AGENDA

BASEHOR CITY COUNCIL
December 1, 2008
6:00 p.m.
Basehor City Hall

WORK SESSION - 6:00 p.m. Discussion of agenda items

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. November 10, 2008 Work Session
      2. November 17, 2008 Work Session & 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).

4. **Scheduled Discussion Items**
   a. Payment processing for Wastewater Treatment Plant and other similar projects.

5. **Business**
   a. Consider agreements and applications required for Wolf Creek Junction and Benchmark Management as part of the work for Wolf Creek Parkway and 150th Intersection project, including setting a public hearing to amend the Transportation Development District agreement.
   b. Consider memorandum of agreement with USD 458 concerning a temporary construction road.
   c. Consider a resolution setting a public hearing date for the proposed annexation of the Cedar Lake Estates subdivision. 2008-15 & 2008-16
   d. Consider resolution requiring repair or demolition of the structure at 2805 N. 155th. 2008-17
   e. Consider renewal of Cereal Malt Beverage License for Casey's General Stores

f. Consider renewal of retail liquor license for Shorty's Liquor (Kathy & Jim Breuer)
g. Consider renewal of Drinking Establishment license for Kelley's Bar & Grill (D & B Associates)
h. Consider ordinance setting guidelines for utility easements. Ord 546
i. Consider reimbursement payment to Leavenworth County for northbound turn lane at 158th Street and Highway 24-40, project completed in 2004.
j. Set budget hearing date for amendment of the Cedar Lakes Maintenance Fund.
k. Consider employee wage and COLA increase for 2009

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 viewed at *www.cityofbasehor.org*

Minutes

BASEHOR CITY COUNCIL WORK SESSION
November 10, 2008
6:00 p.m.
Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Pres. Iris Dysart, Terry Hill, Roger McDowell, Keith Sifford, Jim Washington
Members Absent: None

Staff Present: Carl Slaugh, Gene Myracle, Dustin Smith and Katherine Renn

Newspaper: None

The work session was called to order with all members present. The city attorney was not in attendance.

Item A: Options for Funding the U.S. 24-40/150th Intersection

Mr. Slaugh went over with the City Council members the discussion he had with KDOT. Mr. Slaugh discussed several options that the City may have for funding the 150th Intersection and Wolf Creek Parkway project.

Ed McIntosh –Benchmark Enterprises discussed two options for dealing with state funding for Wolf Creek Parkway and 150th St. and Intersection.
The proposed financing would be:

1. Place 150th and Wolf Creek Parkway on the City's priority list.
2. Deposit $500,000 of corridor funds into the capital improvement fund.
3. Utilize 1.7 million capital improvement funds to service debt of 150th and Wolf Creek until retail sales justify TDD bonds.
4. All funds paid back with the sale of TDD bonds.

President Dysart stated she did not understand why the City should pay for the 150th Intersection.

Councilmember Hill stated that he believed that it was a reasonable amount of money to spend to improve the City and help a developer.

Mayor Garcia agreed with Councilmember Hill and Mr. McIntosh that it is for the betterment of the City to move forward with the project.

Mr. McIntosh stated that the goal would be to spend the three million and within three years the TDD would make the full payment and the entire project paid off within ten years to be paid back to the City.

Councilmember Washington asked Mr. McIntosh if there were any prospects for pad sites and agreed that the project will have to be done at some point.

Councilmember Sifford stated that every development needs an anchor and is in favor of supporting the project. Councilman Sifford stated that there would be risk involved and must have the premise that the project would succeed and that the City should support the project and make a decision on either option this evening.

Project Engineer Dave Lutgen, stated that eventually 150th St. would have to be improved at some time.

Mr. Mryacle stated he watched traffic and reported an estimated 600 cars a day travel on 150th St.

Steve Miles, Miles Excavating, stated he was willing to work with the city on the future plan of 150th going through, but wanted to see what his rights would be in exchange for giving up right of way for the construction of acceleration and de-acceleration lanes.

Item D: Review Future Industrial Site Options

Councilmember Washington asked for this to be put on the agenda for the next meeting. No further discussion.

Item B: Issues surrounding annexation of Cedar Lakes

Mr. Slaugh talked about the possible changes for the Cedar Lake Estates annexation.

Councilmember Washington asked Dave Lutgen for his presentation on his findings for Cedar Lakes annexation process.

Dave Lutgen, City engineer, gave his presentation which generated a lengthy discussion between the engineer and Council members.

Councilmember Sifford stated that staff should make sure all is correct so there should be no questions later.

Item C: Review proposed Changes to Subdivision regulations and Sign Code

Mr. Smith reviewed the code and went over pictures taken within city limits for comparison. Mr. Smith stated the current code was very vague and the new code was on a level playing field in retrospect to other sister cities. Councilmember McDowell felt making guidelines that would make most of the current signs out of compliance would create more problems and would not support that effort. Councilmember Washington agreed the code should be brought up to date. Mr. Smith also reviewed proposed subdivision regulations.

Item E: 2009 Wage Plan

Councilmember Washington stated that the matrix the Council worked on last year was good and felt that is what we should continue to use. Mayor Garcia stated he appreciated Mr. Slaugh's input. President Dysart stated she "did not know why the five percent increase was needed and felt it was too much." Councilmember Hill stated that it "was not enough."

Mr. Slaugh stated that the City of Basehor was still around fifteen percent below sister cities. Councilmember Sifford stated that we need to take care of City employees and keep employees happy so they do not want to leave to work elsewhere.

Chief Martley stated that currently the police clerk position is three dollars below other agencies.

Councilmember Washington stated that some positions should be re-evaluated and make the more critical positions a priority.

President Dysart stated that it is still way over parity. Councilmember Hill disagreed. Mayor Garcia stated that it is not a fair approach and to single out one position over another is not equal.

Councilmember Washington stated that we should give the entire five percent to the more critical positions where needed.

Councilmember Hill stated that in principle without reviewing the actual statistics that the five percent should go straight across the board to all employees and perhaps seven percent should go to the Police Department or whatever was needed to compete with fellow cities and police positions.

Adjournment

City Council work session adjourned at 9:05 p.m.

Submitted for Council approval with/without corrections or additions this lst day of December, 2008.

_____
Chris Garcia, Mayor

Attest:

_____
Mary A. Mogle, City Clerk

Transcribed by Katherine M. Renn, Asst. City Clerk

Minutes

BASEHOR CITY COUNCIL
November 17, 2008
Basehor City Hall

Official Presiding: Mayor Chris Garcia

Members Present: Pres. Iris Dysart, Terry Hill, Roger McDowell, Keith Safford, Jim Washington
Members Absent: None

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

Newspaper:

WORK SESSION - 6:00 p.m.

The work session was called to order with all members present with the exception of Councilmember Washington. The city attorney was not in attendance. Councilmember Washington arrived at 6:02 p.m.

Discussion of agenda items.

a. Consider an ordinance, granting to the City of Tonganoxie, Kansas, its successors assigns, a water line franchise to allow access to the right-of-way on the south side of U.S. Highway 24-40 between 158th and 155th Streets.

City Administrator Carl Slaugh reported the City of Tonganoxie wishes to extend a waterline west to Tonganoxie and has requested access to the City's utility easements on the south side of U.S. Highway 24-40. City of Tonganoxie has acquired easements with the exception of the area along Honey Creek and Pinehurst subdivisions. They are requesting easements from Basehor for these areas.

Councilmember Washington asked if there was any reason the City should not participate. Mr. Slaugh stated he did not know of any reason the City should not participate. Mr. Slaugh stated the project was at the City of Tonganoxie's expense and the city superintendent noted he had spoke with Tonganoxie officials as well.

Mr. McIntosh asked if they would be able to connect to the new service line. Mayor Garcia stated if it was a transmission line he did not think it could be tapped. Mr.

McIntosh noted he signed an easement with Tonganoxie with an option to connect if possible. Councilmember Washington stated both Tonganoxie and Suburban Water franchise agreements would need to be reviewed. *(Patrick Reavey arrived at 6:10 p.m.)* It was pointed out that the agenda showed incorrect locations. Mr. Slaugh clarified the locations as shown in the proposed ordinance to run from U.S. Highway 24-40 between 153rd and 158th Streets and between 166th and 170th Streets.

f. Consider approval of payment request #1, including change order #1, to Holland Construction for 2008 Street Overlay program.

Mr. Myracle reported the change order was for an overrun in asphalt on Meyer Street, Wellington Street, and 154th Street. Mr. Slaugh reported according to the bid, the City would pay actual quantity price in the event more materials were needed.

g. Consider funding for repair of drainage issue on 155th Terrace.

Mr. Myracle reported the project would include removing a tree on the south side of the alley, re-digging a ditch on south side, placement of storm box and grade work, and replace the exisiting culvert with a 24 ft. culvert. He noted it was going to be "tricky" to get equipment in and out without causing damage to the tree..

e. Consider adoption of Standard Operations & Procedures policies for payroll, utility billing, accounts payable, and agenda preparation.

Mr. Slaugh reported the auditors requested written operating procedures for payroll, purchasing, and utility billing. The agenda preparation policy was added as well.

Other Business:

Mr. McIntosh reported at the last meeting, Council wanted to know how the TDD agreement would be amended so his attorney Christine Bushyhead and the city administrator worked together today regarding the wording for the proposed amendment. Mr. Slaugh reported Mr. McIntosh requested the item be on this evenings meeting; however, he did not have enough time to put together the necessary documents. He noted one of the decisions that need to be made, was if the city would group together funding from KDOT for the 150th Street intersecton project and the Wolf Creek Parkway Transportation Development District (TDD) project. Currently Mr. McIntosh was responsible for Wolf Creek Parkway bills and if amended, the City would become responsible.

Mr. McIntosh recommended adding Wolf Creek Parkway and 150th Street into one project so that both would be included in the TDD funding. Mr. Slaugh would like to acquire a proposed document from KDOT and then Council would have something to go on.

Mr. Reavey suggested changing the recommended motion to direct staff to obtain final paperwork and place on future agenda. This would allow citizens an opportunity to provide comments. Councilmember Washington stated although the matter did not require a public hearing, he wanted to defer the item until it appeared on a published agenda.

Mr. McIntosh noted nothing has changed and delays were costing him $500 per day. Councilmember Hill stated he thought the two projects were already grouped together. Mr. Slaugh stated he thought there was a consensus; however, no formal action was taken. President Dysart stated this item had been before the Council for a month and felt it was a lot of money for the City to pay and did not feel she was prepared to make a decision. Mr. McIntosh reported if the City did not act on the proposed motion, he was going to move forward on his own because he was ready to "get going" on the project. President Dysart noted KDOT nor the City had required 150th Street intersection to be improved immediately. Councilmember Washington stated he sat in meetings with KDOT where they proposed the change and he supported the change. Resident Bob Moore felt the City should move forward and address the south side as well as a safety issue; however, with today's economy he was not in favor of moving forward at this time.

Resident Bill Hooker asked Mr. McIntosh what his plans were if the City did not move forward. Mr. McIntosh noted lots would be sold off. Mr. Hooker reminded Council that there were no restrictions placed on Mr. McIntosh and he could have built the store two years ago. Mayor Garcia stated the City was trying to bring in economic development to help reduce residential taxes and felt the negativity about the store should stop.

Mr. Flower said he would like everyone to look at the things that could happen along the corridor once the frontage road was completed. If the City participates in the 150th Street improvements through the TDD, they would pay it off in a short time.

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

REGULAR MEETING – 7:00 p.m.

ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE

The regular meeting was called to order with all members present. The city attorney was present. *(Tape 1, Side A)*

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. November 3, 2008 Work Session & Regular Meeting

b. Approve Treasurer's Report & Vendor Payments
c. Approve investment recommendations
d. Approve calendar of events

A motion was made by President Dysart and seconded by Councilmember McDowell to approve the Consent Agenda as written. A show of hands was taken with all members voting in favor. Motion passed 5-0.

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).

No comments; therefore, the public portion of the meeting was closed.

SCHEDULED DISCUSSION ITEMS

None

BUSINESS

a. Consider an ordinance, granting to the City of Tonganoxie, Kansas, its successors and assigns, a water line franchise to allow access to the right-of-way on the south side of U.S. Highway 24-40 between 158th and 155th Streets.

Kathy Bard, Assistant City Administrator/City Clerk, was present to address Councils questions regarding the city of Tonganoxie's request for utility easements. She reported the streets shown on the agenda were incorrect. Mr. Slaugh reported the correct locations were discussed during the work session and are shown correct in the proposed ordinance.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve an ordinance granting to the City of Tonganoxie, its successors and assigns, a water line franchise to allow access to the right-of-way on the south side of U.S. Highway 24-40 between 153rd and 158th Strets and between 166th and 170th as proposed. A show of hands was taken with all members voting in favor. Motion passed 5-0.

ORD. 543 - AN ORDINANCE, GRANTING TO THE CITY OF TONGANOXIE, KANSAS, ITS SUCCESSORS AND ASSIGNS, A WATER LINE FRANCHISE, PRESCRIBING THE TERMS THEREOF AND RELATING THERE TO.

b. Consider ordinance annexing Field of Dreams Sports Complex property (requested by Basehor Athletic Association).

Mr. Slaugh reported this item was approved the city council then forwarded to the Booard of County Commissioners for approval. County Commissions granted approval. The next step to finalize the annexation was to adopt an ordinance.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the ordinance annexing Field of Dreams Sports Complex property was submitted. President Dysart stated the resolution had not been signed and questioned who would pay for improvements and maintenance to the roads adjoining the property. Mr. Slaugh stated the County had yet to forward a signed copy of the resolution. The city attorney stated as long as the county commissioners approved the resolution in an open meeting; it was okay to take action. Mr. Slaugh stated the roads were private and Basehor Athletic Association has an agreement with the property owner to the west that they would share the improvement costs. The County would assume maintenance once the private road was improvement to county standards. President Dysart's concern was that the County would come back and make the City provide maintenance to Fairmount Road. Planning Director Dustin Smith noted the City did not annex the road right-of-way between the two properties; however, the City did annex to the center of Fairmount Road. Mr. Slaugh stated he did not think the County would require the City to maintain Fairmount Road until Victory Crest was annexed at which time the Interlocal Maintenance Agreement would need to be amended. Mr. Myracle stated the situation would be similar to other cooperative areas within the city limits. John Flower stated in order for the county to require the City to maintain the area, the Interlocal Maintenance Agreement would have to be changed. A show of hands was taken with all members voting in favor with the exception of President Dysart. Motion passed 4-1.

Ord. 544 – AN ORDINANCE ANNEXING LAND KNOWN AS FIELD OF DREAMS INTO TE CITY OF BASEHOR, KANSAS.

c. Ordinance implementing fee for payments in lieu of construction as a means of dealing with subdivisions without completed sidewalks (planning).

The proposed ordinance would establish a fee of $4.60 per square foot of sidewalk to be paid in lieu of construction for non-curb and non-guttered development. The ordinance also stipulates how payment was to be applied and the criteria for determining if the payment in lieu of construction was appropriate.

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to approve the ordinance as written. A show of hands was taken with all members voting in favor. Motion passed 5-0.

ORD 545 – AN ORDINANCE ESTABLISHING THE RATE FOR PAYMENTS IN LIEU OF CONSTRUCTION (PILOC) RELATING TO THE CONSTRUCTION OF SIDEWALKS ASSOCIATED WITH DEVELOPMENT APPROVALS ON PROPERTY ADJACENT TO NON-CURB AND NON-GUTTERED STREETS IN THE CITY OF BASEHOR.

d. Consider amendment to Substance Abuse Policy.

Mr. Slaugh reported the policy was revised based on Attorney General's Opinion that restricted random drug testing to safety sensitive positions. Mr. Reavey reported this regulation applied to governmental entities. It has been deemed a Fourth Amendment violation of non-safety sensitive employees to be included in random drug testing.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve the proposed amendments to the Substance Abuse Policy. A show of hands was taken with all members voting in favor. Motion passed 5-0.

e. Consider adoption of Standard Operations & Procedures policies for payroll, utility billing, accounts payable, and agenda preparation.

Councilmember Washington stated he did not have a problem with the payroll, utility billing, and accounts payable (Goods and Purchasing) procedures, but had issues with the agenda preparation policy.

A motion was made by Councilmember Washington and seconded by President Dysart to approve all Standard Operations & Procedures policy as written with the exception of the preparation of the agenda. Councilmember Washington did not feel it was necessary to set a policy since the mayor sets the agenda and a standard had already been set in the past. The city clerk reported she proposed the policy because she had fielded numerous questioned in the past from newly elected council members and there would be new members coming on board next April. Mr. Reavey stated the policy was consistent with general practices among other cities. A show of hands was taken with all members voting in favor. Motion passed 5-0.

Councilmember Washington had a problem with the "Call to Public" section and felt it should be deleted and the compilation of the council packet should delete all wording past the word "Wednesday". He felt the clause allowed the city administrator some flexibility to get the packet out after Tuesday. President Dysart stated she understood there may be times when the packet could not be delivered on Tuesday; however, she did not feel she had ample time to review the packet when it was delivered on Wednesday or Thursday. Mr. Slaugh stated it was difficult to prepare packet information, especially when there were numerous agenda items.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to delete Section 3 [Citizens] and remove all wording past Section 3 within Compilation of Agenda and Council Packet. A show of hands was taken with all members voting in favor with the exception of Councilmember Hill. Motion passed 4-1.

A motion was made by Councilmember Washington and seconded by President Dysart to approve the Agenda Preparation policy as amended. Motion passed 5-0.

f. Consider approval of payment request #1, including change order #1, to Holland Construction for 2008 Street Overlay program.

President Dysart asked for clarification for the additional $14,508.73. Mr. Slaugh reported retainage amounts change from project to project. Mr. Myracle gave an upate on the project reporting it was near completion. He reported Holland Construction did an excellent job.

A motion was made by Councilmember Sifford and seconded by President Dysart to approve payment request #1, including change order #1, in the amount of $130,578.53 to Holland Construction for 2008 Street Overlay program. A show of hands was taken with all members voting in favor. Motion passed 5-0.

g. Consider funding for repair of drainage issue on 155th Terrace.

A motion was made by Councilmember Sifford and seconded by Councilmember McDowell to approve funding for repair of drainage issues on 155th Terrace not to exceed $3,225.00. A show of hands was taken with all members voting in favor. Motion passed 5-0.

h. Consider TDD projects.

A motion was made by Councilmember Hill and seconded by Councilmember Sifford to add Business Item "h" to the agenda and subject of the TDD projects to be added to tonight's agenda. A show of hands was taken with council members Hill, Sifford, and McDowell voting in favor. Council members Washington and Dysart cast a dissenting vote. Motion passed 3-2.

A motion was made by Councilmember Hill and seconded by Councilmember Sifford to approve combination of 150th Street project with the construction of Wolf Creek Parkway to be funded by the KDOT State Revolving Loan and to be paid by TDD funds contingent on amendment to TDD. President Dysart did not feel it was fair to council to make an informative decision. Councilmember Washington noted the city attorney recommended having this item placed on a published agenda and had a problem with the city committing $2 million and asked if the developer had paid the excise tax on the property. Mr. McIntosh stated the money would be paid when the planning director provides him with the calculation. Councilmember Washington stated according to the minutes of September 17th, the amount was $54,767.98 (10.66 acres) at which time Mr. McIntosh stated he did not have a problem paying the excise tax on the 10.66 acres. Mr. McIntosh stated there were two retention areas and wanted to discuss with the council about removing those from the area. The planning director stated he thought those areas were figured in the calculation. Councilmember Washington noted financial statements had not been provided as previously discussed. Mr. McIntosh stated he would not be financing the project, the City would be, and asked if other developers had been required to provide financial statements. Mr. Reavey stated he did not know if the developer's attorney agreed with providing the information. Mr. McIntosh stated the City would own

the streets once he constructed them. President Dysart asked the city attorney if the motion bounds the TDD agreement. Councilmember Hill stated the motion stated it was contingent on the TDD being amended. Mr. Reavey noted the Council would still have to approve the amendment. President Dysart stated she did not want to approve the TDD until the excise tax was paid. McIntosh stated he did not have any problem paying the excise tax. Councilmember Hill stated the Council approved combining the projects earlier and the motion was just taking one more step in the project. A show of hands was taken with council members Hill, Sifford, and McDowell voting in favor. Council members Washington and Dysart cast a dissenting vote. Motion passed 3-2.

CITY ADMINISTRATOR REPORT

- Chamber of Commerce meeting will be held on Thursday, November 20 at Reece Nichols. An update on the upcoming casino in Kansas City, Kansas will be part of the program.

- LCDC Annual Meeting will be held on December 5th , 11:30 a.m., at the University of St. Mary. He requested the governing body notify the city clerk if they wish to attend so reservations could be made. The City would pay the $30 registration fee for attending members.

- Basehor City Holiday Social will be held at the VFW Hall on December 6th starting at 6:00 p.m.

- LCDC VIP Event will be held on the 12th of December at Carnegie Hall.

- Due to a conflict with scheduling, the Legislative Breakfast has been moved to December 9, Lansing Community Center. Registration required.

- Budget Update –
  Anticipate budget amendment for Cedar Lakes Fund for repairs and maintenance

  The city treasurer gave a report on the revenue and expenditures to date for all funds. Mrs. Adams reported the general fund has received approximately 91% of projected revenues and expenditures are setting at 69% and gave percentages for all other funds. She stated over all the departments have cut down on expenditures in anticipation that revenues would possibly reduce due to the economy. Sales tax has stayed consistent throughout the year and felt the City fared better than other cities.

MAYOR'S REPORT

None

COUNCIL MEMBER REPORTS

Jim Washington

In August a resident complained about digging occurring in easements and it was consensus of Council that the City would consider an ordinance addressing the situation and has not been addressed. Mr. Reavey stated he has not had time to research the matter. The city administrator reported an ordinance had recently been forwarded to the city attorney for review.

EXECUTIVE SESSION

None

OTHER BUSINESS

City Administrator

Mr. Slaugh reported he received a call informing him that residents of Sewer District No. 3 had received tax notices from the county without being notified of a public hearing. That is now being addressed by the county commissioners.

City Superintendent

Mr. Myracle reported the temporary construction road to the wastewater treatment facility was completed last week. Pipes have been delivered; sewer lines located, and construction should start next week.

Flashing lights have been installed on 158th Street. Council budgeted $7,000 for two lights; however, by changing the style of lighted sign, the city superintendent was able to purchase two signs for $3,500.

Police Chief

Chief Martley reported the area continued to have burglary problems. He requested everyone watch out for their neighbors and call if they see anything suspicious.

ADJOURNMENT

There being no further business to discuss, Councilmember Sifford moved to adjourn the November 17th Council meeting. Councilmember McDowell seconded the motion. A show of hands was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 8:00 p.m.

Attest:

_____ _____

Mayor Chris Garcia Mary A. Mogle, City Clerk

CHECK REGISTER REPORT

AS OF 11/25/08

City Of Basehor

Date: 11/25/2008
Time: 11:52am
Page: 1

BANK: First State Bank

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amount
992	11/21/2008	Printed	ADVANCE IN	ADVANCE INSURANCE COMPANY	EMPL AD&D/LIFE INS PREM PYMT	115.00
15993	11/21/2008	Printed	AFLAC	AFLAC	CAFETERIA PLAN WITHHOLDING PYM	826.70
15994	11/21/2008	Printed	ATTORNEY G	ATTORNEY GENERAL'S OFFICE	GO BOND TEMP NOTE REVIEW	135.00
15995	11/21/2008	Printed	BASEHOR CH	BASEHOR CHAMBER OF COMMERCE	MEMBERSHIP LUNCH REGISTRATION	21.00
15996	11/21/2008	Printed	BLUE CROSS	BLUE CROSS & BLUE SHIELD OF KS	MEDICAL INS WITHHOLDING PYMT	10,814.34
15997	11/21/2008	Printed	BROCK	LINDA BROCK	TEMP CONSTRUCTION EASEMENT PYM	367.89
15998	11/21/2008	Printed	BURNS & MC	BURNS & MCDONNELL	PROFESSIONAL SERVICES NEW WWTF	25,425.00
15999	11/21/2008	Printed	CARBAUGH	WAYNE & DARLENE CARBAUGH	TEMP CONST EASEMENT PAYMENT	582.11
16000	11/21/2008	Printed	CEO STRUCT	CEO STRUCTURAL ENGINEERS	INSPECTION 2806 N 155TH STREET	1,320.00
16001	11/21/2008	Printed	CINTAS	CINTAS	WEEKLY SERVICES & SUPPLIES	57.45
16002	11/21/2008	Printed	CONS WATER	CONS RURAL WATER DISTRICT #1	BASEHOR BLVD WATER MAIN IMPROV	113,406.24
16003	11/21/2008	Printed	DEFFENBAUG	DEFFENBAUGH DISPOSAL SERVICE	SOLID WASTE/SPEC WASTE/DUMPSTE	12,386.29
16004	11/21/2008	Printed	EFTPS	EFTPS	FIT/SS/MEDI WITHHOLDING PYMT	10,165.10
16005	11/21/2008	Printed	ELITE ELEC	ELITE ELECTRIC INC	REPAIR/REPLACE LIGHTING	465.00
16006	11/21/2008	Printed	FELDMANS	FELDMANS	GATES/FENCING HEATERS LIFT STA	508.83
16007	11/21/2008	Printed	FOREMOST	FOREMOST PROMOTIONS	PROMO ITEMS-MAGNETS/DECALS/ETC	195.00
16008	11/21/2008	Printed	GRIFFIN/WI	WILLIAM GRIFFIN	BANKRUPTCY WITHHOLDING PYMT	200.00
16009	11/21/2008	Printed	HAYNES EQU	HAYNES EQUIPMENT CO	GRINDER REPAIR-CEDAR LAKES	246.80
16010	11/21/2008	Printed	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	86.6 TONS ICE CONTROL SAND-STO	718.80
16011	11/21/2008	Printed	HOME DEPOT	HOME DEPOT	MISC SUPPLIES CITY PARK FACILI	67.73
16012	11/21/2008	Printed	HR DIRECT	HR DIRECT	PERSONNEL EXPANDABLE FOLDERS	80.19
16013	11/21/2008	Printed	08-1059	SCOTT HUSTON	FINES REFUND CITATION 9633	114.00
16014	11/21/2008	Printed	ING LIFE	ING LIFE INSURANCE & ANNUITY	DEFERRED COMP WITHHOLDING PYMT	6,469.04
16015	11/21/2008	Printed	JOCO ENVIR	JOHNSON COUNTY ENVIRONMENTAL	SAMPLE TESTING	113.50
16016	11/21/2008	Printed	KS DOR WTH	KANSAS DEPARTMENT OF REVENUE	KS STATE WITHHOLDING PYMT	1,566.54
16017	11/21/2008	Printed	KANSAS PAY	KANSAS PAYMENT CENTER	CHILD SUPPORT WITHHOLDING PYMT	379.50
16018	11/21/2008	Printed	KOMLINE SA	KOMLINE SANDERSON	HYDRAULIC FILTERS-SLUDGE PRESS	75.00
16019	11/21/2008	Printed	KPF EFT	KPF EFT PROGRAM	KPF RETIREMENT WITHHOLDING PYM	3,286.87
16020	11/21/2008	Printed	LCBOCC	LEAVENWORTH COUNTY BOARD OF	AIR & BUSINESS PARK STUDY	2,976.00
16021	11/21/2008	Printed	LV SHERIFF	LEAVENWORTH COUNTY SHERIFF	BOARDING PRISIONERS OCT 2008	647.50
16022	11/21/2008	Printed	LEVEL 4	LEVEL 4 ENGINEERING LLC	ENGINEERING SERVICES-BTC PROJE	3,135.00
023	11/21/2008	Printed	LOCKWOOD	LOCKWOOD COMPANY, INC	BEVERAGE LICENSES	23.17
024	11/21/2008	Printed	MAAC CLEAN	MAAC CLEANING SPECIALISTS	CLEANING AT CITY HALL	180.00
16025	11/21/2008	Printed	MARCIT	MARCIT	DENTAL INS WITHHOLDING PYMT	1,114.00
16026	11/21/2008	Printed	MCCONNAUGH	AMY MCCONNAUGHEY	TEMP CONSTRUCTION/DEED PYMT	741.78
16027	11/21/2008	Printed	MITTONG	HARRY & DONNA MITTONG	TEMP CONSTRUCTION/DEED PYMT	811.89
16028	11/21/2008	Printed	MOGLE	MARY A. MOGLE	MILEAGE/TOLL REIMBURSEMENT	226.32
16029	11/21/2008	Printed	NEW URBAN	NEW URBAN PUBLICATIONS	PUBLICATION SUBSCRIPTION	69.00
16030	11/21/2008	Printed	NEXTEL	NEXTEL COMMUNICATIONS	CELLULAR SERVICES	633.54
16031	11/21/2008	Printed	OMNI-SITE	OMNI-SITE.NET	WIRELESS SERVICES	200.00
16032	11/21/2008	Printed	POSITIVE P	POSITIVE PROMOTIONS INC	PROMO ITEMS X-MAS PARTY	512.39
16033	11/21/2008	Printed	SCHERER	FRANCIS & JOANN SCHERER	TEMP CONST EASEMENT/DEED PYMT	970.76
16034	11/21/2008	Printed	SCHMIDT BU	SCHMIDT BUILDERS	TREATED BOARDS GATE SUPPORTS	39.20
16035	11/21/2008	Printed	SHAWNEE RO	SHAWNEE ROCK COMPANY	ROCK-TEMP ROAD CONSTRUCTION	6,649.07
16036	11/21/2008	Printed	SPECTRA	SPECTRA	STINGER FLASHLIGHT W/CHARGING	147.00
16037	11/21/2008	Printed	SUNFLOWER	SUNFLOWER BROADBAND	PHONE SERVICES LIFT STATIONS	52.42
16038	11/21/2008	Printed	SUNFLOW EM	SUNFLOWER EMBROIDERY	EMBROIDERY PATCHES-POLICE	24.00
16039	11/21/2008	Printed	USA BLUE	USA BLUE BOOK	CASES GREEN MARKING PAINT	268.86
16040	11/21/2008	Printed	WALMART MA	WALMART	AMMO/SUPPLIES/VHS TAPES/CLEANI	463.97
16041	11/21/2008	Printed	WESTAR GRP	WESTAR ENERGY	UTILITIES - ELECTRIC	4,398.93
16042	11/21/2008	Printed	WESTLAKE A	WESTLAKE ACE HARDWARE INC	BOLTS/FASTENERS FOR SHOP	6.48
16043	11/21/2008	Printed	WYANDOTTE	WYANDOTTE OCCUPATIONAL HEALTH	FLU VACCINATIONS EMPLOYEES	75.00
16044	11/21/2008	Printed	ZEE MED	ZEE MEDICAL SERVICE	MISC MEDICAL SUPPLIES	24.90
16045	11/24/2008	Printed	STANDARD &	STANDARD & POORS	CUSIP-ASSIGN TEMP NOTE ISSUE	129.00
16046	11/25/2008	Printed	LVCO PUBLI	LEAVENWORTH COUNTY PUBLIC WORK	ADDITION R-LANE SOUTH LEG 158	79,743.98

Total Checks: 55 Bank Total: 294,373.08

Total Checks: 55 Grand Total: 294,373.08

BALANCE SHEET

AS OF 11/24/08

City Of Basehor

As of: 11/30/2008

	Balances
Fund: 13 - SUMMATION OF ALL FUNDS	
Assets	
Acct Class: CA CURRENT ASSESTS	
001 FSB CHECKING ACCOUNT	76,022.81
002 FSB MONEY MARKET ACCOUNT	2,898,180.77
005 BASEHOR TOWN CENTER ACCOUNT	1,586,041.58
006 BASEHOR TOWN CENTER 90 DAY CD	1,000,000.00
007 BASEHOR TOWN CENTER 180 DAY CD	1,000,000.00
016 103-3 OVERNIGHT ACCT MIP	86,236.43
031 418000021 COMMERCE 2.8% 012009	800,000.00
045 0103-04 MIP 1.37% 021009	1,400,000.00
Acct Class: CA CURRENT ASSESTS	8,846,481.59
Total Assets	8,846,481.59
Liabilities	
Acct Class: CL CURRENT LIABILITIES	
214 SEWER FUND MONTHLY BALANCE	401,223.33
215 SOLID WASTE MONTHLY BALANCE	84,106.43
216 GENERAL FUND MONTHLY BALANCE	1,506,527.28
218 MUNICIPAL EQUIP FUND MO BAL	140,774.04
219 CAPITAL IMPROVE FUND MO BAL	965,956.45
220 SPECIAL PARK & REC FUND MO BAL	143,077.93
221 CONS HIGHWAY FUND MONTHLY BAL	1,966,104.65
226 BOND & INTEREST MONTHLY BAL	106,032.58
230 TOWN CENTER PROJECT MO BALANCE	3,469,236.34
300 CL MAINTENANCE MONTLY BALANCE	63,442.56
Acct Class: CL CURRENT LIABILITIES	8,846,481.59
Total Liabilities	8,846,481.59
Total Liabilities & Balances	8,846,481.59

REVENUE/EXPENDITURE REPORT
AS OF 11/24/08

City Of Basehor

For the Period: 1/1/2008 to 11/30/2008	Original Bud.	Amended Bud.	YTD Actual	CURR MTH
Fund: 01 - GENERAL FUND				
Revenues	2,467,360.00	2,467,360.00	1,730,519.15	87,949.12
Expenditures	2,178,959.00	2,178,959.00	1,557,718.68	124,634.35
Net Effect for GENERAL FUND	288,401.00	288,401.00	172,800.47	-36,685.23
Fund: 04 - SPECIAL PARK & RECREATION FUND				
Revenues	35,348.00	35,348.00	25,028.10	6,719.74
Expenditures	19,500.00	19,500.00	4,610.32	0.00
Net Effect for SPECIAL PARK & RECREATION FUND	15,848.00	15,848.00	20,417.78	6,719.74
Fund: 05 - SEWER FUND				
Revenues	5,851,539.00	5,851,539.00	772,487.91	34,909.95
Expenditures	5,715,259.00	5,715,259.00	1,252,478.39	53,207.62
Net Effect for SEWER FUND	136,280.00	136,280.00	-479,990.48	-18,297.67
Fund: 07 - CEDAR LAKES MAINTENANCE				
Revenues	14,119.00	14,119.00	11,241.27	100.85
Expenditures	10,500.00	10,500.00	11,321.30	942.43
Net Effect for CEDAR LAKES MAINTENANCE	3,619.00	3,619.00	-80.03	-841.58
Fund: 08 - BOND & INTEREST FUND				
Revenues	890,969.00	890,969.00	1,050,271.00	9,098.51
Expenditures	1,011,084.00	1,011,084.00	1,010,963.97	0.00
Net Effect for BOND & INTEREST FUND	-120,115.00	-120,115.00	39,307.03	9,098.51
Fund: 09 - SOLID WASTE FUND				
Revenues	162,744.00	162,744.00	135,899.54	625.54
Expenditures	162,182.00	162,182.00	126,130.30	11,877.07
Net Effect for SOLID WASTE FUND	562.00	562.00	9,769.24	-11,251.53
Fund: 10 - CONSOLIDATED HIGHWAY FUND				
Revenues	787,548.00	787,548.00	450,431.55	17,467.27
Expenditures	588,700.00	588,700.00	316,124.70	141,447.96
Net Effect for CONSOLIDATED HIGHWAY FUND	198,848.00	198,848.00	134,306.85	-123,980.69
Fund: 11 - MUNICIPAL EQUIP RESERVE FUND				
Revenues	218,247.00	218,247.00	3,057.45	222.90
Expenditures	225,000.00	225,000.00	65,357.57	0.00
Net Effect for MUNICIPAL EQUIP RESERVE FUND	-6,753.00	-6,753.00	-62,300.12	222.90
Fund: 12 - CAPITAL IMPROVEMENT FUND				
Revenues	388,976.00	388,976.00	252,295.62	1,529.51
Expenditures	375,000.00	375,000.00	0.00	0.00
Net Effect for CAPITAL IMPROVEMENT FUND	13,976.00	13,976.00	252,295.62	1,529.51
Fund: 18 - BASEHOR TOWN CENTER PROJECT				
Revenues	0.00	0.00	3,781,168.04	0.00
Expenditures	0.00	0.00	311,931.70	157,846.24
Net Effect for BASEHOR TOWN CENTER PROJECT	0.00	0.00	3,469,236.34	-157,846.24

Memo

To: Mayor and City Council

From: Susan Adams

CC: City Administrator, City Clerk

Date: 11/25/2008

Re: Revenue & Expenditure Overview

Following is a summary of the Revenue and Expenditures for the City year to date:

FUND:

General Fund		
Revenues	91%	$1,730,519
Expenditures	71%	$1,557,718

Revenue Overview: Building permits 53%; business licenses 35%; plan application fees 29%; court fines 104%; franchise fees 85%, 98%, 145%, 153% and 156%; taxes 105% and other revenues 344% with a payment received from FEMA for the snow storm in March. Business licenses renewals were sent out at the beginning of November and are being received daily. Overall there are 11 line items below budgeted revenue (with 2 less than 5% and 2 less than 20% or projected budget) and there are 12 line items above budgeted revenue with a month remaining for additional revenue.

Note: Sales tax revenue for 2008 was deposited directly to the consolidated highway and capital improvement funds per the auditor's and therefore there will be no transfer to those funds for local and county sales tax monies received for capital improvement projects. Sales tax revenue is up 3.9 percent from 2007 – 2008 and at 82% for 2008.

FUND:

Spec Park		
Revenues	71%	$25,028
Expenditures	24%	$4,610
Sewer		
Revenues	77%	$772,488
Expenditures	73%	$1,252,478 ($430,000 for new WWTF)
Cedar Lakes		
Revenues	79%	$11,241
Expenditures	105%	$11,321
Bond & Interest		
Revenues	118%	$1,050,274
Expenditures	100%	$1,010,964
Solid Waste		
Revenues	84%	$135,900
Expenditures	78%	$126,130
Consolidated Highway		
Revenues	60%	$472,064
Expenditures	54%	$316,124
Municipal Equipment		
Revenues	1%	$3,057 (year end transfer from general fund not completed)
Expenditures	29%	$63,358
Capital Improvement		
Revenues	70%	$273,298
Expenditures	0%	$0

City of Basehor
December 2008 Monthly Calendar of Events

Date	Time	Event	Location
1	6:00 p.m.	City Council Work Session & Meeting	City Hall Meeting Room
2	6:30 p.m.	Planning Commission Work Session and Meeting	City Hall Meeting Room
3	8:00 a.m.	Chamber of Commerce Board Mtg	First State Bank & Trust
6	6:00 p.m.	Basehor Holiday Party	VFW Hall
8	6:00 p.m.	City Council Work Session	City Hall Meeting Room
9	7:30 a.m. 1:00 p.m.	Legislative Breakfast Municipal Court	Lansing Community Center City Hall Meeting Room
10	4:00 p.m.	Park Advisory Board Meeting	City Hall Meeting Room
	11:30 a.m.	LCDC Board Meeting	LCDC Office
11	Noon	Chamber Membership Meeting	Reece Nichols Office
12	11:30 a.m.	LCDC Annual Meeting	Carnigie Hall, St. Mary College
15	6:00 p.m.	City Council Work Session & Meeting	City Hall Meeting Room
23	3:00 p.m.	LCDC Infrastructure Meeting	LCDC Office
25		*Christmas Day*	*City Hall Closed*
26		*City Hall Closed for Holiday*	*City Hall Closed*
31?	11:45 a.m.	Port Authority Meeting	Heritage Center, 109 Delaware

Next Meetings:

January 5, 2009 Work Session & Regular Meeting
January 12, 2009 Work Session
January 19, 2009 Work Session & Regular Meeting

AGENDA ITEM INFORMATION FORM

Agenda Item: Discuss payment processing for the Wastewater Treatment Plant and other similar projects.

Department: Administration

Background/Description of Item:
Payment processing for construction projects has traditionally followed the following pattern:

1. Submittal by construction company
2. Review and approval by engineer
3. Submittal to city for processing

Change orders will also follow a similar process.

During the course of the construction project staff will update the city council weekly on construction progress and any pending issues. There may be occasions where a change order may need to be processed quickly and waiting until the next city council meeting may mean a costly delay. A special city council meeting may need to be called to resolve an issue or get approval to move ahead.

The current approval authority of the city administrator is $2,500. The city council may approve a higher limit for purposes of the project or come up with an alternative for dealing with change orders.

In the case of construction projects dealing with Basehor Town Center and funded through the benefit district:

1. Submittal by construction company
2. Review and approval by engineer
4. Submittal and approval by USD 458 superintendent
5. Approval by USD 458 school board
3. Submittal to city for processing, placed on consent agenda

Funding Source:

Recommendation: Discuss current procedures for payment processing and methods of dealing with change orders.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: December 1, 2008

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider agreements and applications required for Wolf Creek Junction and Benchmark Management as part of the work for Wolf Creek Parkway and the U.S. 24-40/150th Intersection, including proposed amendments to the Transportation Development District.

Department: Administration

Background/Description of Item:
The city council on Nov. 17 made a decision to group two street projects together and apply for a KDOT transportation loan, contingent on an amendment to the Transportation Development District (TDD) agreement. The Wolf Creek Parkway project was estimated in 2007 at $1.5 million. The preliminary estimate for the 150th Intersection project is $1.5 million for a combined total of $3.0 million. The $500,000 originally committed by KDOT to the City of Basehor for Wolfcreek Parkway will be applied towards the project.

The Cooperative Agreement provided terms for use of the $325,000 for purchase of the triangle piece of property plus preliminary design of the project. A draft agreement was also presented at the Oct. 20 city council meeting between KDOT and the City of Basehor wherein KDOT agrees to provide the $325,000 funding to the City of Basehor.

The TDD agreement, authorized by Ord. 511 on Feb. 22, 2007, provides for amendments under section 13. Ord. 511, Section 1, para. g, provides for the incremental increase in sales tax revenue to go towards a grant to keep the store profitable for the first five years, should the annual retail sales drop below $12.0 million. This provision may be in conflict with a request to use part of the sales tax increase to pay the transportation loan.

Using the TDD funding for the 150th Intersection project may also impact projected available funding for other improvements that are part of the development agreement. Provisions will need to be made in the TDD amendment to address the limits of available funding and where the priorities will be set. Projections will also be helpful in determining if revenue bonds would be issued if a transportation loan is used for the $3.0 million in road projects.

The agreements and amendments are still being prepared and will be distributed as soon as they are received. In the event they are not prepared in time for review, the agenda item may be deferred to Dec. 15.

Funding Source: Transportation, TDD and Corridor Management Funds

Recommendation: Resolve priority and funding issues on the Wolfcreek Parkway and 150th Intersection project.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: December 1, 2008

Mary Mogle

From: Shannon Marcano [smarcano@whitegoss.com]
Sent: Wednesday, November 26, 2008 1:24 PM
To: Carl Slaugh
Cc: Ed McIntosh; cityclerk@cityofbasehor.org
Subject: 1st Amendment to the Development Agreement
Attachments: First Amendment to the Development Agreement (212303).DOC

Carl-
Please find attached the first amendment to the development agreement. The original development agreement will stay in place with only the identified items changing. Exhibit B will need to be the executed Amended and Restated Petition, which I do not have a copy of.

As far as the public hearing goes, we need to publish two weeks in a row (next week and the following week) and we need to mail certified notice to the owners at least 10 days prior to the date of the hearing. The second notice needs to be published at least 7 days prior to the date of the hearing.

The calendar would look like this:
Publish notice- 1st time - week of Dec. 1
Publish notice- 2nd time - week of Dec. 7
Mailed notice- week of Dec. 22
Public hearing- Jan. 5

Please let me know if you have any questions, or if you need any other documents.

Thanks!
Shannon

FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT REGARDING TRANSPORTATION DEVELOPMENT DISTRICT

THIS FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT is entered into this _____ day of _____ by and between the City of Basehor, Kansas, a municipal corporation (the "City") and Benchmark Management, Inc., a Kansas Corporation (the "Developer") (collectively referred to as the "Parties") and is dated and effective as of the date executed by both parties.

WHEREAS, K.S.A. 12-17,140 *et. seq.*, as amended (the "Act") authorizes the governing body of any city or county to create transportation development districts ("Transportation Development Districts") within such jurisdiction, to construct any project or undertaking relating thereto to improve any bridge, street, road, highway access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail or other mass transit facility and any similar or related project or infrastructure including, but not limited to, utility relocation; sanitary and storm sewers and lift stations; drainage conduits, channels and levees; street light fixtures, connection and facilities; underground gas, water, heating and electrical services and connections located within or without the public right-of-way; sidewalks and pedestrian underpasses or overpasses; and water main and extensions (collectively, "Transportation Development District Projects"); and

WHEREAS, the Act further authorizes the payment of Costs (as defined in K.S.A. 12-17,141(c)) of Transportation Development District Projects; and

WHEREAS, the Act further authorizes said governing body, in order to pay the Costs of such Transportation Development District Projects, to impose a Transportation Development District sales tax on the selling of tangible personal property at retail or rendering or furnishing services within Transportation Development Districts in any increment of .10% or .25% not to exceed 1.0% and/or the levy of special assessments upon property within such Transportation Development Districts, and to issue revenue bonds payable from such sales taxes and/or special assessments; and

WHEREAS, a Petition for the Creation of a Transportation Development District (the "Petition") was filed with the city clerk of the City, on April 3, 2006, proposing the creation of a Transportation Development District, the making of Transportation Development District Projects relating thereto and the imposition of a Transportation Development District sales tax in order to pay the Costs of such Transportation Development District Projects; and

WHEREAS, said Petition was signed by the owners of record, whether resident or not, of all of the land area within the proposed Transportation Development District; and

WHEREAS, the Act provides that prior to creating any Transportation Development District, the governing body shall, by resolution, direct and order a public hearing on the advisability of creating such Transportation Development District and the construction of such Transportation Development District Projects therein, and to give notice of the hearing by publication at least once each week for two consecutive weeks in the official City newspaper and by certified mail to all property owners within the proposed Transportation Development District, the second publication to be at least seven days prior to the hearing and such certified mail sent at least ten days prior to such hearing; and

WHEREAS, the Governing Body adopted Resolution No. 2006-04 on April 17, 2006 directing that a public hearing on the proposed Transportation Development District within the City be held on May 8, 2006, declaring its intent to impose a transportation development district sales tax, and requiring that the city clerk provide for notice of such public hearing as set forth in the Act; and

WHEREAS, a Notice of Public Hearing containing the following information: (a) the time and place of the hearing; (b) the general nature of the proposed Transportation Development District Projects; (c) the maximum Costs of the proposed Transportation Development District Projects; (d) the proposed method of financing the Costs of the Transportation Development District Projects; (e) the proposed amount of the transportation development district sales tax; and (f) the map or boundary description of the proposed Transportation Development District, was mailed (by certified mail) to all property owners within the proposed Transportation Development District on April 25, 2006, and published once each week for two consecutive weeks in *The Basehor Sentinel*, the official City newspaper, on April 20, 2006 and April 27, 2006; and

WHEREAS, on May 8, 2006 and May 15, 2006, the Governing Body conducted a public hearing on the proposed Transportation Development District, the proposed Transportation Development District Projects, and maximum Costs thereof and the method of financing the same; and

WHEREAS, the Governing Body found and determined it to be advisable to create a Transportation Development District and set forth the boundaries thereof, authorized Transportation Development District Projects relating thereto, approved the maximum Costs of such Transportation Development District Projects and approved the method of financing the same, all in accordance with the provisions of the Act; and

WHEREAS, the Governing Body adopted Ordinance Number 497 authorizing the Wolf Creek Junction Transportation Development District on June 5, 2006; and

WHEREAS, an Amended and Restated Petition Regarding the Wolf Creek Junction Transportation Development District was filed with the City on _____, 2008 which clarified the Transportation Development District Projects to include the construction of the 150th Street intersection realignment and the construction of Wolf Creek Parkway; and

WHEREAS, said Petition was signed by the owners of record, whether resident or not, of all of the land area within the proposed Transportation Development District; and

WHEREAS, a Notice of Public Hearing containing the following information: (a) the time and place of the hearing; (b) the general nature of the proposed Transportation Development District Projects; (c) the maximum Costs of the proposed Transportation Development District Projects; (d) the proposed method of financing the Costs of the Transportation Development District Projects; (e) the proposed amount of the transportation development district sales tax; and (f) the map or boundary description of the proposed Transportation Development District, was mailed (by certified mail) to all property owners within the proposed Transportation Development District on _____, 2008, and published once each week for two consecutive weeks in *The Basehor Sentinel*, the official City newspaper, on _____, 2008 and _____, 2008; and

WHEREAS, on _____,2008 the Governing Body conducted a public hearing on the clarification to the Transportation Development District Projects; and

WHEREAS, the Governing Body found and determined it to be advisable to clarify the Transportation Development District Projects; and

WHEREAS, the Governing Body adopted Ordinance Number _____ clarifying the Transportation Development District Projects for the Wolf Creek Junction Transportation Development District on _____, 2008.

NOW THEREFORE, for and in consideration of the promises and the mutual covenants herein contained, the City and Benchmark Management, Inc. agree as follows:

1. Incorporation by Law and Ordinance.
   The provisions of K.S.A. 12-17,140 *et. seq.*, as amended up to and including the date of this Agreement, the provisions of Ordinance No. 497 and Ordinance No. _____ and the provisions of the Development Agreement Regarding Transportation Development District dated _____, are hereby incorporated herein by reference and made a part of this Development Agreement.

2. The District Projects.
   Paragraph 4 of the Development Agreement is hereby amended by the clarification of the District Projects as follows:
   "The purpose of the District is to undertake and finance District projects to provide transportation related improvements which will include the construction of the 150th Street intersection realignment and the construction of Wolf Creek Parkway, including, but not limited to grading, demolition, paving, curbs, gutters, signage, storm drainage, landscaping,

signalization, internal sanitary sewers, underground electrical services, gas lines and water mains."

3. Project Costs Eligible for Reimbursement.
Paragraph 5 of the Development Agreement is hereby amended as follows:
"Subject to all the terms and conditions of this Agreement, the Project Costs set forth in the attached Amended and Restated Petition Regarding the Wolf Creek Junction Transportation Development District, attached hereto as Exhibit B and incorporated herein, incurred by or on behalf of the Developer, shall be eligible for reimbursement from the TDD Tax. The parties agree that the amounts to be paid for any of the eligible expenses may be adjusted among any of the stated categories, or to pay additional eligible items provided the total Project Costs to be reimbursed do not exceed the approved maximum amount."

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on _____, 2008 and represents that the individuals executing this Agreement on behalf of the Parties have the express authority to do so.

CITY OF BASEHOR, KANSAS

_____
Chris Garcia, Mayor

Attest:

_____
City Clerk

BENCHMARK MANAGEMENT, INC.

_____
By: Ed McIntosh
Title: Vice President

Attest:

_____
By:
Title:

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approval of a memorandum of agreement with USD 458 concerning a temporary construction road.

Department: Administration, Sewer

Background/Description of Item:
City of Basehor staff made a request of USD 458 on September 8 to construct a temporary construction road to the wastewater treatment plant. Approval was granted by the school board and the city council subsequently on Nov. 3, 2008 authorized city staff to move ahead with the temporary construction road.

Mr. Slaugh reported the estimate was revised earlier in the day. The city could continue to use Hickory Street (residential neighborhood and not construction traffic worthy) or put in a temporary construction road north of Parallel. The school agreed to allow the city to put a road through and felt they might use the road afterward to access sports fields. He explained the road would be constructed with 4" of AB3 and 2" of base rock. Estimated cost - $20,084.75. Mr. Myracle explained the City would contract with Shawnee Rock, install security gates, city staff would perform some of the work, and hire out contractors to perform grading and compacting work.

President Dysart stated she would like to have a copy of the contract and revised estimate. Mr. Myracle stated there were no contracts.

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to approve construction of temporary access road for the temp access road for the wastewater treatment plant expansion project not to exceed $25,000. A show of hands was taken with all members voting in favor. Motion passed 3-0.

The temporary construction road was completed for a cost just under $20,000.

The USD 458 school board has requested a Memorandum of Agreement to put into writing the terms of the verbal agreements.

The attached memorandum contains the elements that were agreed upon between the school district and city staff.

Funding Source: Sewer

Recommendation: Approve the Memorandum of Agreement between USD 458 and the City of Basehor regarding a temporary construction road to the Wastewater Treatment Plant and authorize the mayor to sign the agreement.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: December 1, 2008

Basehor-Linwood Unified School District 458

All Students Developing and Reaching Their Potential

Dr. Robert Albers
Superintendent

David Howard
Assistant Superintendent

Sandra Guidry
Director of
Curriculum and Instruction

Nov 19, 2008

Carl

Please review this agreement. I know it is one sided, but our board wants assurance everything is in writing. Please get back to me on this.

Bob Albers

2008 North 155th Street P.O. Box 282 Basehor, Kansas 66007-0282
(913) 724-1396 (913) 723-3400 Fax: (913) 724-2709
www.usd458.org
An Equal Employment Educational Opportunity Agency and All Laws and Regulations Governing EEO

MEMORANDUM OF AGREEMENT

This Agreement is entered into on this 1st day of ~~November~~ December, 2008 between the City of Basehor, hereinafter called the city, and Basehor-Linwood USD 458, hereinafter called the district. This agreement sets in writing the conditions and stipulations permitting the City of Basehor to build a temporary construction road across USD 458 property as presented in the attached drawing.

In consideration for permission granted by the district to build the temporary construction road as outlined, the city herby agrees to the following:

- All costs, including design, culvert, excavation, rock, other materials, and upkeep during the expansion will be the responsibility of the city.
- A permanent gate across the road at a point designated by the district will be installed by the city (2 – 12 ft. galvanized chain link gates mounted on 5" metal gate posts. These gates will become the property of USD 458 after sewer plant expansion is completed.
- The portion of the road north of the above gate and between the soccer and softball fields shall be abandoned by the city after the sewer plant expansion completion and shall become the property of USD 458 including the culvert and rock.
- The portion of the road crossing the area north of the soccer field will be removed at the discretion of the district and returned to its original condition. The cost of removal will be paid by the city. The district will designate what portion of the road, if any, is to be removed.
- Additional base and road rock will be placed by the city in a location designated by the district to provide two (2) handicapped parking spots.

As a representative of Basehor-Linwood USD 458, I do hereby agree to grant permission to the City of Basehor to build a temporary construction road across district property as outlined.

_____ 12/01/08

Signature Date

As a representative of the City of Basehor, Kansas, I do hereby agree to the conditions stated above.

_____ _____

Signature Date

CITY OF BASEHOR
P.O. BOX 406
BASEHOR, KS 66007
(913) 724-1370

Vendor: Shawnee Rock Company
P.O. Box 3220
Shawnee, KS 66203

Voucher: 08-1096
PO #: PW78618
Dated: 11/21/08
Fund: Sewer
05-000-865 $6,649.07

Invoice #	Description	Amount
	New WWTF – temporary road construction	
48792	715.59 tons AB-3 road rock for new WWTF	$3,685.31
	502.33 tons 2" crusher run rock for new WWTF	$2,963.76

Approved by City Council 11/03/08
$25,000
($6,649.07) 11/21/08
$18,350.93 balance remaining

TOTAL CHECK AMOUNT	**$6,649.07**

Approved by: Carl Slaugh
Carl Slaugh, City Administrator

Processed by: Susan
Susan Adams, Treasurer

Journal Entry # 10182

Check # 16035

CITY OF BASEHOR
P.O. BOX 406
BASEHOR, KS 66007
(913) 724-1370

Vendor: Feldmans
304 N 2nd Street
Odessa, MO 64076

Voucher: 08-1100
PO #: PW78610
Dated: 11/21/08
Fund: Empl Benefits
01-011-813 $159.95
Sewer
05-000-865 $237.94
05-009-789 $110.94

Invoice #	Description	Amount
149860	Gates & fence supplies for WWTF temp maintenance road	$475.88
K49893	Return 1 set of gates & supplies	($237.94)
149937	Work pants – S. Wright	$159.95
149945	Heaters for lift stations	$110.94

TOTAL CHECK AMOUNT	**$508.83**

Approved by: Carl S. Slaugh
Carl Slaugh, City Administrator

Processed by: Susan Adams
Susan Adams, Treasurer

Journal Entry # 10172

Check # 16006

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider a resolution setting a public hearing date for the proposed annexation of the Cedar Lake Estates subdivision.

Department: Administration

Background/Description of Item:
The city council on July 7, 2008 approved Resolution 2008-09 which set a public hearing date of September 8, 2008 as part of the process in the proposed annexation of Cedar Lake Estates subdivision in accordance with K.S.A. 12-520. Prior to the public hearing on July 17 notices were mailed to the affected property owners. An open house was also held on August 25 to give an opportunity to discuss the issues surrounding the annexation.

During the public hearing on September 8 questions were raised concerning the sufficiency of the legal process required by K.S.A. 12-520a. After considering the alleged deficiencies the city council decided to start the process over again rather than take the chance that a legal appeal would result in the same recommendation.

Adopt resolution to set public hearing date, no less than 60 (Jan. 30) nor more than 70 days (Feb. 9) – projected for Feb. 9 at Glenwood Ridge Elementary school.

The annexation package prepared by MHS Engineers has been reviewed by the city attorney and found to address adequately the statutory requirements.

Statutory provision for the annexation comes from K.S.A. 12-520(1) The land is platted, and some part of the land adjoins the city. K.S.A. 12-520a sets the requirements for the resolution.

Some issues to resolve: house numbering, garbage collection service
Consider using a legal consultant specializing in annexation issues.

Funding Source: Planning

Recommendation: Adopt resolution 2008-1_ setting a public hearing date of Feb. 9, 2009 to consider the annexation of the Cedar Lake Estates subdivision.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: December 1, 2008

RESOLUTION NO. 2008-1

A RESOLUTION OF THE CITY OF BASEHOR, KANSAS, REGARDING A PUBLIC HEARING TO CONSIDER ANNEXATION OF THE CEDAR LAKE ESTATES SUBDIVISION.

WHEREAS, the Governing Body is considering annexation of the Cedar Lake Estates Subdivision, which is a platted subdivision adjoining the City, generally located northeast of 158th Street and Evans Road in the Southwest ¼ of Section 11, Township 11S, Range 22E.

WHEREAS, the Governing Body has approved a report regarding the annexation that contains all of the information required by K.S.A. 12-520a and K.S.A. 12-520b, including a plan for extension of services to the area proposed to be annexed, which report is available for inspection in the City Clerk's office during normal business hours; and

Deleted: prepared

Deleted: (1)

WHEREAS, a public hearing on the proposed annexation will be held pursuant to K.S.A. 12-520a.

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

SECTION 1. The Governing Body of the City of Basehor, Kansas is considering the annexation of the following described land:

> A tract of land located in Southwest Quarter of Section 11, Township 11 South, Range 22 East, and being all of Cedar Lake Estates, Cedar Lake Estates – Phase 2, Cedar Lake Estates Phase 3, and Cedar Lake Estates Phase 4 Subdivision, all subdivisions in the County of Leavenworth, Kansas according to the recorded plats thereof and being more particularly described as follows:
>
> COMMENCING at the Southeast corner of the Southwest Quarter of said Section 11; thence North 00°19'04" East, along the East line of said Southwest Quarter, a distance of 706.58 feet to the POINT OF BEGINNING; thence continuing North 00°19'04" East, along said East line, a distance of 1932.89 feet to the Northeast corner of the Southwest Quarter of said Section 11; thence North 89°13'03" West, along the North line of the Southwest Quarter of said Section 11, a distance of 2286.87 feet; thence South 00°00'43" West, a distance of 725.99 feet; thence South 89°13'03" West, a distance of 125.00 feet; thence South 00°00'43" West, a distance of 275.00 feet; thence South 89°13'03" West, a distance of 200.00 feet to the East right-of-way line of 158th Street as shown on the recorded plat; thence South 00°00'43" West, along said right-of-way line, a distance of 150.00 feet; thence South 89°59'17" East, a distance of 300.00 feet; thence South 00°00'43" West, a distance of 829.00 feet; thence South 90°00'00" East, a distance of 843.87 feet; thence South 01°36'23" East, a distance of 174.00 feet; thence South 17°13'37" West, a distance of 164.54 feet; thence South 03°22'07" West, a distance of 134.25 feet; thence South 90°00'00" East, a distance of 51.56 feet;

thence North 13°43'52" East, a distance of 134.52 feet; thence North 46°47'14" East, a distance of 278.31 feet; thence North 68°12'43" East, a distance of 103.13 feet; thence South 70°56'34" East, a distance of 169.45 feet; thence South 14°02'43" East, a distance of 75.39 feet; thence North 86°52'48" East, a distance of 91.62 feet; thence South 51°41'08" East, a distance of 91.16 feet; thence South 45°26'02" West, a distance of 106.06 feet; thence South 44°27'07" East, a distance of 252.25 feet; thence North 84°10'39" East, a distance of 290.03 feet; thence North 43°06'36" East, a distance of 99.95 feet; thence North 29°54'56" East, a distance of 108.63 feet; thence North 19°36'26" East, a distance of 386.05 feet; thence North 89°53'53" East, a distance of 143.97 feet to the point of beginning and containing 5,021,508.21 square feet or 115.28 acres more or less.

SECTION 2. The Governing Body finds that the above described property adjoins the City of Basehor.

SECTION 3. To properly consider the proposed annexation of the land described above, the Governing Body orders the following:

a. A public hearing on the proposed annexation will be held on February 9, 2009 beginning at 6:00 p.m. at the Glenwood Ridge Elementary School, located at 17550 157th Terrace, Bonner Springs, KS 66012 for the purpose of the Governing Body determining the advisability of such annexation.

b. A copy of this Resolution, and a sketch of the land proposed to be annexed, shall be sent by certified mail to each owner of land proposed to be annexed not more than 10 days following the date of the adoption of the resolution.

c. A copy of this Resolution, and a sketch of the land proposed to be annexed, shall be published in the official City newspaper not less than one week, but no more than two weeks preceding the date fixed for the public hearing.

d. A copy of this Resolution shall also be sent, no later than 10 days following its adoption, by certified mail to the following (if applicable):

   1. The board of county commissioners.

   2. The governing body of any township where the land to be annexed is located.

   3. Any special assessment district or governmental unit providing municipal services to the area proposed to be annexed including, but not limited to, sewer districts, rural water districts, fire districts or improvement districts.

   4. Any utilities having facilities within the area proposed to be annexed.

5. The governing body of any school district in the area proposed to be annexed.

6. Any city, county, township or joint planning commission having jurisdiction over the area proposed to be annexed.

7. Any other political or taxing subdivision located within the area proposed to be annexed.

SECTION 4. At the public hearing, a representative of the City will present the City's proposal for annexation, including the plan of the City for the extension of services to the land proposed for annexation. In determining the advisability of annexation, the Governing Body will consider the criteria set forth in K.S.A. 520a(e).

ADOPTED AND APPROVED by the Governing Body of the City of Basehor, Kansas, this 1st day of December, 2008.

_____
Chris Garcia – Mayor

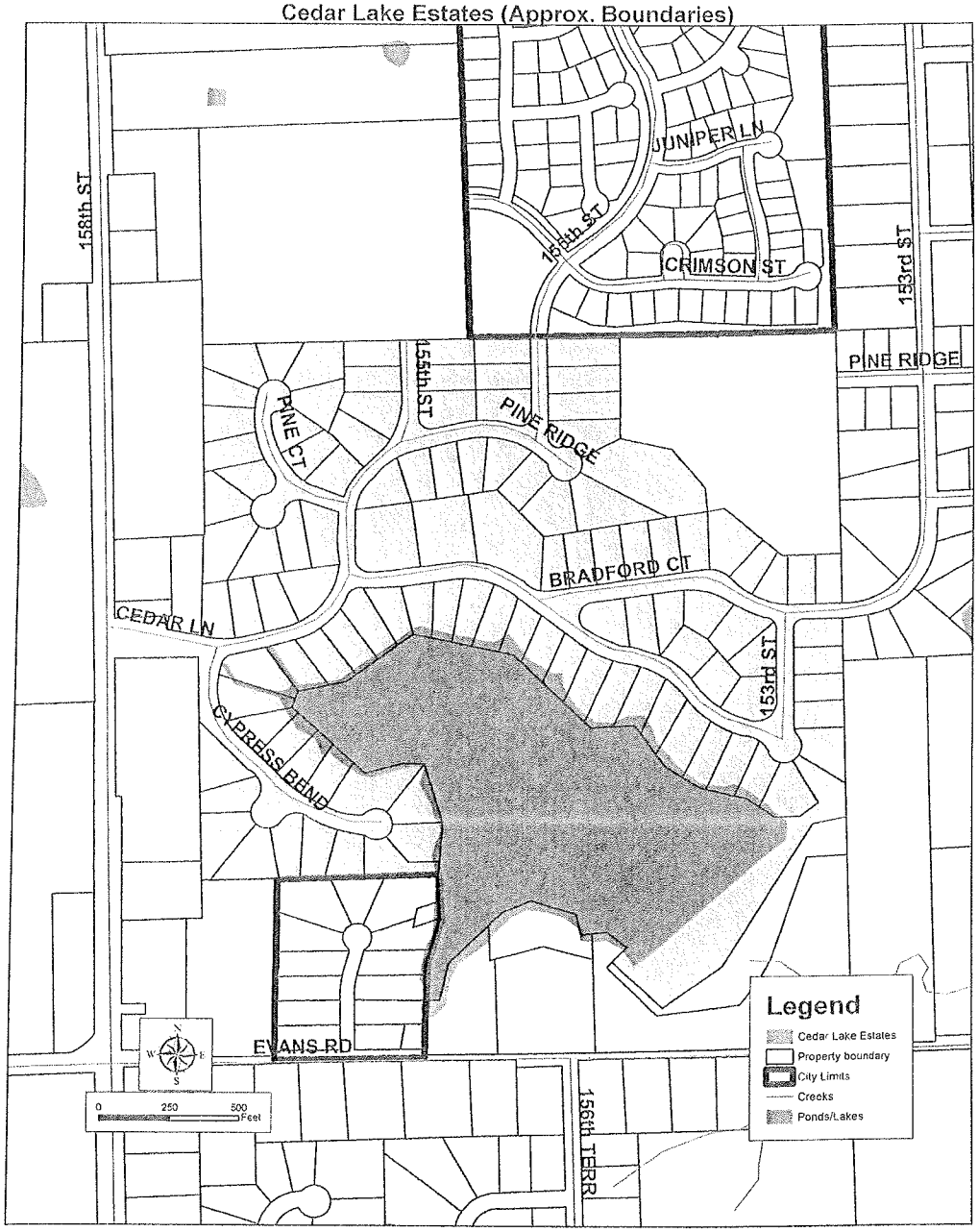
ATTEST:

_____
Mary Mogle – City Clerk

APPROVED AS TO FORM:

_____
Patrick G. Reavey – City Attorney

Cedar Lake Estates (Approx. Boundaries)



RESOLUTION NO. 2008-1_

A RESOLUTION OF THE CITY OF BASEHOR, KANSAS, REGARDING A PUBLIC HEARING TO CONSIDER ANNEXATION OF THE CEDAR LAKE ESTATES SUBDIVISION.

WHEREAS, the Governing Body is considering annexation of the Cedar Lake Estates Subdivision, which is a platted subdivision adjoining the City, generally located northeast of 158th Street and Evans Road in the Southwest ¼ of Section 11, Township 11S, Range 22E.

WHEREAS, the Governing Body has prepared a report regarding the annexation that contains all of the information required by K.S.A. 12-520a (1), including a plan for extension of services to the area proposed to be annexed, which report is available for inspection in the City Clerk's office during normal business hours; and

WHEREAS, a public hearing on the proposed annexation will be held pursuant to K.S.A. 12-520a.

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

SECTION 1. The Governing Body of the City of Basehor, Kansas is considering the annexation of the following described land:

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ADOPTED AND APPROVED by the Governing Body of the City of Basehor, Kansas, this 1st day of December, 2008.

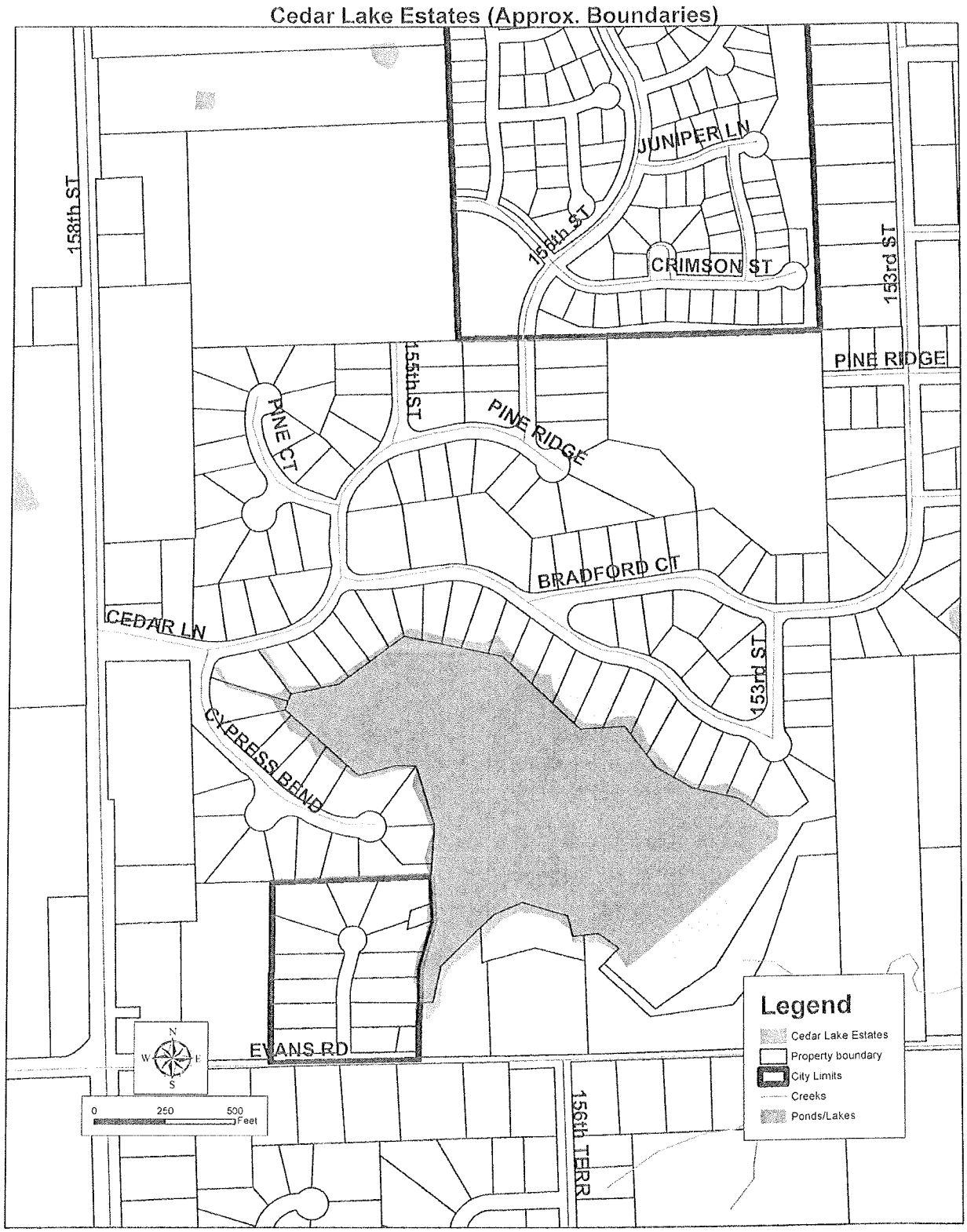
_____
Chris Garcia – Mayor

ATTEST:

_____
Mary Mogle – City Clerk

APPROVED AS TO FORM:

_____
Patrick G. Reavey – City Attorney


Cedar Lake Estates (Approx. Boundaries)
158th ST
JUNIPER LN
156th ST
CRIMSON ST
153rd ST
PINE RIDGE
155th ST
PINE CT
PINE RIDGE
BRADFORD CT
CEDAR LN
153rd ST
CYPRESS BEND
EVANS RD
156th TERR
N
W
E
S
0
250
500
Feet
Legend
Cedar Lake Estates
Property boundary
City Limits
Creeks
Ponds/Lakes

Annexation Legal

A tract of land located in Southwest Quarter of Section 11, Township 11 South, Range 22 East, and being all of Cedar Lake Estates, Cedar Lake Estates – Phase 2, Cedar Lake Estates Phase 3, and Cedar Lake Estates Phase 4 Subdivision, all subdivisions in the County of Leavenworth, Kansas according to the recorded plats thereof and being more particularly described as follows:

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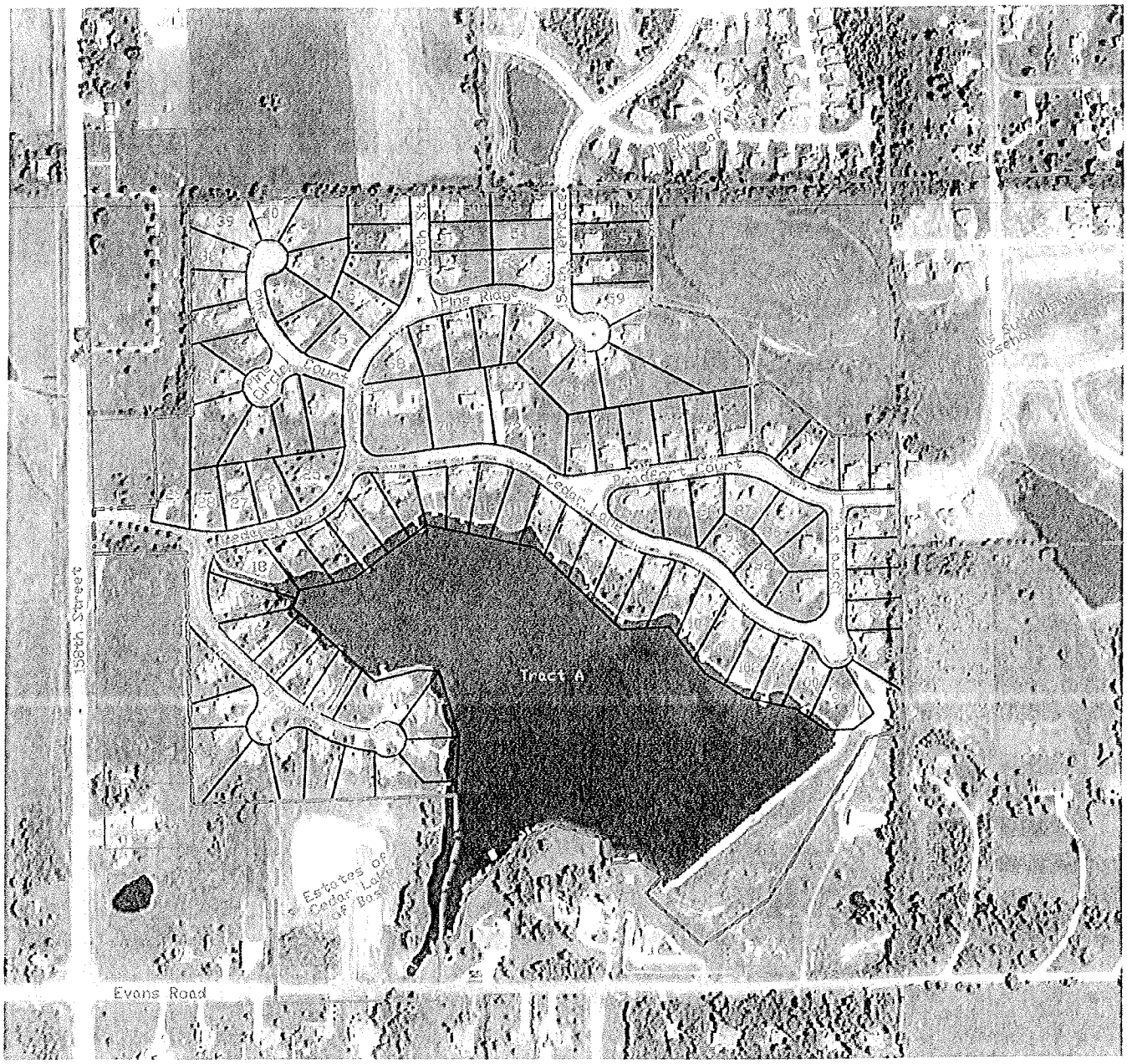
Calculated error of closure = 1:995,932

NOTE: the above described legal description is based upon the recorded plats noted. No field work was performed to verify any overlaps or gaps. The legal descriptions for the indicated plats closed and were contiguous to each other.



Existing Sanitary Sewer

Proposed Annexation Area

Existing City Limits

N

0 500

scale feet

1" = 500'

CEDAR LAKES ANNEXATION
EXHIBIT A

McAFEE HENDERSON SOLUTIONS, INC.
Civil Engineering ⋮ Land Surveying
15323 W. 95th Street Lenexa, KS 66219
Ph: (913) 888-4847 Fax: (913) 390-9665

12-520a(7)(e)

(1) Extent to Which Any of the Area is Land Devoted to Agricultural Use

No land within the proposed area to be annexed is used for agricultural purposes.

(2) Area of Platted Land Relative to Unplatted Land

All of the land within the proposed area to be annexed is platted.

(3) Topography, Natural Boundaries, Storm and Sanitary Sewers, Drainage Basins, Transportation Links or any Other Physical Characteristics Which May be an Indication of the Existence or Absence of Common Interest of the City and the Area Proposed to be Annexed

The proposed area to be annexed is located within the Wolf Creek drainage basin. The area is currently being served by City of Basehor's wastewater treatment plant. The area abuts the current city boundary and is within the City's growth management area. The area to be annexed has developed in a similar manner to subdivisions within the city i.e. high density, asphalt streets with curb and gutter, storm sewer system, and sanitary sewer system.

(4) Extent and Age of Residential Development in the Area to be Annexed and Adjacent Land Within the City's Boundaries

The first phase of the proposed area to be annexed was platted in 1996. The fourth and final phase was platted in 2002. The adjacent subdivisions to the north (Pinehurst), south (Estates of Cedar Lakes), and east (Cedar Falls) have been platted since 2002.

(5) Present Population in the Area to be Annexed and the Projected Population Growth During the Next Five Years in the Area Proposed to be Annexed

There are 105 homes within the subdivision with two additional homes under construction. Assuming 3.5 people/home provides a present population of 368. At complete build out the area will have an approximate population of 380.

(6) Extent of Business, Commercial, and Industrial Development in the Area

There are no business, commercial, or industrial development within the area proposed to be annexed.

(7) Present Cost, Methods, and Adequacy of Governmental Services and Regulatory Controls in the Area

Police Protection – The proposed annexation area is currently served by the Leavenworth County Sheriff's Office (LVSO). The LVSO has divided the County into districts for patrolling purposes. The area to be annexed is located in a district that is bounded by State Avenue on the north, 206th Street to the west, and the County line on the east and south sides. The district contains approximately seventy-two square miles. There is one officer assigned to each patrol district. An additional officer roams between this district and the district to the west.

The LVSO is primarily funded through property taxes. The department received $3,940,383 from the County's general fund in 2008. The tax levy is paid by all properties within the County, including those within incorporated cities.

Due to the large coverage area of each patrol officer compared to the City of Basehor's Police Department the service would be considered inadequate.

Fire Protection – The proposed annexation area is served by the Fairmount Township Fire Department (FTFD). The FTFD is a volunteer fire department with over thirty active members. The department is located on 155th Street approximately 2.5 miles north of the proposed annexation area. The fire department is funded by a 3.988 tax levy (2007 Tax Rate) that is paid by all properties in Fairmount Township.

The service provided by the fire department is adequate based upon the rural setting and population of the township.

Wastewater Treatment – Under KDHE mandate the sewage lagoons which served Sewer District #7 were removed from service in 2004. The sewage from the proposed annexation area is treated by the City of Basehor's wastewater treatment plant. Properties outside of the City limits pay 125% of the City's sewer rates. Based on billing records the average sewer bill for the area is $44.55. The property tax bill for residents in the annexation area includes two special assessments. One is a grinder pump maintenance fee of $91/year and the other is a $240/year fee for repayment of a KDHE loan. The assessment for the KDHE loan will continue to be collected by the County until the loan has been paid off. The assessment for the grinder pump maintenance fee will only be discontinued if a gravity sewer system is constructed which would allow the grinder pumps to be removed.

Street Maintenance – The roads within the proposed annexation area are maintained by the Leavenworth County Public Works Department (CPWD). The department maintains 726 miles of county roads. The majority of the roads, approximately 69%, are unpaved. Only a small percentage of the roads within the County are constructed with asphalt and curb & gutter such as those within the area to be annexed.

The total budget for the CPWD was approximately $9,200,000 in 2008. On a per mile basis the County spends over $12,600/mile/year on maintaining roads. The CPWD receives the

majority of its funding, around 75%, through property taxes. All residents within the County, including those within incorporated cities, pay 8.055 mils (2007 Tax Rate) to the County Road & Bridge Fund. Residents outside of the City pay any additional township mil levy for township roads. The 2007 tax rate for township county roads was 7.629 mils.

The Leavenworth County Public Works Department is not designed to maintain asphalt roads with curb & gutter and an enclosed storm drainage system. Approximately 5 to 6 years ago the County chip sealed a portion of the roads that were constructed in phase 1 of Cedar Lakes. Numerous residents expressed their displeasure with how the County placed chip & seal over the asphalt roads in the subdivision.

The County's methods for maintaining the roadways within the development would be considered inadequate based on the expectations of how asphalt roads should be maintained by residents of subdivisions such as Cedar Lakes.

Trash Service – The area to be annexed is currently served by Bumpy Roads at a cost of $18.35 per month.

Regulatory Controls – The Leavenworth County Board of County Commissioners (BOCC) currently regulates this area. Land use issues within the area must be heard by the Leavenworth County Planning Commission (PC). The PC makes recommendations to the BOCC on land use issues. Leavenworth County issues building permits for the area but there are no building codes within the County.

(8) Proposed Cost, Extent, and the Necessity of Governmental Services to be Provided by the City Proposing Annexation and the Plan and Schedule to Extend Such Services

Police Protection – The City of Basehor Police Department divides the City into two districts for patrolling purposes. The department has an east and a west district with 155th Street as the dividing line. The west district covers approximately 2.5 square miles of area while the east district covers approximately 3.5 square miles. The proposed annexation area would be located in the west district. The department has one officer assigned to each district at all times. Officers with the City of Basehor Police Department routinely drive through the annexation area while patrolling the surrounding City subdivisions, Pinehurst and Cedar Falls. Due to the proximity of the proposed area to be annexed in relation to the current City limits the increase in cost to the department to patrol the area will be minimal.

The Police Department is primarily funded through property taxes. In 2008 the department received $741,101 from the City's general fund. This equates to 22% of the City mil levy. Based on the Police Department's 2008 budget and the department's coverage area approximately $123,520/square mile is spent by the City on police protection. The proposed area to be annexed contains 0.18 square miles of land. The anticipated increased cost to the City to provide police protection to this area is $22,200.

The County appraised valuation of Cedar Lakes in 2007 was $33,147,140. Using the City's 2007 mil levy rate of 28.547 the City would collect $108,818 from Cedar Lakes. Assuming that 22% of the tax funds collected from Cedar Lakes would go towards police protection, the additional cost to police the annexed area would be covered entirely by property taxes collected from the area.

Fire Protection – The proposed area to be annexed and the City of Basehor are both located in Fairmount Township. No change in fire protection will occur.

Wastewater Treatment – Upon annexation the sewer rates for the area will decrease to the current established City sewer rates. Based upon current billing records the average bill will decrease $8.91/month. It is anticipated that the City will continue to collect a grinder pump maintenance fee to fund repairs and replacement of grinder pumps. This fee may be adjusted as required to fund the needed maintenance.

The Wastewater treatment plant is funded by user fees, connection fees, and property taxes. These funding sources are used to pay for the daily maintenance and operation of the plant along with KDHE loans for upgrades, expansion, etc. Properties connected to the wastewater plant but outside of the city limits are only contributing through user fees. The City currently makes payments of $488,000/year to KDHE for a loan that paid for the construction of the plant. The wastewater treatment plant is operating at near capacity. An expansion of the wastewater treatment plant is currently underway. This expansion is needed to serve the growth of the City and areas outside of the City which Leavenworth County is no longer able to provide wastewater treatment to.

While the City will see a decrease in revenue from the monthly sewer bills of approximately $950/month ($11,400/year) that decrease will be offset by the mil levy collected from the area. A portion of the property taxes collected from the annexed area will be used to pay for the operation and maintenance of the treatment plant, repairs and maintenance of the collection system, and for the expansion of the treatment plant.

Street Maintenance – The City of Basehor Public Works Department maintains approximately 44 miles of roadway within the City limits. The 2009 budget for the public works department is $1,328,030. This includes $835,507 for the reconstruction of a portion of 150th Street. In comparison with the County the City is spending over $30,000/mile/year on road maintenance, repairs, and improvements.

If the budget for the reconstruction of 150th Street is removed then the City spends approximately $11,200/mile/year on street maintenance and repairs. There are approximately 1.5 miles of roads within Cedar Lakes. Based on current spending, the City would spend an additional $16,800/year to maintain the roads within Cedar Lakes. This is approximately 15% of the mil levy that would be collected from Cedar Lakes. Property taxes collected from the area would be used to fund this increased expense.

The City recently began a street maintenance program to evaluate the condition of the streets within the City and prioritize the repairs that are needed. The repairs in the program include

curb replacement, patching, milling, and overlaying. The 1.5 miles of streets within the annexation area will be included in this program.

Trash Service – The City of Basehor contracts with Deffenbaugh for trash service. The current charge is $9.70 per month. This amounts to a savings of $8.65 per month.

Regulatory Controls – The City of Basehor Planning Commission and City Council would regulate the proposed annexation area. The City issues building permits and has an inspection program to ensure compliance of building codes within the City limits.

(9) Tax Impact Upon Property in the City and the Area

There will be no current tax impact on the taxpayers in the City of Basehor. The taxpayers in the proposed annexation area will see approximately a 22% increase in their taxes. The following table shows the 2007 tax levies for Leavenworth County and the City of Basehor.

	City of Basehor	Leavenworth County
State	1.500	1.500
County	28.121	28.121
Basehor City	28.547	
Fairmount Township	3.988	11.617
School – USD 458	47.688	47.688
Basehor Library	6.167	6.167
Total	**116.011**	**95.093**

Refer to Table 1 for the change in property taxes for each property within the proposed area to be annexed.

(10) Extent to Which the Residents in the Area are Directly or Indirectly Dependent Upon the City for Governmental Services and for Social, Economic, Employment, Cultural, and Recreational Opportunities and Resources

No social, economic, employment, cultural or recreational opportunities or resources presently exist in the area proposed to be annexed, so the residents are directly dependent upon the City of Basehor or others for such services and amenities.

(11) Effect of the Proposed Annexation on the City and Other Adjacent Areas, Including, but not Limited to, Other Cities, Sewer and Water Districts, Improvement Districts, Townships or Industrial Districts and, Subject to the Provisions of K.S.A. 12-512a, and Amendments Thereto, Fire Districts

There will be no impact on other cities, water district, improvement district, township, or fire district. The County Public Works Department currently maintains and manages the

Sewer District #7 account which collects fees for the repayment of a KDHE loan and maintenance of the grinder pumps. The County will continue to have responsibility for the KDHE load repayment.

(12) Existing Petitions for Incorporation of the Area as a New City or for the Creation of a Special District

There are no known existing petitions.

(13) Likelihood of Significant Growth in the Area and in Adjacent Areas During the Next Five Years

The proposed area to be annexed is built out with the exception of several lots so there will be no significant growth within the area to be annexed.

Leavenworth County Sewer District #3 is preparing to close its sewage lagoon by connecting the district's system to the City of Basehor's sewage system. A new gravity sewer line will be installed across undeveloped ground east of Glenwood Estates Subdivision. This line will open over sixty acres of land for development. A new middle school is scheduled to be completed in June 2010. The new middle school will be located on the west side of 158th Street directly west of Glenwood Elementary School.

The likelihood of additional growth in the surrounding area is high.

(14) Effect of Annexation Upon the Utilities Providing Services to the Area and the Ability of Those Utilities to Provide Those Services Shown in the Detailed Plan

The utility providers will not change due to the proposed annexation.

(15) Economic Impact on the Area

There will be no economic impact on the area.

(16) Wasteful Duplication of Services

There will be no duplication of services.

Table 1 - Property Tax

PROPERTY ADDRESS		County Property Tax	City Property Tax	Property Tax Change	
18175	CYPRESS BEND	$2,925.30	$3,568.79	$643.49	
18147	CYPRESS BEND	$2,672.68	$3,260.61	$587.92	
18141	CYPRESS BEND	$2,800.63	$3,416.70	$616.07	
18137	CYPRESS BEND	$3,767.24	$4,595.93	$828.69	
18131	CYPRESS BEND	$2,984.35	$3,640.83	$656.48	
18125	CYPRESS BEND	$2,987.63	$3,644.83	$657.20	
18119	CYPRESS BEND	$2,749.34	$3,354.13	$604.78	
18111	CYPRESS BEND	$3,001.85	$3,662.18	$660.33	
18105	CYPRESS BEND	$4,068.08	$4,962.95	$894.87	
18100	CYPRESS BEND	$4,216.59	$5,144.12	$927.54	
18114	CYPRESS BEND	$4,940.75	$6,027.58	$1,086.84	
18138	CYPRESS BEND	$4,235.39	$5,167.07	$931.68	
18152	CYPRESS BEND	$4,042.93	$4,932.27	$889.34	
18168	CYPRESS BEND	$4,694.69	$5,727.41	$1,032.71	
18184	CYPRESS BEND	$3,463.33	$4,225.18	$761.84	
18200	CYPRESS BEND	$4,290.07	$5,233.78	$943.71	
15713	CEDAR LANE	$4,050.36	$4,941.34	$890.98	
15693	CEDAR LANE	$3,824.21	$4,665.44	$841.23	
15677	CEDAR LANE	$3,754.01	$4,579.79	$825.78	
15671	CEDAR LANE	$4,130.74	$5,039.40	$908.66	
15651	CEDAR LANE	$4,437.71	$5,413.89	$976.18	
15625	CEDAR LANE	$3,746.57	$4,570.72	$824.15	
15674	CEDAR LANE	$3,280.71	$4,002.38	$721.67	
15690	CEDAR LANE	$3,158.67	$3,853.49	$694.82	
15710	CEDAR LANE	$3,242.43	$3,955.69	$713.25	
15724	CEDAR LANE	$2,768.92	$3,378.01	$609.09	
15750	CEDAR LANE	$2,906.71	$3,546.11	$639.40	
18290	155TH ST	$3,647.05	$4,449.31	$802.26	
00000	EVANS RD	$0.11	$0.13	$0.02	Lake Tract
15604	CEDAR LANE	$3,180.54	$3,880.17	$699.64	
15586	CEDAR LANE	$5,844.58	$7,130.24	$1,285.66	
15564	BRADFORT CT	$3,242.43	$3,955.69	$713.25	
15558	BRADFORT CT	$3,376.94	$4,119.78	$742.84	
15544	BRADFORT CT	$2,942.80	$3,590.13	$647.34	
15532	BRADFORT CT	$2,740.81	$3,343.72	$602.91	
15522	BRADFORT CT	$2,665.03	$3,251.27	$586.24	
15510	BRADFORT CT	$3,230.40	$3,941.01	$710.61	
15502	BRADFORT CT	$3,008.41	$3,670.18	$661.77	
15490	BRADFORT CT	$3,074.02	$3,750.23	$676.21	
15474	BRADFORT CT	$3,250.74	$3,965.82	$715.08	
15458	BRADFORT CT	$2,588.48	$3,157.88	$569.40	
15446	BRADFORT CT	$3,040.12	$3,708.87	$668.75	
18231	153RD ST	$3,176.60	$3,875.37	$698.77	
15489	BRADFORT CT	$3,042.53	$3,711.81	$669.28	
15507	BRADFORT CT	$2,492.24	$3,040.47	$548.23	
15519	BRADFORT CT	$3,214.00	$3,921.00	$707.00	
15523	BRADFORT CT	$3,164.79	$3,860.96	$696.17	
15549	BRADFORT CT	$3,072.93	$3,748.90	$675.97	
15506	CEDAR LANE	$2,934.05	$3,579.46	$645.41	
15498	CEDAR LANE	$3,031.37	$3,698.20	$666.82	
18209	153RD ST	$3,141.61	$3,832.68	$691.07	
18236	153RD ST	$2,531.61	$3,088.50	$556.89	
18224	153RD ST	$3,206.13	$3,911.39	$705.27	
18210	153RD ST	$3,433.81	$4,189.16	$755.35	
18198	153RD ST	$3,128.70	$3,816.94	$688.23	
18180	153RD ST	$3,836.24	$4,680.12	$843.87	
00000	153RD ST	$828.38	$1,010.60	$182.22	Vacant Lot

Table 1 - Property Tax Cont.

PROPERTY ADDRESS		County Property Tax	City Property Tax	Property Tax Change	
15463	CEDAR LANE	$4,287.89	$5,231.11	$943.22	
15471	CEDAR LANE	$4,373.18	$5,335.17	$961.99	
15483	CEDAR LANE	$4,551.44	$5,552.63	$1,001.20	
15491	CEDAR LANE	$5,015.77	$6,119.10	$1,103.34	
15501	CEDAR LANE	$4,028.05	$4,914.12	$886.07	
15515	CEDAR LANE	$4,907.39	$5,986.89	$1,079.50	
15527	CEDAR LANE	$4,142.44	$5,053.67	$911.23	
15539	CEDAR LANE	$4,202.26	$5,126.65	$924.39	
15547	CEDAR LANE	$4,715.14	$5,752.35	$1,037.21	
15561	CEDAR LANE	$3,759.69	$4,586.73	$827.03	
15575	CEDAR LANE	$4,966.56	$6,059.07	$1,092.51	
00000	CEDAR LANE	$860.42	$1,049.69	$189.27	Vacant Lot
15591	CEDAR LANE	$4,202.70	$5,127.18	$924.48	
15601	CEDAR LANE	$3,531.90	$4,308.83	$776.93	
15613	CEDAR LANE	$4,532.85	$5,529.95	$997.11	
18279	155TH ST	$3,827.49	$4,669.44	$841.95	
18351	155TH ST	$3,069.65	$3,744.89	$675.24	
18363	155TH ST	$3,352.88	$4,090.43	$737.55	
18371	155TH ST	$2,962.48	$3,614.15	$651.67	
18383	155TH ST	$2,806.54	$3,423.90	$617.37	
18391	155TH ST	$3,126.19	$3,813.87	$687.68	
18396	155TH ST	$3,241.34	$3,954.35	$713.01	
18388	155TH ST	$3,057.62	$3,730.22	$672.60	
18376	155TH ST	$3,468.80	$4,231.85	$763.05	
18367	154TH TERR	$3,792.50	$4,626.75	$834.25	
18375	154TH TERR	$462.58	$564.34	$101.76	
18387	154TH TERR	$2,783.13	$3,395.35	$612.22	
18392	154TH TERR	$2,775.48	$3,386.01	$610.53	
18380	154TH TERR	$2,891.40	$3,527.43	$636.03	
18372	154TH TERR	$3,433.81	$4,189.16	$755.35	
15508	PINE RIDGE	$2,926.39	$3,570.12	$643.73	
15518	PINE RIDGE	$3,276.33	$3,997.04	$720.71	
15527	PINE RIDGE	$3,057.40	$3,729.95	$672.55	
15541	PINE RIDGE	$2,932.95	$3,578.13	$645.17	
15551	PINE RIDGE	$3,351.79	$4,089.10	$737.31	
15561	PINE RIDGE	$3,493.95	$4,262.53	$768.58	
15587	PINE RIDGE	$3,242.43	$3,955.69	$713.25	
15613	PINE RIDGE	$3,078.40	$3,755.57	$677.17	
15651	PINE RIDGE	$3,024.81	$3,690.19	$665.38	
18356	155TH ST	$3,690.80	$4,502.68	$811.88	
15709	PINE CIRCLE	$3,195.41	$3,898.32	$702.91	
15715	PINE CIRCLE	$3,019.45	$3,683.66	$664.20	
15721	PINE CIRCLE	$3,134.17	$3,823.61	$689.44	
15727	PINE CIRCLE	$2,582.36	$3,150.41	$568.05	
15733	PINE CIRCLE	$3,019.78	$3,684.06	$664.27	
15743	PINE CT	$3,139.31	$3,829.88	$690.57	
15753	PINE CT	$2,732.83	$3,333.98	$601.15	
15763	PINE CT	$2,701.12	$3,295.29	$594.18	
15773	PINE CT	$621.04	$757.65	$136.61	
15778	PINE CT	$420.48	$512.97	$92.49	
15768	PINE CT	$2,515.21	$3,068.49	$553.28	
15758	PINE CT	$2,787.73	$3,400.96	$613.23	
15748	PINE CT	$3,626.28	$4,423.96	$797.69	
15738	PINE CT	$2,577.65	$3,144.67	$567.02	

Based on 2007 Leavenworth County Tax Rates

12-520b

Refer to Exhibit A which shows the proposed area to be annexed along with the existing city limits. The public roadways and City utility lines are also shown. The land use pattern within the area to be annexed is residential.

The following information outlines how each major municipal service will be affected by the proposed annexation.

Police Protection – Upon annexation of the area police protection will be assumed by the City of Basehor Police Department. The police department is primarily funded through property taxes. The police department currently patrols the subdivisions surrounding the area to be annexed. Since police officers are regularly in the area the additional costs to the department will be minimal. Any additional costs for police protection will be paid for by the general fund.

Fire Protection – The proposed area to be annexed and the City of Basehor are located in Fairmount Township. The township is served by the Fairmount Township Fire Department. The fire department is funded be a tax levy paid by all properties within the Township. No additional cost will be incurred by residents within Cedar Lakes or the current City limits due to the annexation.

Wastewater Treatment – The sanitary sewer system in Cedar Lakes Subdivision Phases 1 - 4, the proposed area to be annexed, is a low pressure, force main system that includes a grinder pump at each residence. The property tax bill for property in Cedar Lakes includes an assessment for grinder pump maintenance and an assessment for repayment of a KDHE loan. The City of Basehor is currently responsible for the maintenance and repairs of the sanitary sewer system within Cedar Lakes. The City may, depending upon the costs for grinder repairs, change the grinder pump assessment fee.

Upon annexation the sewage treatment rates within the subdivision will decrease to the current established City sewer rates. A portion of the property taxes collected from the annexed area will be used to fund the operations and maintenance of the treatment plant, repair and maintenance of the collection system, and repayment of KDHE loans.

The property owners within Cedar Lakes can form a benefit district for the removal of the grinder pumps and low pressure sanitary sewer and the construction of a gravity sanitary sewer system. It is estimated that a gravity sewer system would cost in excess of $2 million to construct.

Street Maintenance – Upon annexation of the area the City of Basehor will assume responsibility for maintenance of the public roadways located with the Cedar Lakes development. In 2008 the City of Basehor inspected and evaluated approximately ten miles of roads within the city limits. The roads where evaluated based on the condition and repairs that are needed. A pavement condition index (PCI) was calculated for all the streets that were inspected. The City of Basehor plans on continuing this evaluation process so that a database of all the streets within the City can be created. The PCI is used to determine where repairs are

needed within the City. The roads within Cedar Lakes will be included in this process and will be included in the City's pavement management program.

The City will assume responsibility for snow/ice removal and treatment also. The City will add the new roads to their

Domestic Water – Domestic water service is provided by Suburban Water, Inc. No change in water service will occur.

Timetable For Municipal Services Method of Financing

Service	Existing in City	Proposed Area	Timing	Financing
Local Street - Maintenance	Yes	Yes	As needed. Streets in annexed area will be added to the City's maintenance program. Streets will be inspected and evaluated based on condition and needed repairs.	General Fund
Street Lights	Yes	No	If requested. Westar has provided an estimated cost of $29,393 to install seventeen street lights in Cedar Lakes. This cost does not include the cost for trenching the line.	Benefit District
Police Protection	Yes	Yes	Immediate	General Fund
Fire Protection	Yes	Yes	No Change in provider	Mill Levy
Water	Yes	Yes	No change in provider	User/Connection Fees
General Governmental Services	Yes	Yes	Immediate	License and Permit Fees/ General Fund
Building, Property Maintenance, and Health Code Enforcement	Yes	Yes (Limited)	Immediate	License and Permit Fees/ General Fund
Planning & Zoning	Yes	Yes	Immediate	License and Permit Fees/ General Fund
Sewer	Yes	Yes	Immediate	Connection Fees/Assessment/User Fees/General Fund
Refuse Collection	Yes	Yes	Immediate	User Fees

Utility Company Information

Magellan Midstream Pipeline
Tonya Cape
13424 W. 98th Street
Lenexa, KS 66215

Westar Energy
Mary Bolewski
2720 2nd Avenue
Leavenworth, KS 66048

Atmos Energy
Richard Yunghans
25090 W. 110th Terrace
Olathe, Kansas 66061

AT&T
Jacqueline VanDeBerghe
5400 Foxridge Dr. Rm 500
Mission, KS 66202

Sunflower Cable
Jim Day
1 Riverfront Plaza, Suite 301
Lawrence, KS 66044

Time Warner Cable
6550 Winchester Avenue
Kansas City, MO 64133

City of Basehor
Gene Myracle
P.O. Box 406
Basehor, KS 66007

WORK SESSION AGENDA ITEM INFORMATION FORM

Agenda Item: Consider requiring repair or demolition of an abandoned and vacant structure at 2805 North 155th Street.

Department: Planning & Zoning

Background/Description of Item:

- The first contact made with Mr. Cooper concerning the exterior code violations was made on June 13th, 2007; this item pertained to the tractors and other miscellaneous items stored on the property.
- On June 19th, 2007 an inspection was conducted by the Building Inspector and the Fire Inspector on the interior of the building after a coffee shop was opened to the public, it was at this time that several code violations and life safety issues were found. After discussions with Mr. Cooper concerning these issues it was determined at that time that the building needed to be condemned in order to protect the safety and welfare of the public.
- On June 25th, 2007 all utilities were removed from the building.
- On September 6th, 2007 at a City Council meeting it was agreed upon by the Council that the building was an immediate danger and needed to be demolished a public hearing to consider the item was set at that time. It was at that time the City Council passed resolution (2007-07) setting a Public Hearing date.
- On December 17th, 2007 a Public Hearing was held regarding the demolition or remodeling of the structure. Mr. Cooper was at that time given 90 days to remove the structure or begin repairs and to diligently pursue these repairs to the structure thus rectifying the life safety and code violation issues.
- Around February 14th, 2008 some repairs began on the structure.
- On May 3rd, 2008 a Stop Work order was placed on the structure due to concerns of the presence of lead paint and/or asbestos containing materials.
- After talking with Patrick Reavey, the stop work order should not have been issued and thus it was lifted on March 26th, 2008 and Mr. Cooper was allowed to continue to proceed but no further action was taken to rectify the issues.
- On June 28th, 2008 a letter was sent to Mr. Cooper in regards to the work that was to be conducted. In the letter it stated that he was given 90 days to complete the work on the violations. Also in this letter a time of 10 days was given to Mr. Cooper to contact city staff and give us an update and a plan of action to correct these issues. No contact from Mr. Cooper was ever received.
- Sometime in July Mr. Slaugh and Mark Lee met with Mr. Cooper at the site and discussed his options. It was at that time that we again gave Mr. Cooper 10 days to come up with some kind of plan to address the violations and present it to City Staff. Mr. Cooper made no attempt to provide us with a plan.
- October 2nd, 2008 a final letter was sent to Mr. Cooper notifying him that the demolition of the structure located at 2805 North 155th Street would be on the council agenda for the October 20th, 2008 meeting. We have had no response from Mr. Cooper concerning this issue as of October 13th, 2008.

- At the October 13th, 2008 the Building Official was directed by Council to have an independent structural engineer inspect the property and have a report made up and returned to the Building Official to present to Council.
- On October 29th, 2008 myself and three members from CEO Structural Engineers gained access to the structure to perform an inspection.
- November 17th, 2008 the final report and picture package was emailed to myself and a copy also mailed to City Hall.

We can rewrite the resolution giving Mr. Cooper a shorter time limit (10 days) to have the structure demolished by a contractor of his choosing or we can look into the bids we received last year and proceed immediately.

Mr. Cooper has the option of repairing the facility to meet the requirements set out in the structural engineer report and must prepare and submit a plan within 30 days. If the repair plan is approved and a building permit is issued he would have 180 days from the date of the building permit to complete the rehabilitation.

If Mr. Cooper does not submit a plan for repair or rehabilitation of the structure then his option is to commence removal by Dec. 31, 2008 and have the removal completed within 60 days.

If Mr. Cooper fails to take action to repair or remove the structure within the time allotted then the city may take action to have the structure removed.

Funding Source:

Recommendation:	Approve resolution ___ requiring **(a)** presentation within 30 days a plan for repair of the structure located at 2805 North 155th Street by a design professional to meet the requirements of the structural engineer report and apply for a building permit or **(b)** an order to commence removal of the structure according to an approved plan within 30 days.

Prepared by: Mark Lee, Building Inspector
Council Date: December 1, 2008

RESOLUTION NO. _____

A RESOLUTION PROVIDING OWNER OF STRUCTURE LOCATED AT BLOCK 1, TOWN OF BASEHOR, CAMA#: 157-35-0-20-05-006.00, IN THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS, COMMONLY REFERRED TO AS 2805 N. 155TH STREET, BASEHOR, KANSAS, FINAL OPPORTUNITY TO REMOVE THE STRUCTURE OR MAKE IT SAFE

WHEREAS, the Enforcing Officer of the City of Basehor, Kansas did on the 3rd day of October, 2007, file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and,

WHEREAS, the governing body did by Resolution No. 2007-07 dated the 6th day of November, 2007, fix the time and place of a hearing at which the owner, his agent, lien holders, any occupants and all other parties of interest of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and,

WHEREAS, Resolution No. 2007-07 was published in the official city paper on the 8th day of November, 2007 and on the 15th day of November, 2007, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

WHEREAS, on the 17th day of December, 2007 the governing body did conduct the hearing scheduled in Resolution 2007-07 and took evidence from the following: the enforcing officer on behalf of the city; Jeral Cooper, the owner, and the owner's attorney; and,

WHEREAS, pursuant to Resolution 2007-12, the governing body determined the structure was unsafe and dangerous and gave the owner ninety (90) days within which to commence the repair or removal of said structure; and,

WHEREAS, the owner has failed to diligently commence and complete the repair or removal of the structure, and has repeatedly challenged the City's determination that the structure is unsafe and dangerous; and

WHEREAS, the governing body retained an independent structural engineer who has examined the structure and confirmed that it is unsafe and dangerous; and

WHEREAS, in lieu of the City demolishing the structure and assessing the costs of the same to the property. The governing body desires to give the owner one final opportunity to remove or repair the structure to make the premises safe.

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

SECTION 1. The owner of the structure located at:

CAMA#: 157-35-0-20-05-006.00
LOT: BLOCK: 1
TOWN OF BASEHOR

and commonly known and referred to as 2805 N. 155th St, Basehor, Kansas, is hereby directed to do the following:

a. Submit a set of plans prepared by a licensed design professional or engineer to the city and make application for a building permit within (30) days from the receipt of this Resolution, not later than the 31st day of December, 2008. After said building permit is issued and plans are approved by the city, the owner shall have one-hundred and eighty (180) days from the issuance of said permit to complete the rehabilitation of said structure and have a final certificate of occupancy issued.

b. Commence the removal of the structure within thirty (30) days from the receipt of this Resolution, not later than the 31st day of December, 2008, and to have the removal completed within sixty (60) days of the date of commencement, not later than the 1st day of March, 2009; or

SECTION 2. BE IT FURTHER RESOLVED; that if the owner fails to commence the repair or removal of the structure within the time provided herein or fails to diligently prosecute the same, the governing body may take such further action as it deems necessary to raze and remove the structure without further notice to the owner or other parties of interest.

SECTION 3. BE IT FURTHER RESOLVED; that the City Clerk shall cause this Resolution to be published once in the official city paper and mail a copy to the property owners, agents, lien holders, occupants and other parties in interest.

Adopted this _____ day of _____, 2008

_____
Mayor

(SEAL)
ATTEST:

_____
City Clerk

STRUCTURAL ENGINEERS
6950 SQUIBB RD SUITE 230 • MISSION, KS 66202
PHONE 913.677.9000 • FAX 913.677.9097
ceosc@ceostructures.com

"Part of the solution..."

November 17, 2008

Mr. Mark Lee, Building Inspector
City of Basehor
2620 North 155th Street
Basehor, Kansas 66007

Re: Existing Building @ 2806 N 155th Street, Basehor, Kansas
Cursory Structural Review

Dear Mr. Lee:

Per your request, on October 29, 2008 we visited the referenced building to investigate its structural integrity. Generally, the building appears seriously dilapidated and compromised, caused mainly by a variety of ill-conceived and poorly-designed remodeling attempts, but no less by an ongoing lack of routine maintenance. In summary, we believe the building is currently unsafe and should not be occupied. This does not mean that the building cannot be made safe with some effective structural re-design and re-construction. However, let's be clear: in our experience, trying to rehabilitate this particular decrepit building and bringing it up to modern code in structural, electrical and architectural would not be as cost effective and easy as simply tearing the whole building down and starting over.

1. *Exterior is not revealing.* Apart from normal deferred maintenance, such as worn paint, broken caulk and moderate wood-rot, generally the building exterior shows no overt signs of serious structural damage. To the naked eye, the exterior walls on all 4 sides appear reasonably square and plumb, while roof-lines show no signs of advanced structural degradation or settlement.

2. *Gutters are missing.* All around the building the gutters and downspouts are missing. Without proper drainage control, ground water can seep into the building along the foundation walls and create a whole plethora of problems, including weakening the foundation bearing. See **Photo #1**.

   FIX: Provide gutters and downspouts that discharge at least 5'-0" away from the building.

3. *Wall studs are unstable.* In areas where interior plaster has been removed, revealing actual stud wall framing, we observed many instances where both interior and exterior load-bearing wall studs have been cut completely through and then cobbled back together. See **Photo #2**. Breaking the continuity of the wall studs between diaphragm levels makes them ineffective for resisting lateral wind pressure and supporting gravity roof and floor loads.

   FIX: Every cut-&-cobbled wall stud needs to be either replaced with a continuous stud between diaphragm levels, or spliced with new studs, one on each side of the broken stud, 4'-0" long centered on the joint and preferably attached with 4 thru bolts, 2 each side of joint.

4. *Headers not installed.* At the 2nd floor, south elevation a door has been cut through the exterior wall studs without installation of a header. In addition, at the first level in the north wall a hole has been cut thru the exterior studs to support a wall-mounted air conditioner (re: **Photo #3**). In both cases and in many others observed, the weight of wall, roof or floor bearing over the opening, as well as the lateral wind pressure against the wall over the opening, is not being supported. Also at windows, the wall segment under the window is not being supported against lateral wind. Collectively, these deficiencies further contribute to the overall problem that the building is unstable.

   FIX: None of these retro-fitted holes thru walls appear to have been properly framed. At each opening construct a double-stud jamb on each side of the hole that supports a header beam over the opening. For windows, construct a sill beam under the opening.

5. *Doorway should be closed off.* On the south side the 2nd floor exterior door (re: Item #4) opens out onto a sheet-metal awning. Clearly, at one time somebody actually stepped out from the 2nd floor onto the awning and ended up punching their foot thru it. See **Photo #4**. Does the presence of a door not invite somebody to step out onto the awning, as if it were a balcony designed for live loads? Obviously, the awning cannot support people standing on it, so why does this door exist if one cannot safely egress out of it?

   FIX: The presence of this doorway naturally suggests that the awning structure can support people walking on it, which in this case is like inviting an accident to happen. Thus, to prevent egress onto the awning, the door needs to be removed and the wall infilled.

6. *Awning is unstable.* The sheet-metal awning (re: Item #4) which occurs on the south and west sides near the 2nd floor level, has one edge supported against the building wall and the other edge supported by a angle-beam that is suspended by two 45° steel rods that anchor to the vertical building wall. See **Photo #5**. The edge against the building is supported by angle-iron clips that attach to the thin wood siding with four small screws per clip that (surprisingly!) are not embedded into any structural backing, such as wall studs.

   FIX: As it is currently configured, in our opinion the awning assembly is not engineered to support its own self-weight, much less the additional loads encountered with snow and wind. In our opinion, the whole assembly is precarious and is an obvious threat to public safety. Either remove it entirely or shore it up immediately so that it doesn't fall down.

7. *2nd floor creep is untenable.* In the areas open for visible inspection, supposing that the exterior wall has not settled, particular interior door headers that run parallel to the floor plane telegraph the extent that the 2nd floor has settled, in some areas as much as 2 inches in 3 feet. The 1st floor appears to have settled, too. There appear to be many causes. First, over a long time wood naturally creeps under sustained dead weight, which in this case is currently aggravated by the presence of heavy debris and clutter everywhere on the floors. Second, the interior foundations typically receive more weight than exterior foundations, the interior foundations may well have settled into the ground faster than the exterior, pulling the center area of floor down with it.

   FIX: The only practical way to fix sag in wood is to replace it with straight-and-true wood. In this building to make the 2nd floor level would require replacing the whole floor framing.

8. *Floor frame damaged.* At the 1st-floor the main timber girder (that supports the wood floor joists) and several rim-joists, sill plates and floor joists all appear to have been severely damaged, either by termites, natural dry-rot progression, or by cutting into or removing framing components to facilitate plumbing or electrical re-routes. See **Photo #6**.

FIX: Replace all damaged timbers, which will end up being most of the floor over the basement.

9. *Shoring is unstable.* Apparently, to prevent further floor deflection (re: Item #7), temporary wood shoring has been placed in the basement under the 1st floor structure down to the concrete slab-on-grade. This shoring is comprised primarily of vertical 4 x 4 timbers placed precariously on stacked concrete blocks that support wood shoring beams set transverse under the middle of the floor joists. The problem is that the shoring beam simply bears on the shoring post, while the post itself bears on two concrete blocks laid flat on top of the concrete slab-on-grade. As can be seen in **Photo** #7, nothing mechanically connects the components together, which makes the whole assembly unsafe.

   FIX: If the shoring structure is to remain, it needs to be connected together for stability. The timbers can be connected together using steel plates and thru-bolts. However, if adjustment is needed to pre-stress the shoring into the existing framing, then adjustable steel post-shores should be used in lieu of timber posts.

10. *Office versus retail.* As far back as the 1988 UBC, and perhaps further, the live load requirements for office versus retail or assembly space are 50 psf and 100 psf, respectively. The 1st floor structure over the slab-on-grade can support 100 psf. However, even if the floor joists were replaced with new wood, it is unlikely that the elevated floor over the basement or the 2nd floor can support 50 psf, let alone 100 psf.

    FYI: Since the existing wood in the building is so old, creep-ridden and dilapidated, it is impossible to know its flexural and shear capacity without extensive testing (which is expensive). Thus, if by Code the floor needs to support 100 psf for retail or assembly space, it would best to demolish the building and then design a structure that can support this requirement.

11. *Tuck point stone foundation.* The perimeter foundation is comprised of mortar-bonded stacked field-stones and boulders. We found no serious lateral deflection or settlement of this foundation, although we question if the ancient mortar originally used is still holding the stones together. We could not check if the stone wall is preventing groundwater from seeping into the basement, but it is most likely that it is not. In any case, we believe that the stone joints need lots of cleaning and tuck-pointing.

    FYI. To control water seeping in thru the stone foundation walls, the building should have a continuous foundation drain set around the perimeter. We could ascertain whether the building has a perimeter foundation drain or not; because it is so old, it probably does not.

12. *Utilities in disarray.* The plumbing, electric and gas lines appear to be in great disarray, while none of these systems appear code compliant. We noted one instance where a pressurized gas-line runs perpendicular to the termite infested carriage beam in the floor that if ever failed would break the gas line, causing a possible fire or explosion. In another instance (re: Photo #8) we observed copper water supply lines running next to the main electrical fuse box within inches of the un-fused service entrance wires. See **Photo #8**. Fortunately, the incoming electrical service has been terminated at the rain-head on the north elevation of the building, preventing a potential electrical explosion or fire.

    FYI. Although these utility-related code violations are not structural in nature, we believe they are so egregious that they deserve comment in this report.

CONCLUSION

The structure located at 2806 North 155th Street is severely dilapidated. The cause of the dilapidation can be largely attributed to ill-conceived remodeling attempts not developed by competent design professionals, aggravated by a severe lack of ongoing routine maintenance. As is, the building is not safe to occupy, and indeed could possibly collapse if ever subjected to a strong wind or heavy snow. We would like to see the building torn down. However, we would be over-reaching to state unequivocally that it cannot be repaired to comply with minimum architectural, structure and mechanical code requirements. Frankly, it just seems too expensive and difficult without sufficient compensating benefit.

Any such attempt to restore this structure would require a comprehensive effort involving the complete rehabilitation of the structural shell and frame to address, not only the structural deficiencies described above, but related architectural deficiencies, such as non-compliant egress, ADA non-compliance and a wholesale restoration of mechanical, electrical and plumbing systems. In short, if the building is to be saved, it will require a total ground-up restoration, which is vastly more complicated and expensive than simply performing a vast laundry list of minor repairs. Further, the longer rehabilitation is deferred, the more comprehensive it will need to be to such point where it cannot be rehabilitated.

Finally, as noted in our report, the awning on the south elevation is an attractive nuisance and should be removed immediately. Meanwhile, we believe the building is currently unstable and should be walled off from the public. Due to the wide range of problems noted above, we believe the building is currently dangerous pending any rehabilitation scheme proposed by the owners of the property.

If you have any questions or require additional information, please feel free to contact me directly.

Sincerely,
CEO Structural Engineers, Inc.

Christopher E. Orlando, MS PE
President

AGENDA ITEM INFORMATION FORM

Agenda Item "e", "f", and "g"

Consider approval of alcohol license for Casey's General Stores, Shorty's Retail Liquor Store, and Kelley's Bar and Grille for year 2009.

Department: Administration

Background/Description of Item:

The following alcohol related license will expire December 31, 2008.. In accordance with our regulations the police department must provide a letter informing the governing body of violations that occurred during the year, inspection of the facility takes place, and fees paid in full.

- The police department has provided a written statement that no incidents or complaints have been filed.
- The administrative department attests that all permit fees and business license fees have been paid in full as of November 25, 2008.
- The building inspector and fire department inspector will provide a written inspection report prior to the meeting.

Kelley's Bar & Grille	$250 Drinking Establishment	$50 Business License
Casey's General Store	$75 Off-Premises CMB License	$50 Business License
Shorty's Liquor	$100 Retail Liquor License	$50 Business License

(Note: Pastimes Restaurant Drinking Establishment license was approved November 3, 2008.)

Funding Source: No funding required.

Recommendation: Approve drinking establishment license for Kelley's Bar & Grill, off-premises Cereal Malt Beverage license for Casey's General Stores, and retail liquor license for Shorty's Liquor Store for year 2009.

Prepared by: Mary A. Mogle, City Clerk
Council Date: November 17, 2008

POLICE DEPARTMENT

CITY OF BASEHOR

2620 North 155th Street, PO Box 420 Basehor Ks 66007

November 7, 2008

City of Basehor

Re: Alcohol Sales

To Whom It May Concern:

Upon reviewing Police Records I found no incidents relating to complaints pertaining to alcohol sales regarding the following businesses during the year of 2008.

Kelley's Bar and Grill

Shorties Liquor

Casey's General Store

Sincerely,

Lloyd Martley, Jr.
Chief of Police

f of Police
d Martley
913-724-1370 ext. 22
chief@basehorpolice.org

Administration
Traci Dockery, Police/Court Clerk
913-724-1370 ext. 30
pdmcclerk@basehorpolice.org

Lieutenant/Detective
Robert Pierce,
913-724-1370 ext. 25
lt@basehorpolice.org

Sergeant
Greg Hallgrimson, Sgt
913-724-1370 ext. 26
sgt@basehorpolice.org

2008 Liquor License Inspections

15541 Wolf Creek Parkway--Casey's General Store

1. Electrical panels must have 36" clearance in front of and around them.
2. Need to have cooking hood cleaned every 6 months, hasn't been cleaned since last year.

15510 State Avenue Suite #2-- Shorty's Liquor

1. Appropriate floor drain for ice machine must be installed and drain line must include a 1" air gap.

15540 State Ave—Kelley's Bar and Grill

1. Exterior gate at deck seating area must swing out in direction of egress, parking spot may need to be moved or removed to make way for egress. Gate cannot have a latch on it, it may be spring loaded.
2. Front glass double doors need to remain unlocked at all times to provide adequate means of egress or have panic device hardware installed on them.
3. Emergency light in kitchen needs relocated above exit door and away from high pile storage area.
4. Fans located in the dishwashing area need to have plug-ins added and cannot be operated off of extension cords.
5. Cover for the outlet under dishwashing station needs replaced.
6. Area around mop sink needs repaired and replaced.
7. Flue pipe for water heater needs to maintain 1" clearance at all ceiling tiles.
8. Return air ducts in ceiling of cooking and prep area need cleaned.
9. Stainless steel cooking flash guard protecting combustible wall needs repaired and hood needs cleaned again.
10. Circuit breakers in sub-panel need replaced, there are several that do not fit correctly.

5 of these 10 issues are the some ones that were on Kelly's inspection last year.

Fairmount Fire
2624 155th ST
Basehor, KS 66007

Violation Notice

Monday December 1, 2008

Kelleys Grill & Bar
15540 State AVE
Basehor, KS 66007

An inspection of your facility on Wednesday November 26, revealed the violations listed below.

ORDER TO COMPLY: Since these conditions are contrary to law, you must correct them upon receipt of this notice. An inspection to determine compliance with this Notice will be conducted on Friday December 26, 2008 at 10:36:22

If you fail to comply with this notice before the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code	Article	Division	Page	Count
2604.1.3 H			0	0
Floors shall be kept clean in hot work areas. (this will be around the hot water heater)				
315.2.1 C			0	0
Storage shall be maintained 2 feet or more below the ceiling in nonsprinklered areas of buildings and a minimum of 18 inches below sprinkler head deflectors in sprinklered areas of buildings. (this is the sorage abovce the cooler above the back door)				
1003.6.1 L			0	0
The required capacity of means of egress shall not be diminished (reduced) along the path of egress travel. Both doors in the front need to be unlocked during hours of operation.)				
315.2.1.0 B			0	0
Storage shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur. See "E" below. (this is the sheeting behind the grill)				
605.3 36" clearance around the electircal Pannel			0	0
A working space and clearance of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of electrical service equipment (panel). Where electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment.				
315.2.3 E			0	0
Combustible materials shall not be stored in boiler rooms, mechanical rooms, or electrical equipment rooms.				

Fairmount Fire
2624 155th ST
Basehor, KS 66007

Violation Notice

Monday December 1, 2008

Kelleys Grill & Bar
15540 State AVE
Basehor, KS 66007

605.5.3 Extension cords shall not damage 0 0

Extension cords shall not contain splices or damage.

605.5.4 extension cords shall be grounded 0 0

Extension cords shall be grounded when serving grounded portable appliances.

904.11.6.3 Hood system cleaning 0 0

Hoods, Grease-removal devices, Fans, Ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease. Cleanings shall be recorded, and records shall state the extent, time, and date of cleaning. such records shall be maintained on the premises.

605.6 Open junction boxes 0 0

Open junction boxes and open wire splices shall be prohibited. Approved covers shall be provided for all switch and outlet boxes.

.2.4 F 0 0

Attic, under-floor and concealed spaces used for storage of combustible materials shall be protected on the storage side as required for 1-hour fire-resistive construction. Exception is if the area is protected by an approved automatic sprinkler system.

Magaha, Kenneth P
Inspector

X

Occupant/Owner

Fairmount Fire
2624 155th ST
Basehor, KS 66007

Violation Notice

Monday December 1, 2008

Shorty's Liquor
15510 State AVE
2
Basehor, KS 66007

An inspection of your facility on Wednesday November 26, revealed the violations listed below.

ORDER TO COMPLY: Since these conditions are contrary to law, you must correct them upon receipt of this notice. An inspection to determine compliance with this Notice will be conducted on Friday December 26, 2008 at 16:00:00

If you fail to comply with this notice before the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code	Article	Division	Page	Count
1011.1.1 I			0	0

Exit sign placement shall be such that no point in an exit access corridor is more than 100 feet from the nearest visible exit sign.

Magaha, Kenneth P
Inspector

X

Occupant/Owner

Fairmount Fire
2624 155th ST
Basehor, KS 66007

Violation Notice

Monday December 1, 2008

Caseys General Store
15441 Wolfcreek PKYS
Basehor, KS 66007

An inspection of your facility on Wednesday November 26, revealed the violations listed below.

ORDER TO COMPLY: Since these conditions are contrary to law, you must correct them upon receipt of this notice. An inspection to determine compliance with this Notice will be conducted on Friday December 26, 2008 at 15:00:00

If you fail to comply with this notice before the reinspection date listed, you may be liable for the penalties provided for by law for such violations.

Violation Code	Article	Division	Page	Count
904.11.6.3 Hood system cleaning			0	0

Hoods, Grease-removal devices, Fans, Ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease. Cleanings shall be recorded, and records shall state the extent, time, and date of cleaning. such records shall be maintained on the premises.

Repaired 11/26/2008

904.11.6.3 Hood system cleaning 0 0

Hoods, grease-removal devices, fans, ducts shall be cleaned to prevent the accumulation of grease. Cleaning shall be recorded and such records shall be maintained on the premises. Records kept.

605.3 K 0 0

A working space and clearance of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of electrical service equipment (panel). Where electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment.

Magaha, Kenneth P
Inspector

X

Occupant/Owner

ORDINANCE NO._____

AN ORDINANCE ESTABLISHING A UTILITY EASEMENT MANAGEMENT PROGRAM REGULATING THE PROCEDURES TO BE FOLLOWED PRIOR TO THE START OF EXCAVATION WITHIN THE BOUNDARIES OF THE CITY OF BASEHOR, KANSAS.

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

Section 1 Utility Easement Access:
Any utility company needing to access a private or public utility easement within the City of Basehor for repairs of existing services or extensions of new service by means of open trench or trenchless excavation shall first, prior to excavation, provide notification to any resident or property owner that will be affected by such excavation by means of a door hanger, written letter or others means of written notification a minimum of two (2) days prior to the start of such excavation.

Section 2 Emergencies:
Any excavations due to emergencies such as breaks, ruptures, cracks or any other means of disruption in services provided resulting from acts considered uncontrollable do not require the notification of any persons affected by such excavations.

Section 3 Effective:
This ordinance shall take effect immediately following adoption and publication one time in the official city newspaper.

Approved by City Council this _____ day of _____, 2008

_____
Chris Garcia, Mayor

Attest:

_____
Mary A. Mogle, City Clerk

Approved as to form:

_____
Patrick G. Reavey, City Attorney

Carl Slaugh

From: Patrick Reavey [patrick@reaveylaw.com]
Sent: Wednesday, November 26, 2008 12:21 PM
To: Carl Slaugh
Cc: cityclerk@cityofbasehor.org; citysuper@cityofbasehor.org
Subject: Ordinance Allowing for Notification of Excavations 11-27-08.doc
Attachments: Legal Research 11-27-08.doc; Ordinance Allowing for Notification of Excavations 11-27-08.doc

Carl,

As indicated, my research reveals that a City's attempt to regulate excavations wholly within private property (i.e. not involving public right of way) would be struck down given that private easement is a contractual agreement between landowner and utility. As a practical matter, however, most excavations likely would involve excavating into public right of way which requires a permit, and oversight by the City. The attached Ordinance provides the City Superintendent with authority to require notification when he believes adjacent property owners may be negatively affected by excavation.

RESOLUTION NO. _____

A RESOLUTION PROVIDING OWNER OF STRUCTURE LOCATED AT BLOCK 1, TOWN OF BASEHOR, CAMA#: 157-35-0-20-05-006.00, IN THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS, COMMONLY REFERRED TO AS 2805 N. 155TH STREET, BASEHOR, KANSAS, FINAL OPPORTUNITY TO REMOVE THE STRUCTURE OR MAKE IT SAFE

WHEREAS, the Enforcing Officer of the City of Basehor, Kansas did on the 3rd day of October, 2007, file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and,

WHEREAS, the governing body did by Resolution No. 2007-07 dated the 6th day of November, 2007, fix the time and place of a hearing at which the owner, his agent, lien holders, any occupants and all other parties of interest of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and,

WHEREAS, Resolution No. 2007-07 was published in the official city paper on the 8th day of November, 2007 and on the 15th day of November, 2007, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

WHEREAS, on the 17th day of December, 2007 the governing body did conduct the hearing scheduled in Resolution 2007-07 and took evidence from the following: the enforcing officer on behalf of the city; Jeral Cooper, the owner, and the owner's attorney; and,

WHEREAS, pursuant to Resolution 2007-12, the governing body determined the structure was unsafe and dangerous and gave the owner ninety (90) days within which to commence the repair or removal of said structure; and,

WHEREAS, the owner has failed to diligently commence and complete the repair or removal of the structure, and has repeatedly challenged the City's determination that the structure is unsafe and dangerous; and

WHEREAS, the governing body retained an independent structural engineer who has examined the structure and confirmed that it is unsafe and dangerous; and

WHEREAS, in lieu of the City demolishing the structure and assessing the costs of the same to the property, the governing body desires to give the owner one final opportunity to remove or repair the structure to make the premises safe.

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

SECTION 1. The owner of the structure located at:

CAMA#: 157-35-0-20-05-006.00
LOT: BLOCK: 1
TOWN OF BASEHOR

and commonly known and referred to as 2805 N. 155th St, Basehor, Kansas, is hereby directed to do the following:

a. Submit a set of plans prepared by a licensed design professional or engineer to the city and make application for a building permit within (30) days from the receipt of this Resolution, not later than the 31st day of December, 2008. After said building permit is issued and plans are approved by the city, the owner shall have one-hundred and eighty (180) days from the issuance of said permit to complete the rehabilitation of said structure and have a final certificate of occupancy issued; or

b. Commence the removal of the structure within thirty (30) days from the receipt of this Resolution, not later than the 31st day of December, 2008, and to have the removal completed within sixty (60) days of the date of commencement, not later than the 1st day of March, 2009; or

SECTION 2. BE IT FURTHER RESOLVED; that if the owner fails to commence the repair or removal of the structure within the time provided herein or fails to diligently prosecute the same, the governing body may take such further action as it deems necessary to raze and remove the structure without further notice to the owner or other parties of interest.

SECTION 3. BE IT FURTHER RESOLVED; that the City Clerk shall cause this Resolution to be published once in the official city paper and mail a copy to the property owners, agents, lien holders, occupants and other parties in interest.

Adopted this _____ day of _____, 2008

_____
Mayor

(SEAL)
ATTEST:

_____
City Clerk

17-1902. Rights, powers and liabilities of telecommunications service providers; occupation of public right-of-way; prohibition of use

(a)(1) "Public right-of-way" means only the area of real property in which the city has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other nonwire telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.

(2) "Provider" means a local exchange carrier as defined in subsection (h) of K.S.A. 66-1,187, and amendments thereto, or a telecommunications carrier as defined in subsection (m) of K.S.A. 66-1,187, and amendments thereto, or a video service provider as defined in K.S.A. 12-2022, and amendments thereto.
(3) "Telecommunications services" means providing the means of transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
(4) "Competitive infrastructure provider" means an entity which leases, sells or otherwise conveys facilities located in the right-of-way, or the capacity or bandwidth of such facilities for use in the provision of telecommunications services, internet services or other intrastate and interstate traffic, but does not itself provide services directly to end users within the corporate limits of the city.

(b) Any provider shall have the right pursuant to this act to construct, maintain and operate poles, conduit, cable, switches and related appurtenances and facilities along, across, upon and under any public right-of-way in this state. Such appurtenances and facilities shall be so constructed and maintained as not to obstruct or hinder the usual travel or public safety on such public ways or obstruct the legal use by other utilities.

(c) Nothing in this act shall be interpreted as granting a provider the authority to construct, maintain or operate any facility or related appurtenance on property owned by a city outside of the public right-of-way.

(d) The authority of a provider to use and occupy the public right-of-way shall always be subject and subordinate to the reasonable public health, safety and welfare requirements and regulations of the city. A city may exercise its home rule powers in its administration and regulation related to the management of the public right-of-way provided that any such exercise must be competitively neutral and may not be unreasonable or discriminatory. Nothing herein shall be construed to limit the authority of cities to require a competitive infrastructure provider to enter into a contract franchise ordinance.

(e) The city shall have the authority to prohibit the use or occupation of a specific portion of public right-of-way by a provider due to a reasonable public interest necessitated by public health, safety and welfare so long as the authority is exercised in a competitively neutral manner and is not unreasonable or discriminatory. A reasonable public interest shall include the following:

(1) The prohibition is based upon a recommendation of the city engineer, is related to public health, safety and welfare and is nondiscriminatory among providers, including incumbent providers;

(2) the provider has rejected a reasonable, competitively neutral and nondiscriminatory justification offered by the city for requiring an alternate method or alternate route that will result in neither unreasonable additional installation expense nor a diminution of service quality;
(3) the city reasonably determines, after affording the provider reasonable notice and an opportunity to be heard, that a denial is necessary to protect the public health and safety and is imposed on a competitively neutral and nondiscriminatory basis; or
(4) the specific portion of the public right-of-way for which the provider seeks use and occupancy is environmentally sensitive as defined by state or federal law or lies within a previously designated historic district as defined by local, state or federal law.

(f) A provider's request to use or occupy a specific portion of the public right-of-way shall not be denied without reasonable notice and an opportunity for a public hearing before the city governing body. A city governing body's denial of a provider's request to use or occupy a specific portion of the public right-of-way may be appealed to a district court.

(g) A provider shall comply with all laws and rules and regulations governing the use of public right-of-way.

(h) A city may not impose the following regulations on providers:

(1) Requirements that particular business offices or other telecommunications facilities be located in the city;
(2) requirements for filing applications, reports and documents that are not reasonably related to the use of a public right-of-way or this act;
(3) requirements for city approval of transfers of ownership or control of the business or assets of a provider's business, except that a city may require that such entity maintain current point of contact information and provide notice of a transfer within a reasonable time; and
(4) requirements concerning the provisioning of or quality of customer services, facilities, equipment or goods in-kind for use by the city, political subdivision or any other provider or public utility.

(i) Unless otherwise required by state law, in the exercise of its lawful regulatory authority, a city shall promptly, and in no event more than 30 days, with respect to facilities in the public right-of-way, process each valid and administratively complete application of a provider for any permit, license or consent to excavate, set poles, locate lines, construct facilities, make repairs, effect traffic flow, obtain zoning or subdivision regulation approvals, or for other similar approvals, and shall make reasonable effort not to unreasonably delay or burden that provider in the timely conduct of its business. The city shall use its best reasonable efforts to assist the provider in obtaining all such permits, licenses and other consents in an expeditious and timely manner.

(j) If there is an emergency necessitating response work or repair, a provider may begin that repair or emergency response work or take any action required under the circumstances, provided that the provider notifies the affected city promptly after beginning the work and timely thereafter meets any permit or other requirement had there not been such an emergency.

(k) A city may require a provider to repair all damage to a public right-of-way caused by the activities of that provider, or of any agent affiliate, employee, or subcontractor of that provider, while occupying, installing, repairing or maintaining facilities in a public right-of-way and to return the right-of-way, to its functional equivalence before the damage pursuant to the reasonable requirements and specifications of the city. If the provider fails to make the repairs required by the city, the city may effect those repairs and charge the provider the cost of those

repairs. If a city incurs damages as a result of a violation of this subsection, then the city shall have a cause of action against a provider for violation of this subsection, and may recover its damages, including reasonable attorney fees, if the provider is found liable by a court of competent jurisdiction.

(l) If requested by a city, in order to accomplish construction and maintenance activities directly related to improvements for the health, safety and welfare of the public, a provider shall promptly remove its facilities from the public right-of-way or shall relocate or adjust its facilities within the public right-of-way at no cost to the political subdivision. Such relocation or adjustment shall be completed as soon as reasonably possible within the time set forth in any request by the city for such relocation or adjustment. Any damages suffered by the city or its contractors as a result of such provider's failure to timely relocate or adjust its facilities shall be borne by such provider.

(m) No city shall create, enact or erect any unreasonable condition, requirement or barrier for entry into or use of the public rights-of-way by a provider.

(n) A city may assess any of the following fees against a provider, for use and occupancy of the public right-of-way, provided that such fees reimburse the city for its reasonable, actual and verifiable costs of managing the city right-of-way, and are imposed on all such providers in a nondiscriminatory and competitively neutral manner:

(1) A permit fee in connection with issuing each construction permit to set fixtures in the public right-of-way within that city as provided in K.S.A. 17-1901, and amendments thereto, to compensate the city for issuing, processing and verifying the permit application;
(2) an excavation fee for each street or pavement cut to recover the costs associated with construction and repair activity of the provider, their assigns, contractors and/or subcontractors with the exception of construction and repair activity required pursuant to subsection (l) of this act related to construction and maintenance activities directly related to improvements for the health, safety and welfare of the public; provided, however, imposition of such excavation fee must be based upon a regional specific or other appropriate study establishing the basis for such costs which takes into account the life of the city street prior to the construction or repair activity and the remaining life of the city street. Such excavation fee is expressly limited to activity that results in an actual street or pavement cut;
(3) inspection fees to recover all reasonable costs associated with city inspection of the work of the provider in the right-of-way;
(4) repair and restoration costs associated with repairing and restoring the public right-of-way because of damage caused by the provider, its assigns, contractors, and/or subcontractors in the right-of-way; and
(5) a performance bond, in a form acceptable to the city, from a surety licensed to conduct surety business in the state of Kansas, insuring appropriate and timely performance in the construction and maintenance of facilities located in the public right-of-way.

(o) A city may not assess any additional fees against providers for use or occupancy of the public right-of-way other than those specified in subsection (n).

(p) This act may not be construed to affect any valid taxation of a provider's facilities or services.

(q) Providers shall indemnify and hold the city and its officers and employees harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney fees and costs of defense), proceedings, actions, demands, causes of action, liability

and suits of any kind and nature, including personal or bodily injury (including death), property damage or other harm for which recovery of damages is sought, to the extent that it is found by a court of competent jurisdiction to be caused by the negligence of the provider, any agent, officer, director, representative, employee, affiliate or subcontractor of the provider, or their respective officers, agents, employees, directors or representatives, while installing, repairing or maintaining facilities in a public right-of-way. The indemnity provided by this subsection does not apply to any liability resulting from the negligence of the city, its officers, employees, contractors or subcontractors. If a provider and the city are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of this state without, however, waiving any governmental immunity available to the city under state law and without waiving any defenses of the parties under state or federal law. This section is solely for the benefit of the city and provider and does not create or grant any rights, contractual or otherwise, to any other person or entity.

(r) A provider or city shall promptly advise the other in writing of any known claim or demand against the provider or the city related to or arising out of the provider's activities in a public right-of-way.

(s) Nothing contained in K.S.A. 17-1902, and amendments thereto, is intended to affect the validity of any franchise fees collected pursuant to state law or a city's home rule authority.

(t) Any ordinance enacted prior to the effective date of this act governing the use and occupancy of the public right-of-way by a provider shall not conflict with the provisions of this act.

Court Case Discussing Limits of City's Power over Telephone Companies:

In *New Hope Telephone Co. v. Concordia,* 81 Kan. 514, 517-18, 106 P. 35, 36 (1910), the Kansas Supreme Court found that, by K.S.A. §§ 17-1901 and 17-1902, the state gave telephone companies the right to construct telephone lines through cities "in a manner as shall not incommode the public in the use of the streets for other purposes." A city may only "reasonably regulate the manner and place of construction of the lines." *Id.; accord Hill City,* 258 Kan. at 219, 899 P.2d at 498. The rights granted to telephone companies "may not be frustrated by cities and may be exercised with or without permission from the cities." *Hill City,* 258 Kan. at 222, 899 P.2d at 500.

By the reasoning of *New Hope* and *Hill City,* a telephone company may wield the rights granted by K.S.A. §§ 17-1901 and 17-1902 against a city of any classification. In other words, K.S.A. §§ 17-1901 and 17-1902 are uniformly applicable. As a result, these statutes limit what ordinances may be enacted pursuant to home rule power. The statutes do not limit a city's home rule power to reasonably regulate the manner and place of construction of the lines. The sections of the Shawnee and Merriam Ordinances that impose a tax on AT & T regulate neither the manner of construction nor the place of construction. On the contrary, taxes may frustrate or even deny a telephone company's right to install lines by making it prohibitively expensive. Accordingly, the home rule power of plaintiffs cannot be cited as authority for the ordinances.

City of Shawnee, Kan. v. AT & T Corp. 910 F.Supp. 1546, 1558 (D.Kan.,1995)

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider reimbursement payment to Leavenworth County Public Works for a northbound turn lane constructed in 2004 at 158th and U.S. Highway 24-40.

Department: Administration, Public Works

Background/Description of Item:
The City of Basehor entered into an interlocal agreement with Leavenworth County July 21, 2004 whereby a turn lane was added to 158th Street at the intersection of U.S. Highway 24-40. The turn lane was added, but the project was not closed out with KDOT and the final invoice was not sent.

During an audit of KDOT projects that had not closed out it was noted that the final payment had not been invoiced. KDOT sent the invoice to Leavenworth County and the invoice has been forwarded on to Basehor for reimbursement.

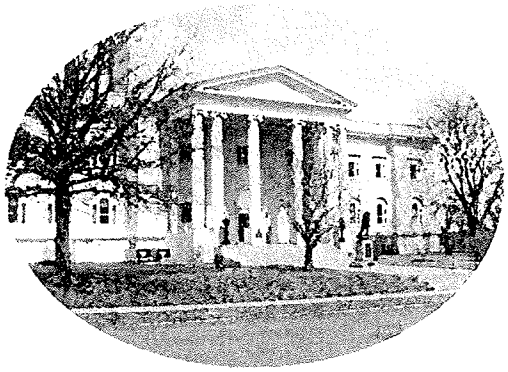
The cost of the north bound turn lane on 158th Street was $91,378.62 which the City agreed to pay under the terms of the interlocal agreement. Leavenworth County paid the $11,634.64 change order invoice.

The $79,743.98 reimbursement will come out of the consolidated highway fund. Since no major project was funded from this account during 2008, funding is currently available.

Funding Source: Consolidated Highway

Recommendation: Approve the payment of $79,743.98 to Leavenworth County for construction of the right turn lane on the South leg of 158th Street at the intersection of State Avenue in conjunction with KDOT Project No. 52C-3708-01.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: December 1, 2008



COUNTY OF LEAVENWORTH

Public Works Department
300 Walnut; Suite 007
Leavenworth, Kansas 66048-2815
(913) 684-0470
Facsimile (913) 684-0473

November 18, 2008

Carl Slaugh
2620 N. 155th Street
P.O. Box 206
Basehor, KS 66007

RE: KDOT repayment of Basehor portion of contract modification by interlocal agreement (Project 52C-3708-01)

Dear Carl,

Leavenworth County has paid the $11,634.64 portion of the change order invoice for the additional lanes requested by the City of Basehor via interlocal agreement. We would like to receive the balance from the City of Basehor, so that we can fulfill the project obligation to the Kansas Department of Transportation. This work was completed in 2004, and we would prefer to complete this transaction by the end of 2008.

If you have any questions, please feel free to give me a call.

Sincerely,

Michael W. Spickelmier
County Engineer

CC: County Administrator
File

Encl.
KDOT Invoice
Interlocal agreement copy.

INVOICE

LEAVENWORTH DEPARTMENT OF PUBLIC WORKS
COUNTY

Leavenworth County Public Works

300 Walnut, Suite 007
Leavenworth, KS 66048
Phone: 913-684-0470
Fax: 913-684-0473

INVOICE NO. 08-044
DATE November 18, 2008
CUSTOMER ID

TO

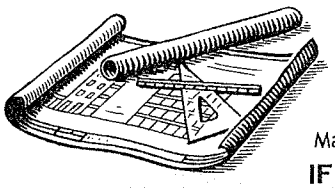
City of Basehor
Attn: Carl Slaugh
2620 N. 155th Street
P.O. Box 406
Basehor, KS 66007

Visit us on our website: www.leavenworthcounty.org

REPRESENTATIVE	JOB	PAYMENT TERMS	DUE DATE
Dalani Blacketer	Project 52C-3708-01	Due upon receipt	

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1.00	amount owed for the additon of a right turn lane on the South leg	$ 79,743.98	$ 79,743.98
	of 158th St. at the intersection of State Ave. in conjuntion with		
	KDOT Project No. 52C-3708-01		

SUBTOTAL	$ 79,743.98
SALES TAX	
TOTAL	$ 79,743.98



Make all checks payable to **LEAVENWORTH COUNTY PUBLIC WORKS**

IF YOU HAVE ANY QUESTIONS, PLEASE GIVE US A CALL

Leavenworth, County

KDOT Project 52C-3708-01 Additional

158th Street - Right-Turn Lane Addition to Original Project

08/16/04

ITEM NO.	ITEM DESCRIPTION	ENGLISH UNIT	Change in Qty.	Contract Item	METRIC UNIT	Change in Qty.	UNIT PRICE	EXTENSION
						(based on Metric Units)		
	Existing Contract Items							
1	Excavation (Common) (URB)	CY	-273	Existing	cu m	-209	$4.05	(845.68)
2	Comp of EW (TY B) (90)	CY	120	Existing	cu m	92	$2.25	206.52
3	Comp of EW (TY AA) (5-5)	CY	71	Existing	cu m	54	$2.25	121.50
4	Agg Bit Surf C (BM-2)	TON	62	Existing	Mg	57	$46.00	2,553.71
5	Agg Bit Surf C (BM-2B)	TON	187	Existing	Mg	170	$46.00	7,831.37
6	Asphalt Cement (PG 64-22)	TON	14	Existing	Mg	12	$1.00	12.48
7	Compacted Aggregate AB-3 (Combined Mat'l)	TON	442	Existing	Mg	402	$16.66	6,288.46
8	36" RCP / CRP (900 mm) (RCP)	LF	86	Existing	m	26	$176.00	4,636.06
9	36" RC End Section / End Sect (900 mm) (RC)	EA	1	Existing	EA	1	$860.00	860.00
10	Pvmt Mrk (Multi-Comp) (W) (100 mm)	LF	-320	Existing	m	-98	$2.20	(214.63)
11	Pvmt Mrk (Multi-Comp) (W) (150 mm)	LF	346	Existing	m	105	$3.30	347.10
12	Pvmt Mrk Svm (PTP) (W) Thru-Lt	EA	-3	Existing	EA	-3	$205.00	(615.00)
13	Pvmt Mrk Svm (PTP) (W) Rt	EA	2	Existing	EA	2	$205.00	410.00
14	Pvmt Mrk Svm (PTP) (W) Lt	EA	3	Existing	EA	3	$205.00	615.00
15	Pvmt Mrk Svm (PTP) (W) Straight	EA	3	Existing	EA	3	$205.00	615.00
16	Pvmt Mrk (Multi-Comp) (W) (600 mm)	LF	35	Existing	m	11	$6.85	73.09
	TOTAL - Existing Contract Items							22,793.98
	NEW Contract Items							
17	Construction Layout	LS	1	New	LS	1	$2,500.00	2,500.00
18	Clearing, Grubbing, and Demolition	LS	1	New	LS	1	$16,500.00	16,500.00
19	Curb-Gutt (Combined) (AE) 2'-0" Width	LF	371	New	m	113	$50.00	5,650.00
20	8" SDR 23	LF	46	New	m	14	$140.00	1,960.00
21	6" SDR 23 Cleanout	EA	1	New	EA	1	$475.00	475.00
22	15" CMP / SS (375 mm) (CMP)	LF	54	New	m	16	$105.00	1,680.00
23	24" RCP / SS (600 mm) (RCP)	LF	102	New	m	31	$160.00	4,960.00
	24" RC End Section / End Sect (600 mm) (RC)	EA	1	New	EA	1	$700.00	700.00
	30" RCP / SS (750 mm) (RCP)	LF	258	New	m	78	$175.00	13,650.00
26	30" RC End Section / End Sect (750 mm) (RC)	EA	1	New	EA	1	$726.00	726.00
27	6'x7' Curb Inlet (Type 22)	EA	1	New	EA	1	$4,500.00	4,500.00
28	5' Dia. Manhole	EA	1	New	EA	1	$3,650.00	3,650.00
	TOTAL - NEW Contract Items							56,950.00

SUBTOTALS - CONSTRUCTION COST		
Existing Contract Items		$22,793.98
NEW Contract Items		56,950.00
SUBTOTAL CONSTRUCTION		$79,743.98
TOTAL PROJECT COST		

KANSAS
DEPARTMENT OF TRANSPORTATION

Kathleen Sebelius, Governor
Deb Miller, Secretary

http://www.ksdot.org

November 14, 2008

Mr. Bill Green, Director of Public Works/County Engineer
Leavenworth County
300 Walnut, Suite 16
Leavenworth, KS 66048

Dear Mr. Green:

Subject: Project # 52 C-3708-01
Grading and Surfacing

Enclosed is a Final Statement of Project Cost for work performed under our agreement number 017041130 dated June 2, 2004 for the above listed project. The project is generally described as: consisting of 1.387 kilometers of Grading and Surfacing located on 158th Street from 0.1 kilometers north of Evans Road to US-24/US-40 (State Avenue) in Leavenworth County, Kansas.

The statement indicates Leavenworth County owes $ 91,378.62 to the Kansas Department of Transportation (KDOT). The amount owed to KDOT is due to the addition of a right turn lane requested by the City of Basehor. Please prepare your warrant in this amount payable to KDOT and forward to me. If you have any questions or concerns regarding this statement, please contact me at 785-296-3545 or the Bureau of Local Projects at 785-296-3861.

Sincerely,

Pamela S. Anderson

Pam Anderson
Chief Accountant – Federal Aid

PA:ljs
Enclosures
c: Federal Aid - Accountant II

BUREAU OF FISCAL SERVICES
Dale Jost, Chief
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street; Topeka, KS 66603-3745 • (785) 296-3545 • Fax: (785) 296-7927
TTY (Hearing Impaired): (785) 296-3585 • e-mail: publicinfo@ksdot.org • Public Access at North Entrance of Building

FINAL STATEMENT OF PROJECT COST
52 C 3708-01
STP-C370(801)

Grading and Surfacing located on 158th Street, from 0.1 kilometers north of Evans Road to Us-24/US-40 (State Avenue)

				COUNTY SHARE of COSTS
Cost of Construction Contract Items Including Grading, Surfacing, and Bridges			$906,763.60	
Less Field Office and Labs			(7,500.00)	
Less Contractor Staking			(10,100.00)	
Less Non-Participating Contract Items	(0.0901)		(80,981.48)	$80,981.48
Total Participating Contract Cost			$808,182.12	
Federal Funds			**$646,545.70**	
LEAVENWORTH County Share			**$161,636.42**	$161,636.42
Cost of Construction Engineering by Shafer, Kline & Warren			$97,309.77	
Cost of Construction Engineering by KDOT			$21,270.03	
Subtotal Construction Engineering			$118,579.80	
Less Construction Engineering for Non-Participating Contract Items	125,741.88	-0.0901	(11,329.34)	$11,329.34
Less Non-participating Construction Engineering			(337.92)	337.92
Subtotal Construction Engineering Cost			$106,912.54	
Field Office and Labs			7,500.00	
Plus Contractor Staking			10,100.00	
Total Participating Construction Engineering Cost			$124,512.54	
Federal Funds			**99,610.03**	
LEAVENWORTH County Share			**$24,902.51**	$16,163.64
KDOT's portion of equipment cost (337.92 x 80%)				(270.34)
Total LEAVENWORTH County Share				**$270,178.46**
LEAVENWORTH County Deposit				(178,799.84)
LEAVENWORTH County Owes KDOT				**$91,378.62**

Total Project Cost	$1,025,343.40
Federal Funds	746,155.73
LEAVENWORTH County Share	270,178.46
State of Kansas Share	9,009.21
	$1,025,343.40

PO 11-28 for $11,634.64 to KDOT
Billed City of Basehor $79,743.98
$91,378.62

Leavenworth, County

KDOT Project 52C-3708-01 Additional

158th Street - Right-Turn Lane Addition to Original Project

08/16/04

ITEM NO.	ITEM DESCRIPTION	ENGLISH UNIT	Change in Qty.	Contract Item	METRIC UNIT	Change in Qty.	UNIT PRICE (based on Metric Units)	EXTENSION
	Existing Contract Items							
1	Excavation (Common) (URB)	CY	-273	Existing	cu m	-209	$4.05	(845.68)
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	TOTAL - Existing Contract Items							22,793.98
	NEW Contract Items							
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21	8" SDR 23 Cleanout	EA	1	New	EA	1	$475.00	475.00
22	18" CMP / SS (375 mm) (CMP)	LF	54	New	m	16	$105.00	1,680.00
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28	5' Dia. Manhole	EA	1	New	EA	1	$3,660.00	3,660.00
	TOTAL - NEW Contract Items							56,950.00

SUBTOTALS - CONSTRUCTION COST	
Existing Contract Items	$22,793.98
NEW Contract Items	56,950.00
SUBTOTAL CONSTRUCTION	$79,743.98
TOTAL PROJECT COST	

AUG 10,2003 14:15

6-28-07

2620 N. 155th Street
P.O. Box 406
Basehor, Kansas 66007-0406

www.basehor.org

(913) 724-1
FAX (913) 724-3
Email: basehorks@aol.

The City of Basehor

July 1, 2004

FILED
JUL 02 2004
LEAVENWORTH COUNTY
CLERK

Linda Scheer, County Clerk
LEAVENWORTH COUNTY COURTHOUSE
300 Walnut
Leavenworth, KS 66048

Re: Interlocal Agreement

Dear Linda:

Please find enclosed three copies of the Interlocal Agreement between the County of Leavenworth and City of Basehor providing for the use of funds to construct a turn lane on the south of 158th Street & State Ave. in conjunction with Pinehurst Benefit District.

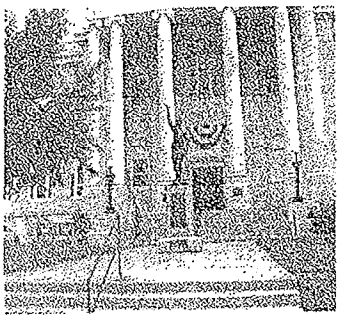
I would request that two signed copies be returned to my office.

Respectfully,

Mary Mogle, CMC City Clerk
City of Basehor, Ks.

Enc.

J:\COUNTY\Pinehurst Interlocal Agreement-Turn Lane.doc



Leavenworth County Courthouse
Dept. of Public Works
Suite # 16
300 Walnut
Leavenworth, KS 66048

Phone: 913-684-0470
Fax: 913-684-0406

July 21, 2004

Paul F. Gripka, P.E.
Field Engineering Administrator
Kansas Dept. of Transportation
District One
650 N. K-7 Highway
Bonner Springs, KS 66012

RE: Project No. 52C-3708-01 (County Rd. 2-Evans Road to State Ave.)

Dear Paul:

Attached is a copy of the executed "Interlocal Agreement" between the City of Basehor and Leavenworth County regarding the additional work to be added to the subject project. This work includes the additional turn lane at the intersection of County Road 2 and State Avenue with all costs reimbursed by the City.

Please proceed with the necessary contract modifications as previously discussed.

If you have any questions please call me at 913-684-0468.

Sincerely,

Gary A. Ditty

Gary A. Ditty, P.E.
County Engineer/
Director of Public Works

Cc: File
Attachment

INTERLOCAL AGREEMENT

AN INTERLOCAL AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS AND THE CITY OF BASEHOR, KANSAS PROVIDEING FOR THE USE OF FUNDS TO CONSTRUCT APPROXIMATELY 600 LF OF AN ADDITIONAL TURN LANE ON THE SOUTH LEG OF 158TH STREET AT THE INTERSECTION OF STATE AVENUE IN CONJUNCTION WITH KDOT PROJECT NO. 52C-3708-01, ALL PURSUANT TO THE PROVISIONS OF K.S.A. 12-2908 ET SEO.

WHEREAS, K.S.A. 12-2908 allows for cooperation between local governmental units for the purpose of providing public improvements; and

WHEREAS, the City of Basehor has identified the public need for an additional turn lane on 158th Street due to future traffic impact of the Pinehurst Development; and

WHEREAS, the County has contracted Miles Excavating to reconstruct 158th Street between Evans Road and State Avenue as part of KDOT project 52C-3708-01; and

WHEREAS, the City has previously formed a Benefit District to fund public said improvements required by the Pinehurst Development; and

Where as this is part of the required KDOT improvements to 24-40 needed by the Pinehurst Development involve the construction of an additional right turn lane to 158th Street;

IT IS THEREFORE AGREED THAT:

1. The County of Leavenworth, Kansas, agrees to construct the additional 600 LF of north bound right turn lane at the intersection State Avenue and 158th Street at a cost of Seventy Nine Thousand Seven Hundred Forty-Three Dollars and Ninety-eight cents. ($79,743.98). The County shall proceed with the construction of said 158th Street turn lane with due diligence as part of KDOT project 52C-3708-01.
2. The City of Basehor agrees to reimburse the County 100% of said turn lane improvements at the completion of said improvement.
3. The City shall be responsible for paying for the inspection of improvement by a certified LPA inspector.

The City and County agree that discussions with KDOT this turn lane will be non-participating funds paid by the City. The reasoning for entering this inter local agreement is to expedite the construction of this turn lane, reduce costs by doing the improvement as part of the larger project, and ultimately end up with a high quality turn lane. The right turn lane construction will be paid out of the Pinehurst Benefit District that already had budgeted for the construction of this turn lane.

THEREFORE, IT IS AGREED this 28 day of June, 2004.

Board of County Commissioners
Leavenworth County, Kansas

ATTEST:

Linda A. Scheer, Clerk
Leavenworth County, Kansas

Joseph Scherer, Mayor
City of Basehor, Kansas

ATTEST:

Mary Anne Mogle, Clerk
City of Basehor, Kansas

State of Kansas
Amendment

2008

Notice of Budget Hearing for Amending the 2008 Budget

The governing body of
City of Basehor
will meet on the 15 day of December, 2008, at 7:00 p.m. at Basehor City Hall for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at
and will be available at this hearing.

Summary of Amendments

Fund	2008 Adopted Budget			2008 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Cedar Lakes Maintenance			10,500	13,321
0			0	0
0			0	0
0			0	0
0			0	0
0			0	0

Signature

SEAL OF THE CITY OF BASEHOR, KANSAS
CORPORATE SEAL

Published: December 4, 2008, Basehor Sentinel

revised 8/06/07

City of Basehor

Memo

To: Mayor and City Council

From: Susan Adams

CC: City Administrator, City Clerk

Date: 11/24/2008

Re: 2008 Budget Amendments

Recommend the following amendments to the expenditures in the Cedar Lakes Maintenance Fund within the 2008 budget:

FUND:	2008 Adopted Budget:	Proposed Amendment:
Cedar Lakes Maintenance	$10,500	$13,321

The following information is provided:

a) The expenditures for the Cedar Lakes Maintenance Fund exceed the 2008 Adopted Budget due to grinder pump repair. As of 11/24/08 the year to date expenditure was $11,321 with the expectation that there will be a few more bills to be submitted prior year end 2008.

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider proposed 2009 Wage Adjustments.

Department: Administration

Background/Description of Item:
The pay plan for the City of Basehor approved as part of the personnel policy manual includes a step increase plan to provide for employee longevity. There are also provisions for cost-of-living increases and merit.

The 2009 budget included the amounts for step increases and 5% for COLA and merit.

The Police Clerk pay appears to be set lower than the surrounding area. The rest of city positions are also lower than the surrounding area, but the police clerk position should be increased from a base position of $10.00 to $12.00 to eliminate a disparity.

The 5% pay increases will become effective with the pay dates worked in January for all employees not on probation.

The 2009 wage adjustments do not require an increase in the mill levy.

Background information in support of the pay proposals is still being prepared and will be sent later. A comparison has been made with cities of the same size as Basehor throughout the State of Kansas and also five of the surrounding cities. Information is also available from a study completed by Spring Hill, Kansas.

Funding Source:

Recommendation: Approve the 2009 wage adjustments and pay increases effective the first pay period of 2009.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: December 1, 2008

City	City Manager / City Administrator	City Clerk or City Clerk / Finance Director	Assistant / Deputy City Clerk	City Treasurer - Finance Director	Public Works and/or Utilities Director (department head)	Waste water Supt.	Street Supt.	Maintenance Worker I (Laborer I - Approx. 1-2 yrs)	City Planner	Code Enforcement/ Building Inspector	Police Chief	Police Lieutenant	Police Sergeant	Police Corporal	Police Officer I (Approx. 1-2 yes.)	Animal Control Officer	Police Records Clerk / Court Clerk	Police Records Clerk
Basehor	$32.75	$27.52	$14.06	$16.72	$28.77	$16.82	$13.78	$11.94	$28.55	$20.40	$24.87	$21.08	$19.31	$17.02	$14.88	$13.21	$14.22	$10.99
Leavenworth	$55.29	$33.65	$26.85		$45.65	$40.57		$11.83			$34.66	$30.78		$22.92	$14.82	$13.64	$14.39	
Average All	$37.70	$23.68	$15.20	$20.71	$27.87	$19.94	$15.24	$11.70			$28.07	$19.98		$17.54	$14.75	$11.75	$13.39	
Average Neighboring	$42.06	$28.33	$16.20	$18.04	$30.22	$23.92	$18.46	$14.89			$32.90	$23.28		$24.24	$15.72	$12.28	$14.24	
Basehor Vs Neighbo	78%	97%	87%	93%	95%	70%	75%	80%			76%	91%		70%	95%	108%	100%	
Min Spring Hill Study	$42.39	$22.33	$13.39	$32.04	$25.62	$22.34			$23.80	$18.52	$26.55		$19.29		$14.93		$15.24	$12.34
Max Spring Hill Study	$54.19	$29.65	$17.36	$44.64	$35.20	$31.76			$33.58	$23.94	$35.15		$24.95		$19.51		$21.37	$17.26

Pay Proposal for 2009

Across the board increase of 5% (4% COLA and 1% merit), exception for those on probation
Additional Increase of 2.5% for positions highlighted with bold around percentage figues

Average All = average of all cities in Kansas with populations from 3,359 to 7,976
Neighboring communities = Tonganoxie, Edwardsville, De Soto, Eudora, Bonner Springs
City of Leavenworth listed separately - larger city, pay scale significantly higher, Basehor competes with them for positions

Spring Hill, population 4,822, completed a pay study in 2007, adopted April 2008, showing minimum and maximum pay figures for cities in the Kansas City metropolitan area. Their study took into consideration the high and low ranges, not just the pay of the person currently holding the position.