



AGENDA
BASEHOR CITY COUNCIL
September 21, 2016 - 7:00 p.m.
Basehor City Hall

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

2. 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).

3. United Way Proclamation

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

- a. City Council Minutes
- b. Treasurer's Report
- c. Establishing & Implementing Insurance Proceeds – Ordinance No. 680
- d. Amending Appendix A of the Zoning Regulations – Ordinance No. 681
- e. Amending Penalties for Possession of Marijuana – Ordinance No. 682

Unfinished Business - *(None at this time)*

New Business

- 5. Golf Cart Proposal**
- 6. Planning Commission Appointment – Benjamin Sims**
- 7. Final Plat of Boulders at Falcon Lakes, First Plat**
- 8. City Administrator's Report**
- 9. Council Members Report**
- 10. Mayor's Report**
- 11. Executive Session** *(if needed)*
- 12. Adjournment**



Minutes

Basehor City Council Meeting

Basehor City Hall, August 17, 2016

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.

Council Members present: David K. Breuer, Travis Miles, Vernon Fields, Rae Anderson Nicholson, Dick Drennon and Ty Garver.

Staff Present: Chief of Police/City Administrator, Lloyd Martley and City Superintendent, Gene Myracle.

2. **Call to Public** – *None at this time*

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

- a. City Council Minutes
- b. Treasurer's Report
- c. Standard Traffic Ordinance (STO) – Ordinance No. 678
- d. Uniform Public Offense Code (UPOC) – Ordinance No. 679

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

4. **Unfinished Business** – *None at this time*

New Business

5. **City Administrator's Report**

Mr. Martley mentioned the City will be hosting flu shot clinic on September 22 at noon and gave updates on the Leavenworth Road project and Nyland and Butler law suit. Mr. Martley also provided the 2017 budget books to the City Council members.

6. Council Members Report

Ty Garver – asked if the fees had been paid by the school district. He also asked if staff had received any calls about the budget.

Vernon Fields – talked about the pavement management process and commended Gene on handling a citizen's complaint.

Rae Anderson Nicholson – stated that she and Vernon had attended the LCDC meeting and that they were informed about a KCADC annual meeting and felt that that someone from the board should attend.

City Attorney, Shannon Marcano – Mrs. Marcano gave an update on the agreement process with Day3, LLC on the Falcon lakes development basically stating that the attorneys were still working out the details before bringing it back to council.

7. Mayor's Report

Mayor Breuer talked about the request from the developer for the Prairie Gardens area. He received consensus from council to advise the developer that the council will support creating a benefit district and as the plan moved forward they would consider other incentive options. He also discussed the incentive request from Brothers Market and council gave City Attorney, Mrs. Marcano consensus to send a letter to their attorney rejecting their proposal.

8. Executive Session –

Councilman Garver moved to go into executive session at 7:32 for forty five minutes to discuss attorney client privileges and resume at 8:17 p.m. and Councilman Miles seconded. The motion passed unanimously, 5-0.

Council resumed at 8:17 p.m. and no action was taken.

Council members also discussed a request from Michael Essary to be on the September 7, 2016 work session for them to consider adopting an ordinance with regards to golf carts being allowed on the roadway. Consensus was to move the request forward and add it to the September 7th work session agenda.

9. Adjournment

Councilman Fields moved to adjourn regular meeting at 8:30 p.m. and Councilman Miles seconded. Motion passed unanimously, 5-0.

David K. Breuer, Mayor

Attest:

Katherine M. Renn, City Clerk
via staff taken notes by Lloyd Martley

CITY OF BASEHOR

AUGUST 2016 FINANCIAL SNAPSHOT

Funds

Fund	Budget	Revenues	Expenditures	% Utilized
General	\$2,912,231	\$1,862,999	\$1,174,878	40%
Special Park	\$88,000	\$32,326	\$22,544	26%
Sewer	\$1,794,456	\$5,414,727	\$5,628,256	314%
Cedar Lake Maintenance	\$40,000	\$40,069	\$12,118	30%
Bond & Interest	\$866,112	\$681,646	\$786,159	91%
Solid Waste	\$322,275	\$227,892	\$220,509	68%
Special Highway	\$1,175,000	\$550,952	\$104,377	9%
Municipal Equipment Reserve	\$175,000	\$456	\$87,929	50%
Capital Improvement	\$966,466	\$181,861	\$821,024	85%
Employee Benefit	\$618,804	\$418,403	\$377,042	61%
LCSD#3	\$33,000	\$33,085	\$21,156	64%

Department

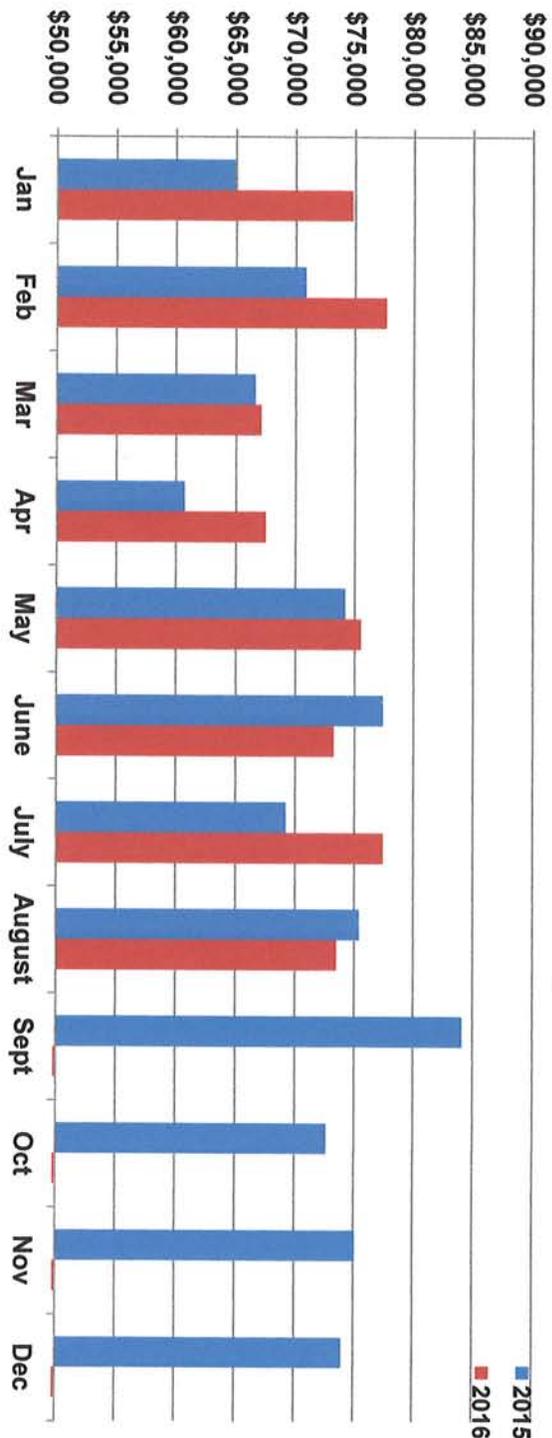
General	Budget	Expenditures	Remaining Balance	% Utilized
Clerk	\$378,219	\$219,634	\$158,585	58%
Street	\$237,316	\$100,530	\$136,786	42%
Governing Body	\$537,800	\$51,201	\$486,599	10%
Police	\$924,651	\$528,652	\$395,999	57%
Facilities	\$146,913	\$76,229	\$70,684	52%
Administrator	\$249,506	\$22,537	\$226,969	9%
Park & Recreation	\$74,942	\$40,405	\$34,537	54%
Miscellaneous	\$162,700	\$37,343	\$125,357	23%
HR	\$27,600	\$10,348	\$17,252	37%
Planning	\$172,584	\$87,999	\$84,585	51%

**MISC includes transfers out of general fund into MERF, Sewer, and Capital Improvermer

MONTHLY SALES TAX COLLECTIONS 2012-2016

	2012	2013	2014	2015	2016	Monthly Diff. '15 - '16	% Difference	2015 YTD	2016 YTD	Diff. '15 - '16	% Difference
Jan	57,962.61	55,854.63	57,521.05	64,945.65	74,803.28	9,857.63	13.2%	64,945.65	74,803.28	9,857.63	13.2%
Feb	48,668.43	50,846.50	61,331.66	70,869.41	77,689.41	6,820.00	8.8%	135,815.06	152,492.69	16,677.63	10.9%
Mar	51,596.39	50,846.50	54,298.46	66,612.89	67,094.24	481.35	0.7%	202,427.95	219,586.93	17,158.98	7.8%
Apr	42,372.82	48,009.19	59,434.83	60,756.14	67,477.32	6,721.18	10.0%	263,184.09	287,064.25	23,880.16	8.3%
May	50,639.59	53,986.75	59,679.42	74,209.84	75,539.09	1,329.25	1.8%	337,393.93	362,603.34	25,209.41	7.0%
June	55,921.34	60,215.87	66,757.64	77,452.56	73,252.24	(4,200.32)	-5.7%	414,846.49	435,855.58	21,009.09	4.8%
July	49,304.00	56,140.33	66,800.72	69,216.07	77,432.96	8,216.89	10.6%	484,062.56	513,288.54	29,225.98	5.7%
Aug	55,484.63	60,644.35	63,635.42	75,424.27	73,491.42	(1,932.85)	-2.6%	559,486.83	586,779.96	27,293.13	4.7%
Sept	62,953.65	59,886.19	67,381.62	84,096.74				643,583.57			
Oct	57,986.12	59,634.13	75,075.03	72,635.93				716,219.50			
Nov	59,821.88	58,067.36	69,812.32	75,123.36				791,342.86			
Dec	49,586.00	58,821.13	67,635.00	73,979.24				865,322.10			
	<u>642,297.46</u>	<u>672,952.93</u>	<u>769,363.17</u>	<u>865,322.10</u>	<u>586,779.96</u>						
2016 TDD	\$22,309.29										
2015 TDD	\$31,717.59										

2015-16 Month to Month Comparison





SOLID WASTE FUND HIGHLIGHTS

For the Month of August 2016

MONTH	2015	2016	% DIFFERENCE
	SOLID WASTE COUNT	SOLID WASTE COUNT	
January	1,847	1,973	6.39%
February	1,852	1,989	6.89%
March	1,866	1,995	6.47%
April	1,891	2,017	6.25%
May	1,911	2,031	5.91%
June	1,926	2,054	6.23%
July	1,932	2,065	6.44%
August	1,946	2,078	6.35%
September	1,953		
October	1,954		
November	1,961		
December	1,969		
AVERAGE	1,917	2,025	6.37%

MONTH	2015	2016	% DIFFERENCE
	SOLID WASTE BILLED	SOLID WASTE BILLED	
January	\$25,963.34	\$27,792.02	6.58%
February	\$26,060.62	\$27,985.20	6.88%
March	\$26,221.64	\$28,082.41	6.63%
April	\$26,404.12	\$28,314.15	6.75%
May	\$26,756.19	\$28,534.39	6.23%
June	\$26,956.84	\$28,775.51	6.32%
July	\$27,320.41	\$28,888.31	5.43%
August	\$27,233.52	\$29,110.07	6.45%
September	\$27,376.36		
October	\$27,514.14		
November	\$27,701.83		
December	\$27,751.72		
TOTAL	\$323,260.73	\$227,482.06	

MONTH	2015	2016	% DIFFERENCE
	AVERAGE BILL	AVERAGE BILL	
January	\$14.06	\$14.09	0.21%
February	\$14.07	\$14.07	0.00%
March	\$14.05	\$14.08	0.21%
April	\$13.96	\$14.04	0.57%
May	\$14.00	\$14.04	0.28%
June	\$14.00	\$14.01	0.07%
July	\$14.14	\$13.99	-1.07%
August	\$13.99	\$14.01	0.14%
September	\$14.02		
October	\$14.08		
November	\$14.13		
December	\$14.09		
AVERAGE	\$14.05	\$14.04	-0.06%



SEWER FUND HIGHLIGHTS

For the Month of August 2016

MONTH	2015 SWR COUNT	2016 SWR COUNT	% DIFFERENCE
January	1960	2077	5.63%
February	1960	2085	6.00%
March	1971	2090	5.69%
April	1997	2107	5.22%
May	2017	2121	4.90%
June	2032	2143	5.18%
July	2037	2151	5.30%
August	2055	2165	5.08%
September	2065		
October	2057		
November	2065		
December	2073		
AVERAGE	2024	2117	

MONTH	2015 SWR BILLED	2016 SWR BILLED	% DIFFERENCE
January	\$98,315.70	\$103,888.24	5.67%
February	\$99,121.87	\$106,054.34	6.99%
March	\$98,797.47	\$104,234.00	5.50%
April	\$98,845.10	\$105,982.42	7.22%
May	\$102,569.87	\$109,140.33	6.41%
June	\$103,045.89	\$113,071.49	9.73%
July	\$102,504.86	\$115,623.70	12.80%
August	\$103,973.82	\$115,046.80	10.65%
September	\$104,665.79		
October	\$105,097.52		
November	\$104,622.86		
December	\$103,882.70		
TOTAL	\$1,225,443.45	\$873,041.32	

MONTH	2015 AVERAGE SWR BILL	2016 AVERAGE SWR BILL	% DIFFERENCE
January	\$50.16	\$50.02	-0.28%
February	\$50.57	\$50.87	0.59%
March	\$50.13	\$49.87	-0.52%
April	\$49.50	\$50.30	1.62%
May	\$50.85	\$51.46	1.19%
June	\$50.71	\$52.76	4.04%
July	\$50.32	\$53.75	6.82%
August	\$50.60	\$53.14	5.02%
September	\$50.69		
October	\$51.09		
November	\$50.66		
December	\$50.11		
AVERAGE	\$50.45	\$51.52	2.12%

08/31/2016

CHECK REGISTER FOR CITY OF BASEHOR
CHECK DATE FROM 08/11/2016 - 08/31/2016

Check Date	Bank	Check	Vendor Name	Description	Amount
Bank 1 FIRST STATE BANK CHECKING					
08/19/2016	1	23474	ASPHALT SALES COMPANY INC	HOT MIX ASPHALT	131.15
08/19/2016	1	23475	BARCO MUNICIPAL PRODUCTS INC	CONES/STREET PROJECTS	832.00
08/19/2016	1	23476	CONS RURAL WATER DISTRICT #1	WATER LINE RELOCATE/LV ROAD PROJECT 2016	57,000.00
08/19/2016	1	23477	FDR INVESTORS INC	RETURN FUNDS + INT/FIRE-14428 PARALLEL	22,552.19
08/19/2016	1	23478	KANSAS STATE TREASURER	STATE MANDATED COURT FEES JULY 2016	965.84
08/19/2016	1	23479	LCDC	LCPA MTG LUNCH/FIELDS & GALLION	40.00
08/19/2016	1	23480	LEAVENWORTH ASPHALT MATERIAL	HOT MIX ASPHALT	774.99
08/19/2016	1	23481	LEAVENWORTH COUNTY SHERIFF	BOARD BILL JULY 2016	275.00
08/19/2016	1	23482	MCAFFEE HENDERSON SOLUTIONS	CONST OBSERVATIONS/LV RD IMPROV	23,668.26
08/19/2016	1	23483	MILES EXCAVATING INC	LV RD SIDEWALK & STORM PROJECT	367,794.37
08/19/2016	1	23484	REGISTER OF DEEDS	MONTHLY LAREDO BILLING/JULY	60.00
08/19/2016	1	23485	SPECTRA	SHOP MAINT SUPPLIES	2,649.70
08/19/2016	1	23486	SPRINGSTED	GO BOND ISSUE FEES	600.00
08/19/2016	1	23487	STEVE FOUTS	HERBICIDE & FERTILIZER/FOD FIELD MAINT	2,862.00
08/19/2016	1	23488	USD 458 BASEHOR-LINWOOD	REIMB BLDG PERMIT FEES/CAREER & TECH EDUC	11,374.60
08/31/2016	1	1216(E)	AFLAC	EMP CAFETERIA PLAN/AUGUST	1,223.16
08/31/2016	1	1217(E)	COMMERCE	FACILITY MAINT/WWTF	40,634.22
08/31/2016	1	1218(E)	KANSAS PAYMENT CENTER	PAYROLL DIRECTED DEDUCTION	200.77
08/31/2016	1	1219(E)	KPF EFT PROGRAM	OGLI (MN LIFE INS)/POLICE	6,229.26
08/31/2016	1	1220(E)	MASS MUTUAL FINANCIAL GROUP	401/457 RETIRE CONTRIB	4,349.79
08/31/2016	1	1221(E)	WRIGHT EXPRESS	FLEET FUEL CHARGES/JULY	1,498.48
08/31/2016	1	23489	ALLEN, GIBBS & HOULIK, LC	CONTRACT FINANCE SVCS/7-7 TO 7-26-16	2,569.00
08/31/2016	1	23490	ASPHALT SALES COMPANY INC	HOT MIX ASPHALT	1,315.88
08/31/2016	1	23491	ATMOS ENERGY	GAS USAGE/CH 7-28 TO 8-25	56.93
08/31/2016	1	23492	ATMOS ENERGY	GAS USAGE/PWD 7-30 TO 8-25	46.79
08/31/2016	1	23493	BASEHOR CHAMBER OF COMMERCE	3 MOS MTG RENN/AUG MTG RENN,MARTLEY, BRE	70.00
08/31/2016	1	23494	BRIAN PALENSKE	REPLACE ENTRY-ROW/2614 155TH/PWD PROJ	4,704.00
08/31/2016	1	23495	ENVIROLINE COMPANY INC	FACILITY EQUIPMENT NEW PARTS	4,267.06
08/31/2016	1	23496	G & S SERVICES, INC.	RE-STRIPE CITY CROSSWALKS	700.00
08/31/2016	1	23497	HAYNES EQUIPMENT CO	REPAIR GRINDER PUMP/CL	1,773.44
08/31/2016	1	23498	KANSAS ONE-CALL SYSTEMS, INC.	MONTHLY LOCATE SVC/JULY-149	149.00
08/31/2016	1	23499	KIANN SPRADLIN	CITY PROSECUTOR SERVICES	700.00
08/31/2016	1	23500	LAWN TAMERS	CONTRACT MOW/JULY	597.50
08/31/2016	1	23501	LEAVENWORTH ASPHALT MATERIAL	HOT MIX ASPHALT/STREET REPAIRS	2,044.04
08/31/2016	1	23502	LEAVENWORTH COUNTY CO-OP	DIESEL FUEL/WWTF & PWD	1,936.30
08/31/2016	1	23503	MID AMERICAN SIGNAL, INC.	CROSSWALK REPAIR PARTS	209.61
08/31/2016	1	23504	NATIONAL SIGN COMPANY INC	4-MESH ROLL UP/2-FIRE STN/2-500FT SIGNS	711.90
08/31/2016	1	23505	PAVING MAINTENANCE SUPPLY INC	2250# POLYFLEX-A-TYPE 2	2,299.50
08/31/2016	1	23506	SANDS CONSTRUCTION CO	CURB REPLACEMENT PROJ 2016	68,846.00
08/31/2016	1	23507	SONNTAG LAW OFFICE	COURT APPOINTED ATTORNEY	500.00
08/31/2016	1	23508	SPECTRA	24-LOOSENING SOLVENT/24-BRK PRTS CLEANER	487.08
08/31/2016	1	23509	STEPHEN R MARSDEN	JANITORIAL SERVICE/AUGUST 2016	387.00
08/31/2016	1	23510	TODD'S TIRE LLC	SV300 LOADER REPAIR TIRES	98.00
08/31/2016	1	23511	WESLEY & KATIE NORMAN	YOUTH SPORTS REBATE X 4	140.00
08/31/2016	1	23512	WESTAR ENERGY	ELECTRIC USAGE	10,846.78
08/31/2016	1	23513	WILLIAM E. PRAY	MUNICIPAL JUDGE SERVICES	500.00

1 TOTALS:
Total of 46 Checks:
Less 0 Void Checks:
Total of 46 Disbursements:
**(E)=EFT Checks-Online Payments

651,671.59
0.00
651,671.59

Lloyd Martley 9-6-16
Lloyd Martley
City Administrator

Katherine M. Renn 8-31-16
Katherine Renn
City Clerk

Kristi Olson 8/31/16
Kristi Olson
City Treasurer

City of Basehor
Agenda Item Cover Sheet

Consent Agenda Item C

Topic: Establishment and implementation of an insurance proceeds fund pursuant to K.S.A. 40-3901.

Action Requested: Approve Ordinance 680 updating new legislation regarded to K.S.A. 40-3901.

Narrative: Currently, Ordinance 316 gives municipalities the authority to place a lien on the proceeds of any covered claims for damage to a structure in excess of 75% of the face value on the insurance policy. On July 1, 2016, a new bill was passed and Cities are required to adopt a new ordinance reflecting those changes.

Presented by: Katherine Renn, City Clerk

Staff Recommendation: Staff recommends approval of Ordinance 680 providing for amendments to Ordinance No. 316 so that City of Basehor is current on policy and procedures regarding insurance proceeds.

Committee Recommendation: N/A

Attachments:
Ordinance 680

Projector needed for this item?
No

ORDINANCE NO. 680

**AN ORDINANCE AMENDING ARTICLE X OF THE BASEHOR CITY CODE,
ENTITLED "BUILDING INSURANCE PROCEEDS FUND"**

WHEREAS, during the 2016 legislative session the Kansas legislature adopted changes to K.S.A. 40-3901 et seq. which must be reflected in Article X of the Basehor City Code, entitled, "Building Insurance Proceeds Fund".

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

Section 1: That Article X of the Basehor City Code be amended with the addition of underlined text, and deletion of the stricken text as follows:

ARTICLE X. - BUILDING INSURANCE PROCEEDS FUND

Sec. 8-527. - Scope and application.

The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city ~~arising out of any fire, explosion, or windstorm,~~ where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.

Sec. 8-528. - Lien created.

The ~~mayor and city council~~ governing body of the city hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, ~~caused by or arising out of a fire, explosion, or windstorm,~~ where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policies covering such building or other insured structure. The lien arises upon any unpaid tax, special advalorem levy or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

Sec. 8-529. - Encumbrances.

Prior to final settlement on any claim covered by section 8-528, the insurer or insurers shall contact the e-County † Treasurer of Leavenworth County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the County Treasurer, Leavenworth, Kansas.

Sec. 8-530. - Transfer on pro rata basis.

Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

Sec. 8-531. - Procedure.

(a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the city treasurer in an amount equal to the sum of 15 percent of the covered claim payment, unless the chief building inspector of the city has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises are and secure.

(b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.

(c) Upon the transfer of the funds as required by subsection (a) of this section, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the chief building inspector shall contract the named insured or insureds by certified mail, return receipt requested, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article.

Sec. 8-532. - Fund created; deposit of moneys.

The city treasurer is hereby authorized to and shall create a fund to be known as the “Insurance Proceeds Fund”. All moneys received by the city treasurer as provided for by this article shall be placed in the fund and deposited in an interest-bearing account.

Sec. 8-533. - Building inspector; investigation, removal or structure.

(a) Upon receipt of moneys as provided for by this article, the city treasurer shall immediately notify the chief building inspector of said receipt, and transmit all documentation received from the insurance company or companies to the chief building inspector.

(b) Within ~~20~~ 30 days of the receipt of said moneys, the chief building inspector shall determine after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.

(c) Prior to the expiration of the ~~20~~ 30 days established by subsection (b) of this section, the chief building inspector shall notify the city treasurer whether he intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.

(d) If the chief building inspector has determined that proceedings under K.S.A. 12-1750 et seq., as amended, shall be initiated, he will do so immediately, but no later than ~~30~~ 45 days after receipt of the moneys by the city treasurer.

(e) Upon notification to the city treasurer by the chief building inspector that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the city treasurer shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within ~~30~~ 45 days of the receipt of the moneys from the insurance company or companies.

Sec. 8-534. - Removal of structure; excess moneys.

If the chief building inspector has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

Sec. 8-535. - Disposition of funds.

If the chief building inspector, with regard to a building or other structure damaged by ~~fire, explosion, or windstorm,~~ determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the city treasurer under the authority of section 8-531(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the chief building inspector shall immediately effect the release of the lien resulting therefrom. Should the expenses insured by the city exceed the insurance proceeds paid over to the city treasurer under section 8-531(a), the chief building inspector shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

Sec. 8-536. - Effect upon insurance policies.

This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

Sec. 8-537. - Insurers; liability.

Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including liability for withholding payment of any insurance proceeds pursuant to this article, or release or disclosing of any information pursuant to this article.

Section 2: That this ordinance shall take effect and be in force from an after its publication in the official newspaper of the City of Basehor, Kansas as provided by law.

PASSED by the City Council this 21st day of September, 2016.

APPROVED by the Mayor this 21st day of September, 2016.

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: Amend the Zoning Regulations, Appendix A, of the City of Basehor to allow for new Conditionally Permitted uses in existing zoning districts.

Action Requested: Approve Ordinance 681, Conditionally Permitted Uses within the given zoning districts.

Narrative: Currently, Kennels-Boarding and Breeding facilities are allowed in R-O (Suburban Residential) zoning districts and only as a Conditionally Permitted Use. At this time there are facilities that have the ability to board pets located within the city. These currently would be classified as ‘non-conforming’ uses. These locations were in existence prior to annexation and have been allowed to continue such use. Through prior discussions with Planning Commission; staff had presented information regarding allowances for kennels and boarding facilities in I-1 districts. At the August 9th Planning Commission meeting it was presented and approved by a 5-0 vote to allow for Kennel and Boarding facilities to be allowed within the I-1 Light Industrial Zoning Districts via a Conditional Use Permit. Staff feels that allowing for boarding facilities and kennels in an industrial zoning district is a suitable use and should be allowed within this zoning district.

Presented by: Mark Lee, Planning & Zoning Director

Staff Recommendation: Staff recommends approval of Ordinance 681 providing for amendments to Appendix A of the Zoning Regulations of the City of Basehor to allow for the operation of kennels and boarding facilities within the I-1 (Light Industrial) Zoning District.

Committee Recommendation: N/A

Attachments:
Staff report

Projector needed for this item?
No

ORDINANCE NO. 681

AN ORDINANCE AMENDING APPENDIX A OF THE BASEHOR ZONING ORDINANCE ENTITLED, PERMITTED AND CONDITIONALLY PERMITTED USE TABLE TO ALLOW KENNELS AND BOARDING FACILITIES AS CONDITIONAL USES IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT

WHEREAS, city staff initiated an application to amend Appendix A of the Basehor Zoning Ordinance, entitled Permitted and Conditionally Permitted Use Table, to allow Kennels and Boarding Facilities as conditional uses in the I-1 Light Industrial Zoning District; and

WHEREAS, a public hearing was held by the Basehor Planning Commission on August 9th, 2016, and notice of such public hearing was provided in accordance with Kansas state law and the Basehor Zoning Ordinance; and

WHEREAS, on August 9th, 2016 the Basehor Planning Commission considered the application and recommended approval of the amendment to Appendix A of the Basehor Zoning Ordinance to allow Kennels and Boarding Facilities as conditional uses in the I-1 Light Industrial Zoning District; and

WHEREAS, as a conditional use, Kennels and Boarding Facilities in the I-1 Light Industrial Zoning District shall be required to obtain a conditional use permit and meet the additional requirements set out in Article 11, Section 7(e) of the Basehor Zoning Ordinance, which states:

- a. Kennels – Breeding and Boarding:
 - i. The minimum lot size shall not be less than one (1) acre
 - ii. No kennel buildings or runs shall be located nearer than seventy-five (75) feet to any property line
 - iii. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or the excitement of the dogs. Such screening shall be either a solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet tall, and having a density of not less than eighty percent (80%) per square foot; and

WHEREAS, the Planning Commission's recommendation was presented to the Governing Body at its regularly scheduled meeting on September 21st, 2016, for consideration.

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

Section 1: That Appendix A of the Basehor Zoning Ordinance, entitled Permitted and Conditionally Permitted Use Table, be amended with the addition of Kennel and Boarding Facilities as a conditional use in the I-1, Light Industrial Zoning District.

Section 2: 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.

PASSED by the City Council this 21st day of September, 2016.

APPROVED by the Mayor this 21st day of September, 2016.

SEAL

David K. Breuer, Mayor

ATTEST:

Katherine M. Renn, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney

I-1 LIGHT INDUSTRIAL PERMITTED USES	I-1 LIGHT INDUSTRIAL CONDITIONALLY PERMITTED USES
<ol style="list-style-type: none"> 1. AIR CONDITIONING, REFRIGERATION- EQUIPMENT and SUPPLIES - WHOLESALE 2. ALCOHOLIC BEVERAGES - WHOLESALE 3. APPLIANCE REPAIR SERVICES 4. APPLIANCES-WHOLESALE 5. AUTOMOBILE and VEHICLE REPAIR SERVICES 6. AUTOMOBILE RENTAL SERVICES 7. BOOKBINDING and RELATED WORK- MANUFACTURING 8. BOOKS and NEWSPAPER DISTRIBUTING - WHOLESALE 9. BOOKS- PUBLISHING and PRINTING 10. BUILDING CONSTRUCTION CONTRACTOR 11. BUILDING MATERIALS- WHOLESALE 12. BUS GARAGING and MAINTENANCE 13. BUSINESS FORMS- MANUFACTURING 14. BUS TERMINALS 15. CABINET MAKING- MANUFACTURING 16. CARPENTRY and WOOD FLOORING SERVICES 17. CAR WASH SERVICES 18. CARPET CLEANING and REPAIR SERVICES 19. CEMETERIES and MAUSOLEUMS 20. CHURCHES, SYNAGOGUES, and TEMPLES 21. COMMERCIAL and INDUSTRIAL EQUIPMENT- WHOLESALE 22. COMMUNICATION EQUIPMENT- MANUFACTURING 	<ol style="list-style-type: none"> 1. AGRICULTURAL CHEMICALS and FERTILIZERS - WHOLESALE 2. ASPHALT MIXING PLANTS 3. BAIT SHOPS 4. BEVERAGE MANUFACTURING- NON ALCOHOLIC 5. BEVERAGE MANUFACTURING- ALCOHOLIC 6. BOTTLED GAS- RETAIL 7. CONCRETE - READY MIX PLANTS 8. FABRICATED METAL PRODUCTS- MANUFACTURING 9. FEEDS, GRAIN, and HAY- RETAIL 10. FERTILIZERS- RETAIL 11. FUEL OIL- RETAIL 12. GAS STORAGE and DISTRIBUTION 13. LIQUEFIED PETROLEUM GAS- WHOLESALE 14. LIVESTOCK- WHOLESALE 15. PETROLEUM BULK and TERMINALS 16. SALVAGE YARD 17. TRUCK WASH 18. WAREHOUSING OF HAZARDOUS PRODUCTS

I - 1 LIGHT INDUSTRIAL PERMITTED USES	I - 1 LIGHT INDUSTRIAL PERMITTED USES
24. DRUGS and SUNDRIES - WHOLESALE	48. LAWN CARE
25. DRY GOODS and APPAREL- WHOLESALE	49. LINEN SUPPLY SERVICES
26. ELECTRICAL REPAIR- NOT RADIO and TV.	50. MEDICAL and DENTAL LABORATORIES
27. ELECTRICAL SUPPLIES- RETAIL	51. METALS and MINERALS - WHOLESALE EXCEPT SCRAP
28. ELECTRONIC PARTS and SUPPLIES- WHOLESALE	52. MOVIE DISTRIBUTION SERVICES
29. EQUIPMENT and SUPPLIES for SERVICE ESTABLISHMENTS- WHOLESALE	53. MOTOR FREIGHT GARAGING and MAINTENANCE
30. EQUIPMENT- RENTAL and LEASING	54. MOTOR VEHICLES and EQUIPMENT - WHOLESALE
31. EXTERMINATING SERVICES	55. OUTDOOR ADVERTISING SERVICES
32. FARM EQUIPMENT - WHOLESALE	56. PAPER PRODUCTS - WHOLESALE
33. FARM PRODUCTS STORAGE, EXCLUDING STOCKYARDS	57. PARKS and PLAYGROUNDS- PUBLIC
34. FARM PRODUCTS - WHOLESALE	58. PATTERN SHOPS
35. FREIGHT TERMINALS	59. OFFICE and ART SUPPLIES- MANUFACTURING
36. FURNITURE - WHOLESALE	60. PHOTOCOPYING and BLUEPRINTING SERVICES
37. FURNITURE and UPHOLSTERY SERVICES	61. PHOTOENGRAVING and ELECTROTYPING
38. FUR STORAGE and SERVICES	62. PLUMBING SUPPLIES- RETAIL
39. GASOLINE SERVICE STATIONS- RETAIL	63. PLUMBING and HEATING EQUIPMENT- WHOLESALE
40. GREENHOUSES	64. POTTERY - MANUFACTURING
41. GROCERY PRODUCTS - WHOLESALE	65. PRINTING- COMMERCIAL
42. HARDWARE - WHOLESALE	66. PRINTING and PUBLISHING - BOOKS
43. HEATING SUPPLIES- RETAIL	67. PRINTING and PUBLISHING -PERIODICAL
44. ICE - MANUFACTURING	68. PROFESSIONAL EQUIPMENT and SUPPLIES -WHOLESALE
45. JANITORIAL SERVICES	69. ROAD and UTILITY MAINTENANCE YARDS
46. LANDSCAPING SERVICES	
47. LAPIDARY WORK	

**I- 1 LIGHT INDUSTRIAL
PERMITTED USES**

- 70. SCRAP and WASTE MATERIALS-
NONMETALLIC - WHOLESALE
- 71. SIGNS and ADVERTISING-
MANUFACTURING
- 72. TAXI- DISPATCH and MAINTENANCE
- 73. TELE-COMMUNICATION EXCHANGE
STATIONS
- 74. TRANSPORTATION EQUIPMENT and
SUPPLIES - WHOLESALE
- 75. TELE-COMMUNICATION RELAY TOWERS
- 76. VENDING MACHINE OPERATORS - RETAIL
- 77. WAREHOUSING OF HOUSEHOLD GOODS
- 78. WAREHOUSING OF NON-HAZARDOUS
PRODUCTS
- 79. WATER TREATMENT PLANTS and
STORAGE FACILITIES
- 80. WELL DRILLING SERVICES (WATER)
- 81. WELDING and BLACKSMITHING SERVICES
- 82. YARNS and THREADS - MANUFACTURING
- 83. GARMENT and APPAREL -
MANUFACTURING
- 84. SMALL ENGINE REPAIR
- 85. ELECTRONIC COMPONENTS and
ACCESSORIES - MANUFACTURING

City of Basehor
Agenda Item Cover Sheet

Consent Agenda Item E

Topic: Possession of marijuana violation changes.

Action Requested: Approve ordinance 682 amending division 4, section 28-104 of the Basehor City Code.

Narrative: Currently under ordinance 474 the penalty for possession of marijuana is a class A misdemeanor. HB 2462 amends the criminal code provisions governing possession of marijuana and now makes the first offense a class B nonperson misdemeanor, and the second offense is a class A nonperson misdemeanor, and a subsequent offense is a drug severity level 5 felony.

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

Administration Recommendation: Approve Ordinance 682

Committee Recommendation: N/A

Attachments: Ordinance 474
Ordinance 682

Projector needed for this item?

No

ORDINANCE NO. 682

AN ORDINANCE AMENDING DIVISION 4, SECTION 28-104 OF THE BASEHOR CITY CODE, ENTITLED “DRUGS AND DRUG PARAPHERNALIA; POSSESSION OR USE UNLAWFUL”.

WHEREAS, during the 2016 legislative session the Kansas legislature adopted changes to K.S.A. 65-4150 et seq. which must be reflected in Division 4, Section 28-104 of the Basehor City Code, entitled Drugs and Drug Paraphernalia; Possession or Use Unlawful”.

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

Section 1: That Division 4, Section 28-104 of the Basehor City Code be amended with the addition of underlined text as follows:

DIVISION 4. - DRUGS AND DRUG PARAPHERNALIA

Sec. 28-104. - Possession or use unlawful.

(a) It shall be unlawful for any person to manufacture, possess, have under his control, prescribe, administer, deliver, distribute, dispense, compound, sell or offer for sale any depressant, stimulant or hallucinogenic drug in violation of the Kansas Controlled Substances Act. No person shall possess any barbiturate, amphetamine, hallucinogenic drug, Cannabis Sativa (marijuana) or other controlled substance, as defined by K.S.A. 65-4150, without a written prescription from a licensed physician.

(b) It shall be unlawful for any person to have in his possession any marijuana in violation of the Kansas Controlled Substances Act, K.S.A. 65-4101—65-4163.

(c) No person shall use or possess with intent to use:

(1) Any simulated controlled substance;

(2) Any drug paraphernalia to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act; or

(3) Any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, or compound, convert, produce, process, prepare, test, analyze, pack, re-pack, sell or distribute a controlled substance in violation of the Uniform Controlled Substances Act.

(d) No person shall deliver, possess with intent to deliver, manufacture with intent to deliver or cause to be delivered within the state any drug paraphernalia, knowing or under circumstances

where one reasonably should know that it would be used to use, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act.

(e) Violation of this section is a Class A misdemeanor. The first offense for possession of marijuana is a Class B nonperson misdemeanor; the second offense for possession of marijuana is a Class A nonperson misdemeanor; and a subsequent offense is a Drug Severity Level 5 felony.

Section 2: That this ordinance shall take effect and be in force from an after its publication in the official newspaper of the City of Basehor, Kansas as provided by law.

PASSED by the City Council this 21st day of September, 2016.

APPROVED by the Mayor this 21st day of September, 2016.

SEAL

David K. Breuer, Mayor

ATTEST:

Katherine M. Renn, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney

(Published First Time in Basehor Sentinel August 25, 2005)

ORDINANCE NO. 474

ORDER AMENDING CHAPTER XI, PUBLIC OFFENSES TO INCORPORATE
ARTICLE 3 DRUGS AND DRUG PARAPHERNALIA, SECTION 1, 11-301 AND
SECTION 2, 11-302 OF THE CODE OF THE CITY OF BASEHOR, KANSAS

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

Article 3. To incorporate Article 3 Drugs and Drug Paraphernalia within the code of the city of Basehor.

Article 3. Drug and Drug Paraphernalia

Section 1. To incorporate section 11-301, Drugs, Marijuana within the code of the city of Basehor.

DRUGS, MARIJUANA. (a) It shall be unlawful for any person to manufacture, possess, have under his/her control, prescribe, administer, deliver, distribute, dispense, compound, sell or offer for sale any depressant, stimulant or hallucinogenic drug in violation of the Kansas controlled substances act.

(b) It shall be unlawful for any person to have in his possession any marijuana in violation of the Kansas controlled substance act. (K.S.A. 65-4101-4163)

(c) No person shall use or possess with intent to use:

1. Any simulated controlled substance: any drug paraphernalia to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act: or, any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, or compound, convert, produce, process, prepare, test, analyze, pack, repack, sell or distribute a controlled substance in violation of the Uniform Controlled Substance Act.

(d) No person shall deliver, possess with intent to deliver, manufacture with intent to deliver or cause to be delivered within the state:

1. Any drug paraphernalia, knowing or under circumstances where one reasonably should know that it would be used to use, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act.

Violation of this section is a Class A non-person misdemeanor.



Section 2. To incorporate section 11-302, Possession of Drug Paraphernalia: Prohibited within the code of the city of Basehor.

- 11-302 POSSESSION OF DRUG PARAPHERNALIA; PROHIBITED. No person shall possess any paraphernalia with the intent to use that paraphernalia for the unlawful use, consumption, or administration of any barbiturate, amphetamine, hallucinogenic drug, marijuana or other controlled substance as defined by K.S.A. 65-4150.
- a. **“Drug Paraphernalia”** means all equipment, products and materials of any kind, which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the uniformed controlled substance act.
 - b. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:
 1. Statements by an owner or person in control of the object concerning its use.
 2. Prior convictions, if any, of an owner or person in control of the object, under any state or federal law relating to any controlled substance.
 3. The proximity of the object, in time and space, to a direct violation of the uniform controlled substance act.
 4. The proximity of the object to controlled substances.
 5. The existence of any residue of controlled substances on the object.
 6. Direct or circumstantial evidence of the intent of an owner or person in control of the object, to deliver it to a person the owner or person in control of the object knows, or should reasonably know, intends to use the object to facilitate a violation of the uniform controlled substances act. The innocence of an owner or person in control of the object as to a direct violation of the uniform controlled substances act shall not prevent a finding that the object is intended for use as drug paraphernalia.
 7. Oral or written instructions provided with the object concerning its use.
 8. Descriptive materials accompanying the object, which explain or depict its use.
 9. National and local advertising concerning the object’s use.
 10. The manner in which the object is displayed for sale.
 11. Whether the owner or person in control of the object is a legitimate supplier of similar or related items to the community, such as a distributor or dealer of tobacco products.
 12. Direct or circumstantial evidence of the ratio of sales of the object or object to the total sales of the business enterprise.

13. The existence and scope of legitimate uses for the object in the community.
14. Expert testimony concerning the object's use.
Pursuant to K.S.A. 65-4151
2. POSSESSION OF DRUGS; PROHIBITED. No person shall possess any barbiturate, amphetamine, hallucinogenic drug, Cannabis Sativa (marijuana) or other controlled substance as defined by K.S.A. 65-4150, without a written prescription from a licensed physician.
3. INHALATION PROHIBITED. It shall be unlawful for any person within the city limits to smell or inhale the fumes from any elements, compounds or combinations of both elements and compounds as defined in section 11-302(6) of this article for the purpose of causing a condition of intoxication, hallucination, inebriation, excitement, stupefaction or dulling of his or her brain or nervous system; provided, that nothing in this article shall be interpreted as applying to the inhalation of anesthesia for medical or dental purposes as prescribed or administered by duly authorized personnel.
4. SAME; ELEMENTS USED. No person shall, for the purpose of violation section 11-302(3) of this article, use or possess for the purpose of using, any of the element, compounds or combination of both elements and compounds or combination of both elements and compounds as defined in section 11-302(6).
5. SAME; SALE OF; No person shall sell, give or offer to sell or give to any other person any of the elements, compounds or combinations of both elements and compounds as defined in section 11-302(6) of this article if he or she has knowledge that he product sold, given or offered to be sold or given will be used for the purpose as set forth in section 11-032(3) of this article.
6. SAME; DEFINITIONS. For the purpose of this article elements, compounds or combinations of both elements and compounds shall be defined as any material in a liquid, solid or gaseous stat, which contains one or more of the following materials:
 - a. Hydrocarbons, to include but not limited to methyl, ethyl, isopropyl and butyl;
 - b. Alcohols, to include but not limited to ethyl, acetate, isopropyl ad butyl;
 - c. Volatile esters, to include but not limited to ethyl, acetate, butyl acetate, amyl acetate;
 - d. Ketone, to include but not limited to acetone, methyl ethyl ketone, methyl isobutyl ketone,
 - e. Halogenated hydrocarbons, to include but not limited to cholorm, ethylenedichloride, freon;
 - f. Halogenatedderives of hydrocarbons, to include but not limited to pentchlorophenol;
 - g. Ethers, to include but not limited to ethyl ethers;
 - h. Any elements, compounds that produce a condition of intoxication, hallucination, inebriation, excitement, stupefaction or the dulling of his or her brain or nervous systems.

7. PENALTY. Any person violating any section of this article, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) or imprisonment for not more that One (1) Year, or both such fine and imprisonment.

Section 3. This ordinance shall be in full force and effective from and after its passage, and publication in the official city newspaper.

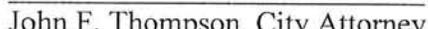
Approved by the City council this 15th day of August 2005.

Approved by the Mayor this 15th day of August, 2005

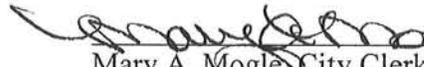


Chris Garcia, Mayor

Approved for Content:


John F. Thompson, City Attorney

Attest:


Mary A. Mogle, City Clerk



City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 5

Topic: Golf cart use on public streets within Falcon Lakes Subdivision

Action Requested: Consider directing staff to prepare an ordinance that would allow golf carts to be driven on public streets within the Falcon Lakes Subdivision.

Narrative: Mr. Essary made a formal request to be placed on the agenda to address the city council with regards to passing an ordinance allowing for golf carts to be driven on public streets within the Falcon Lakes Subdivision. Currently, Standard Traffic Ordinances for Kansas Cities do not allow golf carts on public streets (Section 114.4, see attached)

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

Administration Recommendation: Staff does not recommend approving an ordinance allowing golf cart use on any public street

Attachments:

Mr. Essary agenda request
Mr. Essary possible additions and clarifications for ordinance
Staff report with supporting documents

Projector needed for this item?

No



Basehor City Hall
2620 N. 155th St.
Basehor, KS 66007
(913)724-1370

To: City Administrator, Mayor and City Council

Please fill out name and address and a contact number

From : Michael Essary

14163 Belrive Circle

Basehor, KS 66007

Phone Number: (918) 809-6610

Requesting to be put on the City Council Agenda

Regarding: Amendment to city ordinance allowing golf courses on public streets with provisions in the attached document. (see attached document)

Signature Michael Essary

Possible additions/clarifications to the ordinance addendum

- Current driver's license (i.e. no kids driving carts)
- Posted speed limit less than 30 mph
- Sunrise to sunset only
- Persons operating subject to all duties applicable to a driver of a vehicle imposed by law (must drive the cart with the same rules as driving a car)
- Golf cart—not less than 4 wheels in contact with the ground; weigh no more than 1,800 pounds; not designed to operate more than 25 mph (no Razors, ATVs, etc); designed to carry not more than 6 persons including the driver

Other considerations similar cities have adopted

- Must possess minimum of liability insurance
- Annual inspection and fee to the city (\$20?), not transferrable; annual inspections include brakes, no major defects, can safely seat occupants, etc.
- Golf carts must be driven within 1 mile of a golf course (could likely be much less but this is what other cities include to ensure golf carts are driven in golf course communities where golf carts and vehicles typically share the road)

Sec. 114.4. Unlawful Operation of a Golf Cart.

- (a) It shall be unlawful for any person to operate a golf cart:
- (1) On any interstate highway, federal highway, or state highway;
 - (2) On any public highway or street within the corporate limits of any city unless authorized by such city; or
 - (3) On any street or highway with a posted speed limit greater than 30 miles per hour.
- (b) The provisions of subsection (a) shall not prohibit a golf cart from crossing a federal or state highway or a street or highway with a posted speed limit in excess of 30 miles per hour.
- (c) A golf cart shall be operated on any public street or highway only during the hours between sunrise and sunset. (K.S.A. Supp. 8-15,108)

GOLF CART ACCIDENTS ARE TYPICALLY FAR MORE SEVERE THAN CAR CRASHES

Besides providing legal representation to golf cart accident victims, we're golfers too. So we understand why golf carts and other electric vehicles may appear harmless, particularly because they are quieter and slower than cars, and due to their association with the peace and tranquility of golf courses. But even the picturesque golf links and nearby public roads can be deadly for golf cart drivers and passengers. The risk of golf carts is complex, having to do with a lack of safety features, other drivers on the road avoiding running into golf carts.

With No Seatbelts, Airbags, Car Body or Rollover Bar, Golf Carts Can Be Deadly

Most golf carts—along with Neighborhood Electric Vehicles (NEVs) or “low-speed vehicles”—offer very little protection to passengers. Though they are legally allowed on secondary roads up to 35 miles per hour, golf carts don't have airbags and even if golf carts have seatbelts, many golfers don't wear seat belts. Golf carts also don't have a typical car body, car roof, or the rollover protection structure (ROP) with which many open-top utility vehicles are equipped. So while cars, trucks and motorcycles can travel at faster speeds and on more hazardous roads, they have mandatory safety features and laws that help keep those passengers safer. And even though car, truck and motorcycle drivers are supposed to follow golf cart laws and make room for golf carts on secondary roads, many do not. Golf carts are no match for full-size vehicles and golf cart occupants are therefore very vulnerable when it comes to accidents. Put simply, the type of accident that might cause a minor whiplash in a car, could be a traumatic brain injury for a moped rider or golf cart driver.

Matthews & Megna, LLC

STAFF REPORT

To: Governing Body

From: Lloyd Martley, Chief of Police/City Administrator

REQUEST FOR ORDINANCE TO BE ADOPTED ALLOWING FOR GOLF CARTS TO BE DRIVEN WITHIN THE FALCON LAKES SUBDIVISION.

MEETING DATE: September 7, 2016

REQUEST: Mr. Essary is asking for City Council to approve an ordinance that will allow golf carts to legally be driven on public streets within the Falcon Lakes Subdivision.

BACKGROUND: Currently, the Standard Traffic Ordinances for Kansas Cities do not allow for golf carts to be driven on public streets (section 114.4). Staff does not support adopting an ordinance due to the fact that golf cart accidents are typically far more severe than car crashes. Golf carts have no seat belts, airbags, rollover bars and golf cart accidents can be deadly. In a 16 year study there have been over 147,000 injuries involving golf carts. Children account of one third of all injury victims and rollovers account for 10% of those accidents. In 2015 our traffic study showed that there is approximately 767 vehicles per day driving on 141st and Falcon Lakes Drive where the speed limit is 30 mph. Next year we are expecting that number to raise significantly due to new construction which will add to even more dangerous opportunities if golf carts are on the roadways. It has been estimated that nearly 15,000 golf cart accidents occur every year and these numbers are on the rise.

STAFF RECOMMENDATION: Based on the statistics, photos and current law, staff does not recommend moving forward with adopting an ordinance to allow golf carts be driven on any public street within the city limits of Basehor.

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 6

Topic: Appointment and swearing in of Benjamin J. Sims to the Planning Commission

Action Requested: Approve Mayor's request to appoint Benjamin J. Sims to the Planning Commission.

Narrative: Fred Farris elected not to be reappointed to the Planning Commission due to conflicts with his work schedule. The Mayor is requesting the council to approve the appointment of Benjamin J. Sims to the Planning Commission to fill Fred Farris's vacancy.

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

Administration Recommendation: Approve the Mayor's appointment of Benjamin J. Sims to the Planning Commission

Attachments: Benjamin J. Sims application to serve on a City Board or Committee.

Projector needed for this item?

No

CITY OF BASEHOR
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

NAME: Benjamin J Sims

ADDRESS: 4601 N 141st Street Basehor KS 66007

DAY TIME PHONE NUMBER: _____ EVENING PHONE NUMBER: _____

E-MAIL ADDRESS: _____

PLACE OF EMPLOYMENT: Blue Cross and Blue Shield of Kansas City

HOW LONG HAVE YOU BEEN A RESIDENT OF BASEHOR? 3 years

NAME OF BOARD(S) YOU ARE INTERESTED IN SERVING ON: City Planning Commission Board

HOW MUCH TIME COULD YOU DEVOTE PER MONTH? 1 evening a week

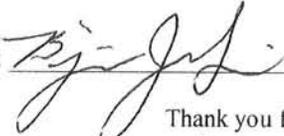
ARE YOU RELATED TO ANYONE WHO IS CURRENTLY SERVING ON A BOARD/COMMITTEE? No

IF YES,
EXPLAIN: N/A

BRIEFLY DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON A BOARD/COMMITTEE FOR THE CITY OF BASEHOR. I have a young family and plan on staying in Basehor for the rest of my life. With having such a vested interest in Basehor and it's schools I would like to be part of the City Planning Commission Board to be part of the Basehor Community as it grows.

PLEASE LIST ANY GROUPS OR ACTIVITIES THAT YOU PARTICIPATE IN, OR HAVE PREVIOUSLY PARTICIPATED IN, THAT DEMONSTRATE YOUR INVOLVEMENT IN THE COMMUNITY. _____

Treasurer of the Board, Friendship Inn of Kansas City (4 years)
Bonner Springs Education Foundation (2 years) moved to Basehor
Basehor Linwood Education Foundation (Currently)
Falcon Lakes Homeowners Association (Currently)

SIGNATURE:  DATE: 9-1-16

Thank you for your interest in serving on a Board/Commission. It is rewarding to see individuals who are willing and able to commit their time and energy to make the City of Basehor a better place to work, live and play.

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 7

Topic: Final Plat of the Boulders at Falcon Lakes, First Plat

Action Requested: Approve the Final Plat as presented to include staff stipulations.

Narrative: Schlagel & Associates, on behalf of Day 3, LLC, has come forward with a final plat of the Boulders at Falcon Lakes, First Plat. The preliminary plat was approved by Planning Commission in 2001. The 2001 approved preliminary plat does not expire, as it was acted upon by the filing of several final plats that encompassed different phases of the development. The Planning Commissions objective was to ensure that the submitted final plat met the intent of the approved preliminary plat, that all required elements for the final plat had been met and make a reasonable recommendation to the Governing Body. Staff has included several stipulations that shall be addressed prior to the final plat being released for filing with the Leavenworth County Register of Deeds. During the Planning Commission meeting on September 13th the Commission chose to remove one stipulation and allow a 'rule exception' under Section 6-101 of the Subdivision Regulations on another. These altered stipulations are numbers 13 and 26 of the staff report.

Presented by: Mark Lee-Planning & Zoning Director

Staff Recommendation: Staff recommends approval of the final plat for the Boulders at Falcon Lakes, First Plat, with the included stipulations.

Commission Recommendation: Planning Commission recommended approval of the Final Plat of the Boulders at Falcon Lakes, First Plat. The approval of the final plat was made with the stipulations stated in the staff report, with the exceptions of; removal of item 26 (traffic impact study) and a rule exception on item 13 (allowance of flag lot).

Attachments:

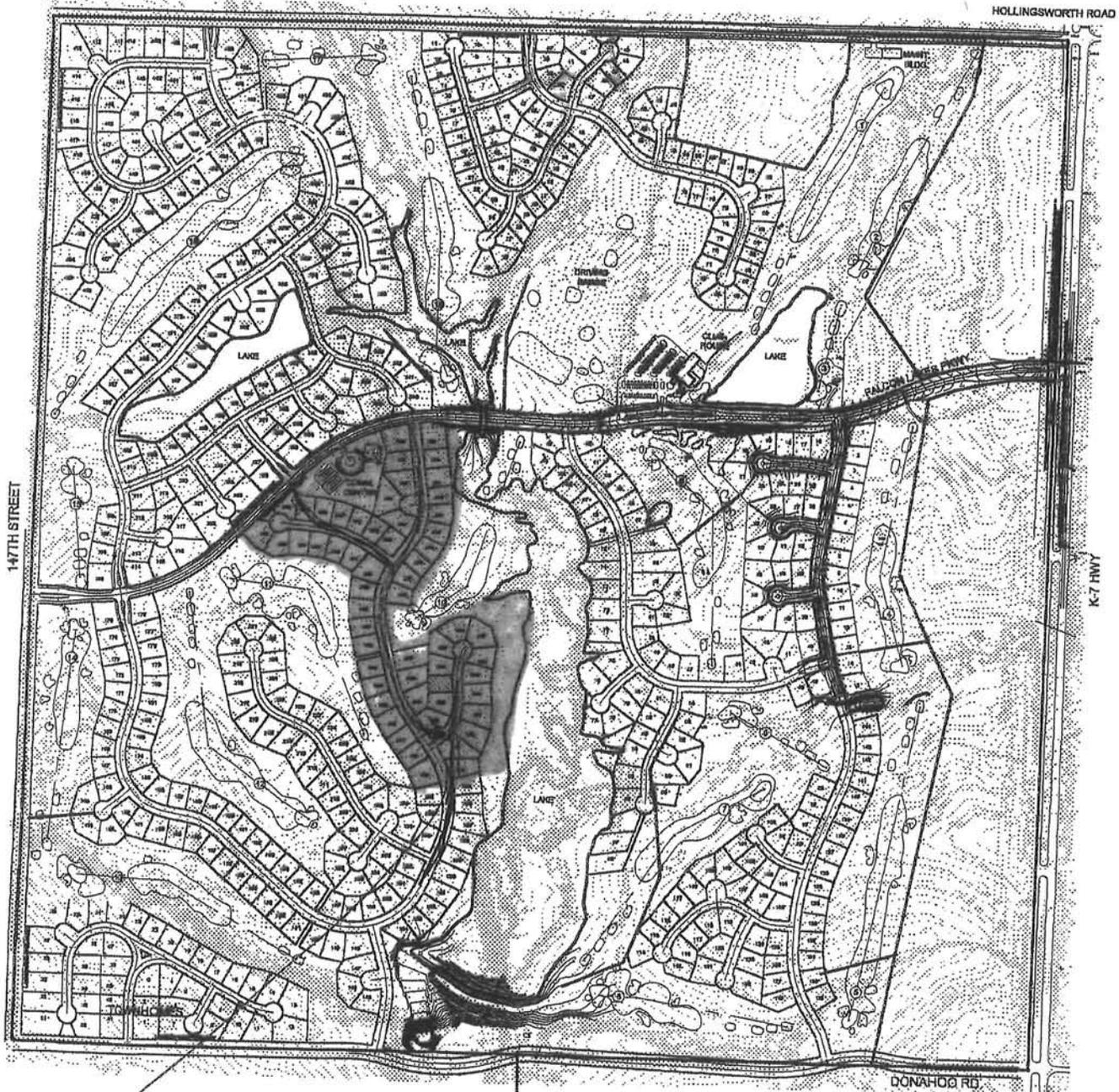
Copy of the Final Plat
Copy of approved 2001 Preliminary Plat
Staff Report

Projector needed for this item?

No

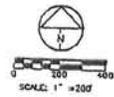
FALCON LAKES

MASTER PLAN GOLF COMMUNITY
BASEHOR KANSAS



SITE DATA:

SINGLE FAMILY ACRES:	244.26	SINGLE FAMILY	458
TOWNHOME ACRES:	20.59	100' x 130'	78
LAKE/OPEN SPACE:	77.32	70' x 120'	41
GOLF	210.83	TOWNHOME	41
TOTAL ACRES	553	TOTAL LOTS:	575



SCHLAGEL & ASSOCIATES, P.A.
 PLANNING • ENGINEERING • SURVEYING
 LANDSCAPE ARCHITECTURE
 17201 WEST 95TH STREET, LAWRENCE, KANSAS 66044
 PHONE: 781.958-3378 FAX: 781.958-3148

DATE: 11-08-08
 DESIGN: 08
 DRAWN BY: 08
 CHECK: 08

FALCON LAKES
 CONCEPTUAL MASTER P.
 SHEET NO. 1 OF 1

1st phase

FINAL PLAT THE BOULDERS AT FALCON LAKES, FIRST PLAT- REQUEST FOR APPROVAL OF A FINAL PLAT OF THE BOULDERS AT FALCON LAKES, FIRST PLAT.

MEETING DATE: September 13, 2016

REPORT WRITTEN: September 6, 2016

STAFF RECOMMENDATION:

Staff recommends approval of the Final Plat for The Boulders at Falcon Lakes, First Plat, with the listed stipulations.

APPLICANT:

- The applicant is Day 3, LLC.
- The surveyor is Schlager & Associates.

REQUEST:

- The applicant is requesting approval of a final plat comprised of 60 lots.

ZONING:

- The property is currently zoned “R-1” Single Family Residential District.

SURROUNDING ZONING:

- North “R-1” Single Family Residential District.
- South “R-1” Single Family Residential District.
- East “R-1” Single Family Residential District.
- West “R-1” Single Family Residential District.

BACKGROUND:

The Falcon Lakes subdivision Preliminary Plat was approved by the Planning Commission in May, 2001. Final plats for portions of the Falcon Lakes subdivision have been approved over the years and in general conformance with the Basehor Subdivision Regulations and the preliminary plat approved in 2001. The Boulders at Falcon Lakes is the latest final plat phase of the overall Falcon Lakes subdivision. The proposed final plat area is located directly south of Falcon Lakes Drive and west of the lake, and is vacant. The surrounding area consists mainly of vacant agricultural land with multiple single family residences being previously constructed on the east side of the lake and the north side of the previously platted ground. The Preliminary Plat that was approved in 2001 carries various ‘Rule Exceptions’ along with it, which are authorized by Section 6-101 of the Basehor Subdivision Regulations and are as follows:

STREETS	ROW	PAVEMENT WIDTH	HORIZ. CURVE	LENGTH
Residential:	50' (from 60')	28' (from 31')	150' (200')	
Cul-de-sac:	50' (bulb)	39' (bulb)		

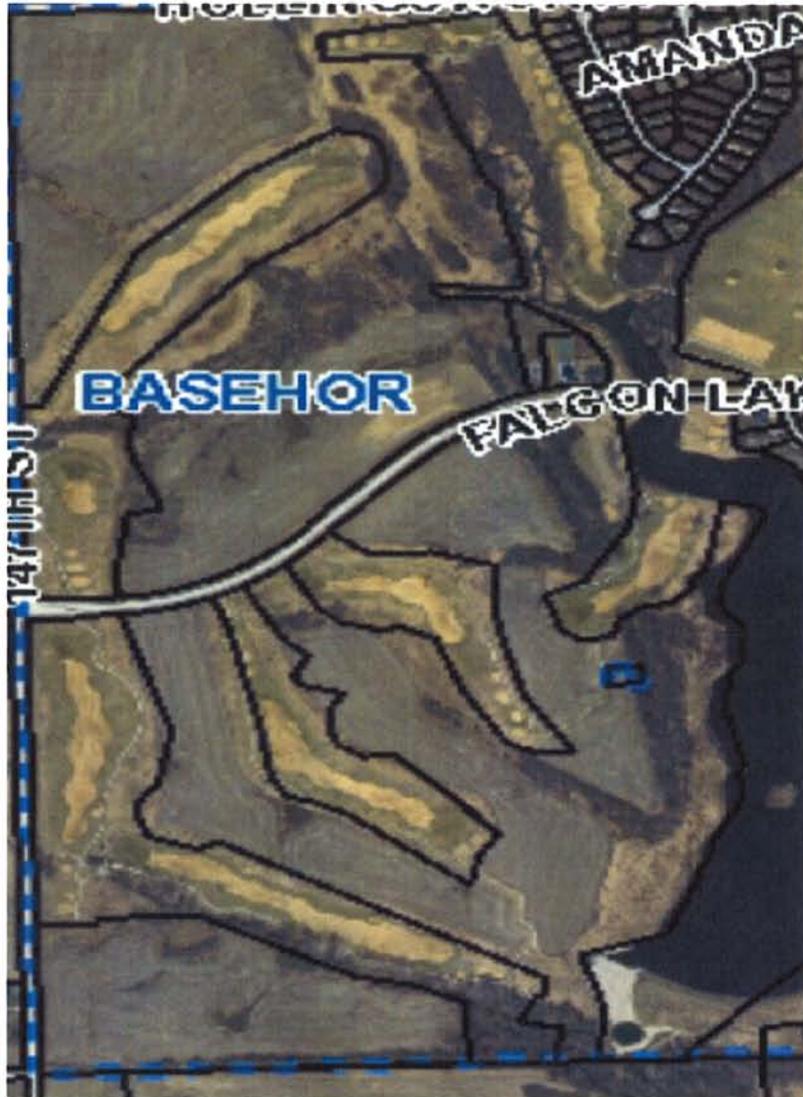
SETBACKS

Front Yard: 25' (from 35')
Rear Yard: 25' (from 30')
Side Yard: 10' *** Villa lots shall have a 7' side yard setback

LOTS

Minimum Width: 70' (Villa's only) (from 75' minimum)
Minimum Sq. Ft.: 8400 sq. ft. (Villa's only) (from 10,000 sq.ft.)

The proposed plat includes 60 residential lots with an average lot size of 14,579 sq.ft. along with several Tracts. One of the proposed lots is a 'Flag Lot', which is prohibited under the zoning regulations. The flag lot is addressed in the staff stipulations. The total proposed final plat area of this phase consists of approximately 28.54 acres and does not propose to change any lots outside of the proposed final plat area.



The typical final plat procedures are being utilized for this application. The purpose of this procedure is to provide a means of approving a subdivision of land insuring compliance with the previously submitted preliminary plat and the subdivision regulations of the City of Basehor. Any deviation of the final plat from the intent of the approved preliminary plat as determined by the Planning Commission shall cause the re-initiation of the preliminary platting process as described in

Chapter II; Section 102(6). Although the design layout of the submitted final plat does not mirror the approved preliminary plat staff feels as though the intent of the approved preliminary plat is still intact. The lot count is identical, the street layout is similar in nature and the overall purposed final plat differs little from the approved preliminary plat.

Traffic Impact/Transportation Excise Tax

The proposed Boulders at Falcon Lakes, First Plat consists of 60 single-family lots. Falcon Lakes Parkway (to the north) is an interior collector street with direct access to 147th Street and K-7 Highway. Traffic from this development will likely exit Falcon Lakes in a couple of different areas. They can travel north to Hollingsworth (full access to K7) south to Donahoo (full access to K7); east on Falcon Lakes Parkway to K7 (right in, right out access to K7) or west on Falcon Lakes Parkway to 147th Street. **The traffic generated from this development will have an impact on all of these roads. The intersection of Hollingsworth Rd. and K-7 has minimal geometric improvements at this time, consisting of a north bound left hand turn lane. Donahoo is not improved to City Standards along its entirety and 147th Street is currently a substandard gravel road slated for improvement beginning in 2017.**

The home builder is required to pay \$2405.00 per lot at the time of building permit application, for improvements to 147th Street, Hollingsworth Road and Donahoo Road in accordance with an agreement approved with the Falcon Lakes Subdivision Preliminary Plat.

Stormwater Management

The proposed Boulders at Falcon Lakes 28.54-acre phase is located on the west side of Wolf Creek. The Falcon Lakes Subdivision Preliminary Plat identifies 3 lakes in the Falcon Lakes development. Storm water run-off from this phase will be diverted to the largest of these lakes. All three lakes are designed to provide storm water detention on the site. According to **the submitted drainage study, storm water run-off in the development will have no impact on the adjoining properties or flows on Wolf Creek.**

Parkland Fee:

The park fee for each residential lot is \$200 and will be collected at the time of building permit application.

Utilities

New utilities will need to be installed in the area of the proposed Boulders at Falcon Lakes plat. These utilities will need to be installed by the developer of the platted lots. As part of the final plat, a 15 foot utility easement is required along all street frontages of lots. A minimum 15 foot utility easement is required at any easement splitting two lots. Staff has informed all utility companies of the application for the proposed final plat.

Subdivision Regulations Requirements

The items to be submitted with and included on the final plat per the Subdivision Regulations requirements and any appropriate comments from the applicant are provided in the included checklist.

STAFF RECOMMENDATION:

Staff recommends approval of the Final Plat of The Boulders at Falcon Lakes, First Plat application, with the following stipulations:

1. The Final Plat shall utilize the rule exceptions requested and approved with the 2001 Preliminary Plat.
2. The location of all building setback lines shall be provided. A note implementing said setback lines shall suffice.
3. The certification of the land surveyor preparing the plat, his seal and signature must be present on the Final Plat.
4. Name of Planning Commission Chair shall be corrected to read 'Jon Gallion'.
5. The City Clerk misidentification as the County Clerk shall be corrected.
6. All Tracts of ground must be identified as being used, and/or dedicated to whom and for what purpose.
7. Tracts 52 thru 61 must state an identified use.
8. Tract G shall be labeled as a non-buildable Tract and shall be more fully describe as to its use.
9. Monuments at controlling corners of the subdivision shall be ½" X 3', encased in concrete. Identify controlling monuments on plat.
10. All lot corners and control points for horizontal curves to be monumented with ½" X 2' bars. Identify lot corners and control points for horizontal curves.
11. Tracts A, B and C shall be listed as Landscape Tracts separately and not include the language "Access Easements"
12. Corner lots shall maintain two front yard setbacks which shall be along both street sides of the lot(s).
13. ~~Lot 51 is a Flag Lot and shall be removed completely from the final plat.~~
14. Utility easements located along and between side lot lines shall measure at a minimum, fifteen (15') feet wide, and shall be centered on such side lot property lines.
15. Tract E is described as a thirty (30') foot cart path easement but the measured dimensions vary on the final plat. Correct the measured dimensions on the final plat to match the description.
16. Tract F appears to be a 30' cart path easement and shall be labeled as such.
17. The streets listed as 'Street D' and 'Street E' shall carry appropriate names and be assigned by the developer.
18. Provide acceptable primary control points.
19. Identify north as either 'true north' or 'magnetic north'
20. Provide all documentation indicating land swaps between Falcon Lakes Golf Course and the developer have taken place and are filed with the Register of Deeds.
21. Benchmark utilized must identify as being based on USGS datum or provide a USGS benchmark.
22. All construction documents for storm-water and sanitary sewer and other utilities shall be submitted and reviewed to ensure adequate utility easements are provided.

23. Two copies of separate drawings, prepared by a professional engineer, showing profile and cross section of all streets, alleys or public ways to be dedicated for public use, as well as any drainage, utility easements or other improvements required by the Planning Commission, City Council and/or Engineer shall be provided. The profiles and cross sections shall be drawn to specifications as on file and acceptable to the city.
 - a. Drawings shall be submitted to identify and verify sight triangles
24. A copy of the restrictive covenants applicable to the subdivision shall be provided.
25. Provide a certificate from the County Treasurer stating all taxes are paid and current.
26. ~~A traffic impact study must be conducted which takes into account existing traffic flows, existing flows plus any approved projects in the area and existing flows with full development of the subject property. The following intersections shall be included in the study.~~
 - ~~a. Hollingsworth Road @ K-7~~
 - ~~b. Falcon Lakes Drive @ K-7~~
 - ~~c. Donahoo Road @ K-7~~
 - ~~d. Donahoo Road @ 147th Street~~
 - ~~e. Falcon Lakes Drive @ 147th Street~~
 - ~~f. Hollingsworth Road @ 147th Street~~
 - ~~g. Proposed Access Drives along Public Streets~~
27. A Subdivision Improvement Agreement shall be prepared and approved by City Council coinciding with the approval of the final plat and shall be recorded with the Leavenworth County Register of Deeds.
28. A Transportation Excise Tax in the amount of \$2405.00 shall be collected at the issuance of the building permit for each lot.
29. A Parkland Fee of \$200.00 shall be collected at the issuance of the building permit for each lot.
30. With the exception of the Transportation Excise Tax and Parkland Fee which shall be collected at the issuance of the building permit for each lot, all stipulations in this staff report shall be met before the final plat is released for filing.
31. The final plat shall be recorded with the Leavenworth County Register of Deeds before building permits will be issued.