenue, approximately 610 feet east of the Pinehurst Subdivision. The property is currently located in the unincorporated portion of Leavenworth County, but the City has historically allowed the annexation to run concurrent with rezoning and development applications. The property is shown in Map 1, below.

The property consists of approximately 9.78 acres. The existing county zoning is B-3, General Business. Upon annexation, the property will come into the City as R-O, Suburban Residential.

Map 1: Location



Access to the property will be via Briarwood Lane, which will require improvements to city standard for the length of the subject property. Additional improvements to the unimproved portion of the street will be determined with the development of the property. U.S. 24/40 Corridor Management funds may be available for the improvement of Pinehurst Drive/Briarwood Lane due to its functionality as a reverse frontage road between 150 Street and 155 Street.

#### FACTORS FOR CONSIDERATION

1. **Character of the Immediate Area** – The existing character of this area is becoming more commercial and residential in nature with the development of several new subdivisions in the area, such as Wolf Creek Junction - directly across State Avenue from this property - and the Pinehurst Subdivision to the west.
2. **The Zoning and Uses of the Property Nearby** – The zoning and uses of the adjacent properties are as follows:

	<u>Zoning</u>	<u>Use</u>
North	CP-2 (north side of State Ave.)	Commercial
South	R-2.5 (County)	Residential
East	B-1, Neighborhood Bus.(County)	Vacant
West	B-3, General Bus. (County)	Commercial

3. **The Suitability of the Subject Property to its Present Use** – The property is vacant and has not been recently used for agricultural production. Therefore, there is no loss of productive agricultural land and it will lose the potential for use as agricultural use.
4. **The Extent to which Removal of the Present Zoning will Detrimentially Effect Nearby Property** – Impacts will occur as a result of the higher intensity residential uses. However, the R-3 district is better suited to the location along a major highway because it will:

- a. Provide a buffer zone between the highway and the lower-density residential uses in the subdivisions to the south.
  - b. Provide a location for higher density residential development that will not require traffic to travel through lower-density areas.
  - c. Reduce the effect of commercial strip development along the highway with non-commercial buildings and signage.
5. **The Length of Time the Property has Remained Vacant** – This property has never been developed.
6. **The Relative Gain to the Public Health, Safety, and General Welfare due to the Approval of the Application as Compared with the Hardship Imposed on the Landowner, if any, as a Result of Denial of the Application** – There appears to be no relative gain to the public health, safety and general welfare as a result of denial of this application.

An increased tax base from the future high-density residential uses will occur as a result of the rezoning and the eventual development of the property. In addition, the change of zoning will facilitate the increase in population of the surrounding which will benefit local businesses in the Basehor area. However, additional demand for services, such as police, fire protection, water, sewer, etc. and impacts on the adjacent roadways can also be expected.

7. **The Conformance of the Requested Rezoning Request to the Duly Adopted Comprehensive Plan** – The property will require a Comprehensive Plan amendment to change the future land use of the property to Medium-Density Residential, which will allow a residential density of up to fourteen (14) units per acre.

Relationship to U.S. 24/40 Corridor Plan

The property lies within a T-3 Suburban transect zone, which recommends a maximum of six (6) dwelling units per acre, whereas the proposed zoning will allow up to 12 units per acre. In addition, the medium-density residential land use designation allows up to 14 units per acre. Therefore, there is some discrepancy between the Corridor Plan recommendations and the City's development documents. Due to the property's location on the highway and the existing character of the area, this area of the city may be more suited to a higher transect that would accommodate higher density development.

**8. The Availability and Adequacy of Required Utilities and Services to Serve the Proposed Use –**

Sanitary Sewer

Because this application is only for a rezoning, there has not been a development plan submitted to the City that shows the types of businesses that are planned for this property. Therefore, no estimates on the amount of sewer demand have been performed at this time.

Water

Because this application is only for a rezoning, there has not been a development plan submitted to the City that shows the types of businesses that are planned for this property. Therefore, no estimates on the amount of water demand have been performed at this time.

Schools

The application is for a rezoning to a multi-family residential district. The impact on the school district will be determined when a development plan is submitted for the property.

Park Fees

Park fees in the amount of \$200.00 per unit or storefront will be collected with the building permits that are issued for this property. However, since no development plan is available at this time, the estimated total of the park fees cannot be provided.

9. **Extent of the Impact on Traffic Flow and Parking** – Traffic in this area will increase as a direct result of this development. However, since no development plan is available at this time, estimated traffic counts have not been calculated. This issue will be addressed during the review of the development plan.

Access to the property will be provided by extending Briarwood Lane to the east side of the property. Street improvements to Briarwood Lane for the length of the subject property (approx. 570 feet) will be required as part of the development of the property. The city portion of the street (Pinehurst Drive) is built to city standards with curb and gutter up to the eastern city limits. The street construction beyond the city limits is substandard. Street improvements to that portion between the city limits and the west boundary of the subject property will be determined with the development of the property.

**10. Environmental Impacts**

Stormwater Management

The property drains generally toward the southwest. Stormwater detention will be addressed during the plat and site development reviews for the property and will be designed according to Section 5600 of the APWA regulations.

Soils

The soils located on the property are of the Shelby classifications. These soils are typically characterized by bedrock depths of greater than 60 inches and water table depths of greater than 10 feet below the surface and are suitable for development purposes.

**Staff Recommendation**

Staff recommends approval of the change of zoning from R-O, Suburban Residential to R-3, Multi-Family Residential.

# CITY OF BASEHOR

Planning & Zoning Department  
 2620 N. 155<sup>th</sup> Street, PO Box 406, Basehor, KS 66007  
 Phone: 913-724-1370 Fax: 913-724-3388  
 www.basehor.org



# APPLICATION FORM

Project Name & Description <i>Southside Villas Senior Living</i>		Total Site Acreage <i>10</i>	Present Zoning <i>B3 Gen Business</i>
Legal Description (May be attached as separate sheet) <i>SEE ATTACHED</i>		Proposed Zoning <i>R-3</i>	
Project Address / General Location <i>15251 State Avenue</i>		Presubmittal Date	
Parcel ID Number (CAMA Number) <i>181-11-0-00-00-003</i>		Floor Area Classification	
Property Owner Name <i>Larry Gosko &amp; Vincent Stone Street</i>	Phone	Fax	
Property Owner Address	City	State	Zip
Applicant's Name (if different from above) <i>Bench Mark Management.</i>	Phone <i>913-224-3154</i>	Fax <i>913-724-3121</i>	
Applicant's Address <i>15395 Briar Road</i>	City <i>Basehor</i>	State <i>KS</i>	Zip <i>66007</i>
Applicant's mobile phone <i>913-208-5826</i>	Property Owner and/or Applicant's E-mail address <i>emcintosh@southflow.com</i>		

APPLICATION TYPE	
<input type="checkbox"/> Annexation	<input type="checkbox"/> Preliminary Development Plan (Submit Sheet A)
<input checked="" type="checkbox"/> Rezoning (Submit Sheet A)	<input type="checkbox"/> Final Development Plan (Submit Sheet A)
<input type="checkbox"/> Conditional Use Permit (Submit Sheet A)	<input type="checkbox"/> Lot Split
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Variance (Submit Sheet B)	<input type="checkbox"/> Final Plat / Replat

PROJECT INFORMATION	
Existing Use	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Other _____
Proposed Use	<input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Other _____

COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT, AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)			
Total Site Area	Existing Floor Area	Existing Building Footprint	Open Space Area
No. of Buildings	Proposed Floor Area	Proposed Building Footprint	Pavement Coverage

COMPLETE THIS AREA IF SUBDIVIDING PROPERTY			
Proposed Number of Lots	Maximum Lot Size	Minimum Lot Size	Average Lot Size

**Property Owner/Agent Consent** – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

x <i>[Signature]</i>	<i>1/25/08</i>	<b>Office Use Only</b>	
Signature	Date	<input checked="" type="checkbox"/> Filing Fee \$ <i>150</i>	<input checked="" type="checkbox"/> Received by <i>SR</i> <input checked="" type="checkbox"/> # of Plans <i>N/A</i>
		<input checked="" type="checkbox"/> Attached Legal Description	<input type="checkbox"/> Property Ownership List

# Affidavit in Proof of Publication

STATE OF KANSAS  
Leavenworth County

Erika Gray of the Legal Dept. of the Basehor Sentinel being first duly sworn, deposes and says:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Leavenworth County, Kansas, with a general paid circulation on a weekly basis in Leavenworth County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Basehor Sentinel

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than one year prior to the first publication of said notice and been admitted at the post office of Basehor in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 02/07/2008 with publications being made on the following dates:

02/07/2008

*Erika Gray*

Subscribed and sworn to before me this 2-7-08

*[Signature]*  
Notary Public

My Appointment expires:

My Appl. Expires  
3-15-2011

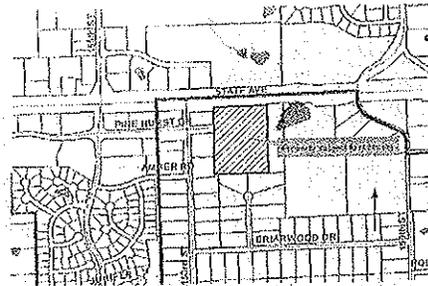
Publication Charges	\$84.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	\$84.00

(First published in the Basehor Sentinel, Thursday, February 7, 2008)

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PLANNING COMMISSION  
CITY OF BASEHOR, KANSAS**

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18567 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

ROBERT & SHARON MADRIGAL  
15120 BRIARWOOD DRIVE  
BASEHOR, KANSAS 66007

JOHN & SHERRY GIRVIN  
18773 150<sup>TH</sup> STREET  
BASEHOR, KANSAS 66007

STEVEN & CARRIE BARBARICH  
18543 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

*TONY & DEBORA YAZEL  
15142 BRIARWOOD DRIVE  
BASEHOR, KANSAS 66007*

HERITAGE LAND LC  
9518 W 121<sup>ST</sup> TERRACE  
OVERLAND PARK, KS 66213

JAMES & GERALYNN DXBURY  
18523 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

MATT & MARY REED  
15162 BRIARWOOD DRIVE  
BASEHOR, KANSAS 66007

S & C DEVELOPMENT LLC  
2641 N. SHEFFORD  
WICHITA, KANSAS 67205

JAMES & LAURA SMITH  
PO BOX 408  
BASEHOR, KANSAS 66007

LAWRENCE & SUSAN KLAMM  
15163 BRIARWOOD DRIVE  
BASEHOR, KANSAS 66007

BASEHOR DEVELOPMENT CO, LLC  
17712 169<sup>TH</sup> STREET  
BONNER SPRINGS, KS 66012

CHARLES & PAULA WARCZAKOSKI  
18520 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

MICHAEL & CHERYL NEWMAN  
PO BOX 418  
BASEHOR, KANSAS 66007

JOHN & DIANA HALEY  
18701 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

*ROBERT & DEBRA ADAMS  
15297 BRIARWOOD DR  
BASEHOR, KANSAS 66007*

RICHARD & MARY DREILING  
15121 BRIARWOOD DRIVE  
BASEHOR, KANSAS 66007

PHILLIP & PAMELA FOX  
18681 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

JAMES & GOLDEN COLEMAN  
15275 BRIARWOOD DR  
BASEHOR, KANSAS 66007

CHARLES & MARY BIZZELL  
15091 BRIARWOOD DRIVE  
BASEHOR, KANSAS 66007

RONALD & KALA COLEMAN  
18673 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

ELIZABETH SIRRIDGE TRUST  
15267 BRIARWOOD DR  
BASEHOR, KANSAS 66007

STEPHEN & RONDA FOSTER  
15231 BRIARDWOOD DR  
BASEHOR, KANSAS 66007

FEYERBEND FAMILY TRUST  
18661 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

HIMPEL CONSTRUCTION  
EARL BRYANT ENTERPRISES  
21874 PARALLEL  
TONGANOXIE, KANSAS 66086

RICHARD & VICTORIA PIERCE  
15211 BRIARWOOD DR  
BASEHOR, KANSAS 66007

EARL & HELEN ATTERBURY  
18655 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

EARL BRYANT ENTERPRISES  
15280 BRIAR RD  
BASEHOR, KANSAS 66007

MELVIN JACKS  
NORMA CLARK  
15183 BRIARWOOD DR  
BASEHOR, KANSAS 66007

ROBERT & TINA THORNTON  
18601 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

CONFLUO TRUST  
AJMSK TRUST  
14127 BELRIVE CIRCLE  
BASEHOR, KANSAS 66007

CHARLES & SUSAN EBERTH  
15186 BRIARWOOD DR  
BASEHOR, KANSAS 66007

JANICE BISHOP  
15300 BRIARWOOD DR  
BASEHOR, KANSAS 66007

DONALD & SANDRA LANE  
18669 150<sup>TH</sup> STREET  
BASEHOR, KANSAS 66007

*DANA & APRIL FLOYD  
15200 BRIARWOOD DR  
BASEHOR, KANSAS 66007*

DENNIS & DIANE STAAB  
18570 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

DONALD & VIVIAN BERRY  
18600 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

EDWIN & DORIS GORMAN  
18600 153<sup>RD</sup> STEET  
BASEHOR, KANSAS 66007

WAYNE & SHERRY AGEE  
18604 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

RONALD & JEAN HOYLER  
18650 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

ARBIE & DELORES WARREN  
18658 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

MIKE & LOUISE ZELJEZNAK  
18662 153R STREET  
BASEHOR, KANSAS 66007

STEVEN & KATHLEEN SMITH  
18666 152<sup>ND</sup> STREET  
BASEHOR, KANSAS 66007

IVAN & MARY CAVLOVIC  
18678 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

THOMAS & ANN MCCAIN  
18681 152<sup>ND</sup>  
BASEHOR, KANSAS 66007

DONALD & EULA GRIPP  
18660 153<sup>RD</sup> STREET  
BASEHOR, KANSAS 66007

**Narrative – City Council**  
**April 21, 2008**  
**Dustin Smith, Planning Director**

**Ordinance annexing the Cedar Falls Subdivision, less and  
except Lots 1, 28 and 57, into the City of Basehor.**

The owners of all the properties in Cedar Falls, with the exception of Lots 1, 28 and 57 have signed consent forms/applications for annexation into the City. Therefore, the city can annex the properties under the provisions of K.S.A 12-520 (7). Annexation of the remaining lots, assuming they do not consent, must occur under different statutory requirements. Staff has sent letters to those property owners requesting voluntary annexation.

A draft ordinance for the annexation is enclosed. After the City Council approves the ordinance, it will be published in the Basehor Sentinel, after which the annexation will take effect.

Staff will be available for discussion at the City Council meeting.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ANNEXING A PORTION OF THE CEDAR FALLS  
SUBDIVISION INTO THE CITY OF BASEHOR, KANSAS**

**WHEREAS**, the following described land is located in Leavenworth County, Kansas and adjoins the City; and

**WHEREAS**, the owners of the property described herein have consented to the annexation, and said consents have been filed with the City Clerk, -and the City intends to annex the property under the provisions of K.S.A. 12-520 (7), as amended; and

**WHEREAS**, the Governing Body of the City of Basehor, Kansas, finds it advisable to annex such land.

**NOW THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

**SECTION 1.** That the following described land is hereby annexed and made a part of the City of Basehor, Kansas:

A tract of land in the Southeast Quarter of Section 11, Township 11 South, Range 22 East of the 6th Principal Meridian, Leavenworth County, Kansas, being described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 11-11-22;

Thence North 89 degrees 47 minutes 20 seconds West, along the North line of the Southeast Quarter of said Section 11-11-22, a distance of 1245.01 feet, to the Point of Beginning, said point being on the South line of Lot 22, BRIARWOOD ESTATES WEST, a subdivision of land in Leavenworth County, Kansas;

Thence North 89 degrees 47 minutes 20 seconds West, continuing along the North line of the Southeast Quarter and the South line of BRIARWOOD ESTATES WEST, a distance of 1389.98 feet, to the Northwest corner of the Southeast Quarter, said point also being the Southwest corner of Lot 15, BRIARWOOD ESTATES WEST;

Thence South 00 degrees 19 minutes 04 seconds West, along the West line of the Southeast Quarter of Section 11-11-22, a distance of 1188.18 feet, to a point on the East line of Lot 95, CEDAR LAKE ESTATES PHASE 2, a subdivision of land in Leavenworth County, Kansas;

Thence South 89 degrees 42 minutes 17 seconds East, a distance of 1199.05 feet;

Thence South 00 degrees 04 minutes 05 seconds West, a distance of 134.46 feet;

Thence South 89 degrees 50 minutes 41 seconds East, a distance of 75.78 feet

Thence North 00 degrees 19 minutes 01 seconds East, a distance of 319.46 feet;

Thence North 88 degrees 38 minutes 06 seconds East, a distance of 27.71 feet, to the Southwest corner of Lot 11, NOTTINGHAM ESTATES WEST, PHASE 1, a subdivision of land in Leavenworth County, Kansas;

Thence North 00 degrees 07 minutes 33 seconds West, along the West line of NOTTINGHAM ESTATES WEST, PHASE 1, said line being the West line of Lots 10 and 11 of said subdivision, a distance of 469.28 feet, to the Northwest corner of Lot 10, of said subdivision;

Thence North 89 degrees 47 minutes 58 seconds East, along the North line of Lot 10, a distance of 79.98 feet, said point being the Southwest corner of Lot 7, of said subdivision;

Thence North 17 degrees 26 minutes 38 seconds East, along the West line of Lot 7, a distance of 230.91 feet, to the Northwest corner of Lot 7;

Thence North 74 degrees 06 minutes 29 seconds West, a distance of 57.30 feet;

Thence North 00 degrees 07 minutes 09 seconds West, a distance of 298.23 feet, to the Point of Beginning.

Contains 1,606,209.6173 Square Feet or 36.873 Acres.

Less and except lots 1, 28 and 57 of the Cedar Falls Subdivision plat.

**SECTION 2.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Basehor, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

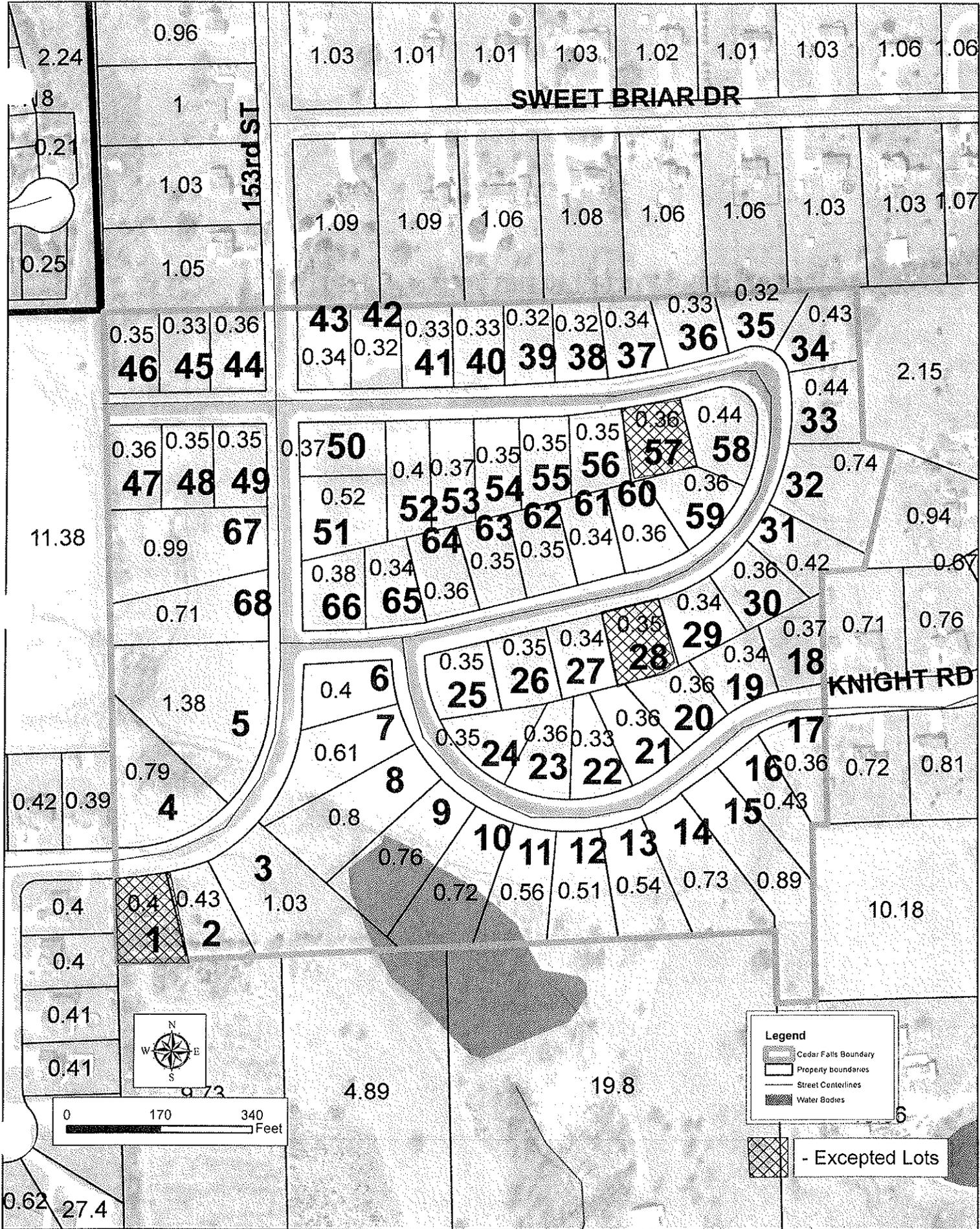
\_\_\_\_\_  
Chris Garcia, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Reviewed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008

\_\_\_\_\_  
Patrick Reavey, City Attorney



# CITY OF BASEHOR

Planning & Zoning Department  
 2620 N. 155<sup>th</sup> Street, PO Box 406, Basehor, KS 66007  
 Phone: 913-724-1370 Fax: 913-724-3388  
 www.basehor.org



# APPLICATION FORM

Project Name & Description <i>Cedar Falls</i>		Total Site Acreage	Present Zoning
Legal Description (May be attached as separate sheet) <i>See Attached</i>		Proposed Zoning	
Project Address / General Location		Presubmittal Date	
Parcel ID Number (CAMA Number)		Floor Area Classification	
Property Owner Name <i>Mutual Savings Association, FSA</i>	Phone	Fax	
Property Owner Address <i>100 S. 4th ST</i>	City <i>Leavenworth</i>	State <i>KS</i>	Zip <i>66048</i>
Applicant's Name (if different from above)	Phone	Fax	
Applicant's Address	City	State	Zip
Applicant's mobile phone	Property Owner and/or Applicant's E-mail address		

### APPLICATION TYPE

<input checked="" type="checkbox"/> <b>Annexation</b>	<input type="checkbox"/> Preliminary Development Plan (Submit Sheet A)
<input type="checkbox"/> Rezoning (Submit Sheet A)	<input type="checkbox"/> Final Development Plan (Submit Sheet A)
<input type="checkbox"/> Conditional Use Permit (Submit Sheet A)	<input type="checkbox"/> Lot Split
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Variance (Submit Sheet B)	<input type="checkbox"/> Final Plat / Replat

### PROJECT INFORMATION

Existing Use	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Office	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Vacant	<input type="checkbox"/> Other _____
Proposed Use	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Office	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Other _____	

### COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT, AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)

Total Site Area	Existing Floor Area	Existing Building Footprint	Open Space Area
No. of Buildings	Proposed Floor Area	Proposed Building Footprint	Pavement Coverage

### COMPLETE THIS AREA IF SUBDIVIDING PROPERTY

Proposed Number of Lots	Maximum Lot Size	Minimum Lot Size	Average Lot Size
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**Property Owner/Agent Consent** – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

x <i>[Signature]</i> Signature	<i>4-2008</i> Date	Office Use Only	
		<input type="checkbox"/> Filing Fee \$ _____	<input type="checkbox"/> Received by _____ <input type="checkbox"/> # of Plans _____
		<input type="checkbox"/> Attached Legal Description	<input type="checkbox"/> Property Ownership List

Mutual Savings Association, FSA  
100 S. 4<sup>th</sup> St, Leavenworth, KS 66048

Project: Cedar Falls

Lot Numbers included in Annexation:

5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,31,  
32,33,34,35,36,37,38,42,43,45,46,50,51,52,53,54,56,58,59,60,61,62,  
63,64,65,67,68

# CITY OF BASEHOR

Planning & Zoning Department  
 2620 N. 155<sup>th</sup> Street, PO Box 406, Basehor, KS 66007  
 Phone: 913-724-1370 Fax: 913-724-3388  
 www.basehor.org



# APPLICATION FORM

Project Name & Description <i>CEDAR Falls</i>		Total Site Acreage	Present Zoning
Legal Description (May be attached as separate sheet) <i>Lot 44 RWG 22E TWP 11 Sec 11</i>			Proposed Zoning
Project Address / General Location <i>1530215252 PINE RIDGE</i>			Presubmittal Date
Parcel ID Number (CAMA Number)			Floor Area Classification
Property Owner Name <i>O.C. Construction</i>	Phone <i>913-441-1985</i>		Fax <i>441-1984</i>
Property Owner Address <i>13933 Cornubworth St.</i>	City <i>Basehor</i>	State <i>Ks</i>	Zip <i>66012</i>
Applicant's Name (if different from above)	Phone		Fax
Applicant's Address	City	State	Zip
Applicant's mobile phone <i>913-488-1164</i>	Property Owner and/or Applicant's E-mail address <i>MR Glava 4@hotmail.com</i>		

APPLICATION TYPE	
<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Preliminary Development Plan (Submit Sheet A)
<input type="checkbox"/> Rezoning (Submit Sheet A)	<input type="checkbox"/> Final Development Plan (Submit Sheet A)
<input type="checkbox"/> Conditional Use Permit (Submit Sheet A)	<input type="checkbox"/> Lot Split
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Variance (Submit Sheet B)	<input type="checkbox"/> Final Plat / Replat

PROJECT INFORMATION	
Existing Use	
<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____
Proposed Use	
<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Other _____

COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT, AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)			
Total Site Area	Existing Floor Area	Existing Building Footprint	Open Space Area
No. of Buildings	Proposed Floor Area	Proposed Building Footprint	Pavement Coverage

COMPLETE THIS AREA IF SUBDIVIDING PROPERTY			
Proposed Number of Lots	Maximum Lot Size	Minimum Lot Size	Average Lot Size

**Property Owner/Agent Consent** – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

Signature <i>[Signature]</i>	Date <i>4-2-08</i>	Office Use Only <input type="checkbox"/> Filing Fee \$ _____ <input checked="" type="checkbox"/> Received by <i>[Signature]</i> <input type="checkbox"/> # of Plans _____ <input checked="" type="checkbox"/> Attached Legal Description <input type="checkbox"/> Property Ownership List
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# CITY OF BASEHOR

Planning & Zoning Department  
 2620 N. 155<sup>th</sup> Street, PO Box 406, Basehor, KS 66007  
 Phone: 913-724-1370 Fax: 913-724-3388  
 www.basehor.org



# APPLICATION FORM

Project Name & Description <i>LEADERS FALLS</i>		Total Site Acreage	Present Zoning
Legal Description (May be attached as separate sheet) <i>LOT 48</i>			Proposed Zoning
Project Address / General Location <i>15373 Pine Ridge</i>			Presubmittal Date
Parcel ID Number (CAMA Number)			Floor Area Classification
Property Owner Name <i>M &amp; W Construction</i>	Phone <i>913-406-8884</i>	Fax	
Property Owner Address <i>26160 Columbia Rd</i>	City <i>Paola</i>	State <i>KS</i>	Zip <i>66071</i>
Applicant's Name (if different from above)	Phone	Fax	
Applicant's Address	City	State	Zip
Applicant's mobile phone	Property Owner and/or Applicant's E-mail address		

APPLICATION TYPE	
<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Preliminary Development Plan (Submit Sheet A)
<input type="checkbox"/> Rezoning (Submit Sheet A)	<input type="checkbox"/> Final Development Plan (Submit Sheet A)
<input type="checkbox"/> Conditional Use Permit (Submit Sheet A)	<input type="checkbox"/> Lot Split
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Variance (Submit Sheet B)	<input type="checkbox"/> Final Plat / Replat

PROJECT INFORMATION	
Existing Use	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____
Proposed Use	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Other _____

COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT, AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)			
Total Site Area	Existing Floor Area	Existing Building Footprint	Open Space Area
No. of Buildings	Proposed Floor Area	Proposed Building Footprint	Pavement Coverage

COMPLETE THIS AREA IF SUBDIVIDING PROPERTY			
Proposed Number of Lots	Maximum Lot Size	Minimum Lot Size	Average Lot Size

**Property Owner/Agent Consent** – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

x <u><i>M &amp; W Construction</i></u> Signature _____ Date _____	<b>Office Use Only</b> <input type="checkbox"/> Filing Fee \$ _____ <input type="checkbox"/> Received by _____ <input type="checkbox"/> # of Plans _____ <input type="checkbox"/> Attached Legal Description <input type="checkbox"/> Property Ownership List
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# CITY OF BASEHOR

Planning & Zoning Department  
 2620 N. 155<sup>th</sup> Street, PO Box 406, Basehor, KS 66007  
 Phone: 913-724-1370 Fax: 913-724-3388  
 www.basehor.org



# APPLICATION FORM

Project Name & Description <i>CEDAR FALLS</i>		Total Site Acreage	Present Zoning
Legal Description (May be attached as separate sheet) <i>LOT 2</i>			Proposed Zoning
Project Address / General Location <i>15373 Bradford Court</i>			Presubmittal Date
Parcel ID Number (CAMA Number)			Floor Area Classification
Property Owner Name <i>J.E. Kessler Homes</i>	Phone	Fax	
Property Owner Address <i>P.O. Box 415</i>	City <i>Basehor</i>	State <i>KS</i>	Zip <i>66007</i>
Applicant's Name (if different from above)	Phone	Fax	
Applicant's Address	City	State	Zip
Applicant's mobile phone	Property Owner and/or Applicant's E-mail address		

APPLICATION TYPE	
<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Preliminary Development Plan (Submit Sheet A)
<input type="checkbox"/> Rezoning (Submit Sheet A)	<input type="checkbox"/> Final Development Plan (Submit Sheet A)
<input type="checkbox"/> Conditional Use Permit (Submit Sheet A)	<input type="checkbox"/> Lot Split
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Variance (Submit Sheet B)	<input type="checkbox"/> Final Plat / Replat

PROJECT INFORMATION	
Existing Use	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____
Proposed Use	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Other _____

COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT, AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)			
Total Site Area	Existing Floor Area	Existing Building Footprint	Open Space Area
No. of Buildings	Proposed Floor Area	Proposed Building Footprint	Pavement Coverage

COMPLETE THIS AREA IF SUBDIVIDING PROPERTY			
Proposed Number of Lots	Maximum Lot Size	Minimum Lot Size	Average Lot Size

**Property Owner/Agent Consent** – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

x _____ Signature	_____ Date	<b>Office Use Only</b> <input type="checkbox"/> Filing Fee \$ _____ <input type="checkbox"/> Received by _____ <input type="checkbox"/> # of Plans _____ <input type="checkbox"/> Attached Legal Description <input type="checkbox"/> Property Ownership List	
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**Narrative Sheet – City Council**  
**April 21, 2008**  
**Dustin Smith, Planning Director**

**Final Plat of Fox Ridge of Prairie Gardens, 2<sup>nd</sup> Plat and  
Subdivision Improvement Agreement**

The Planning Commission reviewed this item at their meeting on February 5, 2008 and found the final plat was in substantial compliance with the approved preliminary plat, thereby recommending approval of the final plat, with the following conditions:

1. The sidewalk on 162<sup>nd</sup> Terrace shall be extended from the end of the cul-de-sac to connect with the trail in Tract B on the south side of Parallel Road.
2. Extension of the trail on the south side of Parallel Road up to the temporary construction entrance from its existing termination point prior to the building permits being issued for Phase II and extend to the west end of tract B prior to the city accepting the public improvements for Phase II.
3. Verify that the existing storm-water detention facility in tract A will accommodate the increase in runoff in conjunction with existing city standards.
4. The following language shall be placed on the face of the final plat:  
*“Storm-water management facilities which exist within Fox Ridge, Phase II shall be maintained by the homeowner’s association. If, and only if, these facilities are not maintained to the satisfaction of the City of Basehor, Kansas, the City shall have the right, but not obligation, to enter upon said tract of land and take whatever action necessary and assess all costs associated with said action to the properties within Fox Ridge, Phase II.*
5. Remove the Cedar Street designation on the cul-de-sac. All lots on the cul-de-sac will be addressed off of 162<sup>nd</sup> Terrace.  
*(note: Planning Commission omitted conditions five and six of staff recommendations in staff report.)*

A staff report, reduced copy of the plat and other information relating to the application is provided in the agenda packet. An 11”x17” copy of the final plat is also included separately in the agenda packet.

Staff and the Planning Commission recommend approval of the final plat.

DRAFT

**SUBDIVISION IMPROVEMENTS AGREEMENT**  
**for**  
**FOX RIDGE OF PRAIRIE GARDENS, 2<sup>nd</sup> Plat**

**THIS AGREEMENT**, entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Basehor, Kansas, hereinafter known as the "City" and B.R. Coppinger Construction, Ltd., hereinafter known as the "Developer", witnesseth that;

**WHEREAS**, the developer has requested the City to permit the platting of a tract of land known as A Final Plat of Fox Ridge of Prairie Gardens, 2<sup>nd</sup> Plat, and further described as a 15.01 acre tract of land located in the northeast and northwest fractional quarters of Section 3, Township 11 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas.

**WHEREAS**, the City has approved such platting as being in compliance with requirements of the Zoning Ordinance and Subdivision Regulations in force by the City; and,

**WHEREAS**, the developer, its vendors, grantees, assigns, successors, trustees, and all others holding any interest now or in the future, agree and enter into this contract which shall operate as a covenant running with the land and be binding upon the developer and its representatives;

**NOW, THEREFORE**, the City and developer, in consideration of the mutual covenants and agreements contained herein do mutually agree as follows:

A. Description of Public Improvements:

1. Sanitary Sewer:

1. Construction of eight (8) manholes.
2. Approximately one-thousand, three hundred and ninety-nine (1,399) lineal feet of 8" sewer main.
3. Approximately eight hundred seventeen (817) lineal feet of four-inch (4") service main.
4. Other components as noted on the construction documents.

2. Street Construction:

162 Terrace/163 Street, including cul-de-sac

Construction of approximately one-thousand, five-hundred thirty feet (1,530) lineal feet of twenty-eight (28) foot, back to back curb width street with eight inch (8") depth asphaltic concrete.

Garden Parkway

Construction of approximately five hundred sixty (560) lineal feet of thirty-six (36) foot, back to back curb width street with eight inch (8") depth asphaltic concrete.

Margie Lane

Construction of approximately two hundred ninety (290) lineal feet of twenty-eight (28) foot, back to back curb width street with eight inch (8") depth asphaltic concrete.

3. Storm Sewer:

Storm sewers and storm drainage structures consist of:

1. Approximately one thousand, eight-hundred eighty-nine (1,889) lineal feet of HDPE pipe (various sizes)
2. Nine hundred forty-seven (947) lineal feet of reinforced concrete pipe (various sizes)
3. Eight (8) curb inlets (various sizes)
4. Two (2) junction boxes
5. Six (6) end-sections
6. Other components as noted on the construction documents.

4. Sidewalks:

Construction of approximately five-hundred and seventy-five (575) lineal feet of five (5) foot sidewalk with ADA compliant handicap ramps at all intersections with streets. All sidewalks are to be constructed at the time of public improvement construction or with individual structures.

B. Engineering Drawings:

Drawings shall be prepared in accordance with Chapter IV, Sections 4-101, 4-102, 4-106, and 4-107 of the Subdivision Regulations and the most recent adopted edition of the City of Basehor Technical Specifications for Public and Private Improvements. All drawings shall be submitted, reviewed, and approved before a construction permit will be issued for construction of the public improvements.

C. Bonding:

The developer, through his contractors, has elected to provide a performance bond in the form of a corporate surety in the amount of 125% (one-hundred-twenty-five percent) of the construction costs as based on the City Engineer's estimate, or as based upon the actual construction contract amount if provided by the developer and agreed upon by the City Engineer. Once the improvements have been completed, a maintenance bond in the amount of 25% (twenty-five percent) of the construction costs shall be filed with the City Clerk, prior to the acceptance of the improvements by the city. The maintenance bond will be in effect for a period of two years

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following the date of acceptance of the public improvements. At the end of the two-year period of the maintenance bond, a subsequent inspection of the public improvements will be conducted prior to the release of the maintenance bond.

**The maintenance bond will not be released until any deficiencies have been corrected and all sidewalks across vacant lots, where sidewalks are required, have been constructed.**

D. Construction of Public Improvements:

All public improvements will be constructed in accordance with Chapter IV, Sections 4-102, 4-106, and 4-107 of the Subdivision Regulations of the City of Basehor and the most recent adopted edition of the City of Basehor Technical Specifications for Public and Private Improvements. No construction shall begin until all the below requirements have been met:

1. This Subdivision Improvements Agreement has been properly executed;
2. The engineering drawings have been approved by the City and City Engineer;
3. The required fees have been paid;
4. A five-day notice has been provided to the City Engineer and the City before commencement of construction activities.

E. Inspection of Public Improvements:

1. Quality control of the sanitary sewer system shall be the responsibility of the developer and will be accomplished in accordance with the requirements of the Kansas Department of Health and Environment. Continuous observation of all active phases of construction and quality assurance inspections shall be performed by the City Engineer or his/her designee. The City Superintendent will be notified prior to air testing of the new sewer line sections, vacuum testing of manholes, mandrel testing of new lines. All new lines installed and existing sewer lines which require a tap and saddle connection in association with this phase of the development shall have a videotape inspection done prior to the release of the maintenance bond. All costs associated with the inspection, videotaping, and testing of the sewer lines shall be borne by the developer. Such testing shall proceed only after permission is granted by the City Superintendent, and will only be accomplished with the City Superintendent or a designated representative present during the actual testing and video-taping.
2. Quality control for construction of the public improvements to include storm sewer, drainage, street sub-base, curb and gutter, pavement of the streets and cul-de-sacs, and sidewalks constructed as part of the public improvements, will be the responsibility of the developer. Quality assurance inspections will be performed by the City Engineer or his/her designee. **The developer shall pay for inspection personnel furnished by the City, under the supervision of the City Engineer, on all improvements constructed by the developer as contractor or subcontractor. The fees shall be as billed per invoices supplied to the City from the personnel providing the quality assurance**

**inspections.** The developer shall keep the City informed as to what work is in progress, and will specifically notify the City and City Engineer prior to:

1. Placement of any storm drain collection and junction boxes;
2. Placement and backfilling of any storm sewer piping;
3. Placement of any asphalt, whether it be base course or final course;
4. Placement of any curb and gutter, and sidewalks.

F. Erosion Control:

Control of erosion during all phases of construction of the Public and Private Improvements shall be the responsibility of the developer. Control of erosion during the construction of structures within the development shall be the responsibility of the developer and builder until an occupancy certificate is issued. Erosion control measures shall include silt fencing, straw bale silt protection, gravel filter bags, and drainage swales. A design and layout of the erosion control measures have been included in the engineering drawings. Silt fences and straw bale silt protection will be installed to prevent silt from entering all creek tributaries, as needed and as required per plans.

During the construction of the sanitary sewer and storm sewers, erosion control will be provided to prevent siltation in all manholes, drainage piping, and inlet boxes. Upon completion of the streets, gravel filter bags will be installed and maintained at all storm box inlets. Additional silt fencing and straw bale silt protection shall be installed at any location where silt is likely to wash into a completed street. Such erosion protection shall be maintained until a suitable ground cover has been established.

Once construction has started on individual lots, the City will insure that the developer and builders construct erosion protection for each individual lot as necessary, and maintain such until the residence or commercial structure is completed and the ground cover is established throughout the entire yard area.

Erosion control measures will be routinely inspected by the City Superintendent. Failure to maintain adequate erosion control will be reason to direct that work in process be ceased until such protection measures have been properly installed or repaired.

G. Parkland Fee Assessment:

The developer shall contribute to the Park Fund a sum as set out by separate Resolution of the Governing Body as per Chapter IV, Section 4-109 of the Subdivision Regulations of the City of Basehor. Developer has elected to have the parkland Fee collected at the time of issuance of a building permit for each lot.

H. Transportation Excise Tax: (Ordinance No. 387)

The developer shall pay to the City of Basehor for all real property with a single-family residential, duplex residential, multi-family residential, commercial, or industrial zoning, a tax equal to the areas of the real property (square footage)

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included in the plat multiplied by the current tax rate. The tax owed for all real property with a multi-family residential, commercial, or industrial zoning or use shall pay the appropriate amount before Governing Body approval. For all real property with single-family residential and duplex residential zoning or uses, the developer has elected to have the fee collected at the time of issuance of a building permit for each lot.

**Total Transportation Excise Tax due for Fox Ridge of Prairie Gardens is \$58,845.20**

15.01 acres (653,836 sq. ft.) @ .09 per sq. ft.

To be collected at the time of issuance of each building permit: \$58,84520 / 38 units = 1,548.56 per lot.

I. Landscaping:

All landscaping shall be in accordance with Section 21 of the City of Basehor Zoning Ordinance and the City of Basehor Commercial Development Guidelines. All landscaping shall be installed in conjunction with the installation and construction of all public and private improvements. **No Occupancy Permit shall be issued until all required landscaping is complete.**

J. Maintenance of Common Areas (Medians and Detention Area):

The developer is responsible for the ownership and maintenance of all fixtures, signage, and landscaping in all areas designated as common areas, private improvement areas, or constructed as a type of median. The developer will be responsible for the maintenance of all lots in the subdivision, until such time as the lots are sold or an occupancy certificate is issued to the individual homeowners or property owner. This will include:

1. Providing a suitable ground cover to prevent erosion, the mowing of the ground cover, and control of weeds in the development;
2. Maintaining all building lots in such a manner as to eliminate the build-up of trash and construction debris;
3. Providing and maintaining appropriate erosion control measures such as silt fences, bale ditch checks, and gravel-filled bags to prevent mud and trash from entering the public streets and storm sewers.

K. Mud in Streets

If, upon inspection of the property by any member of the Planning/Codes Department, it is found that there is mud/sediment in any street within the subdivision or in any other street resulting from the subdivision, the developer/builder/property owner shall have a period of twenty-four (24) hours from notification by the City to correct the violation or the city may take one or more of the following actions or any other action necessary to rectify the situation:

1. Direct the Public Works Department or private contractor to clean the streets at the expense of the developer based on a mobilization fee, plus hourly rates for each employee assigned to the clean-up.
2. Place stop work order on the property or properties involved until the violation is addressed to the satisfaction of the Planning/Codes Department.

L. Trash and Debris throughout the Site

If, upon inspection by any member of the Planning/Codes Department, property within the subdivision that is vacant, under construction or has not been conveyed to the consumer, contains trash/debris, including, but not limited to brush piles and excessive construction debris, the developer/owner/property owner shall have a period of twenty-four (24) hours from notification by the City to correct the violation or the city may take one or more of the following actions or any other action necessary to rectify the situation:

1. Place stop work order on the property or properties involved until the violation is addressed to the satisfaction of the Planning/Codes Department.
2. Pursue code enforcement through the provisions in the Basehor Municipal Code.

M. Weeds/Tall Grass

If, upon inspection by any member of the Planning/Codes Department, property within the subdivision that is vacant, under construction or has not been conveyed to the consumer, contains weeds/tall grass exceeding the maximum height, as noted in the Basehor Municipal Code, the developer/owner/property owner shall have a period of twenty-four (24) hours from notification by the City to correct the violation or the city may take one or more of the following actions or any other action necessary to rectify the situation:

1. Mobilize our mowing contractor to mow the property at the contracted rate.
2. Place stop work order on the property or properties involved until the violation is addressed to the satisfaction of the Planning/Codes Department.
3. Pursue code enforcement through the provisions in the Basehor Municipal Code.

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N. Protection of Existing Improvements:

The developer shall be required to designate all roadways to be used as access to the site by construction equipment for the construction of all improvements in the development. The City Superintendent shall videotape all roadways designated by the developer for the purpose of verifying the existing condition of the designated roadways. This videotape shall then be used to determine if deterioration of the roadbed and surface has occurred due to the construction traffic created by the development. The developer shall be responsible for any damage, labor, materials, and costs necessary to restore the roadbed and surface to its condition prior to the initiation of development construction.

O. Building Permits:

Building Permits will be issued when **all** of the following conditions have been met:

1. The Final Plat has been filed at the Leavenworth County Register of Deeds Office.
2. Sanitary sewers have been installed, inspected, and accepted.
3. All storm sewer systems, and curb and gutter are in place.
4. Water lines and fire hydrants are installed and operational.
5. All erosion control measures are in place.
6. The individual residential and commercial building plans and site plans have been reviewed and approved and all fees have been paid.
7. **All fees for plan review (including preliminary & final plats, development plans, improvement plans, etc.) and quality assurance construction inspections are paid current to date of Building Permit Application.**

Foundation permits may be issued prior to the completion of item #4 above provided all other conditions have been met. No wood construction will be allowed to take place prior to all of the above conditions being met.

P. Occupancy Permits:

**No Temporary or Final Certificate of Occupancy will be issued to any builder or homeowner in the development until all required work on the structure has been completed and the structure has passed final inspection by the City, all public improvements have been accepted by the City, and all inspection fees have been paid.**

This agreement is not all-inclusive of the requirements of the City, nor does it relieve the developer from the requirements not expressly identified in this agreement that are required by the Zoning Ordinance, Subdivision Regulations, and the Basehor City Code.

If any legal action or other proceeding is brought for the enforcement or interpretation of this Agreement, or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provisions of this agreement, the prevailing party in any such action or proceeding shall be entitled to recover its costs of suit, including reasonable attorneys' fees.

Fox Ridge of Prairie Gardens, 2<sup>nd</sup> Plat

June, 2006

BRWAG-11

For the City of Basehor, Kansas:

For the developer:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Signature/Title      Date

\_\_\_\_\_  
Date

**Excerpt of Minutes  
Basehor Planning Commission Meeting  
February 5, 2008  
Basehor City Hall**

**Item E-1 Final Plat for Fox Ridge, Phase II of Prairie Gardens**

Mr. Smith reviewed the staff report. Mr. Smith stated the staff recommended approval with seven conditions in staff report.

After discussion the Planning Commission decided that approval is recommended after modifying the conditions as follows:

1. The sidewalk on 162<sup>nd</sup> Terrace shall be extended from the end of the cul-de-sac to connect with the trail in Tract B on the south side of Parallel Road.
2. Extension of the trail on the south side of Parallel Road up to the temporary construction entrance from its existing termination point prior to the building permits being issued for Phase II and extend to the west end of tract B prior to the city accepting the public improvements for Phase II.
3. Verify that the existing storm-water detention facility in tract A will accommodate the increase in runoff in conjunction with existing city standards.
4. The following language shall be placed on the face of the final plat:  
*"Storm-water management facilities which exist within Fox Ridge, Phase II shall be maintained by the homeowner's association. If, and only if, these facilities are not maintained to the satisfaction of the City of Basehor, Kansas, the City shall have the right, but not obligation, to enter upon said tract of land and take whatever action necessary and assess all costs associated with said action to the properties within Fox Ridge, Phase II.*
5. Remove the Cedar Street designation on the cul-de-sac. All lots on the cul-de-sac will be addressed off of 162<sup>nd</sup> Terrace.  
*(note: Planning Commission omitted conditions five and six of staff recommendations in staff report.)*

Commissioner Matthews made the motion to approve above conditions as modified. Commissioner Povilonis seconded. Chair Flower called for a vote. Motion passed 6-1. Commissioner Harrison voted no.

## Staff Report

**Date:** February 5, 2008

**Subject:** Consideration for Final Plat for Fox Ridge Phase II, submitted by B.R. Coppinger Construction, Inc. for property known as Prairie Gardens, 3<sup>rd</sup> Plat.

**File No:** FP-01-08

**Applicant:** B.R. Coppinger Construction, Inc.

**Owner:** Same as above

**Engineer/ Architect:** MHS Engineers

**Location:** West of Fox Ridge, Phase I

**Current Zoning:** "PR-1" Planned Residential

### Site Characteristics

The Phase II final plat consists of thirty-eight (38) lots with an average lot size of approximately 11, 500 square feet. The largest lot contains 15,517 square feet and the smallest contains 9,255 square feet. The property is zoned PR, Planned Residential and was approved as part of the Prairie Gardens preliminary development plan.

The site is a 15.01 acre tract located in the 16300 block of Parallel Road. The property is currently undeveloped grassland and is west of Fox Ridge Phase I. This final plat is the second phase of the development of Prairie Gardens, 3<sup>rd</sup> Plat. No substantial changes in the lot layout or any other aspect of the development have occurred and the proposed final plat is in substantial compliance with the approved development plan with the exception of the omission of open space Tract M, which is discussed further below. The property was annexed into the city as part of Prairie Gardens, 3<sup>rd</sup> Plat.

A final development plan for Fox Ridge, which included Phase I – III was approved by the Planning Commission and City Council in April, 2006. The layout of Fox Ridge on the Final Development Plan showed the omission of Tract M.

### Character of Neighborhood

The proposed use of the property is typical of the trend in residential development of the area. Prairie Gardens 1<sup>st</sup> and 2<sup>nd</sup> Plats lie east of the subject property and the property to the west (across 166<sup>th</sup> Street) is being developed as the Hidden Ridge subdivision. This plat is part of the final phase of the 3<sup>rd</sup> Plat of Prairie Gardens, which was annexed in association with the Prairie Gardens Final Development Plan and change of zoning.

### **Adjacent Property**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	Rural (outside city limits)	Undeveloped agricultural land / rural residential
<b>South</b>	Rural (outside city limits)	Undeveloped, future phases of Prairie Gardens
<b>East</b>	PR-1	Fox Ridge, 1 <sup>st</sup> Plat
<b>West</b>	Rural (outside city limits)	Undeveloped agricultural land / rural residential

### **Conformance with the Comprehensive Plan**

The area of this final plat request is 15.01 acres. Thirty-eight (38) lots are planned in this development. Thus, the density of the proposal is approximately 2.53 units per acre. Although the site's current zoning, Planned Residential, is not detailed in the Comprehensive Plan, the proposal falls under the traditional category of Low Density Residential. Low Density Residential is described as "*typically located away from major shopping centers and major thoroughfares, such as Highway 24,*" but still "*connected to these services with convenient access and interconnected roadway systems...neighborhoods should be bound by parks, public areas or collector streets with accessible connection to work, shopping and leisure activities.*" This development is in general conformance with the principles and location guidelines in the Comprehensive Plan. However, it is recommended that the proposal incorporate more through streets to satisfy the specifications of the Low Density Residential section of the Comprehensive Plan.

### **Conformance with the Future Land Use Plan**

The Future Development Plan identifies the majority of this area as "Low Density Residential." The proposed development is in general conformance with the Future Development Plan.

### **Conformance with the Approved Preliminary Development Plan**

The final plat is in substantial compliance with the approved preliminary development plan with the exception of the removal of Tract M. Tract M was included on the preliminary development plan as an open space tract, but has been eliminated on the Phase II final plat and the Tract M property is shown as subdivision lots. This will effect the open space calculations for the entire subdivision. Staff will have more information on this at the meeting.

### **Traffic Impact**

The traffic impacts associated with this development were addressed during the review of the Prairie Gardens preliminary development plan. A traffic study was provided by the applicant's engineer and was approved as part of the development plans for the first phase of the project. As the property is fully developed, the traffic and turn movements generated from the proposed development will significantly increase compared to current levels.

1/31/2008

It appears that Garden Parkway will be extended to connect with Parallel Road on the 163 Street alignment with the future development of the property to the west. Assuming this is the case, 162 Terrace will not need to connect to Parallel Road because it will be too close to the Garden Parkway/163 Street and Parallel Road intersection. The design engineer provided preliminary drawings to verify that the curve radii the future section of Garden Parkway will be sufficient to connect with Parallel Road.

### Sidewalks

Sidewalks were approved on only one side of the streets on the preliminary development plan. As has been the case with new development, staff recommends that sidewalks be provided on both side of all streets in Phase II and beyond. A condition has been added to the recommendation.

### Street Names

The cul-de-sac identified as Cedar Street will need to be changed so that the lots can be addressed off of 162 Terrace. So essentially, the cul-de-sac will not have a separate name due to its the short length.

### **Drainage Impact**

The drainage impact associated with this development was addressed during the review of the development plans for the first phase. A drainage plan was provided by the applicant's engineer and was approved as part of the development plans.

### **Staff Recommendation**

Staff recommends approval of the Final Plat for Fox Ridge Phase II, with the following conditions:

1. The sidewalk on 162 Terrace shall be extended from the end of the cul-de-sac to connect with the trail in Tract B on the south side of Parallel Road.
2. Extension of the trail on the south side of Parallel Road up to the temporary construction entrance from its existing termination point prior to the permits being issued for Phase II and extend to the west end of Tract B prior to the city accepting the public improvements for Phase II.
3. Verify that the existing stormwater detention facility in Tract A will accommodate the increase in runoff in conjunction with existing city standards.
4. The following language shall be placed on the face of the final plat:

***“Stormwater management facilities which exist within Fox Ridge, Phase II shall be maintained by the homeowner’s association. If, and only if, these facilities are not maintained to the satisfaction of the City of Basehor, Kansas, the City shall have the right, but not the obligation, to enter upon said tract of land and take whatever action necessary and assess all costs associated with said action to the properties within Fox Ridge, Phase II.”***

Fox Ridge, Phase II SR

4

1/31/2008

5. Provide reason for eliminating Tract M, which was approved as an open space tract with the Prairie Gardens preliminary development plan.
6. Sidewalks shall be provided on both sides of all streets in Phase II and beyond.
7. Remove the Cedar Street designation on the cul-de-sac. All lots on the cul-de-sac will be addressed off of 162 Terrace.



# APPLICATION FORM

## CITY OF BASEHOR

Planning & Zoning Department  
 2620 N. 155<sup>th</sup> Street, PO Box 406, Basehor, KS 66007  
 Phone: 913-724-1370 Fax: 913-724-3388  
 www.basehor.org



Project Name & Description <b>Fox Ridge of Prairie Gardens Phase II</b>		Total Site Acreage <b>15.01</b>	Present Zoning <b>Planned Residential</b>
Legal Description (May be attached as separate sheet)			Proposed Zoning
Project Address / General Location			Presubmittal Date
Parcel ID Number (CAMA Number) <b>182-03-0-00-00-002.01</b>			Floor Area Classification
Property Owner Name <b>Bill Coppinger</b>	Phone <b>913-724-2250</b>	Fax <b>913-724-2260</b>	
Property Owner Address <b>18347 158<sup>th</sup> St.</b>	City <b>Winchester</b>	State <b>KS</b>	Zip <b>66097</b>
Applicant's Name (if different from above)	Phone	Fax	
Applicant's Address	City	State	Zip
Applicant's mobile phone	Property Owner and/or Applicant's E-mail address		

APPLICATION TYPE	
<input type="checkbox"/> Annexation	<input type="checkbox"/> Preliminary Development Plan (Submit Sheet A)
<input type="checkbox"/> Rezoning (Submit Sheet A)	<input type="checkbox"/> Final Development Plan (Submit Sheet A)
<input type="checkbox"/> Conditional Use Permit (Submit Sheet A)	<input type="checkbox"/> Lot Split
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Variance (Submit Sheet B)	<input checked="" type="checkbox"/> Final Plat / Replat

PROJECT INFORMATION	
Existing Use	
<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____
Proposed Use	
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Other _____

COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT, AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)			
Total Site Area	Existing Floor Area	Existing Building Footprint	Open Space Area
No. of Buildings	Proposed Floor Area	Proposed Building Footprint	Pavement Coverage

COMPLETE THIS AREA IF SUBDIVIDING PROPERTY			
Proposed Number of Lots <b>38</b>	Maximum Lot Size <b>18,742 ft<sup>2</sup></b>	Minimum Lot Size <b>8,549 ft<sup>2</sup></b>	Average Lot Size <b>11,532 ft<sup>2</sup></b>

**Property Owner/Agent Consent** – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

X _____ Signature Date	<b>Office Use Only</b> <input type="checkbox"/> Filing Fee \$ _____ <input type="checkbox"/> Received by _____ <input type="checkbox"/> # of Plans _____ <input type="checkbox"/> Attached Legal Description <input type="checkbox"/> Property Ownership List
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## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider approval to renew membership support to the Mid-America Regional Council.

**Department:** Administration

**Background/Description of Item:**

The City of Basehor participates with the Mid-America Regional Council (MARC) for support in various areas. Support includes help securing federal, state and private grants to carry out significant functions in such areas as transportation, environmental protection, public safety, early education, community development, local government services, aging programs and others.

MARC also offers classes with the Government Training Institute (GTI) and Government Innovations Forum (GIF) at a reduced rate for participating members.

The annual fee for support is based on population, 2008 dues reflect a 2% increase over 2007. The dues or contribution amounts are as follows:

	<u>2007</u>	<u>2008</u>
Local Dues	\$209	\$213
Government Innovations Forum	\$290	\$296
Government Training Institute	<u>\$287</u>	<u>\$293</u>
Total	\$786	\$802

In 2007 the city council approved participation in MARC programs with the exception of the Government Training Institute.

The planning director has benefited from the training program offerings. MARC has offered special programs that have benefited small cities. The programs have been beneficial to the City of Basehor.

**Funding Source:** Administration

**Recommendation:** Approve the annual per capita membership renewal with the Mid-America Regional Council in the amount of \$802.

Prepared by: Carl E. Slaugh, City Administrator  
Council Date: April 15, 2008

600 Broadway, Suite 200  
Kansas City, Missouri 64105-1659

816/474-4240  
816/421-7758 FAX  
www.marc.org



March 28, 2008

Mr. Carl Slaugh  
City Administrator  
City of Basehor  
P.O. Box 406  
Basehor, KS 66007

Dear Mr. Slaugh:

Enclosed is an invoice for Basehor's annual per capita membership dues to the Mid-America Regional Council. Your continuing support allows MARC to match federal, state and private grants to carry out significant functions in such areas as transportation, environmental protection, public safety, early education, community development, local government services, aging programs and others. MARC also uses local funding to provide revenue for those activities that are not grant supported but assist your jurisdiction and the region.

The invoice also includes supplemental contributions for the Government Training Institute and Government Innovations Forum, which we hope you are in a position to support. A fact sheet outlining the MARC dues and local government services is attached for your review. More details are available upon request.

We appreciate your continued support of regional cooperation and your active participation in the Mid-America Regional Council. Your contributions help MARC and area communities to work together to advance regional progress. Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Warm", written over a horizontal line.

David A. Warm  
Executive Director

DAW:dp  
Enclosures

Chair  
Gary Mallory  
Presiding Commissioner  
Cass County, Mo.

1st Vice Chair  
Tom Cooley  
Commissioner  
Unified Government  
of Wyandotte County/  
Kansas City, Kan.

2nd Vice Chair  
Jim Schultz  
Councilmember  
Independence, Mo.

Treasurer  
Jim Plunkett  
Commissioner  
Platte County, Mo.

Secretary  
Marge Vogt  
Councilmember  
Olathe, Kan.

Executive Director  
David A. Warm

600 Broadway, Suite 200  
Kansas City, Missouri 64105-1659

816/474-4240  
816/421-7758 FAX  
www.marc.org



MID-AMERICA REGIONAL COUNCIL

Invoice for

Basehor

**LOCAL MEMBER CONTRIBUTION**  
**Fiscal Year 2008**

CONTRIBUTION	AMOUNT
<i>Local Dues</i>	\$213
<i>Government Innovations Forum</i>	296
<i>Government Training Institute</i>	293
<b>TOTAL BALANCE DUE</b>	<b>\$802</b>

*Please pay from this invoice.*

Chair  
Gary Mallory  
Presiding Commissioner  
Cass County, Mo.

1st Vice Chair  
Tom Cooley  
Commissioner  
Unified Government  
of Wyandotte County/  
Kansas City, Kan.

2nd Vice Chair  
Jim Schultz  
Councilmember  
Independence, Mo.

Treasurer  
Jim Plunkett  
Commissioner  
Platte County, Mo.

Secretary  
Marge Vogt  
Councilmember  
Olathe, Kan.

Executive Director  
David A. Warm

## **Fact Sheet**

### **MARC Dues and Local Government Services**

#### ***Local Dues:***

The MARC local dues are based upon a per capita formula and are used to match federal, state and private grants to carry out significant functions in such areas as transportation planning, environmental protection, public safety and early education. Local funding also provides MARC's only source of revenue for activities that are not supported by federal, state or private sources.

As advised last spring, the invoice for 2008 includes a dues increase of 2 percent. Projected dues for 2009, which include a 3 percent increase, are also included on the dues summary to assist you in your budget planning process.

#### ***Government Innovation Forum (GIF)***

The Government Innovations Forum was created when members of the Managers' Roundtable -- an organization of city and county managers and administrators from the region -- committed to support a full-time staff person at MARC to manage communications between managers and jurisdictions and follow through on Roundtable ideas and initiatives. Supported by contributions from over 40 cities and counties, the Government Innovations Forum provides staff support to the Managers' Roundtable and its initiatives and connects members with a variety of regional research and decision-making mechanisms. The Forum has advanced cooperative efforts involving telecommunications, right-of-way management, public finance, cooperative purchasing, First Suburbs and comparative municipal practices.

#### ***Government Training Institute (GTI):***

The mission of the MARC Government Training Institute (GTI) is to enhance the quality of local government services through training and organizational development. The Institute strives to be the training provider of choice for local governments and other public agencies in the metropolitan Kansas City region -- by providing training and development of the highest quality when and where it is needed. The contribution to GTI will allow each jurisdiction and its employees access to over 200 training programs annually at a significant discount (15%) on registration fees and materials.

MID-AMERICA REGIONAL COUNCIL  
SUMMARY OF VOLUNTARY DUES

City	2000 Population	Approved 2008 Funding \$.0952 Per Capita	Projected 2009 Funding \$.0981 Per Capita
Blue Springs	48,080	4,577	4,717
Leavenworth	35,420	3,372	3,475
Shawnee	47,996	4,569	4,708
Lenexa	40,238	3,831	3,947
Raytown	30,388	2,893	2,981
Gladstone	26,365	2,510	2,586
Grandview	24,881	2,369	2,441
Leawood	27,656	2,633	2,713
Liberty	26,232	2,497	2,573
Prairie Village	22,072	2,101	2,165
Belton	21,730	2,069	2,132
Raymore	11,146	1,061	1,093
Merriam	11,008	1,048	1,080
Excelsior Springs	10,847	1,033	1,064
Mission	9,727	926	954
Gardner	9,396	894	922
Lansing	9,199	876	902
Harrisonville	8,946	852	878
Roeland Park	6,817	649	669
Bonner Springs	6,768	644	664
Richmond	6,116	582	600
Pleasant Hill	5,582	531	548
Oak Grove	5,535	527	543
Smithville	5,514	525	541
Kearney	5,472	521	537
Grain Valley	5,160	491	506
Paola	5,011	477	492
North Kansas City	4,714	449	462
Osawatomie	4,645	442	456
De Soto	4,561	434	447
Edwardsville	4,146	395	407
Parkville	4,059	386	398
Fairway	3,952	376	388
Greenwood	3,952	376	388
Platte City	3,866	368	379
Sugar Creek	3,839	365	377
Mission Hills	3,593	342	352
Pleasant Valley	3,321	316	326
Riverside	2,979	284	292
Tonganoxie	2,728	260	268
Spring Hill	2,727	260	268
Buckner	2,725	259	267
Peculiar	2,604	248	255
Louisburg	2,576	245	253
Lawson	2,336	222	229
Basehor	2,238	213	220
Weatherby Lake	1,873	178	184
Lake Lotawana	1,872	178	184
Weston	1,631	155	160
Westwood	1,533	146	150
Garden City	1,500	143	147
Claycomo	1,267	121	124
Total	548,539	\$52,219	\$53,812

MID-AMERICA REGIONAL COUNCIL  
SUMMARY OF GOVERNMENT INNOVATION DUES

City	Approved 2008 Funding	Projected 2009 Funding
Blue Springs	3,548	3,654
Leavenworth	3,548	3,654
Shawnee	3,548	3,654
Lenexa	3,548	3,654
Raytown	3,548	3,654
Gladstone	3,548	3,654
Grandview	2,958	3,047
Leawood	3,548	3,654
Liberty	3,548	3,654
Prairie Village	2,958	3,047
Belton	2,958	3,047
Raymore	1,774	1,827
Merriam	1,774	1,827
Excelsior Springs	1,774	1,827
Mission	592	610
Gardner	592	610
Lansing	592	610
Harrisonville	592	610
Roeland Park	592	610
Bonner Springs	592	610
Richmond	592	610
Pleasant Hill	592	610
Oak Grove	592	610
Smithville	592	610
Kearney	592	610
Grain Valley	592	610
Paola	592	610
North Kansas City	296	305
Osawatomie	296	305
De Soto	296	305
Edwardsville	296	305
Parkville	296	305
Fairway	296	305
Greenwood	296	305
Platte City	296	305
Sugar Creek	296	305
Mission Hills	296	305
Pleasant Valley	296	305
Riverside	296	305
Tonganoxie	296	305
Spring Hill	296	305
Buckner	296	305
Peculiar	296	305
Louisburg	296	305
Lawson	296	305
Basehor	296	305
Weatherby Lake	296	305
Lake Lotawana	296	305
Weston	296	305
Westwood	296	305
Garden City	296	305
Claycomo	296	305
Total	<u>\$57,676</u>	<u>\$59,409</u>

MID-AMERICA REGIONAL COUNCIL  
SUMMARY OF GOVERNMENT TRAINING INSTITUTE DUES

City	Approved 2008 Funding	Projected 2009 Funding
Blue Springs	1,273	1,311
Leavenworth	1,273	1,311
Shawnee	1,273	1,311
Lenexa	1,910	1,967
Raytown	636	655
Gladstone	636	655
Grandview	636	655
Leawood	1,273	1,311
Liberty	636	655
Prairie Village	636	655
Belton	636	655
Raymore	636	655
Merriam	636	655
Excelsior Springs	293	302
Mission	293	302
Gardner	636	655
Lansing	293	302
Harrisonville	636	655
Roeland Park	293	302
Bonner Springs	293	302
Richmond	293	302
Pleasant Hill	293	302
Oak Grove	293	302
Smithville	293	302
Kearney	293	302
Grain Valley	293	302
Paola	293	302
North Kansas City	636	655
Osawatomie	293	302
De Soto	293	302
Edwardsville	293	302
Parkville	293	302
Fairway	293	302
Greenwood	293	302
Platte City	293	302
Sugar Creek	293	302
Mission Hills	293	302
Pleasant Valley	293	302
Riverside	293	302
Tonganoxie	293	302
Spring Hill	293	302
Buckner	293	302
Peculiar	293	302
Louisburg	293	302
Lawson	293	302
Basehor	293	302
Weatherby Lake	293	302
Lake Lotawana	293	302
Weston	293	302
Westwood	293	302
Garden City	293	302
Claycomo	293	302
Total	\$24,546	\$25,288

April 9, 2008

To: City of Basehor  
From: Debra Bonee

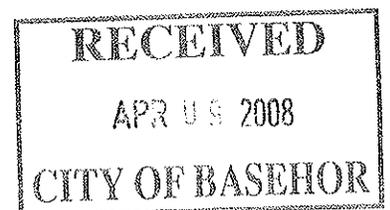
Re: Park Advisory Board position

To Whom It May Concern:

I hereby resign my volunteer position as a Park Advisory Board member effectively immediately.

Regards,

  
Debra L. Bonee



## **BASEHOR POLICE DEPARTMENT**

### **ANIMAL CONTROL VEHICLE**

Wildlife in and around the home, office or industrial settings can be a nuisance and cause some serious damage. Animals destroy electrical wiring of all types, chew structural components, and damage lawns and landscapes. Wildlife can also be carriers of disease such as rabies, distemper and many other serious diseases.

With the growth of our city we have seen a significant increase in the amount of animal related calls and complaints that require our Animal Control Officer to respond. In 2005 we responded to 168 animal calls, in 2006 we responded to 220 calls, and in 2007 we responded to 529 calls. This is an average of 305.6 calls per year or an average of 25.4 calls per month. Last year our Animal Control Officer who is part-time worked 1,146.50 hrs.

Our Animal Control Officer (Donald "Slim" Wilson) specializes in humanely and quickly resolving wildlife problems within our City. Slim has over 25 years of experience and citizens can be assured that they will receive an effective and professional solution to pest and animal problems.

Our Animal Control Officer is currently driving a 1992 F-150 Ford ½ ton pick-up. This vehicle is 16-years old and once belonged to the city maintenance department prior to being handed down to the police department. It is rusted throughout, has a modified seat belt, no air conditioning, the paint is peeling off, and it has over 76,000 miles and is just an eyesore (see attached photos). Based on the number of calls for animals, this vehicle is seen around town a lot and is not a very good representation of the City or the Police Department.

I would propose that the City of Basehor purchase a new 2008 Ford Ranger 4x2 XL Reg Cab 112 white truck with a Leer camper shell on the back to protect equipment and animals picked up from the elements. The vehicle would include standard options, A/C, 2.3L 4 cylinder engine, light bar and exterior decals to match the other patrol vehicles (see attached layout). The vehicle can be purchased from Shawnee Ford using government/Marc pricing.

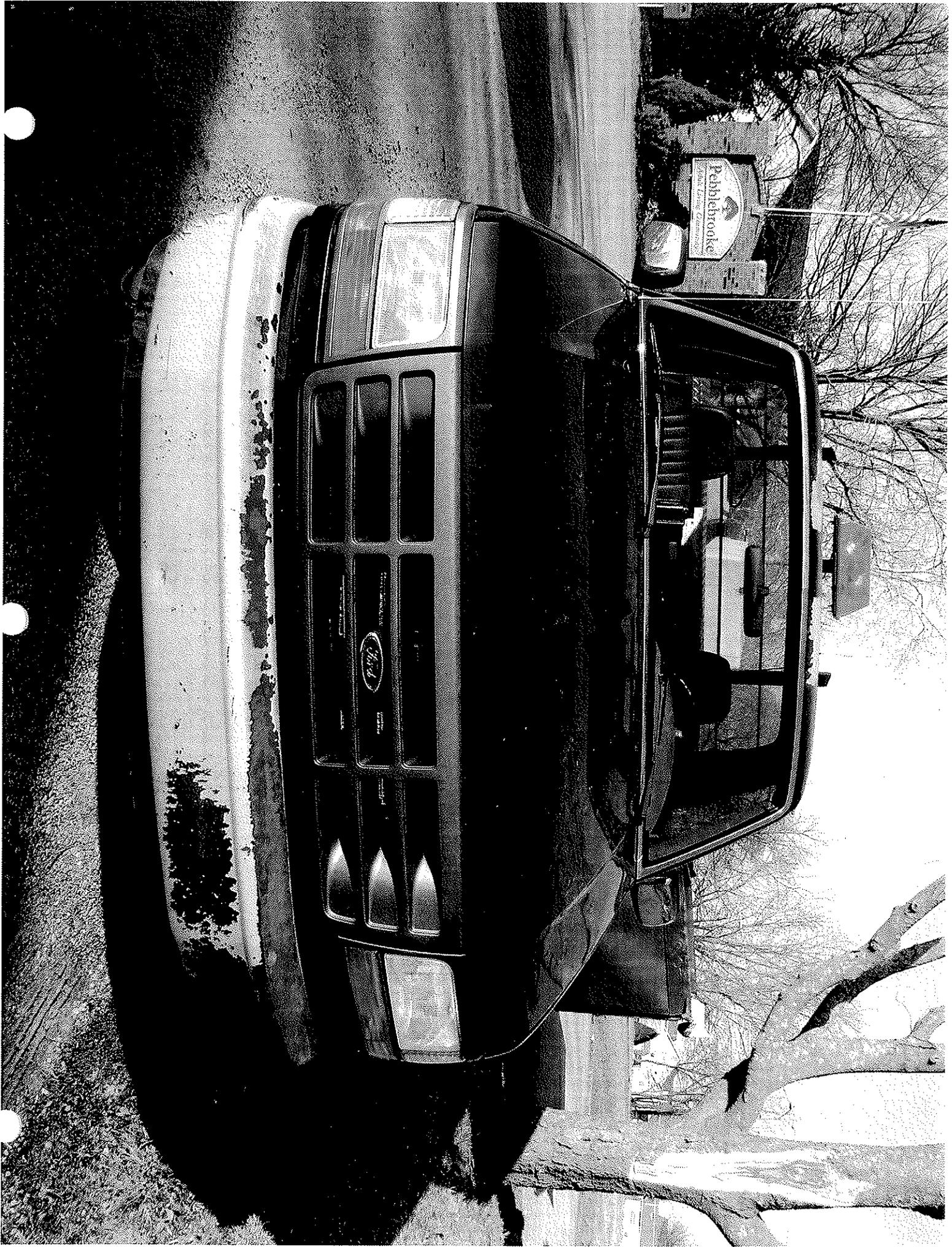
The price for the vehicle and additional equipment are as follows:

2008 White Ford Ranger 4x2 Reg. cab 112	10,592.00
Leer camper shell 100R	990.00
Decal Marking	570.00
Switching Equip/Install – Comm. Assoc.	500.00
Light bar and switch box	1,000.00
Trade-in or fair market sale	Est. - 1,000.00
Total	12,652.00

I am asking for authorization to purchase the vehicle and listed equipment not to exceed \$14,000.00. I will either trade-in the old vehicle, or will try and sell it at “fair market value”.

Thank you for your consideration.

Lloyd Martley  
Chief of Police











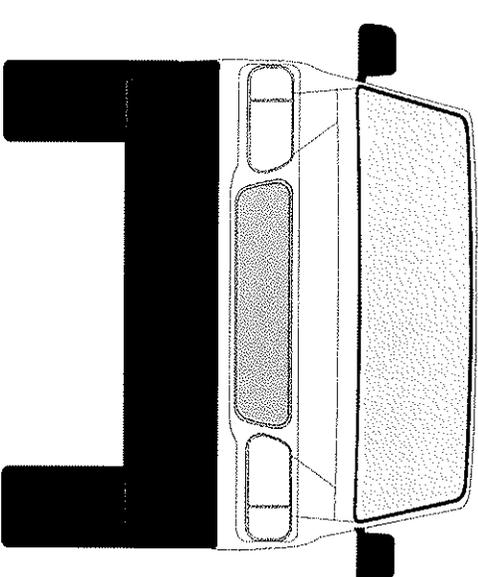
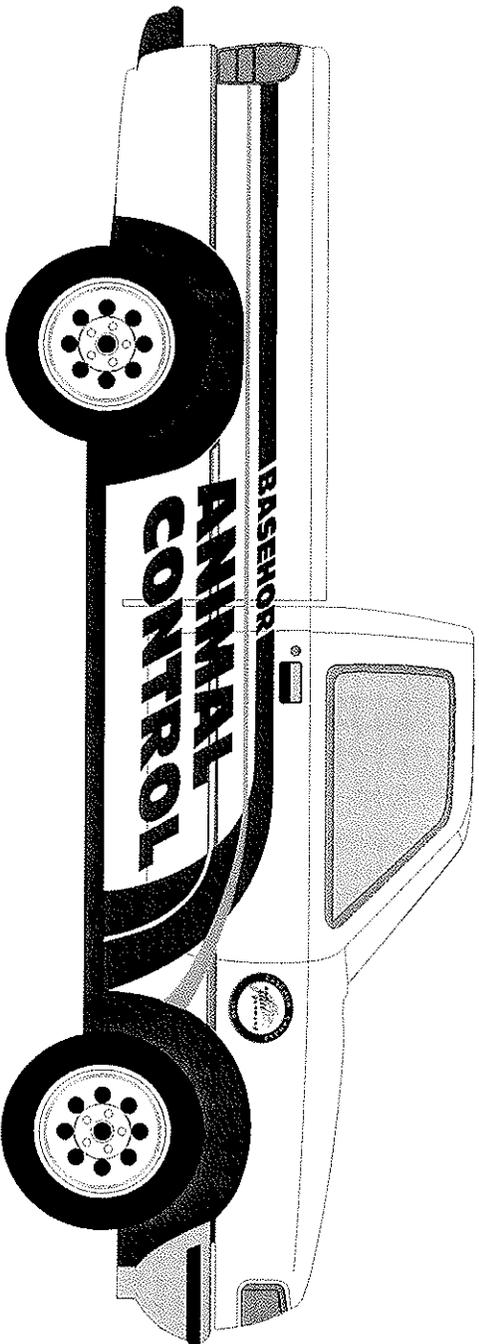
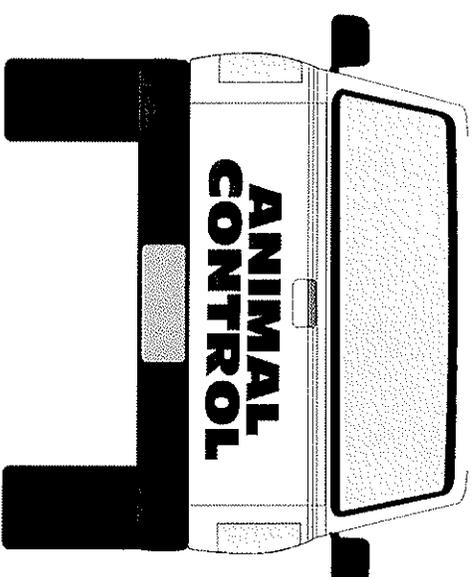
**ANIMAL CONTROL**  
Emergency Dial  
**911**





12/24/11

COLLEGE PARK  
POLICE  
231100



FordP\_180

Regular Cab, Shortbed

Back Windshield Size 15.0 x 49.0

Full Size

DEALER

53A 010

VIN

1FTYR10D66PA78870

	Supplier Retail Price	Invoice Amount
R106 RANGER 4X2 XL REG CAB-112 14330	00	15727 00
2008 MODEL YEAR		
YE OXFORD WHITE C/C		
QF MEDIUM DARK FLINT VINYL		
INCLUDED ON THIS VEHICLE		
.BLACK MIRRORS		
.BLK H-BAR GRILLE		
.WHEELS, STYLED SILVER 15"		
.SECURILOCK - PATS		
.BLACK BUMPER		
OPTIONAL EQUIPMENT		
PREFERRED EQUIPMENT PEG.861A		
.XL TRIM		
.AM/FM STEREO/CLOCK		
99D .3.3L EFI X4 ENGINE		
44D 5-SPD AUTOMATIC O/D TRANS	1000 00	830 00
77E .P225 STEEL BSW A/SEASON TIRES		
287 4.10 RATIO REGULAR AXLE	NC	NC
1B3 FRONT LICENSE PLATE BRACKET	NC	NC
4380 GVWR	NC	NC
51H T145/80D16 MINI SPARE	NC	NC
572 AIR CONDITIONING-CFC FREE	880 00	706 00
TOTAL OPTIONS	1880 00	1536 00
TOTAL VEHICLE & OPTIONS	16180 00	15262 00
DESTINATION & DELIVERY	695 00	695 00
TOTAL FOR VEHICLE	16875 00	
05 U.S. GAL FUEL CHARGE		14 95
FDAF/LMDA ASSESSMENT		293 00
SHIPPING WEIGHT 2963 LBS.		
TOTAL	16875 00	16265 95

10,902 Base Price  
 (250) Del. Cruise / Tilt  
 (60) Del. Full size Spare  
 -----  
 10,592  
 469 Spray in Bedliner  
 -----  
 11,061

This invoice may not reflect the final cost of the vehicle in view of the possibility of future rebates, allowances, discounts and incentive awards from Ford Motor Company to the dealer.

Sold to Shawnee Mission Ford, Inc. 53A010 P.O. BOX 3179 Shawnee		Order Type 2	Ramp Code CK31	Batch ID 8C183	Price Level 840
Ship to (if other than above)		Date Inv. Prepared 03 18 08	Item Number 53-0146	Transit Days 05	
Invoice & Unit Identification NO. 1FTYR10D66PA78870		Ship Through		Finance Company and/or Bank Ford Motor Credit 000001	

Total Holdback	Invoice Total	A & Z Plan	D Plan	X Plan
486	16265.95	15610.70	15710.70	16275.89

This invoice to be used for the billing of vehicles only

Dealer's copy

# Memorandum

**To:** City Council  
**CC:** Mayor, City Administrator, City Clerk  
**From:** Susan Adams  
**Date:** 4/14/2008  
**Re:** Transfer from Sewer Fund to Bond & Interest Fund

---

- 1) For Decision by the City Council at the April 21, 2008 City Council Meeting.
- 2) To ensure sufficient funds in the Bond & Interest Fund to meet City's obligations of the loan payment.
- 3) Recommendation - City Council approve the transfer of \$244,000 from the Sewer Fund to the Bond & Interest Fund.
- 4) Discussion:
  - a) A State Revolving Loan payment of \$244,000 was paid to KDHE in March 2008.
  - b) State Revolving Loan payments are made from the Bond & Interest Fund. The 2008 Budget calls for \$488,000.00 to be transferred from the Sewer Fund to the Bond & Interest Fund.
  - c) By transferring \$244,000 we ensure that sufficient funds are available in the Bond & Interest Fund to meet the City's obligations.
  - d) Resource Impacts - After the \$244,000 transfer is made, the cash balance in the Sewer Fund will be approximately \$652,252.

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider authorizing administrative staff to send out certified letters to residents with delinquent sewer and solid waste accounts that a public hearing will be held on May 19<sup>th</sup> to hear their concerns.

**Department:** Administration

### Background/Description of Item:

On an annual basis the City has an opportunity to place delinquent sewer and solid waste accounts on residents property taxes for collection.

This request is Step 4 of our annual process:

*Excerpt of March 17, 2008 Agenda Summary -*

4. On ~~May 5~~ **April 21**, an updated report (Report II) will be provided to the city council along with a request to schedule a public hearing in ~~June~~ **May** to hear from residents protesting their assessment. Council will authorize the administrative staff to send notices of the public hearing to the remaining delinquent accounts. Those notices must be mailed certified with return receipt.
5. On ~~June 2~~, **May 19**, the public hearing will be held (Report III). Council will hear concerns from residents and then vote to authorize the city clerk to file a list of delinquent accounts with the county clerk for collection on the Ad Valorem Tax rolls.
6. Final Step – a formal list (Report IV) and a certificate is prepared and mailed to county clerk.

The list you have before you tonight do not include the March penalties, April billing, and May late fees.

### Funding Source:

**Recommendation:** Consider administrative staff to proceed with notifying delinquent sewer and solid waste accounts of public hearing on May 19, 2008 at 7:00 p.m.

Prepared by: Mary A. Mogle, City Clerk  
Council Date: April 21, 2008

PUBLIC HEARING  
SEWER AND SOLID WASTE DELINQUENT ACCOUNTS  
REPORT 5 - 4/15/08

ACCT #	OWNER/RENTER	OWNER of RECORD	4/15/2008 AMT. DUE
0150-001503-0000-01	David Hall 1503 N. 150th St. Basehor, Ks. 66007		31.04
0150-001711-0000-01	Richard M. & Janice Maleta 1711 N. 150th St. Basehor, Ks. 66007 Basehor, Ks. 66007		116.40
0154-003036-0000-02	Franklin E. & Jackie L. Robison 3036 N. 154th St. Basehor, Ks. 66007		316.67
0154-003425-0000-01	Doug Smith 3425 N. 154th St. Basehor, Ks. 66007		184.33
0155-001708-0000-02	Ephren Gildo 8170 Ferry Rd. DeSoto, KS 66018		95.15
0155-001904-0000-01	Marylyn Jones 1904 N. 155th St. Basehor, Ks. 66007		62.20
0155-002817-0000-02	Joseph & Brandis Smith 2817 N. 155th St. Basehor, KS 66007		360.02
0155-003305-0000-01	Joseph Scherer 314 S. Ash St. Trinidad, CO 81082		509.97
0155-003601-0000-01	Catherine M. DeRuse 3601 N. 155th St. Basehor, Ks. 66007		427.42
0156-002724-0000-01	Norman C. & Nancy L. Younger 17789 State Ave. Tonganoxie, KS 66086		71.04
0156-002904-0000-02	Bernard Clifton Powell 2904 N. 156th St. Basehor, Ks. 66007		731.67

0156-003209-0000-01	Gregory A. Chism/Dickxie L. Brizendine 3209 N. 156th St. Basehor, Ks. 66007		331.14
0156-003305-0000-02	Carl W. Norman 3305 N. 156th St. Basehor, Ks. 66007		232.91
0156-003308-0000-00	Frederick & Samantha Timpe 3308 N. 156th St. Basehor, KS 66007		368.68
0157-002606-0000-01	Karen D. Hadley 2606 N. 157th St. Basehor, KS 66007		850.80
0157-003013-0000-01	John & Lisa Markovich 3013 N. 157th St. Basehor, KS 66007		152.20
0157-003025-0000-01	Ray & Gertruce E.Palenske 698 N. 1610 Rd. Lawrence, KS 66049		542.34
0157-003304-0000-01	Michael & Lori Shultz 3304 N. 157th St. Basehor, KS 66007		348.55
0168-000810-0000-01	World Savings P.O. Box 659558 San Antonio, TX 78265-9558		63.11
0169-000909-0000-01	Kenneth Powell 909 169th St. Bonner Springs, KS 66012		364.04
0169-000911-0000-02	Jessica Eagen 911 169th St. Bonner Springs, KS 66012	Dirk A. & Gwen B. Wedd, Rental 1617 Bobwhite Lawrence, KS 66049	225.82
152C-003723-0000-01	Kiann C. Mc Bratney 3723 N. 152nd Ct. Basehor, KS 66007		126.88
152T-003724-0000-01	Austin Linblad P.O. Box 287 Basehor, Ks. 66007		152.20
153T-003024-0000-02	Matthew C. Nicks 3024 N. 153rd Terr. Basehor, KS 66007		464.14

154P-000600-0000-01	Sun Homes P.O. Box 15165 Lenexa, KS 66285		21.36
154P-000604-0000-01	Paul J. & Marsha Hunt 604 154th Pl Bonner Springs, KS 66012		758.62
154P-000609-0000-01	Karen A. Washington 609 154th Place Bonner Springs, KS 66012	Monte W. Washington, Jr. 644 N. 84th St. Kansas City, KS 66112	210.97
154T-002904-0000-01	Rhonda L. Weston P.O. Box 84 Basehor, KS 66007		378.44
154T-002933-0000-01	Fred & Donna Breedlove 2933 N. 154th Terr. Basehor, Ks. 66007		415.96
154T-003707-0000-01	Brian & Connie Rollo 3707 N. 154th Terr. Basehor, KS 66007		899.78
155T-002446-0000-01	Peter Jennings 2446 N. 155th Terr. Basehor, KS 66007		659.42
155T-002708-0000-01	Stephen R. & Jancy J. Millison 2708 N. 155th Terr. Basehor, Ks. 66007		626.07
155T-003111-0000-02	Richard M. & Kathryn Ann Wilson 3111 N. 155th Terr. Basehor, Ks. 66007		939.78
155T-003592-0000-02	Kevin D. & Amber C. Janouschek 3592 N. 155th Terr. Basehor, KS 66007	(paid 150.00 4-11-08)	149.15
156T-002713-0000-01	Scott P. & Sheryll S. Mc Kinley P.O. Box 212 Basehor, KS 66007		454.96
156T-003201-0000-01	Mc Nearney & Assoc. LLC 6800 College Blvd., Ste. 400 Overland Park, KS 66211		35.06
157T-002630-0000-01	Patricia Flores 2630 N. 17th Terr. Basehor, Ks. 66007		510.76

157T-003123-0000-02	Shane Swigert 3123 N. 157th Terr. Basehor, Ks. 66007		269.59
157T-003127-0000-01	Thomas E. Davis 3127 N. 157th Terr. Basehor, Ks. 66007		784.58
157T-003202-0000-01	Craig Sheldon 9924 Parkview Ave. Kansas City, KS 66109		86.33
158C-001317-0000-01	Linda M. Marrone 421 N. Miller Meriden, KS 66512		111.9
159T-001910-0000-01	Calvin Jones 1910 N. 159th Terr. Basehor, Ks. 66007		434.80
BRAD-015544-1250-01	Richard A. Poe 15544 Bradford Bonner Springs, KS 66012		760.32
CDLN-015471-1250-01	Wesley J. Lee 15471 Cedar Lane Bonner Springs, KS 66012		525.60
CDLN-015690-1250-01	Michael T. Felich 18396 155th St. Bonner Springs, KS 66012		468.88
CDLN-015724-1250-01	Larry E. & Vicki M. Darr 15724 Cedar Lane Bonner Springs, KS 66012		597.60
CHES-015422-0000-02	Randal C. & Rose M. Mortell 15422 Chestnut Basehor, KS 66007		1159.51
CRES-015560-0000-01 * Sent to State Setoff *	John W. & Jaime M. Taylor 1906 N. 157th St. Basehor, KS 66007	Option One P.O.Box 57054 Irvine, CA 92619-7054	266.46
CRES-015560-0000-02	Option One P.O. Box 57054 Irvine, CA 92619-7054		31.07
CRES-015561-0000-01	Gloria J. Mc Carty 15561 Crestwood Basehor, KS 66007		562.80

CRES-015584-0000-01	Richard F. & Eva Hershey 15584 Crestwood Dr. Basehor, KS 66007	865.20
CRIM-015407-0000-01	Pernell P. & Roxanne F. Dye 15407 Crimson St. Bonner Springs, KS 66012	321.99
CRIM-015508-0000-01	Mark C. Jones 15508 Crimson St. Bonner Springs, KS 66012	241.12
CYPB-018147-1250-01	Dean A. & Sheri A. Davis 18147 Cypress Bend Bonner Springs, KS 66012	265.74
ELMS-015522-0000-02	David S. Lowe 15522 Elm St. Basehor, KS 66007	234.44
ELMS-015553-0000-01	Joseph F. Scherer 314 S. Ash St. Trinidad, CO 81082	1129.46
FREM-016711-0000-01	Jack A. Williams, Jr. 16711 Freeman Dr. Bonner Springs, KS 66012	644.84
IRCD-015617-0000-00	Joelle & James W. Thomas, Jr. 15617 Iron Creek Dr. Basehor, KS 66007	252.18
IRCT-015518-0000-00	Steven L. & Marcelyn Crutchfield 15518 Iron Creek Court Basehor, KS 66007	52.04
KLAM-015629-0000-01	Caleb D. & Sandra J. Rice 15629 Klamm St. Basehor, KS 66007	830.62
KLAM-015701-0000-01	Kenneth S. Leiker 15701 Klamm St. Basehor, KS 66007	206.58
LAND-015321-0000-01	Michael R. & Antoinette M. Guthrie 15321 Landauer Basehor, KS 66007	657.82

LEAV-015547-0000-01	Joseph F. Scherer 314 S. Ash St. Trinidad, CO 81082		578.33
LEAV-015549-0000-01	Joseph F. Scherer 314 S. Ash St. Trinidad, CO 81082		750.2
NCIR-015313-0000-02	Joseph A. & Angela Lawless 15313 N. Circle Dr. Basehor, KS 66007		196.57
NCIR-015320-0000-01 <i>* Sent to State Setoff *</i>	Bruce & Tammy Kivett 15320 N. Circle Dr. Basehor, KS 66007		621.09
PARA-015404-0000-01	Ronnie W. & Brenda R. Hooks 15404 Paraffell Rd. Basehor, KS		333.30
PEBD-015509-0000-01	Elizabeth & Daniel Felich 15509 Pebble Dr. Basehor, KS 66007		490.80
PEBT-015602-0000-01 <i>* Sent to State Setoff *</i>	Bruce Bardwell - Bankruptcy 15602 Pebble Terr. Basehor, KS 66007		243.78
PEBT-015606-0000-01	Joseph F. Scherer 314 S. Ash St. Trinidad, CO 81082		705.81
PIVC-014104-0000-01	Carl Engelken 14104 Pine Valley Ct. Basehor, KS 66007		110.47
POPL-015421-0000-01	TommyA.&JaniceC.Cunningham 8414 Mulberry Wichita, KS 67226	TommyA.&JaniceC.Cunningham 911 E. 21st St. N, #2205 Wichita, KS 67206	84.41
PRAI-015912-0000-01	Johnny Alexander c/o Amy Harris 15912 Prairie Way Basehor, KS 66007	Planet/Morningstar c/o Amy Harris 16004 Prairie Way Basehor, KS 66007	117.85
PRAI-015914-0000-01	Morinda Gonzales c/o Amy Harris 15914 Prairie Way Basehor, KS 66007	Planet/Morningstar c/o Amy Harris 16004 Prairie Way Basehor, KS 66007	124.6

PRAI-016013-0000-01	Josh & Tara Kelly c/o Amy Harris 16013 Prairie Way Basehor, KS 66007	Planet/Letourneau c/o Amy Harris 16004 Prairie Way Basehor, KS 66007	120.78
PRAI-016016-0000-01	Lisa Sustaita c/o Amy Harris 16016 Prairie Way Basehor, KS 66007	Planet/Letourneau c/o Amy Harris 16004 Prairie Way Basehor, KS 66007	249.52
PRAI-016051-0000-01	Jeremy & Victoria Adkins c/o Amy Harris 16051 Prairie Way Basehor, KS 66007	Planet/Morningstar c/o Amy Harris 16004 Prairie Way Basehor, KS 66007	403.20
RICK-015324-000-01	Joel Henderson 15324 Rickel Dr. Basehor, KS 66007		237.79
RIPL-015621-0000-01	Kelly Weiss 15621 Ripley St. Basehor, KS 66007		208.12
SHEE-016704-0000-01	Advance Prop. Mgmt. 757 Highway 40 Lawrence, KS 66049	Raymond H. Christian 492 E. 400 Rd. Overbrook, KS 66524	622.98
SHEE-016706-0000-01	Advance Prop. Mgmt. 757 Highway 40 Lawrence, KS 66049	Raymond H. Christian 492 E. 400 Rd. Overbrook, KS 66524	622.98
SHEE-016800-0000-01	Advance Prop. Mgmt. 757 Highway 40 Lawrence, KS 66049	Raymond H. Christian 492 E. 400 Rd. Overbrook, KS 66524	424.60
SHEE-016802-0000-01	Advance Prop. Mgmt. 757 Highway 40 Lawrence, KS 66049	Raymond H. Christian 492 E. 400 Rd. Overbrook, KS 66524	644.11
SHEE-016804-0000-01	Ray & Gertrude E. Palenske 698 N. 610 Rd. Lawrence, KS 66049		71.68
SHEE-016806-0000-01	Ray & Gertrude E. Palenske 698 N. 610 Rd. Lawrence, KS 66049		669.31
SHEE-016824-0000-01	Advance Prop. Mgmt. 757 Highway 40 Lawrence, KS 66049	Raymond H. Christian 492 E. 400 Rd. Overbrook, KS 66524	648.69

SHEE-016826-0000-01	Advance Prop. Mgmt. 757 Highway 40 Lawrence, KS 66049	Raymond H. Christian 492 E. 400 Rd. Overbrook, KS 66524	259.53
STAT-014720-0000-02	Eugene W. Strick 14720 State Ave. Basehor, KS 66007		116.40
WILL-015821-0000-01	Richard Hayes 15821 Willow Dr. Basehor, KS 66007		63.40
		TOTAL	34,670.82

**\* Sent to State Setoff Program \***

CRES-015560-0000-01 <i>* foreclosure*</i>	John W. & Jamie M. Taylor 1906 N. 157th St. Basehor, KS 66007	266.46
NCIR-015320-0000-01 <i>* Sent to State Setoff *</i>	Bruce & Tammy Kivett 15320 N. Circle Dr. Basehor, KS 66007	621.09
PEBT-015602-0000-01 <i>* bankruptcy*</i>	Bruce Bardwell 15602 Pebble Terr. Basehor, KS 66007	243.78
SHEE-016824-0000-01 <i>* bankruptcy*</i>	Advance Prop. Mgmt. 757 Highway 40 Lawrence, KS 66049	601.13

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE RELATING TO EROSION AND SEDIMENT CONTROL IN THE CITY OF BASEHOR, KANSAS ADDING NEW ARTICLE 12 TO CHAPTER IV; BUILDING AND CONSTRUCTION.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:**

SECTION 1: The City of Basehor Municipal Code Chapter IV; is hereby amended to add Article 12 to read as follows:

**Ordinance No: 528**

**EROSION AND SEDIMENT CONTROL**

Sections:

- 1. Purpose of Ordinance.
- 2. Definitions.
- 3. Administration.
- 4. General Provisions.
- 5. Erosion and Sediment Control Plans.
- 6. Inspection.
- 7. Enforcement.
- 8. Miscellaneous.

**1. Purpose of Ordinance**

The purpose of this Ordinance is to set forth procedures for controlling erosion and sedimentation caused by land disturbance activities, thereby providing for the protection and enhancement of the water quality of watercourses, water bodies, and wetlands.

**2. Definitions** For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein

**A. "Best Management Practices or BMPs"** mean physical facilities, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed and maintained, will be effective to prevent or reduce the discharge of water or air pollution associated with land disturbance activities regulated by this Ordinance.

**B. "Certified Professional in Erosion and Sediment Control (CPESC)"** means an individual who is currently holding such certification as issued by CPESC, Inc., or other Person holding a state license authorizing them to prepare and submit an Erosion and Sediment Control Plan.

**C. "Code"** means the City of Basehor Municipal Code.

- D. **"Erosion"** means the wearing away of land by the action of wind, water, gravity or ice or a combination thereof.
- E. **"Erosion and Sediment Control Plan, or Plan"**, means a Plan for the control of soil erosion and sedimentation resulting from land disturbing activity, and may include, without being limited to, the drawings, specifications, construction documents, schedules, or other related documents upon which establish the Best Management Practices (BMPs) to be used on a project. The Plan shall include any site area set forth, including such information required as necessary to review the basis for their design of the BMPs and to ensure their proper installation, maintenance, inspection, and removal of the BMPs, along with the details required to construct any portion of the final storm sewer system that was impeded by a BMP.
- F. **"Erosion and Sediment Control Standards, or Standards"** means the Erosion and Sediment Control design criteria and specifications adopted in writing by the City of Basehor. *by reference.*
- G. **"Land Disturbance"** means any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.
- H. **"Perennial Vegetation"** means grass or other appropriate natural growing vegetation that provides substantial land cover, erosion protection and soil stability and that is capable of sustained and healthy growth over multiple years under the constraints of shade, temperature and moisture that will be prevalent on the site. For the purposes of this Ordinance, annual grasses that do not regenerate after winter, ornamental plants or shrubs that does not offer effective Erosion and Sediment protection, and plants that are not suitable for the expected growing conditions on the site shall not be considered Perennial Vegetation.
- I. **"Permit"** means a Building Permit for construction of a building, Site Development Permit, Land Disturbance Permit, or Right of Way Permit.
- J. **"Permit Holder"** means the owner or contractor who is issued a Permit. The Permit Holder may designate a separate contact person regarding field issues related to erosion and sediment control.
- K. **"Person"** means any individual, business, partnership, corporation, association, organization or legal entity of any kind including governmental entities.
- L. **"Sediment"** means any solid material, organic, or inorganic that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, ice or gravity as result of soil Erosion. Sedimentation is the process

by which eroded material is transported and deposited by the action of wind, water, ice or gravity.

- M. "Storm Sewer System"** means any conveyance or system of conveyances for Storm Water, including road with drainage systems, streets, catch basins, curbs, gutters, ditches, man made channels, or storm drains, as well as any system that meets the definition of a municipal separate Storm Sewer System or "MS4" as defined by the Environmental Protection Agency in 40 CFR 122.26.
- N. "Storm Water"** means Storm runoff, snowmelt runoff, and surface runoff and drainage.
- O. "Water Bodies"** means surface waters including rivers, streams, lakes and wetlands, including all areas designated by the federal government as a waterway of the United States.

#### **4-1201 Administration**

- A. Authority.** The Building Inspector, Public Works Director or Planning Director shall be responsible for the administration and enforcement of this Ordinance. The City Council shall have the authority to adopt regulations, policies and procedures as necessary for the enforcement of this Ordinance.
- B. Right of entry.** Whenever the Building Inspector, Public Works Director or Planning Director has cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Ordinance, the Building Inspector, Public Works Director or Planning Director is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this Ordinance. If entry is refused, the Building Inspector, Public Works Director or Planning Director shall have recourse to the remedies provided by law to secure entry.
- C. Erosion and Sediment Control Standards.** The City shall adopt and maintain Erosion and Sediment Control Standards to assist in the administration of this Ordinance. The Erosion and Sediment Control Standards shall be based on, but not limited to, the following principles:
1. Fit the development to existing site conditions.
  2. Minimize the extent of exposure.
  3. Minimize duration of exposure.
  4. Break work activities into phases when possible.
  5. When possible, protect disturbed areas from any unnecessary run-on of storm water from adjacent sites, at least during the construction period.
  6. Stabilize disturbed areas.
  7. Keep runoff velocities low.
  8. Retain Sediment on the site.
  9. Inspect and maintain control measures.
  10. Use performance measures and outcomes.
  11. Timely employment and maintenance of all measures.

- D. Time Requirement.** Where Land Disturbance activities have temporarily or permanently ceased on a portion of a project site for over 21 consecutive days, the disturbed areas shall be protected from erosion by stabilizing the areas with mulch or other similarly effective soil stabilizing BMPs, unless the timeframe for compliance is extended by the Building Inspector, Public Works Director or Planning Director. Where implementation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
- E. Other Pollutants.** In addition to Sediment, the Erosion and Sediment Control Plan shall provide for the control of other pollutants related to the Land Disturbance activity that might cause an adverse impact to water quality, including, but not limited to, discarded building materials, concrete truck washout, fuel, hydraulic fluids, chemicals, litter, and sanitary wastes.

#### **4-1202 General Provisions**

- A.** Any Person undertaking Land Disturbance activities, including the clearing, grading, excavating, filling, storing, and disposing of soil and earth materials, shall comply with the requirements and standards set forth in this Chapter of the Code.
- B. Applicability.** Regardless of whether or not a Land Disturbance activity requires a Permit, any Person engaged in any Land Disturbance activity shall comply with the spirit and intent of this Ordinance. At a minimum, such Persons shall employ BMP methods for Erosion and Sediment Control in proportion to the scale of the activity to reduce the amount of Sediment or other pollutants in storm water discharges associated with those activities.
- C. Responsible Person(s).** The responsible Person(s) is/are the owner of the property upon which a Land Disturbance takes place and any person(s) performing a Land Disturbance activity.

#### **4-1203 Erosion and Sediment Control Plans**

- A.** All proposed Land Disturbance activity shall be depicted on a site-specific Erosion and Sediment Control Plan. Land Disturbance activities that do not require a Permit in are required to employ applicable BMPs included in standard details provided by the City. The Erosion and Sediment Control Plan shall be submitted to the Building Inspector, Public Works Director or the Planning Director for review. The Plan shall include, at a minimum, the following information:
1. Proposed site map.
  2. Areas to be disturbed.
  3. Proposed Erosion and Sediment Control BMPs to be employed.
  4. Phasing of Erosion and control measures.
  5. Final stabilization plan for each phase.
  6. Details and specifications for any sections of the final storm sewer system that must be constructed after the removal of BMPs such as temporary sediment basins or silt ponds.
  7. Work schedule.
  8. Maintenance and inspection requirements.

The Building Inspector, Public Works Director and/or the Planning Director may require any additional information or data deemed appropriate to ensure compliance with the intent, purpose and provisions of this Section of the Code.

- B. Review and Approval of Erosion and Sediment Control Plans.** The Erosion and Sediment Control Plan shall be of sufficient clarity to indicate the location, manner, nature and extent of the work proposed. The Plan shall clearly show that the proposed work will conform to the provisions of this Code, the Erosion and Sediment Control Standards, and other relevant laws, ordinances, policies, rules and regulations as determined by the City. The Building Inspector, Public Works Director and/or the Planning Director shall review the submitted documents to determine compliance with the Erosion and Sediment Control Standards. If the Plan is not in compliance, the applicant shall be advised which elements of the Plan are not in compliance.
- C. Preparation of Plans.** Erosion and Sediment Control Plans submitted to the City for review must be prepared under the supervision of and sealed by a licensed professional engineer or landscape architect or by a Certified Professional in Erosion and Sediment Control (CPESC). The engineer or landscape architect must be licensed to practice in the State of Kansas. The Building Inspector, Public Works Director and/or Planning Director may waive this Plan preparation requirement if the Applicant's Plan consists entirely of utilizing standard plans and specifications as adopted in the City's Erosion and Sediment Control Standards.
- D. Amended Plans.** Work shall be installed and maintained in accordance with the approved Plan. Changes made during construction that are not in compliance with the approved Plan shall be resubmitted for approval as an amended set of construction documents. Minor modifications of the approved Plan may be authorized by the Building Inspector, Public Works Director and/or the Planning Director without formal review provided those modifications are consistent with the Erosion and Sediment Control Standards and standard industry practice.

#### 4-1204 Inspection

- A. Initial Inspection.** The Permit Holder shall notify the Building Inspector or the Public Works Director when initial Erosion and Sediment Control measures are installed in accordance with the Erosion and Sediment Control Plan. No Land Disturbance activities shall begin prior to approval from the Building Inspector, Public Works Director and/or the Planning Director that all pre-construction Erosion and Sediment Control measures are correctly installed per the approved Plan.
- B. Maintenance of Control Measures.** All prescribed Erosion and Sediment Control measures shall be maintained in good order and in compliance with the Erosion and Sediment Control Plan at all times.
- C. Routine Inspection.** It shall be the duty of the Permit Holder to routinely inspect the construction site and maintain effective Erosion and Sediment Control measures. Routine inspections shall be performed once per month or more frequently if required on the Plan and

within twenty-four hours following each rainfall event of 1/2" or more within any twenty-four hour period. A log shall be kept of these inspections. Any deficiencies shall be noted in a report of the inspection and include the action taken to correct the deficiency. Inspection reports shall be submitted to the Building Inspector, Public Works Director and/or the Planning Director upon request.

The inspection report shall include the following minimum information:

1. Inspectors name.
2. Date of inspection.
3. Observations relative to the effectiveness of the Erosion and Sediment Control Measures.
4. Actions necessary to correct deficiencies.
5. Signature of Person performing the inspection.

The Building Inspector, Public Works Director and/or the Planning Director may also perform inspections of the Land Disturbance site to verify compliance with the Erosion and Sediment Control Plan. Should it be found that Erosion and control methods are ineffective or are not being maintained properly, the Building Inspector, Public Works Director and/or Planning Director may take enforcement actions described within this Chapter.

- D. Closure of Land Disturbance Activities.** Once the site is stabilized a final inspection shall be requested. The site shall be considered stabilized when Perennial Vegetation, pavement, buildings or structures using permanent materials, cover all areas that have been disturbed. Perennial Vegetation shall be considered established and completed for stabilization when it has established a healthy and growing stand with a density of at least 70 percent of undisturbed areas at the site.
- E. Removal of Temporary Erosion and Sediment Control Measures.** Subsequent to a satisfactory final inspection of the Land Disturbance, all temporary Erosion and Sediment Control measures must be removed and the final segments of the storm sewer system shall be constructed in the manner described within the approved plans in the Erosion and Sediment Control Plan. Such removal shall be complete prior to closure of the Permit which authorized the Land Disturbance.

#### **4-1205 Enforcement**

- A. In General.** The Building Inspector, Public Works Director and/or the Planning Director shall handle enforcement of the provisions of this Chapter through routine activities that include receiving inspection reports from the Permit Holder when requested, inspections, and communication with contractors. However, if these methods fail, the Building Inspector, Public Works Director and/or the Planning Director may proceed with any or all of the following enforcement measures:
- 1. Refusal of Inspection.** Request for an inspection of any permitted construction activity may be denied if it is found that Erosion and Sediment control measures have not been implemented, or are found to be ineffective or are not maintained. If an inspection is refused, a notice of violation or a stop work order may be issued. No further inspections

will be performed until the Erosion and control measures have been implemented or violations have been abated.

2. **Notice of Violation.** The Building Inspector, Public Works Director and/or the Planning Director is authorized to serve a Notice of Violation or order on any Person found to be doing work in violation of the provisions of this chapter of the Code. Such order shall direct the discontinuance of the illegal action or condition and order the abatement of the violation by the responsible Person.
3. **Stop Work Order.** The Building Inspector, Public Works Director and/or the Planning Director is authorized to issue a stop work order for any or all construction activity within the established boundary of the Permit. The stop work order shall be in writing and shall be given to the owner of the property involved, or the owner's agent or to the Person doing the work. In addition, notice of the stop work order shall be posted on the site. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. Any Person who shall continue to work after having been served with a stop work order, except such work as that Person is directed by the City to perform the removal of a violation or unsafe condition, is guilty of a public offense and may be subject to penalties as prescribed herein.
4. **Abatement.** Should any Person fail to comply with the provisions of this Chapter, the Building Inspector, Public Works Director and/or the Planning Director are authorized to correct or abate such violation without further notice. This action can be taken in lieu of, or in conjunction with, any action taken under Chapter IV; Article 12 of the Municipal Code of the City of Basehor, or enforcement actions set forth in this Chapter.
  - a. City expenditures to correct or abate a violation shall be assessed as a fee against the property owner, developer, builder or any other applicable party. The City will keep a record of the abatement costs. The fee shall be paid prior to recommencement of work on the site and prior to any further inspections. If the fee is not paid within 30 days of the date the invoice is sent to the Permit Holder, then that person involved will be found guilty of a municipal code violation under Chapter IV; Article 12 and be fined the maximum amount of \$100.00 per each day the violation exists.
  - b. Should the Permit become suspended, revoked, or expired with the fee not paid, all City expenditures to correct or abate the violation may be assessed as a lien and special assessment against the lot or parcel of land on which the permitted activity took place. The same abatement and collection procedure shall apply if work is done without the issuance of a Permit. The City Clerk, at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against the lot or parcel of land.

### C. Violations and penalties.

1. Any Person who violates a provision of this Ordinance or fails to comply with any of the requirements thereof or fails to comply with a directive issued by the Building Inspector, Public Works Director and/or the Planning Director is guilty of a public offense and shall be subject to the maximum penalties as provided in the City of Basehor Municipal Code Chapter IV; Article 12.
2. The Building Inspector, Public Works Director and/or the Planning Director shall be permitted to cite the owner, or any/all Persons identified on a Permit as being legally responsible to the City for any violations of the Ordinance pertaining to that Permit.

#### **4-1206 Miscellaneous**

- A. Other Laws.** Neither this Ordinance nor any administrative decision made under it exempts the Permit Holder or any other Person from other requirements of this Code, state and federal laws, or from procuring other required Permits, including any state or federal storm water Permits authorized under the National Pollutant Discharge Elimination System (NPDES), or limits the right of any Person to maintain, at any time, any appropriate action at law or in equity, for relief or damages against the Permit Holder or any Person arising from the activity regulated by this Ordinance.
- B. Disclaimer of Liability.** The performance standards and design criteria set forth herein establish minimum requirements, which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the City, or its officers and employees, of the adequacy or safety of any best management practice or use of land, nor shall the approval and issuance of a Permit imply that land uses permitted will be free from damages caused by Storm Water. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study. Larger storms may occur or Storm Water runoff heights may be increased by man-made or natural causes. These regulations therefore shall not create liability on the part of the City or any officer with respect to any legislative or administrative decision lawfully made hereunder.
- C. Severability.** If any section, subsection, paragraph, sentence, clause or phrase in this ordinance or any part thereof is held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.
- D. Effective Date.** The provisions of this Chapter shall apply to all Land Disturbance activities that take place on or after May 5, 2008.

**SECTION 2. Effective Date.** This ordinance shall be in full force and effective from and after its passage and publication in the official city newspaper.

Approved by the City Council this 21<sup>st</sup> day of April, 2008.

Approved by the Mayor this 21<sup>st</sup> day of April, 2008.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF BASEHOR,  
KANSAS, THIS 21<sup>st</sup> DAY OF April, 2008.

\_\_\_\_\_  
Chris Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Mary A. Mogle, City Clerk

\_\_\_\_\_  
Patrick G. Reavey, City Attorney

## MAINTENANCE LABORER

(Part-time Seasonal)

**Level I**

**Adopted 3/22/04**

**Revised 2/14/05**

Immediate Supervisor: City Superintendent  
Department: Public Works  
FLSA Classification: Exempt (not eligible for compensatory time payments)  
Status Classification: Part-time Seasonal without benefits.  
Education: High school Diploma/GED *Preferred*  
Out-of-Town Travel: May be required to obtain Educational Needs  
Introductory Period: 365 Days  
Age Requirement: ~~18~~ **16** years or older

### POSITION SUMMARY

The position of the Maintenance Laborer shall be under the direct supervision of the city superintendent. This employee will assist in many functions necessary to maintain city buildings, streets and sidewalks, city streets and park facilities. ~~This employee should possess strong~~ Mechanical, plumbing, electrical and construction skills *preferred*. Possess effective communication and public relation skills.

### ESSENTIAL FUNCTIONS

- Performs mowing duties at city facilities (buildings, park, wastewater treatment plant, street rights-of-way);
- Cuts down, and trim brush and trees;
- Cleans and removes trash and debris from city parks, city facilities, and street rights-of-way;
- Inspects, maintains, and repairs department equipment (tractor, trucks, mowers, unloader, backhoe, light generator, manual transmission vehicles, diesel powered equipment, weed eaters, etc.)
- Cleans and maintains park restrooms and city owned facilities;
- Operates department equipment including trucks, mowers, hand tools, unloader, tractor and any other equipment owned by the City of Basehor;
- Assists with construction duties, street and sidewalk repairs maintenance, repairs and maintenance of city owned facilities such as city hall and park;
- Performs janitorial duties;
- Assists in setting up meeting room for city meetings, moving furniture and equipment as needed;
- Assist other departments as the need arises at the direction of immediate supervisor;
- Performs other duties as deemed necessary or assigned.

**Experience:** This is an entry level position. No experience is required. This employee is expected to have acquired the necessary information and skills to perform the job reasonably well within one year of employment.

**Education:** A high school diploma or equivalent *preferred*, valid Kansas driver's license.

**Technical Skills:** The ability and willingness to learn about department equipment maintenance and repairs, mechanics, plumbing, groundskeeping, and a working knowledge of mathematics is required. This employee must be able to operate mowers (diesel/gasoline), hand tools, power tools, weed eaters, trucks, tractor, manual transmission vehicles, and other department equipment. The ability to judge distances accurately, to maintain department equipment, streets and sidewalks, city owned facilities. This employee should possess a strong mechanical aptitude, and effective public relation, oral and written communication skills.

**Problem Solving:** Problem solving is a factor in this position in repairing equipment, streets and sidewalks, mechanical and plumbing malfunctions at city owned facilities.

**Decision Making:** Decision making is involved in this position. This employee follows the supervisors' directions, and makes occasional decisions about performing daily duties in the safest and most efficient manner.

**Supervision:** This employee is under the direct daily supervision of the city superintendent. Occasionally receive supervision from the Mayor, City Administrator or other Department Supervisor.

**Financial Accountability:** This employee does not have authority to make purchases and does not participate in the annual budget process.

**Personal Relations:** Daily contact with general public, co-workers, and supervisory personnel is expected. Occasional contact with Mayor, City Administrator, and City Council.

**Working Conditions:** Some adverse working conditions exist within this position. Exposure to bloodborne pathogens, hazardous chemicals, heavy & light machinery, excessive noise, heights, and all types of weather conditions is expected. This employee is exposed to accidental cuts, needles, wastewater, and other potentially infectious materials while performing park and wastewater maintenance duties, removing trash and debris, and cleaning restrooms and city facilities.

**Physical Requirements:** Manual labor including lifting and carrying heavy objects weighing up to 100 lbs., bending, kneeling, climbing, extensive walking, and the ability to operate departmental equipment is required.

I, \_\_\_\_\_, hereby certify that I have read the  
aforementioned job description and understand the duties that would be required of  
me for the position of Seasonal laborer-Level I with the City of Basehor, Kansas. I  
further understand this is a seasonal at-will job and does not constitute a contract or  
full-time employment with the City of Basehor.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

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**SIGNATURE/APPROVAL**

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Superintendent

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk/Human Resource Director

\_\_\_\_\_  
Date

Review and Approved by the Governing Body:

\_\_\_\_\_  
City Administrator or Mayor

\_\_\_\_\_  
Date

(revised 12/03/07, revised \_\_\_\_\_)

## Fact Sheet #37: Application of the Federal Youth Employment Provisions to Amusement Parks and Recreation Establishments under the Fair Labor Standards Act (FLSA)

The Fair Labor Standards Act (FLSA) requires that most employees be paid at least the applicable federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay after 40 hours in a workweek. The FLSA also includes youth employment and recordkeeping provisions. The FLSA provides an exemption from minimum wage and overtime pay for many seasonal and recreational establishments, but this exemption does not include the youth employment or record keeping provisions of the Act. Most amusement parks and recreation establishments are subject to, and must comply with, the Federal youth employment provisions.

### Youth Employment Provisions of the FLSA

The Federal youth employment provisions were enacted to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being.

- Once youths reach 18 years of age, the Federal youth employment provisions no longer apply to their employment.
- Youths **16 and 17 years of age** may perform any nonhazardous job, for unlimited hours. The Secretary of Labor has declared 17 Hazardous Occupations Orders (HOs) which restrict the types of jobs and/or industries in which youth under 18 years of age may be employed. Although not exhaustive, the following list represents the most common tasks which occur at amusement parks and recreation establishments that are prohibited by one or more HO. Under the federal youth employment labor provisions, workers under 18 years of age generally may **not**:
  - Operate or assist to operate, clean, oil, set up, adjust, or repair certain power-driven woodworking, metalworking, bakery, meat processing, and paper products machinery - including meat slicers, paper box compactors, mixers, and saws.
  - Drive or serve as an outside-helper on a motor vehicle on a public road; but 17-year-olds who meet certain specific requirements may drive automobiles and trucks that do not exceed 6,000 pounds gross vehicle weight for limited amounts of time as part of their job. (See Fact Sheet #34.)
  - Operate power-driven hoists such as elevators, cranes, derricks, and high-lift trucks. However, 16- and 17-year-olds may operate most amusement park and recreation establishment rides.
- Youths **14 and 15 years old** may be employed by amusement parks and recreation establishments, but only for certain periods of time and only in certain types of jobs.
  - **Hours Limitations:** The employment of 14- and 15-year-olds is limited to:
    - Outside school hours;
    - 3 hours on a school day, including Fridays;
    - 8 hours on a nonschool day;
    - 18 hours in a week that school meets;

- 40 hours in a week that school does not meet;
  - Also, 14- and 15-year-olds may not work before 7 a.m. or after 7 p.m. (except from June 1 through Labor Day when the evening limit is extended to 9 p.m.).
- **Occupations Limitations:** Fourteen- and 15-year-olds may **not** be employed in the following occupations often found at amusement parks and recreation establishments:
- Work involving the operation or tending of any power-driven machinery and hoists (except office machinery). This prohibition includes work involving most amusement park and recreation establishment rides, and power-driven lawn mowers and trimmers.
  - All baking and most cooking. These minors may perform cooking with electric and gas grills that does not involve open flames. They may also cook with deep fat fryers that are equipped with and utilize devices that atomically lower and raise the basket into and out of the hot oil or grease. They may not operate NEICO broilers, pressure cookers, ovens or rotisseries.
  - The cleaning of cooking equipment and the filtering, transporting and disposing of hot oil and grease when the surfaces or hot oil or grease exceed 100° F.
  - All work in construction, including demolition and repair.
  - All work involving the use of ladders or scaffolding.
  - All work in freezers, but they may enter freezers equipped with safety latches, for brief periods of time, to retrieve items.
- Minors **13 years of age and younger** are generally not allowed to work, including in amusement parks and recreation establishments. However, the FLSA does allow a parent who is the sole-owner of a business to employ his or her child in any occupations other than mining, manufacturing or those declared to be hazardous by the Secretary of Labor (HOs). Children employed as actors or performers in theatrical productions are also exempt from the youth employment provisions.

### Where to Obtain Additional Information

For more information regarding the FLSA youth employment provisions, including a complete list of all hazardous occupation orders, visit the YouthRules! Web site at <http://www.youthrules.dol.gov>.

For more information regarding the Fair Labor Standard Act, visit the Wage and Hour Division Web site at <http://www.wagehour.dol.gov> or call our toll-free helpline, available 8am to 5pm in your time zone, 1-866-4US-WAGE (1-866-487-9243). The FLSA statute appears at 29 U.S.C § 201 et seq.

When state youth employment laws differ from the federal provisions, an employer must comply with the higher standard. Links to your state labor department can be found at [www.dol.gov/esa/contacts/state\\_of.htm](http://www.dol.gov/esa/contacts/state_of.htm).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

**U.S. Department of Labor**  
 Frances Perkins Building  
 200 Constitution Avenue, NW  
 Washington, DC 20210

**1-866-4-USWAGE**  
 TTY: 1-866-487-9243  
Contact Us

## **Fact Sheet #34: Hazardous Occupations Order No. 2. Youth Employment Provision and Driving Automobiles and Trucks under the Fair Labor Standards (FLSA)**

This fact sheet provides general information concerning the application of the federal youth employment provisions to the driving of motor vehicles. For detailed information about the federal youth provisions, please read Regulations, 29 CFR 570.52.

The Department of Labor is committed to helping young workers find positive, appropriate and safe employment experiences. The youth employment provisions of the FLSA were enacted to ensure that when young people work, the work does not jeopardize their health, well-being or educational opportunities. Working youth are generally entitled to the same minimum wage and overtime protections as older adults. Once a minor reaches 18 years of age, his or her employment is no longer subject to the federal youth employment provisions. For general information about the federal youth employment provisions, visit our **YouthRules!** Website at [www.youthrules.dol.gov](http://www.youthrules.dol.gov).

Hazardous Occupations Order No.2 (HO 2), generally prohibits minors under 18 years of age from driving motor vehicles or serving as an outside helper on such vehicles on any public road or highway; in or about any mine, logging or sawmilling operation; or in any excavation covered by Hazardous Occupations Order 17 (*Occupations in Excavation Operations*) (HO 17) - which includes excavation in trenches, building construction, or tunnels (see 29 CFR 570.68). In 1998, Congress amended the FLSA and set a minimum age of 17 for any on-the-job driving on public roads, and allowed it then only in certain limited circumstances.

### **OUTSIDE HELPER**

**No employee under 18 years may serve as an outside helper on a motor vehicle. An outside helper is any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.**

### **DRIVING - Under 17-Years of Age**

**No employee under 17 years of age may drive a motor vehicle on public roads as part of his or her job if that employment is subject to the FLSA.**

### **DRIVING - 17 Years of Age**

**Seventeen-year-olds may drive on public roadways as part of their employment, but ONLY if all of the following requirements are met:**

- The driving is limited to daylight hours;
- The 17-year-old holds a state license valid for the type of driving involved in the job performed;
- The 17-year-old has successfully completed a state approved driver education course and has no record of any moving violations at the time of hire;
- The automobile or truck does not exceed 6,000 pounds gross vehicle weight;
- The automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle; and
- The driving is only occasional and incidental to the 17-year-old's employment. This means that the youth may spend no more than one-third of his or her workday and no more than 20 percent of his or her work time in any workweek driving.

**In addition, the driving may NOT involve:**

- Towing vehicles;
- Any other vehicle than an automobile or truck (i.e. bus, motorcycle, ATVs, golf cart);
- Route deliveries or route sales;
- Transportation for hire of property; goods, or passengers;
- Urgent, time-sensitive deliveries; *Urgent, time sensitive deliveries are trips which, because of such factors as customers satisfaction, the rapid deterioration of the quality or change in temperature of the product, and/or economic incentives, are subject to time-lines, schedules, and/or turn-around times which might impel the driver to hurry in the completion of the delivery. Prohibited trips would include, but are not limited to, the delivery of pizzas and prepared foods to the customer; the delivery of materials under a deadline (such as deposits to a bank at closing); and the shuttling of passengers to and from transportation depots to meet transport schedules. Urgent, time-sensitive deliveries would not depend on the delivery's points of origin and termination, and would include the delivery of people and things to the employer's place of business as well as from that business to some other location.*
- Transporting more than three passengers, including employees of the employer;
- Driving beyond a 30 mile radius from the youth's place of employment;
- More than two trips away from the primary place of employment in any single day to deliver the employer's goods to a customer (other than urgent, time-sensitive deliveries which are prohibited);
- More than two trips away from the primary place of employment in any single day to transport passengers, other than employees of the employer.

**Where to Obtain Additional Information**

**For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).**

When state youth employment laws differ from the federal provisions, an employer must comply with the higher standard. Links to your state labor department can be found at [www.dol.gov/esa/contacts/state\\_of.htm](http://www.dol.gov/esa/contacts/state_of.htm).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

**U.S. Department of Labor**  
Frances Perkins Building  
200 Constitution Avenue, NW  
Washington, DC 20210

**1-866-4-USWAGE**  
TTY: 1-866-487-9243  
Contact Us

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider city administrator contract changes in regards to vacation policy, sick leave and severance pay.

**Department:** Administration

**Background/Description of Item:**

The Personnel Manual for the City of Basehor was revised to allow city employees to carry over one year's worth of vacation. That benefit should be extended to the city administrator. The benefit adds a measure of security to the job in case of a personal or family emergency and is an added help in the case of a change of employment.

The city administrator receives fewer sick hours per pay period than other city employees. The city administrator should receive the same or higher benefit as that of other employees.

The city administrator contract does not have a severance clause that would provide payment in the case of termination without cause. Out of 139 reporting cities in the 2007 KACM salary and fringe benefit survey, 69 offered a severance package that ranged from 1.5 to 9 months. A severance package provides some protection to the manager in situations where political climates change and the manager is terminated without adequate notice to find another job.

A severance pay benefit of six months should be added to the city administrator contract.

**Funding Source:** Governing Body

**Recommendation:** Approve changes in the city administrator contract to increase benefits in vacation carry over, sick pay and severance pay.

Prepared by: Carl E. Slaugh, City Administrator  
Council Date: April 7, 2008