

Nov. 17, 2008 Basehor City Council

The Basehor city council voted 3-2 to move ahead with an agreement between Benchmark Management and the Kansas Department of Transportation (KDOT) to construct improvements at the north side of the intersection of 150<sup>th</sup> Street and U.S. Highway 24-40. Councilmember Terry Hill made a motion, seconded by councilmember Keith Sifford, to approve the combination of the 150<sup>th</sup> Intersection project with the construction of Wolf Creek Parkway to be paid for by Transportation Development District (TDD) funds, contingent on an amendment to the TDD agreement. Council president Iris Dysart and councilmember Jim Washington cast the nay votes.

Council president Dysart did not feel it was fair to the council to take a vote without the item being on the printed agenda and allowing time to make an informed decision.

Councilmember Washington expressed concern over adding the item to the agenda and therefore not allowing public input on a very important matter. He also disagreed with committing \$2.0 million of city funds without a complete financial disclosure from Benchmark Management. He asked Ed McIntosh if he had paid all of the excise tax for the property to which Ed replied that he had not been billed, had no problem with paying the excise tax and would pay when he received a bill.

Councilmember Hill stated the council approved combining the projects at an earlier meeting and the motion was just taking one more step in the project.

The motion gives direction to staff to prepare the agreements with KDOT for receipt of corridor funds in the amount of \$500,000 for Wolf Creek Parkway and \$325,000 to go towards the 150<sup>th</sup> Intersection project. The combined projects are estimated at \$3.0 million.

In other action the city:

- Approved on a 5-0 vote an agreement requested by the City of Tonganoxie to allow access to utility easements on the south side of U.S. Highway 24-40 between 153<sup>rd</sup> and 158<sup>th</sup> Streets and between 166<sup>th</sup> and 170<sup>th</sup> Streets for a water line that will connect to BPU water.
- Approved on a 4-1 vote the annexation of Basehor Field of Dreams. The annexation followed approval of the Leavenworth Board of County Commissioners. Council president Iris Dysart cast the nay vote based on concern over maintenance of Fairmount Road and lack of an amended road maintenance agreement with Leavenworth County.
- Approved 5-0 an ordinance allowing payment in lieu of construction of sidewalks.
- Approved 5-0 a revised substance abuse policy that requires random drug testing only for those in sensitive positions.
- Approved 5-0 standard operating procedures for some administrative functions. The action was requested by the auditor. Council also accepted SOPs on Meeting Agendas on a 4-1 vote, councilmember Hill dissenting, after amendments by councilmember Washington.
- Approved payment #1 to Holland Construction in the amount of \$130,578.53 for the 2008 overlay program on a 5-0 vote.
- Approved on a 5-0 vote up to \$3,225 to be spent to correct a drainage situation on 155<sup>th</sup> Terrace.

## AGENDA

### BASEHOR CITY COUNCIL

November 17, 2008

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 3, 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**

**5. 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 158<sup>th</sup> and 155<sup>th</sup> Streets.
- b. Consider ordinance annexing Field of Dreams Sports Complex property (requested by Basehor Athletic Association).
- c. Ordinance implementing fee for payments in lieu of construction as a means of dealing with subdivisions without completed sidewalks (planning).
- d. Consider amendment to Substance Abuse Policy.
- e. Consider adoption of Standard Operations & Procedures policies for payroll, utility billing, accounts payable, and agenda preparation.
- f. Consider approval of payment request #1, including change order #1, to Holland Construction for 2008 Street Overlay program.
- g. Consider funding for repair of drainage issue on 155<sup>th</sup> Terrace.

- 6. City Administrator Report**
- 7. Mayor's Report**
- 8. Council Member Reports**
- 9. Executive Session**
- 10. Adjournment**

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**AGENDA****BASEHOR CITY COUNCIL****November 3, 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. October 20, 2008 Work Session & Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

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**4. Scheduled Discussion Items****5. Business**

- a. Consider options for funding the U.S. 24-40/150<sup>th</sup> Intersection and Wolfcreek Parkway projects.
- b. Consider expenditure for a temporary construction road to the wastewater treatment plant.
- c. Consider approval of replacement primary server for City Hall.
- d. Consideration of fee for payments in lieu of construction as a means of dealing with subdivisions without completed sidewalks (planning).
- e. Consider entering into agreement with Kansas Employees Public Retirement System (KPERs) for non-police qualified employees.
- f. Consider a resolution designating a representative to serve on a hazard mitigation planning committee in Leavenworth County as requested by Leavenworth County Emergency Management, Chuck Magaha.

- g. Consider approval of a liquor license for Pastimes Bar & Grill, projected opening at 15510 State Avenue on Nov. 4, 2008.
- h. Consider Change Order 1 for the 2008 Street Maintenance project.

**6. City Administrator Report**

**7. Mayor's Report**

**8. Council Member Reports**

**9. Executive Session**

**10. Adjournment**

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**Minutes****BASEHOR CITY COUNCIL****November 3, 2008****6:00 p.m.****Basehor City Hall****Official Presiding: Mayor Chris Garcia****Members Present: Pres. Iris Dysart, Roger McDowell, Jim Washington****Members Absent: Terry Hill, Keith Sifford****Staff Present: Carl Slaugh, Mary Mogle, Gene Myracle, Dustin Smith,  
Lloyd Martley, Dave Lutgen, Patrick Reavey (Work Session only)****Newspaper: None**

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**WORK SESSION - 6:00 p.m.**

The work session was called to order at 6:12 p.m. with members Dysart, McDowell, and Washington in attendance. The city attorney was in attendance.

**Discussion of agenda items.*****a. Consider options for funding the U.S. 24-40/150<sup>th</sup> Intersection and Wolf Creek Parkway projects.***

City Administrator Carl Slaugh reported the main decision to be made by Council was whether the City should move forward with improvements to the 150<sup>th</sup> Street intersection, how to deal with financing, and if necessary reschedule other proposed projects. If the City moves ahead with the 150<sup>th</sup> intersection project, the City could include the project with the Wolf Creek Parkway improvement and use Transportation Development District (TDD) funds. The State allows cities to use funds for projects outside the TDD area. The agreement would need to be amended with KDOT as well as the TDD ordinance. He felt those options were legal and viable. The \$500,000 already set aside for improvements to Wolf Creek Parkway could go toward the improvements to the intersection.

Mr. McIntosh noted his attorney informed him the ordinance would not need to be amended unless the terms of the agreement changed. Mr. McIntosh provided information regarding TDD projections but then stated he would meet with council in executive session regarding his financial statements and would only release information approved by his attorney and safe for his business.

Mr. Reavey reported unfortunately any financial information provided by Basehor Properties, LLC would be an open record. If for some reason the grocery store was not successful, the City would be "on the hook" [for payments].

Mr. Slaugh reported the 150<sup>th</sup> Street intersection was #5 on the priority list. President Dysart stated the Council bumped the Wolf Creek Parkway project up to #2 on the priority list of which the \$500,000 would go toward those improvements. Mr. McIntosh stated the City has not actually committed to use the \$500,000 on Wolf Creek Parkway. He noted the corridor funding could be used on the intersection and TDD funding used on Wolf Creek Parkway.

President Dysart said she felt Mr. McIntosh had been given money for an access break from KDOT; therefore, he should not receive additional funding. She reported the City was going to borrow \$3 million for an access that did not provide a safe access for the property owners on the south side of 24-40 Hwy and suggested the \$325,000 be used to knock the hill down at 150<sup>th</sup> & 24-40 Hwy and construct a right-turn lane. Mr. McIntosh stated that would work for now, but would not address future problems and informed President Dysart that he had not been paid for his [153<sup>rd</sup> Street] access.

Mr. Reavey said he thought the concern was that the money would not be available if the grocery store failed. He realized the land could be used as collateral.

Councilmember Washington felt the City was getting ahead of themselves noting the 150<sup>th</sup> Street intersection did not have to be done this year and suggested postponing the improvements until funding could be acquired. He also explained he previously worked companies regarding financial statements and thought it could be discussed under a proprietary exception. Mr. Reavey stated Mr. McIntosh needed to know that anything provided for an executive session could not be discussed outside the session. Councilmember Washington supported moving forward with using the \$500,000 on Wolf Creek Parkway, possibly use TDD funds toward the intersection improvements in the future, and purchase the easement now to ensure right-of-way for future development. Mr. Reavey suggested drafting a "trigger" agreement with Mr. McIntosh which would set a development timeline. He also recommended having the City's financial attorney meet with Basehor Properties, LLC regarding the financial stability of the company and report back with the findings. Mr. McIntosh stated he would be willing to do that.

Mr. Slaugh explained if the 150<sup>th</sup> Street intersection project was delayed, the Council should set a timeline when the project would start so that it would not be pushed back. He explained by improving 150<sup>th</sup> Street it would open up property for development. Councilmember Washington said the 150<sup>th</sup> Street intersection was a key in the Corridor Plan.

Councilmember McDowell asked Mr. McIntosh if the City does not agree to make changes to 150<sup>th</sup> Street intersection, would Wolf Creek Parkway change locations. Mr. McIntosh stated engineering practices dictate the location of his main thoroughfare. Mr.

Reavey reiterated an agreement would require the city to make a decision on the intersection once certain things occur.

Five-minute break (7:56 p.m.)

### **REGULAR MEETING – 7:00 p.m.**

#### **ROLL CALL BY MAYOR CHRIS GARCIA AND PLEDGE OF ALLEGIANCE**

The work session was called to order with members Dysart, McDowell, and Washington in attendance. The city attorney was not in attendance.

#### **CONSENT AGENDA**

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

- a. Approve Minutes
  1. October 20, 2008 Work Session & Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
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Councilmember Washington questioned the Certificates of Deposit listed on the investment report and wanted to know why the City did not use local banks. The city clerk explained the city treasurer sends emails to the local banks requesting a bid; however, there are times when the bid is too high or a local bank chooses not to bid at all.

A motion was made by Councilmember Washington and seconded by President Dysart to approve the Consent Agenda as written. A show of hands was taken with all members voting in favor. Motion passed 3-0.

#### **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.)

**George Smith (14923 Parallel)** commented on Business Item "a". Mr. Smith did not feel, based on the current state of the economy, the City should commit to another large debt. He felt it was responsible of the Council to obtain financial statements from Mr. McIntosh in order to make sure the project is secure. The project primarily benefits a developer and only those that travel 150<sup>th</sup> Street. He did not understand why KDOT did not line up the south side with the north side. He pointed out the taxpayers are going to

be paying for a new library, new school, wastewater treatment facility expansion, increase in street maintenance, personnel, and maintenance costs in general.

**Marsha McCowan (15201 Lakeview Dr.)** asked Council to look at the timing for the projects on 150<sup>th</sup> Street for local access. She asked if a stoplight would be put in at 150<sup>th</sup> Street and would residents be able to turn east. *(Tape A, Side B)* Mr. Slaugh stated there would be an east access at some point.

**Joe Nick (14600 State Ave)** expressed concern about the increase in taxes for the residents of Basehor. He would like to see 147<sup>th</sup> Street go north to Falcon Lakes someday since it was a major street that extended into Lansing. He informed the Council that the Price Chopper on Johnson Drive closed and did not think people would support Mr. McIntosh's grocery store. He was also concerned that people not on sewers were going to pay for the expansion. President Dysart stated non-users would only be charged if user and connections fees could not make the State Revolving Loan payment. Mr. Nick did not feel it would not be fair to the residents on the south side of 24-40 Hwy if the full access intersection only served Miles Excavating.

Councilmember Washington reported the Price Chopper owners on Johnson Drive closed the store because they moved to a new location on Shawnee Mission Parkway.

**Twila Heinen (3303 154<sup>th</sup> Terr.)** encouraged Council not to vote on Business Item "a". She felt it was a "serious" debt that was going to be placed on the residents of Basehor. She asked if the \$500,000 promised by KDOT had a time limit. Councilmember Washington stated the agreement states the developer would have to start the project by June 1, and if not started by then the City would be given until July 1, 2009 to designate another project.

Mayor Garcia stated he had no problem using the \$500,000 in Basehor; otherwise, it would be reallocated to another project, possibly Johnson County.

Mrs. Heinen asked if the City's intent was to have the city employees participate in ING as well as KPERS. Mr. Slaugh stated that would be discussed during this meeting. She opposed affiliation.

**Ed McIntosh (15395 Briar Rd)** suggested postponing action on Business Item "a" and recommended discussion take place at a future work session. He felt once the grocery store is built, other businesses would follow bringing in additional revenue.

**Dennis Mertz (2905 N. 155<sup>th</sup> St.)** asked Council if they received his emails regarding KPERS and 150<sup>th</sup> Street. All received with the exception of Councilmember McDowell. He asked if the mill levy would need to be adjusted. Mr. Slaugh stated "no". He also felt Mr. McIntosh's development was risky but supported having engineering performed and work on the other issues at a later time. He did understand Mr. McIntosh did not want to give financials and supported the city attorney's recommendation to have the City's financial advisor put together a report.

*John Flower (15515 Cedar Lane)* wanted to clarify previous statements. He noted the intersection on the south side would not interfere with the closing of 147<sup>th</sup> Street. KDOT stated the road would not close until the properties on the south side had another access. The City has committed themselves to several projects that would cost the City money and the grocery store was the only project that had a possibility of producing revenue. The only way the City could be held liable is if the development totally collapsed. Mr. Flower questioned why Mr. McIntosh was required to provide financial information when the same requirement was not made of other developers. He asked that the misunderstandings be removed.

President Dysart stated if 147<sup>th</sup> Street was not going to be designated for a stop light, then it would become a dangerous intersection. She also took issue with Mr. Flower stating the TDD was the only revenue producing development and did not feel Council misled the public in any way.

Public portion of the meeting closed.

#### **SCHEDULED DISCUSSION ITEMS**

**None**

#### **BUSINESS**

- a. Consider options for funding the U.S. 24-40/150<sup>th</sup> Intersection and Wolf Creek Parkway projects.*

A motion was made by Councilmember Washington and seconded by Councilmember Dysart to table action, place the item on the November 10<sup>th</sup> work session agenda for discussion, and move the item to the November 17<sup>th</sup> agenda for action. A show of hands was taken with all members voting in favor. Motion passed 3-0.

- b. Consider expenditure for a temporary construction road to the wastewater treatment plant.*

Mr. Slauch 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.

***c. Consider approval of replacement primary server for City Hall.***

Councilmember Washington stated he did not have a problem with replacing the server but wanted to see a complete technology audit before any purchases were made. He felt other equipment may need to be replaced as well. He felt an audit would cost about \$1500.

A motion was made by Councilmember Washington and seconded by President Dysart to table action and bring back for council approval after a technology audit was performed to include a complete management system structure. A show of hands was taken with all members voting in favor. Motion passed 3-0.

***d. Consideration of fee for payments in lieu of construction as a means of dealing with subdivisions without completed sidewalks (planning).***

Mr. Smith explained this was related more toward single family developments than commercial. This proposal would provide the developer with the option to put money into an escrow fund for future sidewalks. Currently the developments affected would be Holy Angels church, First Baptist Church, Little Angles, Gorup Funeral Home, and the library. He reported it worked out to about \$4.60 per sq. ft. for sidewalk construction at current construction rates.

Councilmember Washington reported the subdivision agreement states sidewalks would be completed within a certain period of time. He supported setting a two year time limit to complete sidewalk construction. President Dysart asked if a clause would be retroactive to a development prior to a development that started two years prior. Mr. Smith stated "yes".

A motion was made by Councilmember Washington and seconded by President Dysart to direct staff to prepare an ordinance and investigate and include payment from subdivisions when they exceed a period required for construction [set out] in the Subdivision Improvement Agreement. A show of hands was taken with all members voting in favor. Motion passed 3-0.

***e. Consider entering into agreement with Kansas Employees Public Retirement System (KPERs) for non-police qualified employees.***

Mr. Slauch reported the police officers are covered by Kansas Police and Fire with all other employees being covered by ING Deferred Compensation. KPERs covered the majority of cities, hospitals, and school systems in the State of Kansas. He explained

plan options if affiliated January 1, 2009 and January 1, 2010. As a KPERs requirement, they require the City buy back the employee's prior years of service. Mr. Slaugh explained the Council has the option to continue matching the KPF amount or reduce the amount to cover only the KPERs Employer contribution rate.

President Dysart asked what happens to the money paid into the employees ING accounts to date. Mr. Slaugh explained it was a private deferred compensation account and remained with the employee. She stated she could not in good conscious pay the money for previous years and felt it would be a windfall to the employees to provide both plans.

Councilmember Washington stated he did not have enough information to make a decision and agreed with President Dysart that it would be a significant windfall to the employees.

A motion was made by President Dysart and seconded by Councilmember Washington to deny the request to affiliate in the KPERs retirement program. A show of hands was taken with all members voting in favor. Motion passed 3-0.

***f. Consider a resolution designating a representative to serve on a hazard mitigation planning committee in Leavenworth County as requested by Leavenworth County Emergency Management, Chuck Magaha.***

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to approve the resolution designating a representative [planning director] to serve on a hazard mitigation planning committee in Leavenworth County. A roll call vote was taken with all members voting in favor. Motion passed 3-0.

***g. Consider approval of a liquor license for Pastimes Bar & Grill, projected opening at 15510 State Avenue on Nov. 4, 2008.***

A motion was made by Councilmember Washington and seconded by President Dysart to approve the liquor license [drinking establishment] for Pastimes Bar & Grill at 15510 State Ave. A show of hands was taken with all members voting in favor. Motion passed 3-0.

***h. Consider Change Order 1 for the 2008 Street Maintenance project.***

Mr. Lutgen explained it was not necessary to have a change order at this time based on engineering changes.

## **CITY ADMINISTRATOR REPORT**

Cedar Lakes Annexation Report Update – Project Engineer Dave Lutgen stated there was more information that needed to be compiled and would be ready for discussion at the work session.

**MAYOR'S REPORT**

Mayor Garcia reported the Basehor Elementary third grade class would visit City Hall on November 6th to learn about government and roll of the mayor and council. A mock council meeting would be held as well.

**COUNCIL MEMBER REPORTS****Iris Dysart**

President Dysart asked for an update on the 155<sup>th</sup> Terrace drainage issue. Mayor Garcia reported the city superintendent had compiled the information and he would present the information at the next meeting.

**EXECUTIVE SESSION**

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to go into Executive Session to discuss non-elected personnel for five minutes. The city administrator was asked to attend the session. A show of hands was taken with all members voting in favor. Motion passed 3-0. (8:17 p.m.)

At 8:20 p.m. the regular meeting was called back to order.

**ADJOURNMENT**

There being no further business to discuss, a motion was made by Councilmember Dysart and seconded by Councilmember McDowell to adjourn the meeting. Motion passed 3-0. Meeting adjourned at 8:21 p.m.

Submitted for Council approval with/without corrections or additions this 17<sup>th</sup> day of November 2008.

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Mayor Chris Garcia

Attest:

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Mary A. Mogle, CMC, City Clerk

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amount
933	11/11/2008	Printed	ADVANCE PE	ADVANCE PEST CONTROL	PEST CONTROL @ PARK & WTF	96.8
15934	11/11/2008	Printed	AT&T	AT&T	PHONE SERVICES WTF/LIFT STATIO	35.2
15935	11/11/2008	Printed	ATMOS ENER	ATMOS ENERGY	UTILITIES - GAS	205.1
15936	11/11/2008	Printed	B R COPPIN	B R COPPINGER CONSTRUCTION	OVERPAYMENT BUILDING PERMITS	270.0
15937	11/11/2008	Printed	BASEHOR TO	BASEHOR TOWN CENTER, LLC	ENGINEERING SERVICES - BTC	3,670.0
15938	11/11/2008	Printed	CASEYS	CASEY'S GENERAL STORES	GAS CITY VEHICLES 10/08	2,743.4
15939	11/11/2008	Printed	CINTAS	CINTAS	WEEKLY SERVICES PWD-RUGS, ETC	301.0
15940	11/11/2008	Printed	BASEHOR CI	CITY OF BASEHOR	SEWER/SOLID WASTE SERVICES	104.9
15941	11/11/2008	Printed	CLAIBORN/D	DANIEL C. CLAIBORN	PSYCHOLOGICAL TESTING-HOLLAND	175.0
15942	11/11/2008	Printed	COLEMAN	COLEMAN EQUIPMENT INC	PARTS 1845 UNI-LOADER	93.3
15943	11/11/2008	Printed	CONS WATER	CONS RURAL WATER DISTRICT #1	WATER SERVICES	128.9
15944	11/11/2008	Printed	DATAMAX	DATAMAX	BASE RATE/EXCESS COPIES	286.5
15945	11/11/2008	Printed	EFTPS	EFTPS	FIT/SS/MEDI WITHHOLDING PYMT	9,733.7
15946	11/11/2008	Printed	FASTENAL	FASTENAL COMPANY	6 ROLLS POLY CLEAN PLASTIC	240.5
15947	11/11/2008	Printed	GALLS INCO	GALLS INCORPORATED	DUTY PANTS	40.2
15948	11/11/2008	Printed	GRIFFIN/WI	WILLIAM GRIFFIN	BANKRUPTCY WITHHOLDING PYMT	200.0
15949	11/11/2008	Printed	HAYNES EQU	HAYNES EQUIPMENT CO	REPAIR GRINDER PUMPS-CEDAR LAK	695.6
15950	11/11/2008	Printed	HEART TOW	HEARTLAND TOW INC	TIRE REPAIRS/OIL CHANGES	185.8
15952	11/11/2008	Printed	JADE ALARM	JADE ALARM COMPANY	ALARM SERVICES-CITY HALL/WTF	134.7
15953	11/11/2008	Printed	JOCO ENVIR	JOHNSON COUNTY ENVIRONMENTAL	SAMLE TESTING 10/16/08	166.2
15954	11/11/2008	Printed	KS DOR WTH	KANSAS DEPARTMENT OF REVENUE	KS STATE WITHHOLDING PYMT	1,484.8
15955	11/11/2008	Printed	KANSAS PAY	KANSAS PAYMENT CENTER	CHILD SUPPORT WITHHOLDING PYMT	379.5
15956	11/11/2008	Printed	KS TREASUR	KANSAS STATE TREASURER	STATE MANDATED COURT FEES COLL	1,046.0
15957	11/11/2008	Printed	KPF EFT	KPF EFT PROGRAM	KPF RETIREMENT WITHHOLDING PYM	3,132.2
15958	11/11/2008	Printed	LAWRENCE	LAWRENCE JOURNAL WORLD	PUBLIC HEARING/ORDINANCE PUBLI	294.0
15959	11/11/2008	Printed	LCDC	LCDC	LUNCHEON MEETING REGISTRATION	14.0
15960	11/11/2008	Printed	LEAGUE KM	LEAGUE OF KS MUNICIPALITIES	SERVICE AWARDS/MUN SOURCEBOOK	1,142.3
15961	11/11/2008	Printed	LEAV COOP	LEAVENWORTH COUNTY CO-OP	283.7 GALLONS DIESEL FUEL	734.5
15962	11/11/2008	Printed	LEVEL 4	LEVEL 4 ENGINEERING LLC	BTC-STREET & STORM SEWER PLANS	37,500.0
15963	11/11/2008	Printed	LOI TECH	LOI TECHNOLOGY	NEW PC/INSTALL/WORK 2 COMPUTER	1,101.4
15964	11/11/2008	Printed	MAAC CLEAN	MAAC CLEANING SPECIALISTS	CLEANING @ CITY HALL	180.0
15965	11/11/2008	Printed	MARCIT	MARCIT	DENTAL INS WITHHOLDING PYMT	1,035.0
15966	11/11/2008	Printed	MARSHALL	MATTHEW MARSHALL	FINES REFUND CITATION 8492	30.0
15967	11/11/2008	Printed	MCAFFEE HEN	MCAFFEE HENDERSON SOLUTIONS	ENGINEERING SERVICES	5,055.0
15968	11/11/2008	Printed	MOGENSEN	MICHAEL S. MOGENSEN	PROSECUTING ATTORNEY FEES	400.0
15969	11/11/2008	Printed	NORTHERN S	NORTHERN SAFETY COMPANY	SAFETY HARD HATS/EAR PROTECTIO	184.7
15970	11/11/2008	Printed	OHS-COMPCA	OHS-COMPCARE	PREPLACEMENT EXAM/DRUG TESTING	130.9
15971	11/11/2008	Printed	OMBPOLLENE	OMB POLICE SUPPLY, INC	INVESTIGATIVE EQUIP/UNIFORMS	591.0
15972	11/11/2008	Printed	PITNEY BOW	PITNEY BOWES	POSTAGE REFILL	200.0
15973	11/11/2008	Printed	PRAY	WILLIAM E. PRAY	MUNICIPAL JUDGE SERVICES	250.0
15974	11/11/2008	Printed	QUILL	QUILL	OFFICE SUPPLIES-SHREDDER/FOLDE	1,023.4
15975	11/11/2008	Printed	REAVEY LAW	REAVEY LAW LLC	LEGAL SERVICES PROVIDED	2,390.0
15976	11/11/2008	Printed	SELECT IMA	SELECT IMAGING	FILEBOUND HOSTING FEE	300.0
15977	11/11/2008	Printed	SIMMONS GU	SIMMONS GUN SPECIALTIES, INC	TARGETS FOR RANGE	54.0
15978	11/11/2008	Printed	SIRCHIE FT	SIRCHIE FINGER PRINT LABS	EVIDENCE SUPPLIES-BAGS/TAPE/SW	116.4
15979	11/11/2008	Printed	SLAUGH	CARL SLAUGH	REIMBURSE-TOLL/MILEAGE/MEALS	78.9
15980	11/11/2008	Printed	SMITH VET	SMITH VETRINARY CLINIC INC	BOARDING ANIMALS	79.6
15981	11/11/2008	Printed	SMITH/DUST	DUSTIN SMITH	MILEAGE REIMBURSEMENT	84.8
15982	11/11/2008	Printed	STEWART/E	ELMER STEWART	REIMBUSE-MEDICAL/DENTAL/ACCIDE	359.9
15983	11/11/2008	Printed	SUNFLOWER	SUNFLOWER BROADBAND	CABLE/PHONE/INTERNET SERVICES	542.2
15984	11/11/2008	Printed	TAPCO	TAPCO	2 BLINKER STOP AHEAD SIGNS	3,550.0
15985	11/11/2008	Printed	TUTTLE VET	TUTTLE VETERINARY CLINIC	IMPOUND CHARGES ANIMALS	160.0
15986	11/11/2008	Printed	UNITED PEN	UNITED PEN COMPANY	PROMO ITEMS - PENS	84.2
15987	11/11/2008	Printed	US POSTAL	UNITED STATES POSTAL SERVICE	REPLENISH POSTAL PERMIT #12	1,000.0
15988	11/11/2008	Printed	VESTA LEE	VESTA LEE LUMBER COMPANY	2 4X6 14' TREATED POSTS	51.2
15989	11/11/2008	Printed	VISA	VISA	TRAINING COSTS/ANIMAL CONTROL	2,263.6
15990	11/11/2008	Printed	WESTAR GRP	WESTAR ENERGY	UTILITIES-ELECTIC/STREET LIGHT	3,593.2
15991	11/12/2008	Printed	HOLLAND CO	HOLLAND CORPORATION	PAVEMENT MANAGEMENT PROJECT	130,578.5

Total Checks: 58 Bank Total: 220,703.2

Total Checks: 58 Grand Total: 220,703.2

REVENUE/EXPENDITURE REPORT  
AS OF 11/12/08

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	1,680,565.97	37,995.94
Expenditures	2,178,959.00	2,178,959.00	1,501,501.24	68,416.91
Net Effect for GENERAL FUND	288,401.00	288,401.00	179,064.73	-30,420.97
Fund: 04 - SPECIAL PARK & RECREATION FUND				
Revenues	35,348.00	35,348.00	19,308.36	1,000.00
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	14,698.04	1,000.00
Fund: 05 - SEWER FUND				
Revenues	5,851,539.00	5,851,539.00	752,817.86	15,239.90
Expenditures	5,715,259.00	5,715,259.00	1,207,003.81	7,733.04
Net Effect for SEWER FUND	136,280.00	136,280.00	-454,185.95	7,506.86
Fund: 07 - CEDAR LAKES MAINTENANCE				
Revenues	14,119.00	14,119.00	11,140.42	0.00
Expenditures	10,500.00	10,500.00	11,074.50	695.63
Net Effect for CEDAR LAKES MAINTENANCE	3,619.00	3,619.00	65.92	-695.63
Fund: 08 - BOND & INTEREST FUND				
Revenues	890,969.00	890,969.00	1,050,103.11	8,930.62
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	39,139.14	8,930.62
Fund: 09 - SOLID WASTE FUND				
Revenues	162,744.00	162,744.00	135,550.76	276.76
Expenditures	162,182.00	162,182.00	115,438.35	1,185.12
Net Effect for SOLID WASTE FUND	562.00	562.00	20,112.41	-908.36
Fund: 10 - CONSOLIDATED HIGHWAY FUND				
Revenues	787,548.00	787,548.00	442,142.02	9,177.74
Expenditures	588,700.00	588,700.00	311,931.47	137,254.73
Net Effect for CONSOLIDATED HIGHWAY FUND	198,848.00	198,848.00	130,210.55	-128,076.99
Fund: 11 - MUNICIPAL EQUIP RESERVE FUND				
Revenues	218,247.00	218,247.00	2,834.55	0.00
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	-62,523.02	0.00
Fund: 12 - CAPITAL IMPROVEMENT FUND				
Revenues	388,976.00	388,976.00	250,766.11	0.00
Expenditures	375,000.00	375,000.00	0.00	0.00
Net Effect for CAPITAL IMPROVEMENT FUND	13,976.00	13,976.00	250,766.11	0.00
Fund: 18 - BASEHOR TOWN CENTER PROJECT				
Revenues	0.00	0.00	3,781,168.04	0.00
Expenditures	0.00	0.00	195,255.46	41,170.00
Net Effect for BASEHOR TOWN CENTER PROJECT	0.00	0.00	3,585,912.58	-41,170.00

BALANCE SHEET

AS OF 11/12/08

Page: 1

11/12/2008

10:46 am

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	47,964.19
002 FSB MONEY MARKET ACCOUNT	3,028,542.37
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	8,948,784.57
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Total Assets	8,948,784.57
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Liabilities

Acct Class: CL CURRENT LIABILITIES

214 SEWER FUND MONTHLY BALANCE	398,947.66
215 SOLID WASTE MONTHLY BALANCE	88,893.71
216 GENERAL FUND MONTHLY BALANCE	1,501,232.80
218 MUNICIPAL EQUIP FUND MO BAL	140,551.14
219 CAPITAL IMPROVE FUND MO BAL	964,426.94
220 SPECIAL PARK & REC FUND MO BAL	137,358.19
221 CONS HIGHWAY FUND MONTHLY BAL	1,962,008.35
226 BOND & INTEREST MONTHLY BAL	105,864.69
230 TOWN CENTER PROJECT MO BALANCE	3,585,912.58
300 CL MAINTENANCE MONTLY BALANCE	63,588.51

Acct Class: CL CURRENT LIABILITIES	8,948,784.57
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Total Liabilities	8,948,784.57
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Total Liabilities & Balances	8,948,784.57
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**INVESTMENT REPORT**  
**as of November 12, 2008**

**THE FOLLOWING RECOMMENDATION WAS MADE AT  
THE NOVEMBER 3, 2008 COUNCIL MEETING:**

**ITEM # 1**  
**CD418000021**

**Commerce Bank**

**\$1,400,000.00**

It was recommended that the \$1,400,000.00 be reinvested for three months at the highest interest rate available.

On November 12, 2008 the CD was invested with the Municipal Investment Pool for a three month term at 1.37% APY. The CD will mature February 10, 2009.

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** 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 153<sup>rd</sup> Street and 170<sup>th</sup> Street.

**Department:** Administration

**Background/Description of Item:**

The City of Tonganoxie is planning on extending a 12-inch water line from the Tonganoxie city limit to 142<sup>nd</sup> Street in Basehor in order to connect to BPU water service. Utility easements have been acquired for the project except for the area within the city limits of Basehor next to the Honey Creek and Pinehurst development areas.

Tonganoxie assistant city administrator Kathy Bard will be present to explain the need for the utility easement and give details on the impact of the project and what utilities presently exist in the area.

**Funding Source:** Transportation

**Recommendation:** Approve ordinance \_\_\_ granting a water line franchise to the City of Tonganoxie, enabling access through the City of Basehor for construction of a water service line.

Prepared by: Carl E. Slaugh, City Administrator  
Council Date: November 17, 2008

**Carl Slaugh**

---

**From:** Kathy Bard [cityclerk@tongie.org]  
**Sent:** Wednesday, October 29, 2008 3:01 PM  
**To:** 'Carl Slaugh'  
**Subject:** Basehor Agreement  
**Attachments:** Basehor agreement.doc

Attached is the updated agreement - please take a look for approval. If so we will plan on attending your Nov 17 city council meeting for any questions.

Kathy Y. Bard, CMC  
Asst City Administrator  
City of Tonganoxie

11/11/2008

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

AN ORDINANCE, granting to the City of Tonganoxie, Kansas, its successors and assigns, a water line franchise, prescribing the terms thereof and relating thereto.

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

SECTION 1. Pursuant to K. S. A. 12-2001 et seq., there is hereby granted to the City of Tonganoxie, Kansas, said City operating a system for the transmission and distribution of water in the State of Kansas, the right, privilege, and authority from the effective date of this ordinance for a period of 20 years, to occupy and use the utility easements in the City of Basehor, located on the south side of U.S. Highway 24/40 in the platted easements of the subdivision Honeycreek Farms between 170<sup>th</sup> and 166<sup>th</sup> and in the platted easements of the subdivision Pinehurst North 158<sup>th</sup> Street and 153<sup>rd</sup> Street, for the placing and maintaining of equipment and property necessary to carry on the business of selling and distributing water, and to do all things necessary or proper to carry on said business.

SECTION 2. The use of Utility Easements under this franchise by the City of Tonganoxie shall be subject to all rules, regulations and policies now or hereafter adopted or promulgated by the City of Basehor in the reasonable exercise of its police power. In addition, the City of Tonganoxie shall be subject to all rules, regulations and policies now or hereafter adopted or promulgated by the City of Basehor relating to permits, sidewalk and pavement cuts, utility location, construction coordination, and other requirements on the use of the Utility Easement; provided however, that nothing contained herein shall constitute a waiver of or be construed as waiving the right of the City of Tonganoxie to oppose, challenge, or seek judicial review of, in such manner as is now or may hereafter be provided by law, any such rules, regulation or policy proposed, adopted, or promulgated by the City of Basehor and, further provided, that such rules, regulations or policies shall not require the payment of additional fees or additional costs for the use of the Right of Way.

SECTION 3. All water mains, services, and pipe which shall be laid or installed under this agreement shall be so located and laid as not to obstruct or interfere with any water pipes, drains, sewers, or other structures already installed. The City of Tonganoxie shall provide, prior to commencing work, information to the City of Basehor concerning work to be performed in the streets, avenues, bridges, parks, parking areas, and public places of the City of Basehor, and obtain a no-fee permit for such work in accordance with established procedure unless an emergency repair is required.

SECTION 4. The City of Tonganoxie shall, in doing the work in connection with its said water mains, pipes, and services, avoid, so far as may be practicable, interfering with the use of any street, alley, avenue, or other public thoroughfare. It shall, without expense to the City of Basehor, and in a manner satisfactory to the duly authorized representatives of the City of Basehor, replace such paving or surface in substantially as good condition as before said work was commenced.

SECTION 5. City of Tonganoxie, its successors and assigns, in the construction, maintenance, and operation of its waterline, shall use all reasonable and proper precaution to avoid damage or injury to persons and property, and shall hold and save harmless the City of Basehor from any and all damage, injury, and expense caused by the negligence of said City of Tonganoxie, its successors and assigns, or its or their agents or servants.

SECTION 6. After the approval of this Ordinance by the City of Basehor, City of Tonganoxie shall file with the City Clerk of the City of Basehor its written acceptance of this Ordinance. Said Ordinance shall become effective and be in force for a period of 20 years and shall be and become a binding contract between the parties hereto, their successors and assigns, after its passage and approval by the City of Basehor, acceptance by the City of Tonganoxie, and publication in the official City newspaper.

SECTION 7. This Ordinance, when accepted as above provided, shall constitute the entire agreement between the City of Basehor and the City of Tonganoxie relating to this franchise and the same shall supercede and cancel any prior understandings, agreements, or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written, shall be binding upon the parties, including their successors and assigns, and shall not be amended or further obligations imposed without mutual consent of the parties hereto.

SECTION 8. Any and all ordinances or parts of ordinances in conflict with the terms hereof are hereby repealed.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Chris Garcia, Mayor, City of Basehor

ATTEST:

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

**Narrative – City Council  
November 17, 2008  
Dustin Smith, Planning Director**

**Consideration of Ordinance annexing the property located at 14210  
Fairmount Road, also known as the Field of Dreams Athletic  
Complex, into the City of Basehor.**

On May 19, 2008, the City Council determined that the annexation of this property was in the interest of the City of Basehor and forwarded a resolution to the County Commission requesting their approval of the annexation. The County Commission approved the annexation at their meeting on October 20, 2008 and their resolution is attached.

A draft of the City Council ordinance and supporting documentation is attached. Upon approval of the ordinance, the annexation will take effect upon publication in the Basehor Sentinel. Documentation will be sent to the County for incorporation into their mapping system.

Staff will be available for discussion at the meeting.

**Staff Recommendation**

Approval of the ordinance to annex the Field of Dreams.

(Field of Dreams)

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

**AN ORDINANCE ANNEXING LAND KNOWN AS FIELD OF DREAMS INTO THE CITY OF BASEHOR, KANSAS**

**WHEREAS**, the following described land known as Field of Dreams is located in Leavenworth County, Kansas;

**WHEREAS**, a request for annexation of the following described property, submitted by the owner thereof, has been filed with the City of Basehor, Kansas, pursuant to K.S.A. 12-520c, as amended;

**WHEREAS**, the Board of County Commissioners of Leavenworth County, Kansas, has found and determined that the annexation of the following described land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within the county, pursuant to K.S.A. 12-520c, as amended;

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

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

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

Tract #1:

*A tract of land in the North ½ of Section 13, Township 10 South, Range 22 East of the Sixth P.M., more fully described as follows:*

*Beginning at the North ¼ corner of said Section 13; thence North 89 degrees 44' 58" East for a distance of 377.48 feet along the North line of said Section; thence South 01 degrees, 01' 16" West for a distance of 500.00 feet; thence North 89 degrees 44' 58" East for a distance of 500.00 feet; thence south 01 degrees 01' 16" West for a distance of 466.80 feet; thence South 89 degrees 44' 58" West for a distance of 361.00 feet; thence South 89 degrees 45' 58" West for a distance of 592.64 feet; thence North 01 degrees 07' 43" East for a distance of 966.84 feet to the North line of said Section; thence North 89 degrees 52' 55" East for a distance of 74.35 feet along said North line to the point of beginning.*

And also

Tract #2

*A tract of land in the North 1/2 of Section 13, Township 10 South, Range 22 East of the Sixth P.M., more fully described as follows:*

*Beginning at a point 74.35 feet South 89 Degrees 52' 55" West of the Northwest 1/4 corner of said Section 13; thence South 89 degrees 52' 55" West for a distance of 70.00 feet along the North line of said Section; thence South 01 degrees 07' 42" West for a distance of 1884.53 feet; thence North 89 degrees 49' 39" East for distance of 664.34 feet; thence North 01 degrees 01' 18" East for a distance of 918.22 feet; thence South 89 degrees 45' 48" West for a distance of 592.64 feet; thence North 01 degrees 07' 43" East for a distance of 966.84 feet to the point of beginning.*

*In Leavenworth County, Kansas.*

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

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

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

ATTEST:

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

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

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

(a/k/a Field of Dreams Property)

**RESOLUTION NO. 2008-06**

**A RESOLUTION OF THE CITY OF BASEHOR, KANSAS, REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, TO MAKE CERTAIN FINDINGS REGARDING THE ANNEXATION OF PROPERTY.**

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

**SECTION 1.** The Governing Body of the City of Basehor, Kansas, hereby finds that a request for annexation of the following described tracts of land has been presented to it by the Basehor Athletic Association:

Tract #1:

*A tract of land in the North ½ of Section 13, Township 10 South, Range 22 East of the Sixth P.M., more fully described as follows:*

*Beginning at the North ¼ corner of said Section 13; thence North 89 degrees 44' 58" East for a distance of 377.48 feet along the North line of said Section; thence South 01 degrees, 01' 16" West for a distance of 500.00 feet; thence North 89 degrees 44' 58" East for a distance of 500.00 feet; thence south 01 degrees 01' 16" West for a distance of 466.80 feet; thence South 89 degrees 44' 58" West for a distance of 361.00 feet; thence South 89 degrees 45' 58" West for a distance of 592.64 feet; thence North 01 degrees 07' 43" East for a distance of 966.84 feet to the North line of said Section; thence North 89 degrees 52' 55" East for a distance of 74.35 feet along said North line to the point of beginning.*

And also

Tract #2

*A tract of land in the North ½ of Section 13, Township 10 South, Range 22 East of the Sixth P.M., more fully described as follows:*

*Beginning at a point 74.35 feet South 89 Degrees 52' 55" West of the Northwest ¼ corner of said Section 13; thence South 89 degrees 52' 55" West for a distance of 70.00 feet along the North line of said Section; thence South 01 degrees 07' 42" West for a distance of 1884.53 feet; thence North 89 degrees 49' 39" East for distance of 664.34 feet; thence North 01 degrees 01' 18" East for a distance of 918.22 feet; thence South 89 degrees 45' 48" West for a distance of 592.64 feet; thence North 01 degrees 07' 43" East for a distance of 966.84 feet to the point of beginning.*

*In Leavenworth County, Kansas.*

The Governing Body further finds that the above described properties do not adjoin land within the boundaries of the City of Basehor. The Governing Body further finds that such annexation, at the request of the property owner, is advisable, desirable, beneficial, and in the interest of the public.

**SECTION 2.** The City of Basehor, Kansas, hereby respectfully requests that the Board of County Commissioners of Leavenworth County, Kansas, find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Leavenworth County, Kansas, all as provided in K.S.A. 12-520c.

**ADOPTED AND APPROVED** by the Governing Body of the City of Basehor, Kansas, this 19<sup>th</sup> day of May, 2008.



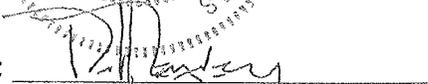
Chris Garcia – Mayor

ATTEST:

  
Mary A. Mogle City Clerk



APPROVED AS TO FORM:

  
Patrick G. Reavey, City Attorney

## Staff Report

**Date:** May 6, 2008

**Subject:** Consideration of voluntary annexation of Field of Dreams property, located at 14210 Fairmount Road.

**File No:** N/A

### GENERAL INFORMATION

**Applicant:** Basehor Athletic Association

**Property Owner:** Basehor Athletic Association

**Address:** 14210 Fairmount Road  
Basehor, KS 66007

**Location:** 14210 Fairmount Road

**Current Zoning:** Rural Residential 2.5 (County)

### STAFF ANALYSIS

#### Project Description

The Basehor Athletic Association has submitted a petition for annexation for the property containing the Basehor Field of Dreams sports complex, located at 14210 Fairmount Road. The application was submitted as part of the request to connect to the Basehor city sewer system due to the current city policy that requires annexation of all properties outside the city requesting connection to the city sewer system. Until recently when the connection to city sewer was complete, The Basehor Field of Dreams was using a sewer lagoon for sewage treatment. The Kansas Department of Health and Environment (KDHE) mandated the decommissioning of the sewer lagoon.

The property consists of two separate parcels that total 30.11 acres. The property is in use as a sports complex that includes baseball, softball, soccer and football fields. General use occurs mostly on weekends during the spring and summer months.

The annexation request is governed by Kansas Statutes, Section 12-520(c)(2). The annexation of the property requires approval by the County Commission because the property is not adjacent to the existing city boundaries. Upon the Planning Commission recommendation, a resolution will be forwarded to the City Council for their consideration. If they find that the annexation is in interests of the city, the resolution will be forwarded to the County Commission for approval. If the County approves it, the City Council will then consider an ordinance for the annexation.

The City Council adopted an annexation plan in January, 2008. Staff is in the process of pursuing several annexations of property adjacent to the city boundaries, including Cedar Falls and Cedar Lake Estates. We have also requested annexation of the Victory Crest (formerly Theno Estates), which is adjacent to the Field of Dreams site on the east. However, the petition for Victory Crest has not been submitted.

Annexations of this type were typically not reviewed by the Planning Commission. However, the Council recently requested that all annexations be reviewed by the Planning Commission.

### Zoning Issues

The property is currently zoned as Rural Residential 2.5. According to the City Attorney, the Kansas Supreme Court has indicated that annexed property should retain the zoning that was in place prior to annexation. The city can rezone the property after annexation, but only with proper public notifications and conducting a public hearing, or the property owner would have to rezone the property prior to doing future improvements. Therefore, the property will retain the Rural Residential 2.5 zoning classification upon annexation and will continue to operate under the requirements placed on it by the County as part of the development approval. Staff will have a list of these conditions available for presentation to the Planning Commission at the meeting.

### The Annexation Plan

The Annexation Plan was adopted on March 3, 2008. It listed several properties that are targeted for annexation, which included several properties that are expected to connect to the city sewer system in the short-term. However, the properties listed in the Plan were provided as examples and not intended to provide a specific list of properties that the city would pursue. Furthermore, according to the policies listed in the Plan, "*properties that will be connected to the city's sewer system will be required to annex into the city, unless the Governing Body determines that such annexation is not in the city's best interest.*"

### Extension of Services

As part of the annexation, the City will extend services to the annexation area. These would include sewer service and police service.

The applicant has petitioned the City to connect to the city sewer system. However, the extension of police services will require the local police department to patrol the annexed area and respond to police calls. Due to the location of the subject property being over one (1) mile from any existing portion of the city, the biggest cost involved will likely be the additional driving distance when performing routine patrols or responding to calls. In addition, an officer patrolling or responding to a call at Field of Dreams will be approximately 10 miles driving distance from Honey Creek Subdivision, which is the furthest point in the city from Field of Dreams.

### Sewer Rate

Properties that are connected to the city sewer, but are located in the unincorporated county, pay a rate equal to 150% of what a resident of Basehor will pay. If the property is annexed, the sewer rate will be the same as other properties within the city. The estimated monthly sewer fee for Basehor Field of Dreams, if annexed, is approximately \$38.81 during the months that they operate. If the property is not annexed, the monthly fee would be approximately \$58.21.

### Sewer Connection Fee

The sewer connection fee for properties within the city is \$2,950.00, whereas the non-resident fee is \$4,425.00. Basehor Athletic Association paid the non-resident fee. If annexed, the City Council will determine if a refund on the difference will be given to the applicant.

### Benefits to the City as a Result of Annexation

#### *Property Tax*

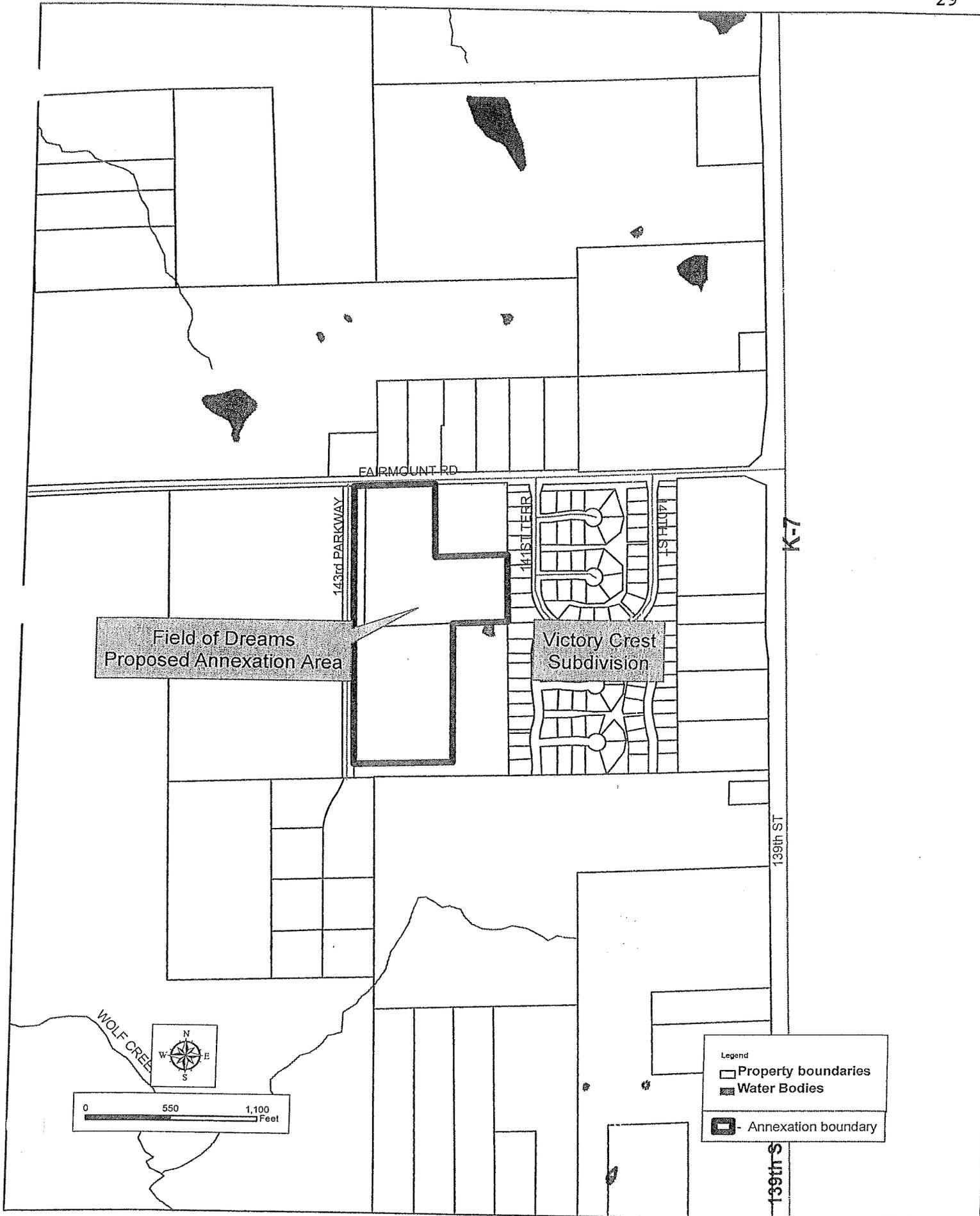
The Basehor Athletic Association is considered tax-exempt and does not pay property taxes due to their status as a community service organization. Therefore, the benefits to the city as a result of annexation are limited.

#### *Sales Tax*

The current City of Basehor sales tax rate is approximately 7.3%, whereas the sales tax rate in the unincorporated County is 6.3%. Upon annexation, the sales tax rate of 7.3% will be applied to concessions sold at Field of Dreams and the city should realize an increase in annual sales taxes. The amount of total sales in past years and the resulting sales taxes was unavailable.

### Staff Recommendation

Staff recommends approval of the annexation.



# CITY OF BASEHOR

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



# APPLICATION FORM

Project Name & Description <b>FIELD OF DREAMS COMPLEX</b>		Total Site Acreage <b>3.21</b>	Present Zoning
Legal Description (May be attached as separate sheet)			
Project Address / General Location <b>14300 FAIRMOUNT ROAD BASEHOR, KS. 66007</b>		Proposed Zoning	
Parcel ID Number (CAMA Number) <b>052-156-13-0-00-00-003 05-0 + 03-0</b>		Presubmittal Date	
Property Owner Name <b>BASEHOR ATHLETIC ASSOCIATION</b>		Phone <b>724-2133</b>	Fax
Property Owner Address <b>PO Box 503</b>		City <b>BASEHOR</b>	State <b>KS</b>
Applicant's Name (if different from above) <b>MIKE CHUMLEY</b>		Phone <b>913-206-6935</b>	Fax
Applicant's Address <b>17888 EVANS RD.</b>		City <b>TONGANOXIE</b>	State <b>KS</b>
Applicant's mobile phone		Property Owner and/or Applicant's E-mail address <b>MIKE@MIKECHUMLEY.NET</b>	Zip <b>66086</b>

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

PROJECT INFORMATION	
Existing Use	<i>Exempt Benevolent</i>
<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Vacant <input type="checkbox"/> Other <b>EB</b>	
Proposed Use	
<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Other <b>EB</b>	

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

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

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

*Mike Chumley* 3-13-08  
 Signature Date

Office Use Only	
<input type="checkbox"/> Filing Fee \$ <u>N/A</u>	<input checked="" type="checkbox"/> Received by <i>[Signature]</i> <input type="checkbox"/> # of Plans _____
<input type="checkbox"/> Attached Legal Description	<input type="checkbox"/> Property Ownership List

**Narrative – City Council  
November 17, 2008  
Dustin Smith, Planning Director**

**Consideration of Ordinance establishing fee for payments in lieu of construction for sidewalks associated with development approvals for property adjacent to non-curbed and non-guttered streets.**

The Council considered this item at the November 3, 2008 meeting and authorized staff to prepare the ordinance for adoption of the fee.

The attached ordinance proposes a fee of \$4.60 per square foot of sidewalk. It also provides how the payment is applied and the criteria for determining if the payment in lieu of construction is appropriate.

The draft ordinance and supporting information is included with this item. Staff will be available for discussion at the meeting.

**Staff Recommendation**

Approval of the ordinance to establish the PILOC.

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

**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.**

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

- Section 1.** A. Property owners who have filed a development application with the city for property that is adjacent to non-curb and non-guttered street(s), may be eligible to pay a fee in lieu of construction of sidewalks that otherwise would be required for the development.
- B. Depending upon what approval is necessary for the particular development application made, the City Planning Commission or the City Governing Body shall determine whether the payment in lieu of construction is appropriate on a case-by-case basis during the development approval process.
- C. The determination as to whether the PILOC is appropriate shall include consideration of the following criteria:
1. If the street has curbs and gutters.
  2. If the street does not have curbs and gutters, consideration shall be given to the timeframe of a street improvement project being completed that will affect the location of the sidewalk.
  3. If the sidewalk would connect other segments or provide an important walking route between two points.
  4. Other factors that may be important due to the location of the property.
- Section 2.** The payment in lieu of construction (PILOC) is hereby established at a rate of \$4.60 per square foot of required sidewalk.
- Section 3.** This ordinance shall be in full force and effective from and after its passage, and publication in the official city newspaper.

**PASSED** and approved by the Governing Body of the City of Basehor, Kansas,  
this 17<sup>th</sup> day of November, 2008.

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Mayor Chris Garcia

ATTEST:

(SEAL)

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Mary A. Mogle, City Clerk

[APPROVED AS TO FORM ONLY.]

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[City Attorney]

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider approval of Substance Abuse Policy and implementation of Employee Assistant Program (EAP).

**Department:** Administration

**Background/Description of Item:**

*Excerpt from May 9, 2008 Information Summary*

*In an effort to provide a safe workplace environment, a Substance Abuse Policy has been drafted for Council approval.*

*With adoption of this policy we will also implement random drug testing. Two employees per month would be selected by Alternatives Inc. for testing. The employee would have four hours once notified to arrive at OHS CompCare for testing. Once the employee arrives at the laboratory, the process should take approximately twenty minutes and cost approximately \$40. If the employee tests positive, an additional step would be taken where a medical review officer would contact the employee's physician and pharmacy regarding legal prescriptions taken by the employee. That would be an additional \$19.00. Employees and supervisors would receive training from Alternatives regarding Substance Abuse.*

*In conjunction with the Substance Abuse Policy, Council is also requested to take action on the implementation of an Employee Assistant Program (EAP). The program would be run through Alternatives Inc. The cost of the program would be \$2,000 per year and funded through the Employee's Benefit Fund. The employee would be responsible for any other costs associated with treatment. An EAP is not required by law, but recommended when random drug and accident testing are implemented.*

*Department heads have reviewed and support the policy. The city attorney has also reviewed the policy and made necessary changes.*

After further review and change in legislation, the city attorney requested that changes be made to the adopted policy. Specifically, the legislation or legal opinions restricted use of the policy to those in sensitive or high-risk positions. The recommended changes, as well as supporting information provided by the League of Kansas Municipalities, are attached.

**Funding Source:** Employee Benefit Fund

**Recommendation:** Approve proposed amendments to Substance Abuse Policy.

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

# City of Basehor Substance Abuse Policy

## Introduction

As part of our commitment to safe guard the health of our employees, to provide a safe place for our employees to work, to promote a drug-free community, City of Basehor (here after referred to as "City") establishes this policy on the use or abuse of alcohol and illegal drugs by our employees. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided by the City. The City has established this policy to detect users and remove abusers of alcohol and illegal drugs from the workplace. It is also the policy of the City to prevent the use and/or presence of these substances in the workplace and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

## Purpose

The purpose of this policy is to communicate the City's position on alcohol and drugs in the workplace and to provide guidance for implementing related programs within the City.

City policies and procedures regarding substance abuse or the employees assistance program, are not intended to create or alter any existing, implied, or express contracts, written or verbal, between the City and its employees, independent contractors, or job applicants. The City reserves the right to alter any of its policies, procedures, or programs, at will and without notice to its employees, independent contractors, or job applicants. The City creates no promises with any of its policies, procedures, and programs, and remains free to change wages and all other working conditions without having to consult employees or anyone else and without anyone's agreement. The City reserves the right with or without good cause to refuse to hire any job applicant as is consistent with existing law.

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## Scope

All City employees, including management, production, administrative, drivers and temporary employees, are covered by this policy. As a condition of employment, employees are required to abide by the terms of this policy. This substance abuse policy primarily governs actions in the areas of alcohol and drugs. Other City policies may apply in these areas to the extent that they do not conflict with this policy. Certain employees may be subject to additional requirements under state and/or federal regulations.

## Substance Abuse Policy Dissemination

- A. All employees are to be informed of the City's substance abuse policy. Employees shall be given a copy of the City's substance abuse policy and shall be required to sign an Acknowledgment of Receipt and Understanding.
- B. All applicants shall be informed in writing of the City's policy of pre-employment testing and shall be required to sign an Applicant Drug/Alcohol Testing Consent Agreement following a conditional offer to hire and prior to referral for a physical or drug and/or alcohol test.

## Definitions

- A. Illegal Drugs  
 "Illegal drugs" are drugs or controlled substances (as defined pursuant to 21 U.S.C. 802, including all substances listed on Schedule I through V , 21 C.F.R. Pt. 1308, as they may be revised from time to time) which are (1) not legally obtainable or (2) legally obtainable but not obtained or used in a lawful manner. Examples include, but are not limited to, cocaine and marijuana, as well as prescription drugs which are not lawfully obtained or properly utilized. The term "illegal drugs" also includes mind-altering and/or addictive substances which are not sold as drugs or medicines but are used for the mind -or behavior-altering effect.
- B. Legal Drugs

“Legal drugs” are those prescribed or over-the-counter drugs that are legally obtained by the employee and used for the purpose for which they were prescribed and sold.

C. Safety Sensitive Position

A “safety sensitive position” or safety sensitive function is any position that requires the performance of physical or supervisory tasks directly affecting operations which, if performed improperly, could result in injury or death to employees or others or could result in significant property damage. A position may also be classified as sensitive if it requires responsibilities with a high degree of trust and confidence.

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D. City Property

The term “city property” includes work sites, parking lots, vehicles, offices owned, rented, utilized, or serviced by the City or by any customer of the City, employee owned or employee-rented vehicles on the property of the City or of any customer of the City while on City business, and locations where the employee represents the City in any capacity.

E. On Duty

The term "on duty", for purposes of this Substance Abuse Policy only, includes all working hours, as well as meal periods and break periods, regardless of whether on premises, and all hours when the employee represents the City in any capacity.

F. Non-Department of Transportation (here after referred to as “DOT”) Employees

All employees of the City, permanent, and part-time, including management, production, and administrative, excluding those defined as "DOT Employees".

G. DOT Employees

Employees of the City who have a commercial drivers license and/or drive commercial motor vehicles with a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds, as defined by 49 C.F.R. 382.107.

**Drug/Alcohol Use Prohibitions**

A. The use, sale, purchase, possession, manufacture, distribution, or dispensing of illegal drugs on City property or during working time is against City policy and is cause for discipline, up to and including immediate termination.

B. It is also against City policy for any employee to report to work or be on duty with the presence of illegal drugs in the employee's body. Employees who violate this policy are subject to disciplinary action, up to and including termination.

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C. Legal drugs may also affect the safety of the employee, fellow employees or the members of the public. Therefore, any employee who is taking any legal drug that might impair safety, performance, or any motor functions must advise his or her supervisor before reporting to work under such medication. A failure to do so will result in disciplinary action. Improper use of "legal drugs" is prohibited and will result in disciplinary action, up to and including termination.

D. Refusal to submit to, efforts to tamper with, or failure to pass a drug test will result in disciplinary action, up to and including termination.

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E. The consumption, possession or being under the influence of alcohol while on duty is prohibited and will result in disciplinary action, up to and including termination. There may be occasions, however, removed from the usual work setting, at which it is permissible to consume alcohol in moderation (e.g., City picnics, receptions, civic activities, City sporting events).

F. Notwithstanding the exception mentioned above, it is against City policy to report to work or to work under the influence of alcohol.

G. An alcohol test result of .02 or higher will be considered positive under the DOT Guidelines.

H. Refusal to submit to, efforts to tamper with, or failure to pass an alcohol test will result in a disciplinary action, up to and including termination.

## Testing

### A. Pre-Employment Test

1. All applicants considered final candidates and who have received a conditional offer for a position will be tested for the presence of illegal drugs and alcohol as a part of the application process.
2. Applicants will be advised of the City's pre-employment testing requirements in writing following an offer of hire and prior to referral for a drug and alcohol test. Applicants will be asked to sign the Applicant Drug/Alcohol Testing Consent Agreement.
3. Any applicant who refused to submit to, tampers with, or fails to pass the pre-employment drug and alcohol test shall be ineligible for hire for a period of one year.

### B. Reasonable Suspicion Testing

1. DOT employees and Non-DOT employees will be asked to submit to a drug and/or alcohol test based on a reasonable suspicion that their ability to perform work safely or effectively may be impaired. Factors that individually or in combination could result in reasonable suspicion include, but are not limited to, the following:
  - a. direct observation of an individual engaged in drug and/or alcohol-related activity;
  - b. a pattern of abnormal conduct;
  - c. unusual, irrational, or erratic behavior;
  - e. sudden changes in work performance;
  - f. repeated failure to follow instructions or operating procedures;
  - g. violation of City safety policies or failure to follow safe work practices;
  - h. unexplained or excessive negligence or carelessness;
  - i. discovery or presence of drugs in an employee's possession or near an employee's workplace;
  - j. odor or residual odor peculiar to some drugs;
  - k. arrest or conviction for a drug-related crime;
  - l. information provided either by reliable and credible sources or independently corroborated; or
  - m. evidence that an employee has tampered with a prior drug and/or alcohol test.
2. If feasible, the conduct of an employee which raises reasonable suspicion shall be witnessed by two (2) supervisors or city officials. If not feasible, only one (1) supervisor or city official need witness the employee's conduct.
3. If a supervisor(s) believes reasonable suspicion exists, the supervisor(s) should report his or her findings and observations to the manager of personnel or city administrator immediately.

### C. Post-Accident Testing

1. DOT employees, as required by 49CFR 382.303, and Non-DOT employees, will be tested for the presence of drugs and/or alcohol as soon as possible following a vehicle accident or other occurrence that involves either of the following:

**Deleted:** who are involved in an accident

- a. Bodily injury requiring immediate medical treatment
  - b. Property damage requiring significant repair work in excess of \$1,000
  - c. The city administrator, in certain circumstances, may ~~waive~~ drug/alcohol testing.
2. An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

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D. Random Testing

- 1. As required pursuant to 49 C.F.R. 382.305, all DOT employees will be required to submit to drug and/or alcohol testing on a random basis.
  - a. Selection of DOT employees for random testing shall be conducted through the use of a random number generator or other neutral selection process.
  - b. Random testing of DOT employees will occur while the driver is performing safety sensitive functions, or just before or just after the driver performs such functions.
- 2. All City police officers shall be subject to random drug testing. Selection of police officers, for random drug testing shall be conducted through the use of a random number generated by an outside agency other than City staff.
- 3. Supervisors that suspect an employee may be under the influence of drugs or alcohol may request that employee be tested.
- 4. The city administrator, in certain circumstances, may require or waive drug/alcohol testing.

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E. Follow-Up Testing

Any employees who have participated in a substance abuse counseling or rehabilitation program, either voluntarily or as a result of violation of this Drug, Alcohol, and Substance Abuse Policy, will be subject to unannounced follow-up tests for a twelve month period after returning to work or completion of any rehabilitation program, whichever is later.

F. Additional Testing

Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations or as deemed necessary by the City.

G. Testing Procedure

- 1. The City will determine the drug and/or alcohol testing to be performed.
- 2. If the employee refuses to consent to testing, fails to appear for testing, tampers with the test, or fails to cooperate with the testing procedures, the action will be considered a positive result, and he or she may be disciplined up to and including termination.
- 3. Test samples will be analyzed by a qualified laboratory or technician selected by the City that complies with DOT regulations.
  - a. All urine samples will be tested according to the following sequence: (1) All urine samples will be subjected to an initial screening process to detect the presence of controlled substances; (2) Those samples having a

negative screen (no illegal or illicitly used substances present) will be considered to have tested negative, and no further testing will be done on that sample; and (3) Those samples that test positive on the first screen will be tested more extensively by means of Gas Chromatography/Mass Spectrometry (GC/MS) to eliminate any false-positive tests and confirm the presence of illegal drugs.

- b. All breath samples will be tested according to the following sequence: (1) All breath samples will be subjected to all initial screening tests to detect the presence of alcohol; (2) For those tests with a result of 0.02 or greater, a second test will be conducted that also provides quantitative data of alcohol concentration to ensure an accurate result; and (3) Any DOT employee tested under these provisions with an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle. Likewise, the employee will not perform or continue to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

c. On an annual basis, the personnel director shall provide the qualified laboratory with a list of police officers and DOT employees.

From the list provided, the laboratory shall randomly select two individuals per month to be tested. The laboratory shall notify the personnel director prior to 9:00 a.m. of the randomly chosen individuals. The personnel director or their designee shall contact the designated individuals. The individual has up to two hours, after notification, to arrive at the designated testing laboratory and be tested. For those individuals performing shift work, additional time may be necessary. No more than twenty-four hours shall past after notification for shift workers.

- 4. Employees who consent to testing will be informed of the results by the personnel director or city administrator. This information will be handled with the degree of care and confidentiality necessary to safeguard the employee's interests and to ensure the results are attributed to the correct person. As set forth within, a positive test will result in disciplinary action, up to and including termination and/or referral of the employee to the Employee Assistance Program (here after referred to as "EAP")
- 5. Any employee who adulterates a specimen or who otherwise attempts to invalidate a test will be subject to discipline, up to and including termination.

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**Disciplinary Action**

A. In the case of a first-time violation of the City's Substance Abuse Policy, including a positive drug or alcohol test result or other evidence of use, sale, possession, distribution, dispensation, or purchase of drugs or alcohol while on duty, the employee will be disciplined, up to and including termination, and/or the following may apply:

- 1. The employee will be subject to discipline and referred to the EAP
- 2. The employee must contact the City's EAP within 24 hours and participate in professional drug and/or alcohol evaluation, counseling, and/or rehabilitation as prescribed by the EAP. The employee must cooperate with the EAP staff in carrying out its responsibility to coordinate the evaluation, counseling, treatment, and follow-up process.
- 3. Employees who: (1) do not cooperate with the EAP; or (2) refuse to participate in or do not satisfactorily complete a drug or alcohol abuse assistance or rehabilitation program; or (3) subsequently violate this policy, will be terminated.
- 4. The employee may require inpatient or outpatient treatment and/or an educational program. The employee will be placed on leave without pay during the absence, or may use accrued existing leave benefits (medical, vacation) if needed.
- 5. Any employee referred to the EAP for drug and/or alcohol use must sign a Last Chance Acknowledgment prior to returning to work and agree to submit to unannounced drug testing for a period of up to 12 months.

6. After signing the Last Chance Acknowledgment and before returning to work, the employee must submit to a drug and/or alcohol test, and the results of the test must be negative.
7. A first-time violator of this policy may be subject to immediate discipline, up to and including termination, if the conduct of the violator is deemed by management to warrant such action without referral to the EAP.
8. The employee shall be responsible for all costs associated with treatment. The employee may contact the State of Kansas Employee Assistance Program, group health insurance plan, or EAP facility for treatment options.

B. The City may suspend employees without pay under this policy pending the results of a drug and/or alcohol test or investigation.

C. Except for first-time violators of this policy as set forth above, or as required in an employee's regular employment responsibilities, any employee engaging in the use, sale, purchase, possession, or distribution of drugs or alcohol on duty, or who otherwise violates this policy, is subject to disciplinary action, up to and including termination, without referral to the City's EAP.

#### **Employee Assistance Program**

A. The City regards its employees as its most important asset. Accordingly, the City maintains an EAP which provides help to employees who suffer from alcohol or drug abuse and/or other personal or emotional problems. No employee will be subject to discipline for voluntarily seeking EAP assistance. An employee may not, however, avoid discipline for violating the substance abuse policy by seeking this assistance after the employee is referred for testing pursuant to this policy.

B. Any work-related performance, attendance or behavioral problems may result in discipline, up to and including termination, even if an employee is voluntarily participating in the EAP.

C. Employees referred to the EAP as a result of a violation of the City's substance abuse policy may continue their employment with the approval of the City, provided that:

1. They contact the EAP and strictly adhere to all the terms of treatment and counseling prescribed by the EAP;
2. Immediately cease any and all use of alcohol and /or drugs; and
3. Consent in writing to periodic unannounced testing for a period of up to two years after returning to work or completion of any rehabilitation program, whichever is later.

D. In keeping with the City's need for safety and security, management will determine whether the City should grant a leave of absence or reassign an employee following a positive test or during the period of evaluation, treatment, or counseling.

E. Participation in any evaluation, treatment, or counseling program will be at the employee's expense unless the employee is entitled to such benefits under the terms of the City's group health plan or by other available benefits.

#### **Investigation**

A. To ensure that illegal drugs and alcohol do not enter or affect the workplace, the City reserves the right upon reasonable suspicion or belief to search all vehicles, containers, lockers, or other items on City property in furtherance of this policy. Individuals may also be requested to display personal property for visual inspection upon request by the City based on a reasonable belief or suspicion.

B. Failure to consent to a search or to display personal property for visual inspection will be grounds for termination or denial of access to City premises.

C. The City will turn over all confiscated drugs to the proper law enforcement authorities. Further, the City will cooperate with and may enlist the services of the proper law enforcement authorities in the course of any investigation.

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**Arrest Or Conviction For Alcohol/Drug Related Crime**

A. If an employee is arrested for or convicted of a drug-related crime, the City may investigate the circumstances, and City officials may utilize the drug-testing procedure.

B. As a condition of employment, an employee shall notify a member of management of any criminal drug statute conviction or for any plea of guilty, nolo contendere, or suspended imposition of sentence that has been entered on a criminal drug statute charge. The employee must give notice in writing to the City within five (5) days of such conviction, plea, or imposition.

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**Confidentiality**

Results of an applicant's or employee's test for the use of illegal drugs or alcohol shall be transmitted from the certified technician or representative of the lab to the City's manager of personnel. In order to effectively address the drug or alcohol problems of employees, it may be necessary for the manager of personnel to consult with other City personnel in the process. The test results and identity of the employee shall be treated with the appropriate degree of confidentiality and shall be disseminated only on a need-to-know basis.

**Drug Free Awareness Program**

A. The City will conduct drug-free awareness programs. These programs will inform employees about the following:

1. The dangers of drug and alcohol abuse in the workplace;
2. The City's policy of maintaining a drug and alcohol free workplace;
3. Available drug and alcohol counseling, rehabilitation, and employee assistance programs; and
4. The sanctions that may be imposed for alcohol and drug abuse violations.

B. Employees are encouraged to approach their supervisor or the manager of personnel at anytime with any questions they have about the City's Substance Abuse Policy as stated herein.

City of Basehor
Applicant Drug and Alcohol Testing
Consent Agreement

As a prerequisite to employment, I hereby agree to allow a qualified laboratory designated by the City of Basehor to collect urine samples from me to determine the presence of drugs or alcohol in my body. Further, I give my consent to the release of my test results to authorize the City of Basehor management for appropriate review.

I understand that the results of the drug/alcohol testing of my urine, for a period of three months, if positive, will remove me from consideration for employment. I also understand that if I refuse to consent, I will be removed from further consideration for employment.

Further, I understand that, if employed by the City of Basehor, I must abide by the terms of the City of Basehor's Drug and Alcohol Policy and may be required to submit to testing for the presence of drugs or alcohol for reasons stated in the City of Basehor policy. I understand that submission to such testing is a condition of employment with the City of Basehor and disciplinary action, up to and including termination, may result for violating the City of Basehor's Drug and Alcohol Policy.

I hereby consent to the administration of the drug and alcohol test, and to the terms and conditions of the Consent Agreement.

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Applicant's Signature Printed Name Date

Social Security Number: - -

Witness's Signature Date

I hereby refuse the drug and alcohol detection urine test.

Applicant's Signature Date

Social Security Number

Witness Signature Date

City of Basehor  
PRE-EMPLOYMENT INFORMATION FORM

Please answer the following questions to help us comply with Federal/State equal employment opportunity record keeping, reporting, and other legal requirements.

This information will not be used in considering you for employment. The Pre-Employment Information Form will be kept in a confidential file separate from your Application for Employment.

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1. Name: \_\_\_\_\_  
First Middle Last

2. Address: \_\_\_\_\_  
\_\_\_\_\_

3. Birth Date: \_\_\_\_\_ 4. Social Security Number: \_\_\_\_\_  
(optional)

5. Drivers License Number \_\_\_\_\_ Class \_\_\_\_\_ Phone Number \_\_\_\_\_

6. Race/Ethnic Group (optional): \_\_\_\_\_ White \_\_\_\_\_ Black  
\_\_\_\_\_ Hispanic \_\_\_\_\_ American Indian \_\_\_\_\_ Other

7. Sex: \_\_\_\_\_ Male \_\_\_\_\_ Female

8. Are you related to anyone that is now employed by the City of Basehor?

\_\_\_\_\_ NO \_\_\_\_\_ YES

If yes, please list their name \_\_\_\_\_

Relationship to you \_\_\_\_\_

Note: It is the policy of the City of Basehor that all applicants selected for employment must satisfactorily pass a medical examination which includes a drug and alcohol screening test. Those applicants with a confirmed positive test for drugs/alcohol will not be hired.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**Mary Mogle**

---

**From:** Larry Baer [lbaer@lkm.org]  
**Sent:** Monday, November 03, 2008 10:30 AM  
**To:** cityclerk@cityofbasehor.org  
**Cc:** 'Carl Slaugh'; 'Patrick Reavey'  
**Subject:** RE: Drug Testing Policy  
**Attachments:** WI League.pdf; AGO 2002-2.pdf; KS Trans Rptr.pdf; MO Muni League.pdf

Mary – There was federal legislation adopted several years ago dealing with drug and alcohol testing of employees who operate vehicles that require a commercial driver's license. This legislation generally did not address "high risk" positions. However, court made law (U.S. Supreme Court and federal district court) has established that random testing can be permissible for "safety-sensitive positions." I think that the generally accepted position is that random, suspicionless drug testing of all public employees is not constitutional. The Kansas Attorney General has opined to this effect in AGO No. 2002-2. A copy of this opinion is attached for your information and reference.

In addition to the AGO, I am also including three articles from various sources regarding the subject. The AGO and the articles all reach similar conclusions. The USDOT regulations regarding CDL holders are briefly discussed in the Missouri Municipal Review article beginning on page 38. I am also sending copies of these articles to Carla and Patrick.

**Attachments:**

Attorney General Opinion No. 2002-02  
*Legal Parameters of Suspicionless Drug Testing*, from January 2002, the Municipality, published by League of Wisconsin Municipalities  
*What is "Reasonable Suspicion"* from January 2002 Kansas Trans Reporter, published by the University of Kansas Transportation Center  
*Safety versus Privacy: When May A Public Employer Require a Drug Test?*, from August 2003, Missouri Municipal Review, published by Missouri Municipal League

Larry R. Baer  
Assistant General Counsel  
League of Kansas Municipalities  
785-354-9565  
lbaer@lkm.org

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**From:** Mary Mogle [mailto:cityclerk@cityofbasehor.org]  
**Sent:** Monday, November 03, 2008 8:57 AM  
**To:** 'Larry Baer'  
**Cc:** 'Carl Slaugh'  
**Subject:** Drug Testing Policy

Larry,

11/5/2008

Recently the City of Basehor adopted a random drug testing policy where all employee's would randomly be tested. According to my city attorney, new legislation was enacted where only employees in high risk positions such as public works and police officers could be tested. Clerical and desk position employees would be totally exempt.

I have not been able to find any legislation online that supports this. Do you have any knowledge of new laws?

Mary A. Mogle, CMC

City of Basehor

P. O. Box 406

Basehor, Ks 66007-0406

913-724-1370 ext. 28

*Live life as if there is no tomorrow...treat your loved ones as if it were your last day together...live, laugh, and love.*

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider approval of Standard Operations & Procedures Policies for agenda requests, payroll, accounts payable, and utility billing per auditor request.

**Department:** Administration

**Background/Description of Item:**

Two years ago, the auditors requested the administrative department produce policies for accounts payable, utility billing, and payroll. Those policies were written and maintained by each individual clerk with the exception of the accounts payable (purchasing policy) which was adopted in 2006.

This year, after the 2007 audit was performed, the auditors informed me that the payroll, utility billing, and accounts payable policies needed to be adopted formally by the City Council. This request prompted tonight's agenda item request.

In addition, the administrative staff is working to develop a Standard Operations and Procedures manual that coincide with the aforementioned policies and other tasks performed by the department.

In the past I have fielded phone calls from council members asking how the agenda is set. This prompted me to compile a policy regarding the subject that would provide council members, staff, and citizens with a written document explaining the process.

The proposed policies (payroll, utility billing, accounts payable) have been forwarded to the auditors and city attorney for their review as well.

I would also like to add, the policies have been drafted in accordance with previous auditing requirements.

**Funding Source:** No funding required.

**Recommendation:** Approve Standard Operations & Procedure Policies for Payroll, Accounts Payable, Utility Billing, and Agenda Item Requests.

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

# City of Basehor

## Standard Operations and Procedures

SUBJECT:

Payroll Procedure Policy

Effective Date: November \_\_, 2008

### BACKGROUND

*The City of Basehor employs full-time, part-time, and seasonal employees and adheres to federal, state, and local guidelines regarding standard payroll practices. The purpose of this Standard Operations and Procedures is to provide direction to employees, administrative staff, and auditors. (revised 11/17/08)*

### DEFINITIONS

“*Bi-Weekly*” - pay cycle every two weeks (26 pay periods annually)

“*Elected Official*” – member of the governing body elected by the vote of the people

“*Semi-Monthly*” – pay cycle twice per month (24 pay periods annually)

“*Personnel*” – all staff employed by the City of Basehor who do not fit within the category of *Elected Official*

“*Work Week*” - shall be deemed as a forty-hour work week from Saturday to Friday

“*Pay Cycle*” shall be based on an eighty-hour time frame or two-week schedule as set out in the annual Pay Period calendar

### PURPOSE

The purpose of this policy is to provide guidelines to the Administrator, Department Supervisors, and Staff regarding payroll cycles and procedures.

### POLICY

1. “*City Administrator*” shall be the final decision maker when it comes to approving weekly work schedules, overtime, and other leave requests.
2. “*Department Supervisors*” shall oversee day to day operations of their department when it comes to work schedules, overtime, and other leave requests. In the matter where there is conflict or questions, the City Administrator shall be notified and apprised of the situation and shall be the final decision maker when deemed necessary.

<b>City of Basehor</b> Standard Operations and Procedures	
SUBJECT: Payroll Procedure Policy	Effective Date: November __, 2008

**BACKGROUND**

The City of Basehor , on a daily basis, finds it necessary to make purchases for goods and services to operate various departments within the city limits.

**DEFINITIONS**

*“Bi-Weekly”* - pay cycle every two weeks (26 pay periods annually)

*“Elected Official”* – member of the governing body elected by the vote of the people

*“Semi-Monthly”* – pay cycle twice per month (24 pay periods annually)

*“Personnel”* – all staff employed by the City of Basehor who do not fit within the category of *Elected Official*

*“Work Week”* - shall be deemed as a forty-hour work week from Saturday to Friday

*“Pay Cycle”* shall be based on an eighty-hour time frame or two-week schedule as set out in the annual Pay Period calendar

**PURPOSE**

The purpose of this policy is to provide guidelines to the Administrator, Department Supervisors, and Staff regarding payroll cycles and procedures.

**POLICY**

1. *“City Administrator”* shall be the final decision maker when it comes to approving weekly work schedules, overtime, and other leave requests.
2. *“Department Supervisors”* shall oversee day to day operations of their department when it comes to work schedules, overtime, and other leave requests. In the matter where there is conflict or questions, the City Administrator shall be notified and apprised of the situation and shall be the final decision maker when deemed necessary.
3. *“City Council”* shall be the final decision making body when it comes to setting wage plans and pay increases or policies outside the established wage plan.

4. The City of Basehor makes every effort to treat all personnel fair and equal.
5. Elected officials shall be paid on a semi-monthly basis. All other employees shall be paid on a bi-weekly basis.

## **PROCEDURE**

1. Employees shall be required to record daily worked hours on official time sheet. No other time sheets shall be permitted. If deemed necessary, the city administrator shall request the city clerk make changes to the time sheet. The city clerk shall distribute amended time sheets to department supervisors. It shall be the responsibility of the supervisor to distribute to their staff.
2. The administrative staff shall prepare annually a "Pay Period" calendar showing each pay period cycle, when time sheets are due to supervisors, and when employees will receive their pay voucher. This calendar shall be posted in each department for staff review.
3. Personnel Information
  - a. Personnel are required to provide the City Clerk with up to date and current information regarding address, contact information, and tax information.
  - b. Each new hire shall complete the following forms:
    - I-9 Immigration Form
    - W-4 Federal Withholding Form
    - K-4 Kansas Withholding Form (hired after 7/1/08)
    - Medical, dental, and life insurance forms if applicable.
    - Retirement Plan (if applicable)
    - Acknowledgement of receipt of Personnel Manual
    - Automatic Payroll Direct Deposit (optional)
  - c. Personnel records shall be kept in a restricted area away from public access.
  - d. Other forms and information that may be deemed necessary by law.
4. Payroll Cycle.
  - a. Personnel completes and signs time sheet.
  - b. Completed time sheet and leave request forms shall be submitted to their direct or designated supervisor.
  - c. Designated supervisor shall review personnel's recorded hours and days worked and sign time sheet. If corrections need to be made, supervisor shall contact the employee prior to making the necessary changes.
  - d. Supervisor shall submit signed time sheet to the city clerk for processing.
  - e. City Clerk or designee shall check calculations and complete the area on the time sheet showing the total hours worked, overtime, leave hours, and compensation leave. If corrections need to be made, the City Clerk or designee shall forward the time sheet back to the supervisor for further review or explanation.

- f. The City Clerk shall forward completed time sheets to the city administrator for final signature and review. If corrections or questions are needed, the City Administrator shall advise the City Clerk or contact the supervisor direct. Once changes are made the city clerk shall process the time sheets.
- g. The City Clerk or designee shall prepare a leave report each pay period. (Note: If new software is purchased this step will not be necessary.)
- h. The City Clerk shall prepare payroll in accordance the current payroll application and auditing requirements. All reports shall be kept in a file and available for audit review.
- i. Payroll vouchers, Cost report, Deduction report, Pay Check Register, Withholding report, and Wrap-up report shall be submitted to the City Administrator for review. If no foreseen discrepancies arise, the City Administrator shall then forward the pay vouchers and reports to the City Treasurer for review and signature.
- j. The City Treasurer shall review the reports, process tax and deduction vouchers and sign pay vouchers. The reports are retained by the city treasurer and the pay vouchers are returned to the City Clerk.
- k. The City Clerk or designee shall sign the pay vouchers. A copy of the signed pay vouchers and original time sheets shall be retained for a period designated by the State of Kansas Historical Society.
- l. In order to meet bank direct deposit requirements, the payroll process shall be completed no later than Wednesday prior the Friday payroll date.
- m. Pay vouchers shall be distributed to personnel no later than 9:00 a.m. on the designated pay date.
- n. In the event a personnel member is unable to pick up their pay voucher personally, he or she shall provide a written statement or make a personal call to the City Clerk authorizing their pay voucher be released to their designee.
- o. The City Clerk shall maintain all personnel records and reports as required by law.
- p. In the event the City Clerk is unavailable, the Assistant City Clerk shall assume the payroll duties.

Approved by the Governing Body of the City of Basehor on the _____ day of	
November 2008.	
_____	_____
Mayor	City Clerk

<b>City of Basehor</b> Standard Operations and Procedures	
SUBJECT: Goods and Services Purchase Policy	Effective Date: November ____, 2008

## **BACKGROUND**

The City of Basehor, on a daily basis, finds it necessary to make purchases for goods and services to operate various departments within the city limits.

## **DEFINITIONS**

*“Administrators”* include the mayor and city administrator.

*“Department Supervisors”* are staff members who are in charge of the Administrative Department (city clerk), Public Works Department (city superintendent), Planning Department (planning director) and Police Department (chief of police).

*“Staff”* shall represent all other personnel employed by the City of Basehor who do not fit in the category of Administrator or Department Supervisor.

## **PURPOSE**

The purpose of this policy is to provide guidelines to Administrators, Department Supervisors, and Staff on making purchases for goods and services.

## **POLICY**

1. “Administrators” shall have the authority to purchase or authorize goods and services not to exceed \$2500.
2. “Department Supervisors” shall have the authority to purchase goods and services not to exceed \$1500.
3. “Staff” shall have the authority to purchase goods and services not to exceed \$50 upon authorization from their Department Supervisor.
4. Any goods or service exceeding the authorized amount stated in Policy 1, 2, and 3 shall be submitted before the City Council at a regular meeting for authorization to purchase.

**PROCEDURE**

1. Authorized personnel shall produce a purchase order for any goods or services.
2. Any purchases over \$2500 must be submitted to the City Council for approval prior to purchasing goods or services.
3. Department Supervisors must submit a written purchase order to the city administrator, for signature and authorization to purchase, if the purchase exceeds \$1500. In the absence of the city administrator the mayor may be contacted for authorization.
4. Once the goods and services are received, the purchase order shall be attached to the invoice and then submitted to the city treasurer for payment.
5. The city treasurer (or relief staff) shall create a pay voucher, enter the invoice into the Accounts Payable ledger, and generate a list of vendor payments.
6. A list of vendor payments shall be submitted to the City Council at the next regular meeting. The City Council shall then review and take action to approve or deny payments.
7. Utility bills, employment taxes, invoices not exceeding City Council approval, credit card invoices, or other vendor payments; which generate late fees, may be mailed prior to the City Council meeting.
8. Following the City Council meeting, the city treasurer shall process and mail the approved vendor payments.

**EFFECT**

This Procedure shall take effect upon passage of the City Council of the City of Basehor, Kansas and remain in effect until such time amendments are made.

Approved by the Governing Body of the City of Basehor on the _____ day of <u>November</u> , 2008.	
_____	_____
Mayor	City Clerk

# City of Basehor

## Standard Operations and Procedures

SUBJECT: Utility Billing

Effective Date: November 17, 2008

### **BACKGROUND**

The City of Basehor, on a daily basis finds it necessary to make daily deposits for the utility bills.

### **DEFINITIONS**

“UB” Utility Billing,           “ACHA” Automatic Withdrawal Program,

### **PURPOSE**

The purpose of this policy is to provide guidelines to Administrators, Department Supervisors and Staff on how the utility billing operates.

### **POLICY**

1. When a new resident comes in the Assistant City Clerk has the resident fill out the utility contract.
2. The Assistant City Clerk goes over the contract and information form so the resident knows what is to be expected of the monthly utility bill.
3. The new resident is also informed after three consecutive water bills they can be re-evaluated.

### **PROCEDURE**

1. The Assistant City Clerk inputs the contract data into the utility billing data source.
2. The new resident account has been established.
3. The resident is explained that the utility bills are sent out at the end of each month and are due by the fifteenth of the following month.
4. The resident is explained that the City offers the Automatic Withdrawal Program (ACHA) also.
5. Following the fifteenth of each month the UB accounts are assessed penalties if not paid.
6. At the end of each month the Assistant City Clerk inputs any changes needed into the data source.

7. After all changes have been input to the UB the Assistant City Clerk runs the month end bill cycle. This entails all the printing of the bill cards, ripping apart the laser cards, sorting and then counting for the post office.
8. Daily the Assistant City Clerk enters all payments received for each day's deposit.
9. The Assistant City Clerk enters all data into the UB system and a receipt report is done daily along with total sheet for daily check amounts done by the receptionist.
10. All checks and money orders are written up for daily deposit to be taken to the bank by the City Clerk.
11. Once money is deposited a daily UB wrapup is done.
12. Each deposit is recorded into the City Treasurer's deposit book.

**EFFECT**

This procedure is shall take effect upon passage of the City Council of the City of Basehor, Kansas and remain in effect until such time amendments are made.

Approved by the Governing Body of the City of Basehor on the 17<sup>th</sup> day of November, 2008.

_____	_____
Mayor	City Clerk

# City of Basehor

## Standard Operations and Procedures

SUBJECT: Agenda Item Requests

Effective Date: November \_\_\_\_, 2008

### BACKGROUND

In order to insure that all Boards governed by the City of Basehor are consistent in their deliberations and decision making processes, that similar situations are handled similarly by those charged with the administration of operations and procedures, and that interested members of the general public and city employees are able to determine what the policy of the governing body is on a particular subject, it is desirable to develop, maintain, and distribute, a written Standard Operations Manual for setting agenda items.

### PURPOSE

The purpose of this policy is to provide guidelines to governing body members, staff, and citizens on making a request to have an item placed on the agenda.

### POLICY

#### *Governing Body Member*

1. Council members shall submit a written request to the city administrator requesting an item be placed on the agenda. The statement should include the subject matter and any available documentation regarding the topic.
  - a. The city administrator shall tentatively place the item on the agenda and forward the request to the mayor for final approval.
  - b. The mayor may *deny* or approve the request. If *denied*, the city administrator shall advise the council member or staff member via phone call or email as to reason why the subject would not be placed on the forthcoming agenda.
  - c. The mayor may *approve* the request. If *approved*, the city administrator shall place the item on the tentative agenda and proceed with compiling the necessary data for council packet.
  - d. Special Meetings – Special meetings may be called by the mayor or acting mayor on written request of any three members of the council, specifying the object and purpose of the meeting. The request must be read at the meeting and entered at length in the journal (K.S.A. 15-106).

### *Staff Member*

1. Members of the city staff shall submit a written “Agenda Item Summary Information” form (sample form attached) to the city administrator requesting an item be placed on the agenda. The form shall include the following items:
  - *Agenda Item* (This block should read the same as listed on the agenda);
  - *Department* (Example: Public Works, Administration, etc.);
  - *Background/Description of Item* (This block should include information and supporting documentation substantiating request. There should be ample information provided to allow Council to make an informed decision;
  - *Funding Source* -General Ledger Fund Account Number  
(Example: General Administration – 01-001-803);
  - *Recommendation* – Provide a written statement as to how the motion should be stated if approved by Council. This helps to assist council with using terminologies and legal wording pertaining to specific items. Council, would of course, have the option to revise the wording to coincide with their decision.
  - a. The city administrator shall tentatively place the item on the agenda and forward the request to the mayor for final approval.
  - b. The mayor may *deny* or approve the request. If *denied*, the city administrator shall advise the council member or staff member via phone call or email as to reason why the subject would not be placed on the forthcoming agenda.
  - c. The mayor may *approve* the request. If *approved*, the city administrator shall place the item on the tentative agenda and proceed with compiling the necessary data for council packet.

### *Citizens*

The purpose of this policy statement is to outline the procedures to be followed for citizens to be informed of, and participate in, city council meetings.

1. Agendas of all regular city council meetings, and if possible, all special city council meetings and work sessions, shall be published in the official city newspaper, in advance of the meeting.
2. A copy of the meeting agenda and information packet shall be available to any interested person in the office of the city clerk at the same time it is made available to the members of the governing body.
3. Interested persons shall have an opportunity to address the governing body on any item on the agenda during the “Call to Public” section of the city council meeting.
4. Citizens may request an item be placed on the agenda for information, discussion or action.
5. The opportunity to speak at governing body meetings, except as provided by Kansas statutes for public hearings; shall be a privilege afforded to interested members of the public, rather than a right.

## PROCEDURE

1. Any member of the general public who desires to have an item placed on the city council agenda for action, discussion or information shall submit a written request to the city clerk at least ten (10) days in advance of the meeting. The request should include information on the topic and an indication as to what, if any, action the citizen expects the city council to take.
2. The city clerk shall place the item on the city council agenda and publish the agenda and any additional information in accordance with the city's policy on city council agendas.
3. During the "Call to Public" section of the city council meeting, any member of the public may speak on any item listed on the agenda. Each speaker is limited to five-minutes to present their issue. If a large number of people wish to speak, the mayor, or presiding officer, may reduce the time for each speaker. Announcements, or rulings, made by the mayor, or the presiding officer, shall take precedence, subject to appeal from the decision of chair by any member of the governing body. Once the public portion of the meeting is closed, members of the audience shall not be permitted to speak, or participate in any debate or discussion, unless invited to do so by the mayor, or presiding officer.

### Compilation of Agenda and Council Packet

1. The city administrator shall forward *approved* Agenda Item Summary Information forms and supporting documentation to the city clerk for copying. In the city clerk's absence, the assistant city clerk or receptionist shall compile agenda packets.
2. Packets shall be prepared for the following positions:
  - a. Mayor
  - b. City Council members (5)
  - c. City Administrator
  - d. City Clerk
  - e. City Attorney
  - f. Newspaper
3. The city administrator, or designee, shall make every attempt to finalize the agenda and packet Tuesday, no later than Wednesday, of the previous week prior to a meeting. It is understood there may be reasons beyond the city administrators control that the packet on occasion may be delayed.
4. Once packets are compiled, the city clerk shall deliver the packets to the police department for delivery to governing body members. The city attorney's packet shall be mailed via U S Mail.
5. Upon finalization of the agenda, the city clerk, or designee, shall email a copy of the agenda to the Basehor Sentinel reporter for publication. Currently the newspaper required the

agenda to be forwarded to them no later than Wednesday at 9:00 a.m. This is subject to change due to legal holidays.

6. Agenda items may be added or deleted no less than three days prior to the Council meeting. If for some reason the item does not meet that time frame, it shall take Council motion to defer, remove, or add an item to the agenda.

Planning Commission, Park Advisory Board, and Board of Zoning Appeals shall follow similar guidelines unless otherwise stated in Board by-laws or regulations.

Approved by the Governing Body of the City of Basehor on the _____ day of _____ November _____, 2008.	
_____	_____
Mayor	City Clerk

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider approval of payment request #1, including change order #1, to Holland Construction for the 2008 Street Overlay program.

**Department:** Public Works

**Background/Description of Item:**

The 2008 street maintenance project was completed by Holland Corporation, except for some landscaping and sidewalk repair work.

Pay request #1 includes a 90% payment for the project, plus quantity overruns processed as change order #1. The base contract amount was \$120,834.75 with two alternates of \$11,518.45 and \$9,903.05 for a total of \$142,256.25. The work included mill and overlay work on Wellington Place, Crestwood Street, Walnut Court, 155<sup>th</sup> St. Terrace and Meyer Drive.

The increase for the extra asphalt quantities came to \$2,831.00 and has been processed as change order #1.

\$120,834.75  
 \$11,518.45  
 \$9,903.05  
 \$142,256.25

**Funding Source:** Fund 10 Consolidated Highway Budget \$588,700, balance \$435,886.93

**Recommendation:** Approve payment #1 to Holland Corporation for the 2008 street maintenance project in the amount of \$130,578.53, including change order #1 and authorize the mayor to sign the necessary documents.

Prepared by: Carl E. Slaugh, City Administrator  
 Council Date: November 17, 2008

Original Bid

Revised 9-29-08

Item No.	Item Description	Unit	Quantity	Unit Price	Total
1	Mobilization	LS	1	5,600.00	5,600.00
2	Traffic Control	LS	1	3,300.00	3,300.00
3	Edge Milling (2" for 6')	SY	2460	2.85	7,011.00
4	Milling (Headers)	LF	275	8.00	2,200.00
5	Mirafi Mirapave 500	SY	2540	2.55	6,477.00
6	Surface Course HMA Commercial Grade (Class A)	TON	916	87.00	79,692.00
7	Base Course HMA Commercial Grade (Class A)	TON	59	125.50	7,404.50
8	Surface HMA Patch	SY	2	80.00	160.00
9	Preparation for Full Depth Replacement	SY	85	34.65	2,945.25
10	Curb Removal & Replacement	LF	195	31.00	6,045.00

Total Base Bid \$120,834.75

## Alternate: 155th St Ter - Walnut Crt to Crestwood

Item No.	Item Description	Unit	Quantity	Unit Price	Total
1	Edge Milling (2" for 6')	SY	457	2.85	1,302.45
2	Milling (Headers)	LF	24	8.00	192.00
3	Surface Course HMA Commercial Grade (Class A)	TON	112	89.50	10,024.00

Total Alternate #1 \$11,518.45

## Alternate: Walnut Crt - 155th St Ter to Cul-De-Sac

Item No.	Item Description	Unit	Quantity	Unit Price	Total
1	Edge Milling (2" for 6')	SY	323	2.85	920.55
2	Milling (Headers)	LF	60	8.00	480.00
3	Surface Course HMA Commercial Grade (Class A)	TON	95	89.50	8,502.50

Total Alternate #2 \$9,903.05

HOLLAND CORPORATION, INC.

APPLICATION FOR PAYMENT NO. 1

To City of Basehor, Kansas

Contract for 2008 Basehor Pavement Management

OWNER's Contract No. \_\_\_\_\_ ENGINEER's Project No. \_\_\_\_\_

For Work accomplished through the date of November 7, 2008

ITEM	CONTRACTOR's Schedule of Values			Work Completed	
	Unit Price	Quantity	Amount	Quantity	Amount
SEE ATTACHED SHEET	\$		\$		\$
Total (Orig. Contract) C.O. No. 1 C.O. No. 2			\$		\$

GROSS AMOUNT DUE	\$ 145,037.25
LESS 10% RETAINAGE	\$ 14,503.73
AMOUNT DUE TO DATE	\$ 130,533.52
LESS PREVIOUS PAYMENT	\$ 0.00
AMOUNT DUE THIS APPLICATION	\$ 130,533.52

APPLICATION FOR PAYMENT (CONTINUED)

Accompanying Documentation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CONTRACTOR's Certification:

The undersigned CONTRACTOR certifies that: (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of Contractor incurred in connection with Work covered by prior Applications for Payment numbered 1 through 1 inclusive; (2) title to all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interest and encumbrances (except such as are covered by Bond acceptable to OWNER indemnifying OWNER against any such lien, claim, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not *defective* as that term is defined in the Contract Documents.

Dated November 7<sup>th</sup>, 2008

Holland Corporation

CONTRACTOR

By: Gary Stegowski ASST. SEC.  
Contractor (Authorized Signature)

RECOMMENDED:

By: David Yutzy  
Engineer (Authorized Signature)

Date: 11-7-08

APPROVED:

By: \_\_\_\_\_  
Owner (Authorized Signature)

Date: \_\_\_\_\_

06-Nov-08

**Holland Corporation**

PO Box 14130  
 Lenexa, KS 66285  
 Ph: 913-888-5277  
 Fax: 913-888-0253

Attn: Gene Myracle  
 City of Basehor, Kansas  
 2620 N. 155th Street  
 Basehor, Kansas 66007

08-025

2008 Basehor Pavement  
 Management Project  
 Pay App No. 1

Description	Contract Amounts				Amt Complete to Date	
	Quantity	Unit	Unit Cost	Total	Quantity	Total
<b>Base Bid</b>						
Mobilization	1	LS	\$ 5,600.00	\$ 5,600.00	1	\$ 5,600.00
Traffic Control	1	LS	\$ 3,300.00	\$ 3,300.00	1	\$ 3,300.00
Edge Milling (2" for 6')	2,460	SY	\$ 2.85	\$ 7,011.00	2,460	\$ 7,011.00
Milling (Headers)	275	LF	\$ 8.00	\$ 2,200.00	171	\$ 1,368.00
Mirafi Mirapave 500	2,540	SY	\$ 2.55	\$ 6,477.00	2,540	\$ 6,477.00
Surface Course HMA Comm Grade (Class A)	916	Tons	\$ 87.00	\$ 79,692.00	930	\$ 80,910.00
Base Course HMA Comm Grade (Class A)	59	Tons	\$ 125.50	\$ 7,404.50	77	\$ 9,663.50
Surface HMA Patch	2	SY	\$ 80.00	\$ 160.00	2	\$ 160.00
Preparation For Full Depth Replacement	85	SY	\$ 34.65	\$ 2,945.25	85	\$ 2,945.25
Curb Removal & Replacement	195	LF	\$ 31.00	\$ 6,045.00	201	\$ 6,231.00
<b>Alternate: 155th St Terr</b>						
Edge Milling (2" for 6')	457	SY	\$ 2.85	\$ 1,302.45	457	\$ 1,302.45
Milling (Headers)	24	LF	\$ 8.00	\$ 192.00	24	\$ 192.00
Surface Course HMA Comm Grade (Class A)	112	Tons	\$ 89.50	\$ 10,024.00	112	\$ 10,024.00
<b>Alternate: Walnut Court</b>						
Edge Milling (2" for 6')	323	SY	\$ 2.85	\$ 920.55	323	\$ 920.55
Milling (Headers)	60	LF	\$ 8.00	\$ 480.00	60	\$ 480.00
Surface Course HMA Comm Grade (Class A)	95	Tons	\$ 89.50	\$ 8,502.50	95	\$ 8,502.50
			\$ -	\$ -		\$ -
<b>Contract Amount Totals</b>				\$ 142,256.25		\$ 145,087.25
				\$ -		\$ -
				\$ -		\$ -
				\$ -		\$ -
<b>Change Order Totals</b>				\$ -		\$ -
<b>Contract &amp; Change Order Totals</b>				\$ 142,256.25		\$ 145,087.25
				Less Retainage(10%)		\$ 14,508.73
				Less Previous Payment:		\$ -
<b>Total Amount Due:</b>						<b>\$ 130,578.53</b>

# CHANGE ORDER

No. 1

PROJECT Basehor Pavement Management  
DATE OF ISSUANCE \_\_\_\_\_ EFFECTIVE DATE \_\_\_\_\_

OWNER City of Basehor

OWNER's Contract No. \_\_\_\_\_

CONTRACTOR Holland ENGINEER MHS

You are directed to make the following changes in the Contract Documents.

Description: See justification (Page 3)

Reason for Change Order: Additional work needed to repair roadway

Attachments: Explanation

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price  \$ <u>142,256.25</u>	Original Contract Times Substantial Completion: _____ Ready for final payment: _____ days or dates
Net changes from previous Change Orders No. ___ to No. ___  \$ <u>0.00</u>	Net Change from previous Change Orders No. ___ to No. ___  _____ days
Contract Price Prior to this Change Order  \$ <u>142,256.25</u>	Contract Times prior to this Change Order Substantial Completion: _____ Ready for final payment: _____ days or dates
Net Increase (decrease) of this Change Order  \$ <u>2,831.00</u>	Net Increase (decrease) of this Change Order  _____ days
Contract Price with all approved Change Orders  \$ <u>145,087.25</u>	Contract Times with all approved Change Orders Substantial Completion: _____ Ready for final payment: _____ days or dates

RECOMMENDED:

By: *David Futga*  
Engineer (Authorized Signature)

Date: 11-7-08

APPROVED:

By: \_\_\_\_\_  
Owner (Authorized Signature)

Date: \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_  
Contractor (Authorized Signature)

Date: \_\_\_\_\_

EJCDC No. 1910-8-B (1990 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America.

## **CHANGE ORDER**

### **INSTRUCTIONS**

---

#### **A. GENERAL INFORMATION**

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Contract Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating change order items to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order may be used.

#### **B. COMPLETING THE CHANGE ORDER FORM**

Engineer initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Contractor for approval. After approval by Contractor, all copies should be sent to Owner for approval. Engineer should make distribution of executed copies after approval by Owner.

If a change only applies to Contract Price or to Contract Times, cross out the part of the tabulation that does not apply.

**Justification**

Description: 18 ton additional base asphalt used for the leveling course on 155<sup>th</sup> Terrace and Meyer Drive, 14 ton additional surface asphalt used to widen 155<sup>th</sup> Terrace and Meyer Drive, and 6 lineal feet of additional curb to extend past cracks in exiting curb line.

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider funding for repair of a drainage situation on 155<sup>th</sup> Terrace

**Department:** Administration and Street

**Background/Description of Item:**

An alley is platted between two duplexes at 2954 and 2956 N. 155<sup>th</sup> Terrace. Although the alley shows that it goes through the block the use has changed over time so that the alley only serves as an access to the two private duplexes.

Storm drainage from north and south directions on 155<sup>th</sup> Terrace converges at this alley and keeps washing out the gravel.

The owner of the property to the north, J.D. McDowell, made an offer in 2007 after a visit with city staff at the site, to pave the driveway if he could negotiate an agreement with the property owner to the south. He has not made contact with the property owner, but stated in a telephone conversation Oct. 6 that he was still willing to work towards that goal.

The rental property to the south is managed by Steve Rosenthal.

The proposal will attempt to address the drainage from the street by installing an additional inlet, removing a tree and making changes to the slope of the drive to direct the flow of water.

If the drive were to be paved and a drainage tube installed the cost might be assessed evenly to both property owners. Staff will begin the process to vacate the alley.

The quotes for the drainage work have not been received and will be distributed as soon as they are received.

**Funding Source:** Transportation

**Recommendation:** Approve funding for a small drainage repair project at 155<sup>th</sup> Terrace between 2954 and 2956.

Prepared by: Carl E. Slaugh, City Administrator  
Council Date: November 17, 2008

## COUNCIL AGENDA

November 17, 2008

To: Mayor Garcia & City Council Members

Subject: 155<sup>th</sup> Terrace Alley

From: Gene Myracle Jr.

The following information pertains to removal of one tree, re-digging the ditch on the South side of the Alley, placement of one storm box with grate street side, and a 24'ft culvert tube placement.

- |  |             |
|--|-------------|
| • Concrete box, metal tube, asphalt, & gravel: | \$ 1,175.00 |
| • Replace side walk( forms, concrete):         | \$ 440.00   |
| • Contractor with backhoe:                     | \$ 960.00   |
| • Tree removal:                                | \$ 650.00   |

**TOTAL** **\$3,225.00**

**NOTE:** If City Council approves this project, the construction of the concrete box will take 14 days to receive per supplier.

From: Gene Myracle Jr. [mailto:citysuper@cityofbasehor.org]

Sent: Thursday, November 13, 2008 8:42 AM

To: Carl Slaugh

Subject: 155th Terr. Alley

Carl,

Here is the info I received for the project. Sorry it took so long.

Gene Myracle, Jr.

City Superintendent

City of Basehor

Office: 913-724-2000

Fax: 913-724-1458

## COUNCIL AGENDA

November 17, 2008

To: Mayor Garcia & City Council Members

Subject: 155<sup>th</sup> Terrace Alley

From: Gene Myracle Jr.

The following information pertains to removal of one tree, re-digging the ditch on the South side of the Alley, placement of one storm box with grate street side, and a 24'ft culvert tube placement.

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| • Tree removal:                                | \$ 650.00   |

<b>TOTAL</b>	<b>\$3,225.00</b>
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**NOTE:** If City Council approves this project, the construction of the concrete box will take 14 days to receive per supplier.

**Ed McIntosh**

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**From:** Shannon Marcano [smarcano@whitegoss.com]  
**Sent:** Monday, November 17, 2008 5:50 PM  
**To:** Carl Slaugh  
**Cc:** Ed McIntosh; Christine Bushyhead; Shannon Marcano  
**Subject:** RE: Basehor TDD

Carl-

To clarify, we would like to keep the subject of the TDD project scope on the agenda for tonight's meeting. This is an important first step to amending the TDD petition. Before we expend resources on the amendment it will be beneficial to have a motion from the Council stating their agreement to the clarified allocation of TDD revenues to particular projects.

We would suggest the consideration of a motion similar to the suggested draft below:

"Motion to approve the combination of the 150th Street realignment project with the construction of Wolf Creek Parkway as one construction project to be funded by the KDOT state revolving loan fund, which will ultimately be repaid through the Wolf Creek Junction TDD revenue, contingent upon the Developer filing a TDD petition amendment to clarify the "General Nature of the Proposed District Projects" consistent with the Council's motion tonight."

If this is the Council's pleasure, then once the motion is passed we will immediately begin the amendment process which will be relatively simple and straightforward process.

Thank you!

Shannon

Shannon M. Marcano, Esq.  
White Goss Bowers March Schulte & Weisenfels  
4510 Belleview Avenue, Suite 300  
Kansas City, Missouri 64111  
(816)502-4739 (phone)  
(816)753-9201 (fax)

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**From:** Carl Slaugh [mailto:cityadm@cityofbasehor.org]  
**Sent:** Monday, November 17, 2008 4:26 PM  
**To:** Shannon Marcano  
**Cc:** Ed McIntosh  
**Subject:** RE: Basehor TDD

11/17/2008

Thank you. Please draft an amendment to the TDD ordinance adding the 150<sup>th</sup> Intersection project as an eligible expense.

Carl E. Slaugh, City Administrator  
City of Basehor (913) 724-1370 x33  
2620 N. 155th St. (913) 231-0630 cell  
Basehor, KS 66007

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**From:** Shannon Marcano [mailto:smarcano@whitegoss.com]  
**Sent:** Monday, November 17, 2008 4:23 PM  
**To:** Carl Slaugh  
**Cc:** Ed McIntosh; Christine Bushyhead; Shannon Marcano  
**Subject:** RE: Basehor TDD

Carl-  
Because the statute is silent on this matter, we checked with other cities to see how they handle this type of situation. Based on those discussions, we believe the best course of action would be for the city to accept an amended Petition for the TDD and go back through the hearing process, and for the city to approve it with a new ordinance. The only amendment to the petition would be to add the 150th Street Intersection project to the project costs.

Please let me know if you have further questions.

thanks!  
Shannon

Shannon M. Marcano, Esq.  
White Goss Bowers March Schulte & Weisenfels  
4510 Belleview Avenue, Suite 300  
Kansas City, Missouri 64111  
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**From:** Carl Slaugh [mailto:cityadm@cityofbasehor.org]  
**Sent:** Wednesday, November 12, 2008 5:17 PM  
**To:** Shannon Marcano  
**Subject:** RE: Basehor TDD

Shannon,

As soon as I look at the language I will get back with you. What I need to know is what it will take to

11/17/2008

amend our TDD agreement to include the 150<sup>th</sup> Intersection project as an eligible expense for TDD funding.

Thanks, Carl

Carl E. Slauch, City Administrator  
City of Basehor (913) 724-1370 x33  
2620 N. 155th St. (913) 231-0630 cell  
Basehor, KS 66007

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**From:** Shannon Marcano [mailto:smarcano@whitegoss.com]  
**Sent:** Tuesday, November 11, 2008 3:57 PM  
**To:** Carl Slauch  
**Cc:** Ed McIntosh; Christine Bushyhead; Shannon Marcano  
**Subject:** Basehor TDD

Hi Carl-

It is my understanding that the city would like to look at revising the language of the TDD to include the re-alignment of 150th Street. Christine is currently out of town, but I would be happy to help out. Please let me know how I can help at your convenience.

thank you!  
Shannon

Shannon M. Marcano, Esq.  
White Goss Bowers March Schulte & Weisenfels  
4510 Belleview Avenue, Suite 300  
Kansas City, Missouri 64111  
(816)502-4739 (phone)  
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# COUNTY OF LEAVENWORTH

BOARD OF COUNTY COMMISSIONERS

300 Walnut

Leavenworth, Kansas 66048-2815

(913) 684-0417

Facsimile (913) 680-2842

email: [bocc@leavenworthcounty.org](mailto:bocc@leavenworthcounty.org)

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November 5, 2008

**\*DATE OF BREAKFAST CHANGED FROM DEC. 2 to DEC. 9\***

*The date of the breakfast has changed due to a conflict with new legislator functions in Topeka. We look forward to seeing you on the 9<sup>th</sup>.*

Re: **2009 Legislative Agenda Breakfast**  
Time: 7:30 a.m.  
Date: **DATE CHANGED** from Tuesday, December 2, 2008 to Tuesday December 9<sup>th</sup>, 2008  
Place: Lansing Community Center, 800 1<sup>st</sup> Terrace, Lansing, KS 66048

Dear Legislator,

The Board of County Commissioners of Leavenworth County wishes to invite you to attend the 2008 Legislative Agenda Breakfast. The date, time, and place of the event are set out above.

The purpose of the breakfast is for County and City officials to discuss issues of concern with their local legislators. This is the first time Leavenworth County and the cities of Basehor, Lansing, Leavenworth, and Tonganoxie has convened such a forum. At this meeting the County and Cities will present legislators with a list of priorities for the 2009 legislative session. Given the difficult budget decisions that face both state and local governments, the Commission believes that this breakfast will provide a forum to share ideas and allow you to understand the issues of concern to citizens in Leavenworth County. Should have any questions feel free to contact me at 684-0416 or [hmorgan@leavenworthcounty.org](mailto:hmorgan@leavenworthcounty.org).

Please RSVP to Janice Dickson at (913) 684-0417 by November 25th. We look forward to seeing you on December 2<sup>nd</sup>.

Sincerely,

Heather Morgan  
Leavenworth County Administrator

CC: Basehor City Council  
Carl Slauch, Basehor City Administrator  
Lansing City Council  
Mike Smith, Lansing City Administrator  
Leavenworth City Council

Leavenworth County Board of County  
Commissioners  
Scott Miller, Leavenworth City Administrator  
Tonganoxie City Council  
Mike Yanez, Tonganoxie City Administrator