



AGENDA
BASEHOR CITY COUNCIL
Regular Meeting
September 15, 2014 7:00 p.m.
Basehor City Hall

1. **Roll Call** by Mayor David K. Breuer and Pledge of Allegiance
2. **Consent Agenda** *(Items to be approved by Council in one motion, unless objections raised)*
 - a. City Council Minutes
 - b. Treasurer's Report
 - c. Ordinance No. 647 – Zoning change from CP-1 to R-1
 - d. Resolution 2014-11 Amending Mass Mutual Agreement
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. **Unfinished Business** - (None at this time)
5. **New Business** - (None at this time)
6. **City Administrator's Report**
7. **Council Members Report**
8. **Mayor's Report**
9. **Executive Session** (if needed)
10. **Adjournment**



Minutes

Basehor City Council Meeting

Basehor City Hall, August 18, 2014

1. Roll Call by Mayor David K. Breuer and Pledge of Allegiance

Mayor David K. Breuer called the meeting to order at 7:00 p.m. and led the audience in the Pledge of Allegiance.

Council Members present: Mayor David K. Breuer, Travis Miles, Vernon Fields, Brian Healy, Ty Garver and Richard Drennon.

Staff Present: Chief of Police/City Administrator, Lloyd Martley, City Superintendent, Gene Myracle, City Engineer, Mitch Pleak, City Clerk, Katherine M. Renn, and City Attorney, Shannon Marcano.

2. Consent Agenda *(Items to be approved by Council in one motion, unless objections raised)*

- a. City Council Minutes
- b. Treasurer's Report
- c. Ordinance No. 645 Standard Traffic Ordinance
- d. Ordinance No. 646 Uniform Public Offense Code

Councilman Miles moved to approve the consent agenda and Councilman Drennon seconded. The motion passed unanimously, 5-0.

3. Call to Public – *(None at this time)*

4. Unfinished Business - *(None at this time)*

5. New Business

Mr. Martley briefly informed City Council members that Mayor Breuer and he met with Mike & Jerry Reilly along with City Executives from Leavenworth County, City of Leavenworth, City of Lansing and City of Tonganoxie in regards to the one cent sales tax proposed improvements. The

discussion dealt with getting support from all of the Cities using the already existing one percent sales tax program and extending it to a twenty year increment instead of just the ten year increment. Discussed using the funds for road improvements in all of Leavenworth County and getting a lot of the unimproved roadways that are currently gravel to improved roadways so that they will be more useful to all Leavenworth County residents. The overall consensus was for support of the twenty year plan.

6. City Administrator's Report

- Mr. Martley informed City Council that the Basehor currently has 61 building permits issued to date and that the City is ahead of the curve compared to other Cities in Leavenworth County.
- Silver Lake Bank has filed a lawsuit against the City.
- Reminder that due to the Labor Day Holiday the next work session will be held on Tuesday, September 2, 2014.
- Briefly discussed Basehor's proposed project list and getting Council's thoughts on putting together a RFP (Request for Proposal) for sidewalks along Leavenworth road.

7. Council Members Report-

Councilman Fields informed staff that he will be absent the month of September

8. Mayor's Report - *(None at this time)*

9. Executive Session –

Councilman Healy moved to go into executive session at 7:29 p.m. for eleven minutes and Councilman Drennon Seconded. Motion passed unanimously, 5-0.
City Council resumed at 7:40 p.m. with no action taken.

10. Adjournment

Councilman Garver moved to adjourn regular meeting at 7:41 p.m. and Councilman Healy seconded. Motion passed unanimously, 5-0.

David K. Breuer, Mayor

Attest:

Katherine M. Renn, City Clerk

CITY OF BASEHOR

AUGUST 2014 FINANCIAL SNAPSHOT

Funds

Fund	Budget	Revenues	Expenditures	% Utilized
General	\$2,652,335	\$1,625,331	\$1,210,692	46%
Special Park	\$73,000	\$17,321	\$900	1%
Sewer	\$1,445,259	\$1,194,336	\$517,573	36%
Cedar Lake Maintenance	\$40,000	\$8	\$23,445	59%
Bond & Interest	\$1,479,180	\$569,206	\$90,884	6%
Solid Waste	\$305,778	\$221,780	\$96,378	32%
Special Highway	\$910,000	\$462,007	\$84,055	9%
Municipal Equipment Reserve	\$161,700	\$313	\$145,250	90%
Capital Improvement	\$20,000	\$62,882	\$4,451	22%
Employee Benefit	\$613,119	\$371,515	\$363,487	59%
LCSD#3	\$33,000	\$26	\$15,486	47%

Department

General	Budget	Expenditures	Remaining Balance	% Utilized
Clerk	\$341,976	\$228,839	\$113,137	67%
Street	\$219,830	\$128,554	\$91,276	58%
Governing Body	\$578,464	\$51,939	\$526,525	9%
Police	\$855,758	\$507,372	\$348,386	59%
Facilities	\$122,886	\$72,724	\$50,162	59%
Administrator	\$165,821	\$38,481	\$127,341	23%
Park & Recreation	\$61,400	\$41,824	\$19,576	68%
Miscellaneous	\$112,677	\$27,501	\$85,176	24%
HR	\$23,600	\$16,442	\$7,158	70%
Planning	\$169,923	\$97,015	\$72,908	57%

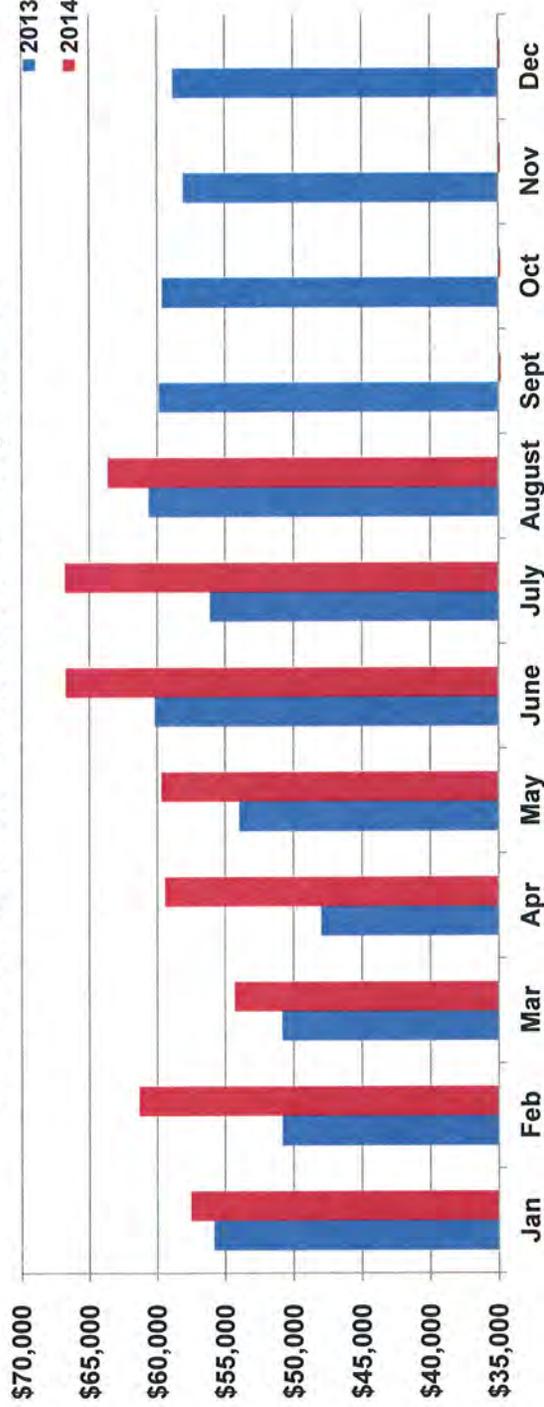
MONTHLY SALES TAX COLLECTIONS 2010-2014

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>Monthly Diff.</u> <u>'13 - '14</u>	<u>%</u> <u>Difference</u>	<u>2013 YTD</u>	<u>2014 YTD</u>	<u>Diff. '13 - '14</u>	<u>%</u> <u>Difference</u>
Jan	44,933.16	43,677.78	57,962.61	55,854.63	57,521.05	1,666.42	2.9%	55,854.63	57,521.05	1,666.42	2.9%
Feb	59,338.25	48,453.55	48,668.43	50,846.50	61,331.66	10,485.16	17.1%	106,701.13	118,852.71	12,151.58	10.2%
Mar	44,064.14	48,692.52	51,596.39	50,846.50	54,298.46	3,451.96	6.4%	157,547.63	173,151.17	15,603.54	9.0%
Apr	46,686.51	42,633.11	42,372.82	48,009.19	59,434.83	11,425.64	19.2%	205,556.82	232,586.00	27,029.18	11.6%
May	47,865.00	48,186.99	50,639.59	53,986.75	59,679.42	5,692.67	9.5%	259,543.57	292,265.42	32,721.85	11.2%
June	48,059.05	47,682.94	55,921.34	60,215.87	66,757.64	6,541.77	9.8%	319,759.44	359,023.06	39,263.62	10.9%
July	43,151.43	44,834.43	49,304.00	56,140.33	66,800.72	10,660.39	16.0%	375,899.77	425,823.78	49,924.01	11.7%
Aug	52,935.19	49,903.11	55,484.63	60,644.35	63,635.42	2,991.07	4.7%	436,544.12	489,459.20	52,915.08	10.8%
Sept	52,062.71	49,250.84	62,953.65	59,886.19	0.00			496,430.31			
Oct	47,483.47	51,883.08	57,986.12	59,634.13	0.00			556,064.44			
Nov	44,789.92	49,270.35	59,821.88	58,067.36	0.00			614,131.80			
Dec	46,693.70	51,874.96	49,586.00	58,821.13	0.00			672,952.93			
	578,062.53	576,343.66	642,297.46	672,952.93	489,459.20						

2014 TDD \$18,069.93

2013 TDD \$21,045.37

2013-14 Month to Month Comparison





SOLID WASTE FUND HIGHLIGHTS

For the Month of August 2014

MONTH	2013	2014	% DIFFERENCE
	SOLID WASTE COUNT	SOLID WASTE COUNT	
January	1,702	1,760	3.30%
February	1,703	1,761	3.29%
March	1,700	1,778	4.39%
April	1,706	1,790	4.69%
May	1,727	1,808	4.48%
June	1,732	1,817	4.68%
July	1,750	1,822	3.95%
August	1,753	1,828	4.10%
September	1,750		
October	1,759		
November	1758		
December	1767		
AVERAGE	1,734	1,796	4.11%

MONTH	2013	2014	% DIFFERENCE
	SOLID WASTE BILLED	SOLID WASTE BILLED	
January	\$23,938.92	\$24,818.78	3.55%
February	\$23,990.00	\$24,974.62	3.94%
March	\$23,957.46	\$24,989.37	4.13%
April	\$24,029.09	\$25,167.00	4.52%
May	\$24,307.75	\$25,329.61	4.03%
June	\$24,383.90	\$25,479.72	4.30%
July	\$24,471.61	\$25,574.59	4.31%
August	\$24,615.50	\$25,735.24	4.35%
September	\$24,608.99		
October	\$24,725.03		
November	\$24,775.41		
December	\$24,875.80		
TOTAL	\$292,679.46	\$202,068.93	

MONTH	2013	2014	% DIFFERENCE
	AVERAGE BILL	AVERAGE BILL	
January	\$14.07	\$14.10	0.21%
February	\$14.09	\$14.18	0.63%
March	\$14.09	\$14.05	-0.28%
April	\$14.09	\$14.06	-0.21%
May	\$14.08	\$14.01	-0.50%
June	\$14.08	\$14.02	-0.43%
July	\$13.98	\$14.04	0.43%
August	\$14.04	\$14.08	0.28%
September	\$14.06		
October	\$14.06		
November	\$14.09		
December	\$14.08		
AVERAGE	\$14.07	\$14.07	0.00%



SEWER FUND HIGHLIGHTS

For the Month of August 2014

MONTH	2013 SWR COUNT	2014 SWR COUNT	% DIFFERENCE
January	1812	1863	2.74%
February	1807	1876	3.68%
March	1805	1891	4.55%
April	1809	1906	5.09%
May	1829	1920	4.74%
June	1832	1928	4.98%
July	1850	1933	4.29%
August	1848	1934	4.45%
September	1848		
October	1853		
November	1853		
December	1860		
AVERAGE	1834	1906	3.81%

MONTH	2013 SWR BILLED	2014 SWR BILLED	% DIFFERENCE
January	\$92,268.23	\$91,681.27	-0.64%
February	\$92,212.85	\$92,496.06	0.31%
March	\$91,555.12	\$91,753.37	0.22%
April	\$92,074.43	\$94,279.20	2.39%
May	\$92,301.51	\$98,923.62	7.17%
June	\$91,539.56	\$97,113.31	6.09%
July	\$92,674.56	\$97,177.47	4.86%
August	\$91,649.64	\$100,096.98	9.22%
September	\$93,264.40		
October	\$92,105.07		
November	\$92,080.33		
December	\$91,630.01		
TOTAL	\$1,105,355.71	\$763,521.28	

MONTH	2013 AVERAGE SWR BILL	2014 AVERAGE SWR BILL	% DIFFERENCE
January	\$50.92	\$49.21	-3.36%
February	\$51.03	\$49.30	-3.39%
March	\$50.72	\$48.52	-4.34%
April	\$50.90	\$49.46	-2.83%
May	\$50.47	\$51.52	2.08%
June	\$49.97	\$50.37	0.80%
July	\$50.09	\$50.27	0.36%
August	\$49.59	\$51.76	4.38%
September	\$50.47		
October	\$49.71		
November	\$49.69		
December	\$49.26		
AVERAGE	\$50.24	\$50.05	-0.37%

Check Register Report

Date: 09/10/2014
 Time: 3:24 PM
 Page: 1

City Of Basehor

BANK: FIRST STATE BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
FIRST STATE BANK Checks							
21777	08/14/2014	Printed		HOLLAND R	ROBERT HOLLAND	PAYROLL/7-19-14 TO 8-1-14	950.04
21778	08/22/2014	Printed		AFFORDABLE	AFFORDABLE GATE SYSTEM LLC	REPAIR PARTS/ELECT GATE	800.46
21779	08/22/2014	Printed		AMER SECUR	AMER SECURITY CONTRACTORS LLC	MONITOR SVC/PW,WWTF,CH/JUNE-AUG	504.00
21780	08/22/2014	Printed		CLERK OF T	CLERK OF THE DISTRICT COURT	TRANSFER BOND/CREWER,C	1,000.00
21781	08/22/2014	Printed		ETS	ETS	CITYWIDE CREDIT CARD FEES	484.01
21782	08/22/2014	Printed		HAYNES EQU	HAYNES EQUIPMENT CO	GRNDR PUMP REPAIR/CL	2,962.89
21783	08/22/2014	Printed		IDEAL LAWN	IDEAL LAWN & LANDSCAPE	BASEHOR BLVD MOWING-JULY	129.00
21784	08/22/2014	Printed		INTER STAT	INTERSTATE ALL BATTERY CENTER	NEW BATTERY/LIFT STATION	315.38
21785	08/22/2014	Printed		KC BOBCAT	K.C. BOBCAT	POLY BRISTLE/STREET BROOM	457.94
21786	08/22/2014	Printed		KANSAS PAY	KANSAS PAYMENT CENTER	PAYROLL DIRECTED DEDUCTION	383.08
21787	08/22/2014	Printed		KPF EFT	KPF EFT PROGRAM	POLICE RETIREMENT CONTRIB	6,315.04
21788	08/22/2014	Printed		LEAGUE KM	LEAGUE OF KS MUNICIPALITIES	GUN LAWS WEBINAR/MAY 2014	25.00
21789	08/22/2014	Printed		LEAVEN ASP	LEAVENWORTH ASPHALT MATERIAL	ASPHALT/FALCON LAKES	1,645.84
21790	08/22/2014	Printed		LV SHERIFF	LEAVENWORTH COUNTY SHERIFF	JAIL BOARD FEES/JULY	87.50
21791	08/22/2014	Printed		MASS M	MASS MUTUAL FINANCIAL GROUP	401/457 RETIREMENT CONTRIB	3,053.67
21792	08/22/2014	Printed		MEYN,BRETT	MEYN, BRET	OVERPAYMENT OF CITATION	45.00
21793	08/22/2014	Printed		MUN CODE	MUNICIPAL CODE CORPORATION	SUPPLEMENTS/20 COPIES	1,211.45
21794	08/22/2014	Printed		NAT SIGN	NATIONAL SIGN COMPANY INC	DOUBLE FACED BARRICADE	359.80
21795	08/22/2014	Printed		MARKS AUTO	POPPA MIKE INC DBA	FIX UNIT #12 MIRROR	107.37
21796	08/22/2014	Printed		QUILL	QUILL	HP PRINTER/WARRANTY	227.99
21797	08/22/2014	Printed		REGISTER	REGISTER OF DEEDS	LIEN RELEASE/CEDAR NILE HOMES	100.00
21798	08/22/2014	Printed		SMITH	RALPH SMITH	PUMP SEPTIC TANK/FOD	235.00
21799	08/22/2014	Printed		SPECTRA	SPECTRA	SUPPLIES/FIX CURBS/LIFT STN	1,534.00
21800	08/22/2014	Printed		HEART BUIL	STEPHEN R MARSDEN	JANITORIAL SERVICE/AUGUST 2014	387.00
21801	08/22/2014	Printed		STRAHLEM	STRAHLEM, KATLYN	OVERPAYMENT OF CITATION	5.00
21802	08/22/2014	Printed		TRAINING A	TRAINING AT YOUR PLACE	FIND REPORT DATA ISSUE	47.50

Total Checks: 26

Checks Total (excluding void checks):

23,373.96


 Lloyd Martley, City Administrator


 Katherine Renn, City Clerk


 Kristi Olson, Treasurer

Check Register Report

Date: 09/08/2014
 Time: 2:51 PM
 Page: 1

City Of Basehor

BANK: FIRST STATE BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
FIRST STATE BANK Checks							
21803	09/09/2014	Printed		MCBRATNEY	KIANN MCBRATNEY	CITY PROSECUTOR SERVICES	570.00
21804	09/09/2014	Printed		PRAY	WILLIAM E. PRAY	MUNCIPAL JUDGE SERVICES	450.00
21805	09/09/2014	Printed		SONNTAG	SONNTAG LAW OFFICE	COURT APPOINTED ATTORNEY	400.00
21806	09/09/2014	Printed		ADVANCE IN	ADVANCE INSURANCE COMPANY	GROUP AD&D/LIFE/LTD/STD	681.16
21807	09/09/2014	Printed		AFLAC	AFLAC	EMP CAFETERIA PLAN/AUG	1,098.84
21808	09/09/2014	Printed		ALLEN GIBB	ALLEN, GIBBS & HOULIK, LC	CONTRACTUAL SVCS/JULY	2,505.00
21809	09/09/2014	Printed		ATMOS ENER	ATMOS ENERGY	GAS USAGE	103.22
21810	09/09/2014	Printed		AUTEN	SHERI AUTEN	YOUTH SPORTS REBATE X 2	90.00
21811	09/09/2014	Printed		BLUE CROSS	BLUE CROSS & BLUE SHIELD OF KS	GROUP MEDICAL INSURANCE	18,599.50
21812	09/09/2014	Printed		COMMERCE	COMMERCE PURCHASING CARD	CITYWIDE PCARD CHGS JULY	35,857.60
21813	09/09/2014	Printed		CONS	CONS RURAL WATER DISTRICT #1	WATER USAGE	442.25
21814	09/09/2014	Printed		DELTA DENT	DELTA DENTAL OF KANSAS	GROUP DENTAL INSURANCE	1,592.49
21815	09/09/2014	Printed		HARRIS/DER	DEREK HARRIS	YOUTH SPORTS REBATE X 2	90.00
21816	09/09/2014	Printed		HUMAN CAP	HUMAN CAPITAL CONSULTING	MONTHLY HR SUPPORT/SEPTEMBER	500.00
21817	09/09/2014	Printed		KANSAS PAY	KANSAS PAYMENT CENTER	PAYROLL DIRECTED DEDUCTION	383.08
21818	09/09/2014	Printed		KPF EFT	KPF EFT PROGRAM	POLICE RETIREMENT CONTRIB	6,675.76
21819	09/09/2014	Printed		LAWN TAMER	LAWN TAMERS	CONTRACT MOW/15324 PARALLEL	195.00
21820	09/09/2014	Printed		LEAGUE KM	LEAGUE OF KS MUNICIPALITIES	ECO DEV TOOLS WEBINAR	25.00
21821	09/09/2014	Printed		MASS M	MASS MUTUAL FINANCIAL GROUP	401/457 RETIREMENT CONTRIB	3,124.96
21822	09/09/2014	Printed		OLSON	KRISTI OLSON	MILEAGE REIMB	25.89
21823	09/09/2014	Printed		SMITH, AMA	AMANDA SMITH	YOUTH SPORTS REBATE X 2	77.50
21824	09/09/2014	Printed		VISION SER	VISION SERVICES PLAN	GROUP VISION INSURANCE	464.24
21825	09/09/2014	Printed		WESTAR	WESTAR ENERGY	ELECTRIC USAGE	11,313.41
21826	09/09/2014	Printed		WHITE GOSS	WHITE GOSS BOWERS MARCH	CONTRCT LEGAL AMT 7/16-8/15/14	4,662.50
21827	09/09/2014	Printed		WICHITA	WICHITA STATE UNIVERSITY	REG/K RENN/IIMC CERTIF	346.00

Total Checks: 25

Checks Total (excluding void checks):

90,273.40

Lloyd Martley 9-10-14
 Lloyd Martley, City Administrator

Katherine M. Renn 9-10-14
 Katherine Renn, City Clerk

Kristi Olson 9/8/14
 Kristi Olson, Treasurer

City of Basehor
Agenda Item Cover Sheet

Consent Agenda Item C

Topic: 2824 North 155th Street – Request for approval of a zoning change from CP-1- Neighborhood Business District to R-1 – Single Family Residential District – Located within the Town of Basehor Subdivision – Southwest corner of Ripley Street and 155th Street.

Action Requested: Approve Ordinance 647, approving the zoning change from CP-1 - Neighborhood Business District to R-1 – Single Family Residential District.

Narrative:

2824 N 155th Street is located on Lot 1, Block 2 within the Town of Basehor Subdivision. The property is located in the first plat within the City (platted in 1889). The property contains a house and a detached garage. The property is currently utilized for single family residential purposes.

The purpose of the request is to bring the zoning in conformance with the existing uses of the property.

The Planning Commission considered the application at a public hearing on August 5, 2014. After conducting the public hearing, the Planning Commission made a motion for recommendation of approval to the Governing Body with no stipulations.

Presented by: Mitch Pleak, City Engineer

Administration Recommendation:

Approve Ordinance 647, approving the zoning change CP-1- Neighborhood Business District to R-1 – Single Family Residential District.

Committee Recommendation:

Attachments:

Staff Report (7 pages)
Ordinance 647 (2 pages)

Projector needed for this item? No

2824 NORTH 155TH STREET - REQUEST FOR APPROVAL OF A ZONING CHANGE FROM CP-1- NEIGHBORHOOD BUSINESS DISTRICT TO R-1- SINGLE FAMILY RESIDENTIAL DISTRICT

MEETING DATE: September 2, 2014

REPORT WRITTEN: August 25, 2014

STAFF RECOMMENDATION:

Consider Planning Commission recommendation to approve the zoning change at 2824 North 155th Street from CP-1- Neighborhood Business District to R-1- Single Family Residential District.

APPLICANT:

- The applicant/owner is Robin L. Runnels.

REQUEST:

- The applicant is requesting approval to rezone 2824 North 155th Street from CP-1- Neighborhood Business District to R-1- Single Family Residential District.

ZONING:

- The property is currently zoned CP-1- Neighborhood Business District.

COMPREHENSIVE PLAN/FUTURE LAND USE MAP:

- The Future Land Use Map designates this property as CP-1- Neighborhood Business District.

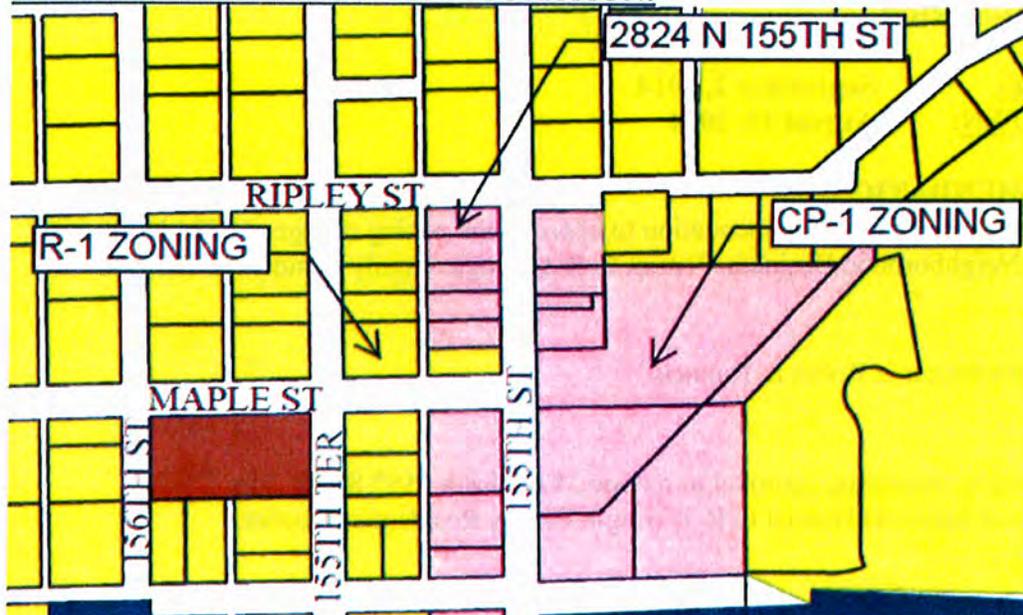
SURROUNDING ZONING:

- North R-1- Single Family Residential District.
- South CP-1- Neighborhood Business District.
- East CP-1- Neighborhood Business District and R-1- Single Family Residential District.
- West R-1- Single Family Residential District.

BACKGROUND:

2824 N 155th Street is located on Lot 1, Block 2 within the Town of Basehor Subdivision. The property is the first plat within the City (platted in 1889). The property contains a house and a detached garage. The property is currently utilized for single family residential purposes.

THE CURRENT ZONING CONFIGURATION:



REZONING:

According to Article 18, Section 8 of the Basehor Zoning Ordinance, the factors to be used in determining approval or denial of an application for rezoning are as follows:

- **CHARACTER OF THE IMMEDIATE AREA** – The immediate area consists of single family homes, a neighborhood business, Basehor VFW, and the Basehor Historical Museum.
- **THE ZONING AND USES OF THE PROPERTY NEARBY** – The properties to the north and west are zoned R-1- Single Family Residential District. The properties to the east are zoned R-1- Single Family Residential District and CP-1- Neighborhood Business District. The properties to the south are zoned CP-1- Neighborhood Business District and include single family home, neighborhood commercial, and civic uses.
- **THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED** – The property currently contains a single family house with a detached garage. Under the current zoning of CP-1- Neighborhood Business District a single family house is not an allowed use. The single family house operates as a non-conforming use. Per Article 14 of the Basehor Zoning Ordinance, if the existing house were to experience damage over 50%, the home could not be rebuilt.
- **THE EXTENT TO WHICH REMOVAL OF THE PRESENT ZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTY** – Rezoning the property from CP-1- Neighborhood Business District to R-1- Single Family Residential District is positive due to 50% of the abutting properties being R-1- Single Family Residential District. R-1-

Single Family Residential District is more restrictive than CP-1- Neighborhood Business District, and will have a less of an impact.

- **THE LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED** – The property contains a house and a detached garage built in 1900.
- **THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS** – Denial of the request would destroy the value of the petitioner's property. Approval of the request would not impose a hardship on the individual landowners and instead may have a beneficial impact to the surrounding individual landowners due to R-1- Single Family Residential District being more restrictive than CP-1- Neighborhood Business District.
- **THE CONFORMANCE OF THE REQUESTED REZONING TO THE DULY ADOPTED COMPREHENSIVE PLAN** – The Comprehensive Plan's future land use map identifies the subject property as CP-1- Neighborhood Business District.

The Comprehensive Plan states:

Single Family Residential is considered Low Density residential consisting mainly of single-family detached dwellings. This category is also appropriate for planned public and semi-public uses which are generally considered compatible with residential uses. Low Density Residential neighborhoods are typically located away from major shopping centers and major thoroughfares, such as Highway 24 and 7; however they still remain connected to these services with convenient access and interconnected roadway systems. Low Density Residential neighborhoods are within walking distance to community facilities and services that will be utilized by residents of the neighborhood, including schools, parks, and other community facilities.

The requested rezoning will conform to the adopted comprehensive plan.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning of 2824 North 155th Street (Lot 1, Block 2 of the Town of Basehor Subdivision) from CP-1- Neighborhood Business District to R-1- Single Family Residential District.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission considered this application at a public hearing on August 5, 2014. After conducting the public hearing, the Planning Commission approved the rezoning request with no stipulations.

Leavenworth County, KS



Legend

- Address Point
- Address Points Leavenworth
- Parcel
- Parcel Number
- Subdivisions
- Lot Line
- City Limit Line
- Major Road
- Road
- Railroad
- Section
- County Boundary

Notes

This map is a user generated static output from an Internet mapping site, and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

CITY OF BASEHOR

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



APPLICATION FORM

Project Name & Description <i>2824 N 155th St.</i>	Total Site Acreage <i>60,600 sf</i>	Present Zoning <i>CP-1</i>
Legal Description (May be attached as separate sheet) <i>Block 2, Lot 1 Town of Basehor Plat</i>		Proposed Zoning <i>R-1</i>
Project Address / General Location <i>2824 N 155th St.</i>		Presubmittal Date
Parcel ID Number (CAMA Number) <i>052-158-34-0-10-09-001.01-0</i>		Floor Area Classification
Property Owner Name <i>Robin L. Runnels</i>	Phone <i>913 124 3915</i>	Fax
Property Owner Address <i>2824 N 155th St</i>	City <i>Basehor</i>	State Zip <i>KS 66007</i>
Applicant's Name (if different from above) <i>Robin L. Runnels</i>	Phone <i>913-724-3915</i>	Fax
Applicant's Address <i>2824 N 155th St.</i>	City <i>Basehor</i>	State Zip <i>KS 66007</i>
Applicant's mobile phone <i>913-406-3915</i>	Property Owner and/or Applicant's E-mail address <i>RRUNNELS@SUNFLOWER.COM</i>	

APPLICATION TYPE

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

PROJECT INFORMATION

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

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

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

COMPLETE THIS AREA IF SUBDIVIDING PROPERTY

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

<i>Robin L. Runnels</i> Signature	<i>6/25/14</i> Date	Office Use Only <input type="checkbox"/> Filing Fee \$ _____ <input type="checkbox"/> Received by _____ <input type="checkbox"/> # of Plans _____ <input type="checkbox"/> Attached Legal Description <input type="checkbox"/> Property Ownership List
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CITY OF BASEHOR

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Please respond to the following questions to the best of your knowledge (Attach additional sheets if needed)

- Reason for This Request? *Residential home built in 1900, has been used as a resident since it was built. Upon trying to refinance was advised zoned commercial. Want to keep as resident and rezone R-1.*
- What Is the Suitability of Subject Property for the Uses to Which it Has Been Restricted? *Currently if home sustains 50% or greater damage would not be able to rebuild.*
- To What Extent Will Removal of Restrictions Detrimentially Affect Nearby Property? *There will no detriment to surrounding properties as residential is more restrictive than commercial and majority of property surrounding this is residential.*
- What Is the Relative Gain to the Public Health, Safety, and Welfare by the Destruction of the Value of the Petitioner's Property as Compared to the Hardship Imposed upon the Individual Landowners? *The property has a resident and the proposed change will cause no impact.*
- How Does Your Request Conform with the Comprehensive Plan? *Per the future land use map my property borders single family toward the west, east, and north. The request will provide a seamless transition to existing surroundings. Per the comprehensive plan neighborhood commercial is required to be on 1-3 acres. This property cannot meet those requirements.*

If the application is for a Development Plan (Planned Residential, Planned Industrial or Mixed Use) please provide the following additional information.

- Please provide a statement regarding why the development plan would be in the public interest.
- Please provide a statement with regard as to why the PUD would be consistent with the statement of Objectives for Planned Unit Development as found in Section 20-1002.

Affidavit in Proof of Publication

STATE OF KANSAS
Leavenworth County

(Published in The Chief-
tain, July 10, 2014)

**PUBLIC HEARING NOTICE
CITY OF BASEHOR
PLANNING COMMISSION**

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

Notice is hereby given that the Planning Commission of the City of Basehor, Kansas will hold a public hearing on Tuesday, August 5, 2014 at 7:00 PM, in the meeting room of City Hall, located at 2620 N. 155th Street, Basehor, Kansas to consider a change of zoning at 2824 North 155th Street. The property is currently zoned CP-1 Neighborhood Business District. The proposed zoning is R-1 Single-Family Residential District. The property description is:

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

LOT 1, BLOCK 2 IN THE TOWN OF BASEHOR, A SUB-DIVISION IN THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS.

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

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

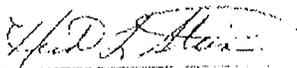
PLANNING COMMISSION
CITY OF BASEHOR, KANSAS

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 07/10/2014 with publications being made on the following dates:

7/10/2014



Subscribed and sworn to before me this



Notary Public

My Appointment expires: March 15, 2015

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	\$23.00
	<u> </u>
	\$23.00



ORDINANCE NO. 647

AN ORDINANCE APPROVING THE REZONING FOR CERTAIN PROPERTY LOCATED IN BASEHOR, LEAVENWORTH COUNTY, KANSAS FROM NEIGHBORHOOD BUSINESS DISTRICT (“CP-1”) TO SINGLE FAMILY RESIDENTIAL DISTRICT (“R-1”); AND AMENDING THE OFFICIAL ZONING MAP OR MAPS OF THE CITY TO REFLECT SUCH REZONING, ALL PURSUANT TO THE ZONING ORDINANCE OF THE CITY OF BASEHOR, KANSAS.

WHEREAS, the Comprehensive Plan of the City of Basehor, Kansas currently designates the following described property (the "Property") as “Commercial”:

LOT 1, BLOCK 2 IN THE TOWN OF BASEHOR, A SUBDIVISION IN THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS.

WHEREAS, the Property is currently zoned CP-1; and

WHEREAS, the applicant has requested the rezoning of the Property to R-1; and

WHEREAS, after due and lawful notice, the Planning Commission held a public hearing on August 5, 2014, considered the rezoning, and made a recommendation for approval of the rezoning of the Property from CP-1 to R-1; and

WHEREAS, the Planning Commission’s recommendation was presented to the Governing Body on September 15, 2014.

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

Section 1: That pursuant to Article 18 of the Basehor Zoning Ordinance, the Property, described as:

LOT 1, BLOCK 2 IN THE TOWN OF BASEHOR, A SUBDIVISION IN THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS.

be rezoned from CP-1 to R-1.

Section 2. That the City zoning map is hereby amended by showing and reflecting thereon the new zoning district classification for the Property.

Section 3. That if any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 4: That this ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Basehor, Kansas as provided by law.

ADOPTED by the Governing Body this ____ day of September, 2014.

APPROVED by the Mayor this ____ day of September, 2014.

SEAL

David K. Breuer, Mayor

ATTEST:

Katherine M. Renn, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney

City of Basehor
Agenda Item Cover Sheet

Consent Agenda Item D

Topic: Compliance amendment to the City of Basehor, Kansas 401(a) retirement plan through Mass Mutual

Action Requested: Approval of Resolution 2014-11 amending the City of Basehor, Kansas 401(a) plan

Narrative: The IRS issued Revenue Ruling 2013-17 and Notice 2014-19 as a result of the U.S. Supreme Court's decision in United States v. Windsor, which struck down Section 3 of the Defense of Marriage Act of 1996 as unconstitutional because it prohibited the recognition of same-sex spouses for purposes of Federal tax law, including for purposes of the Internal Revenue Code with respect to qualified retirement plans, like ours.

Presented by: Lloyd Martley, Chief of Police/City Administrator

Administration Recommendation: Approve Resolution 2014-11

Committee Recommendation: N/A

Attachments: Resolution 2014-11
Compliance Amendment
Section 3 of the DOMA 1996

Projector needed for this item?

No

RESOLUTION NO. 2014-11

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE COMPLIANCE AMENDMENT TO CITY OF BASEHOR, KANSAS 401(A) PLAN

WHEREAS, Mass Mutual Financial Group currently provides the defined contribution retirement 401 (a) plan as described in the plan document ("Plan Document") for the City of Basehor; and

WHEREAS, it is necessary for the City of Basehor to approve an amendment to the Plan Document to bring it in compliance with Internal Revenue Service rulings and notices; and

WHEREAS, the amendment to the Plan Document is attached as Exhibit A, and is known as the "Compliance Amendment to City of Basehor, Kansas 401 (a) Plan".

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

Section 1. That the Governing Body approves and hereby authorizes the Mayor to execute the Compliance Amendment to City of Basehor, Kansas 401 (a) Plan, attached as Exhibit A.

Section 2. That this resolution shall become effective upon passage.

ADOPTED by the Governing Body this ____ day of September, 2014.

SIGNED by the Mayor this _____ day of September, 2014.

SEAL

David K. Breuer, Mayor

ATTEST:

Katherine M. Renn, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney

EXHIBIT A

Compliance Amendment to City of Basehor, Kansas 401 (a) Plan

**COMPLIANCE AMENDMENT
TO
City of Basehor, KS 401(a) Plan**

This amendment is adopted for purposes of complying the Plan with the Supreme Court's decision in United States V. Windsor. The provisions of this amendment take precedence over any inconsistent provisions of the Plan.

- (1) Definition of Spouse: Except as may be provided in (2) below and notwithstanding any other provision of the Plan to the contrary, effective September 16, 2013, the term "spouse" is defined for those purposes indicated in (3) below to mean the person to whom the participant is legally married under the laws of the state or country in which the marriage was celebrated, without regard to whether such marriage is recognized under the laws of the state or country in which the participant resides.
- (2) Transition Period: For the period June 26, 2013 through September 15, 2013, the Plan (*choose one*):
- recognized a person as a participant's spouse regardless of whether the marriage was also recognized under the laws of the state or country in which the participant was domiciled. (Recognition based on state of celebration)
 - recognized a person as a participant's spouse only if the marriage was also recognized under the laws of the state or country in which the participant was domiciled. (Recognition based on state of domicile)
- (3) Application of New Spouse Definition: The definition of spouse described in this amendment applies (*choose one*):
- for all Plan purposes.
 - only for those Plan purposes that are subject to federal, rather than state law. Specifically, the definition of spouse above applies for purposes of (i) hardship withdrawals under the Code Section 401(k) safe harbor rules, if applicable, (ii) the minimum distribution requirements under Code Section 401(a)(9), and (iii) the direct rollover rules under Code Section 401(a)(31). For all other Plan purposes, the term "spouse" has the meaning provided under the terms of the Plan other than this amendment.

* * *

EXECUTED AT _____, _____, this _____ day
of _____, _____.

City of Baschor

By: _____

Title: _____

H. R. 3396

One Hundred Fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, one thousand nine hundred and ninety-six*

An Act

To define and protect the institution of marriage.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense of Marriage Act".

SEC. 2. POWERS RESERVED TO THE STATES.

(a) IN GENERAL.—Chapter 115 of title 28, United States Code, is amended by adding after section 1738B the following:

"§ 1738C. Certain acts, records, and proceedings and the effect thereof

"No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738B the following new item:

"1738C. Certain acts, records, and proceedings and the effect thereof."

SEC. 3. DEFINITION OF MARRIAGE.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"§ 7. Definition of 'marriage' and 'spouse'

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

H. R. 3396—2

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by inserting after the item relating to section 6 the following new item:

"7. Definition of 'marriage' and 'spouse'."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*