

Agenda

Basehor City Council

March 7, 2011 7:00 p.m.

Basehor City Hall



Regular Meeting – Take Action

1. Approve Resolution 2011-03 Annexing Lots 1, 28 & 57 with the Cedar Falls Subdivision.

Work Session

1. Consolidated Rural Water Excise Tax Refund
2. Water Tower Paint Scheme Fees
3. 2011 Pavement Management Plan- Consolidated Highway Fund Expenditures
4. Wolf Creek Grocery Store Tenant Incentives
5. Business License Requirements
6. Kansas Safe Routes to School Program Application
7. Executive Session (if needed)

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 1

Topic:

Consider adopting resolution for the annexation of Lots 1, 28, and 57 within Cedar Falls Subdivision.

Action Requested:

Approve resolution to schedule a public hearing on May 16th, 2011.

Narrative:

April 21st, 2008 the City Council approved the annexation of Cedar Falls Subdivision excluding lots 1, 28, and 57. Staff is recommending the annexation of lots 1, 28, and 57 under K.S.A 12-520. The subject lots are platted and adjoin the City limits.

Presented by:

Mitch Pleak, City Engineer

Administration Recommendation:

Approve resolution to schedule a public hearing on May 16th, 2011.

Committee Recommendation:

Attachments:

Resolution 2011-03 (3 pages)
Annexation Proposal (8 pages)
Ordinance #535 (2 pages)

Projector needed for this item?

No

RESOLUTION NO. 2011-03

A RESOLUTION OF THE CITY OF BASEHOR, KANSAS, REGARDING A PUBLIC HEARING TO CONSIDER ANNEXATION OF LOTS 1, 28, AND 57 WITHIN CEDAR FALLS SUBDIVISION.

WHEREAS, the Governing Body is considering annexation of Lots 1, 28, and 57 within Cedar Falls Subdivision, with addresses of 15383 Bradford Court, 15251 Bradford Court, and 15233 Pine Ridge, respectively, which Subdivision is a platted subdivision adjoining the City and generally located Southeast One-Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas.

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

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

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

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

Lot 1

Part of the Southeast one-Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas being more particularly described as follows:

All of Lot 1 within the Cedar Falls subdivision, a subdivision in Leavenworth County, Kansas, as filed in the Leavenworth County Register of Deeds Office on April 7, 2005.

Lot 28

Part of the Southeast one-Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas being more particularly described as follows:

All of Lot 28 within the Cedar Falls subdivision, a subdivision in Leavenworth County, Kansas, as filed in the Leavenworth County Register of Deeds Office on April 7, 2005.

Lot 57

Part of the Southeast one-Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas being more particularly described as follows:

All of Lot 57 within the Cedar Falls subdivision, a subdivision in Leavenworth County, Kansas, as filed in the Leavenworth County Register of Deeds Office on April 7, 2005.

SECTION 2. The Governing Body finds that the above described Lots meet one or more of the following criteria pursuant to K.S.A. 12-520:

- The land is platted, and some part of the land adjoins the city.
- The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.
- The tract is so situated that 2/3 of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.

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

- a. A public hearing on the proposed annexation will be held on **May 16, 2011 beginning at 7:00 p.m. at Basehor City Hall**, 2620 N. 155th St., Basehor, Kansas 66007 for the purpose of the Governing Body determining the advisability of such annexation.
- b. A copy of this Resolution, and a sketch of the Lots proposed to be annexed, shall be sent by certified mail to each owner of land proposed to be annexed not more than 10 days following the date of the adoption of the resolution.
- c. A copy of this Resolution, and a sketch of the Lots proposed to be annexed, shall be published in the official City newspaper not less than one week, but no more than two weeks preceding the date fixed for the public hearing.
- d. A copy of this Resolution shall also be sent, no later than 10 days following its adoption, by certified mail to the following (if applicable):
 1. The board of county commissioners.
 2. The governing body of any township where the land to be annexed is located.
 3. Any special assessment district or governmental unit providing municipal services to the area proposed to be annexed including, but not limited to, sewer districts, rural water districts, fire districts or improvement districts.
 4. Any utilities having facilities within the area proposed to be annexed.
 5. The governing body of any school district in the area proposed to be annexed.
 6. Any city, county, township or joint planning commission having jurisdiction over the area proposed to be annexed.
 7. Any other political or taxing subdivision located within the area proposed to be annexed.

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

ADOPTED AND APPROVED by the Governing Body of the City of Baschor, Kansas, this 7th day of March, 2011.

Terry Hill – Mayor

ATTEST:

Corey Swisher – City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey – City Attorney

ANNEXATION PROPOSAL FOR LOT 1, 28, AND 57 OF CEDAR FALLS SUBDIVISION

(Kansas Statute 12-520a[7][e])

Exhibit A:



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

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

2. Area of Platted Land Relative to Unplatted Land

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

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

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

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

The area surrounding the lots to be annexed are all part of the Cedar Falls Subdivision which was platted in 2005. The lots to be annexed are the only lots within the subdivision that are not within the city limits.

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

The lots to be annexed consist of two (2) homes. Assuming 3.5 people/home provides an additional population of 7. There is no proposed growth within the lots to be annexed.

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

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

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

Police Protection – The proposed lots to be annexed are currently served by the Leavenworth County Sheriff's Office (LVSO). The LVSO has divided the County into districts for patrolling purposes. The lots to be annexed are located in a district that is bounded by State Avenue on the north, 206th Street to the west, and the County line on the east and south sides. The district contains approximately 72 square miles. There is one officer assigned to each district. An additional officer roams between this district and the district to the west.

Due to the large coverage area of each patrol officer compared to the City of Basehor's Police Department the service would be considered inadequate. The City of Basehor's Police Department currently patrols the streets and property adjoining the lots to be annexed.

Fire Protection – The proposed annexation area is served by the Fairmount Township Fire Department (FTFD). The FTFD is a volunteer fire department with over thirty active members. The department is located on 155th Street approximately 2.5 miles north of the proposed annexation area. The fire department is funded by a 4.352 tax levy (2011 Tax Rate) that is paid by all properties in Fairmount Township.

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

Wastewater Treatment – The proposed annexation area is currently being serviced by the City's wastewater treatment plan.

Street Maintenance – The roads associated with the proposed annexation are already maintained by the City of Basehor's Public Works Department.

Trash Service – The area to be annexed is currently served by Deffenbaugh Industries at a cost of \$14.03 per month.

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

Police Protection – The City of Basehor Police Department divides the City into two Districts for patrolling purposes. The department has a North and a South district with Parallel Street as the dividing line. The North District covers approximately 3.5 square miles of area while the South District covers approximately 3.30 square miles. The proposed annexation area would be located in the South District. The department has one officer assigned to each District at all times. Presently, officers with the City of Basehor Police Department routinely drive through the annexation area while patrolling the surrounding homes within the subdivision. Due to the adjacency of the proposed parcels to be annexed in relation to the current City limits, the increase in cost to the department to patrol the area will be negligible.

The Police Department is primarily funded through property taxes. In 2011 the department will receive \$799,350 from the City's General Fund. This equates to 38% of the City General Fund. Based on the Police Department's 2011 budget and the department's coverage area approximately \$183/acre is spent by the City on police protection. The proposed lots to be annexed are the equivalent to 1.2 acres of land. The anticipated increased cost to the City to provide police protection to this area is \$219.

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

Wastewater Treatment – Upon annexation, the sewer rates for the parcels will decrease to the current established City sewer rates. The three parcels currently pay 125% of the current established City rate.

The wastewater treatment plant is funded by user fees, connection fees, and property taxes. These funding sources are used to pay for the daily maintenance and operation of the plant along with KDHE loans for upgrades, expansion, etc. Properties connected to the wastewater plant but outside the city limits are only contributing through user fees.

While the City will see a negligible decrease in wastewater revenue this will be offset by the mill levy collected from the three parcels.

Street Maintenance – The City of Basehor Public Works Department currently maintains the streets associated with the lots to be annexed so there will be no added cost to the City after annexation.

Trash Service – The City of Basehor contracts with Deffenbaugh Industries for solid waste collection and single-stream curbside recycling. The current charge is \$14.03 per month. Both of the residences to be annexed currently pay for City trash service so they will experience no added costs. The third lot with no residence will be required to use the City’s trash contractor if and when it is used as a residence.

Regulatory Controls – The City of Basehor Planning Commission and City Council would regulate the proposed annexation area.

The County assessed valuation of the three properties in 2010 was \$68,737. Using the City’s 2011 mil levy rate of 29.778 the City would collect \$2,046 from the lots. These funds would be used to fund the aforementioned public services already being provided to the parcels by the City of Basehor.

9. Tax Impact Upon Property in the City and the Area

There will be no current tax impact on the taxpayers in the City of Basehor. The property owners of the proposed lots to be annexed will see approximately a 22% increase in their taxes. The following table shows the 2011 tax levies for the Leavenworth County and the City of Basehor.

	City of Basehor	Leavenworth County
State	1.5	1.5
County	33.085	33.085
Basehor City	29.778	
Fairmount Township	4.352	11.843
School - USD 458	61.012	61.012
Basehor Library	7.138	7.138
Total	136.865	114.578

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

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

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

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

There will be no impact on other cities, water district, improvement district, township, or fire district. Upon annexation, the sewer rates for the parcels will decrease to the current established City sewer rates. The three parcels currently pay 125% of the current established City rate. While the City will see a negligible decrease in wastewater revenue this will be offset by the mill levy collected from the three parcels.

12. Existing petition for Incorporation of the Area as a New City or for the Creation of a Special District

There are no known existing petitions.

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

The proposed lots to be annexed are built out with the exception of one lot. The proposed annexation area abuts residential lots and is contained within a residential subdivision.

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

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

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

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

15. Economic Impact on the Area

Other than the City fees and taxes discussed above, there will be no economic impact on the annexation area.

16. Wasteful Duplication of Services

There will be no duplication of services.

Table 1 - Property Tax

PROPERTY ADDRESS	Existing Property Tax	w/City Property Tax	Property Tax Change
15251 Bradford Court	\$3,312	\$4,092	\$780
15383 Bradford Court	\$3,951	\$4,719	\$768
15233 Pine Ridge	\$613	\$733	\$120

Based on 2011 Leavenworth County Tax Rates

ANNEXATION PROPOSAL FOR LOT 1, 28, AND 57 OF CEDAR FALLS SUBDIVISION

(Kansas Statute 12-520b)

Exhibit A:



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

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

Police Protection – Upon annexation of the area police protection will be assumed by the City of Basehor Police Department. The police department is primarily funded through property taxes. The

City of Basehor's Police Department to date patrols the streets and property adjoining the lots to be annexed. Since police officers are regularly in the area the additional costs to the department will be minimal. Any additional costs for police protection will be paid for by the general fund.

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

Wastewater Treatment – The annexation will have no new affect on the wastewater treatment plant's capacity due to the existing service to the subject lots.

Street Maintenance – The City Basehor to date assumes the responsibility of the streets adjoining the subject properties.

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

SCANNED

5-13-08
CD

Cedar Falls

ORDINANCE NO. 535

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thence North 74 degrees 08 minutes 29 seconds West, a distance of 57.30 feet;

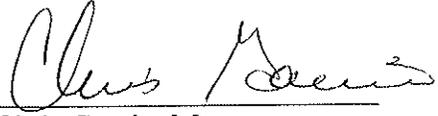
Thence North 00 degrees 07 minutes 09 seconds West, a distance of 298.23 feet, to the Point of Beginning.

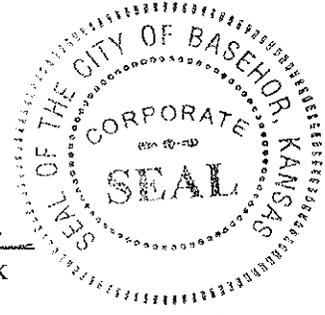
Contains 1,608,209.5173 Square Feet or 36.873 Acres.

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

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

PASSED AND APPROVED by the Governing Body of the City of Basehor, Kansas, this 21st day of April, 2008.

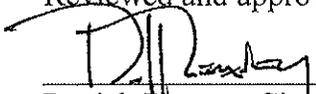

Chris Garcia, Mayor



ATTEST:


City Clerk

Reviewed and approved this 23rd day of MAY, 2008


Patrick Reavey, City Attorney



The City of Basehor

Date: March 1, 2011

To: Basehor City Council
Mark Loughry, City Administrator

From: Corey Swisher, City Clerk/Finance Director

Re: Consolidated Water District #1 Excise Tax Refund

Background:

The City has received a request from Consolidated Water District #1 to refund all Excise Taxes associated with the construction of a new water tower.

Considerations:

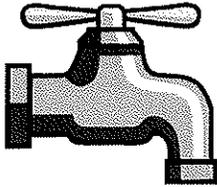
- Cost to the City

Attachments:

February 8, Consolidated Water District #1 Correspondence

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

913-724-1370
FAX 913-724-3388
www.cityofbasehor.org



Consolidated Water District #1

Leavenworth County, KS

P. O. Box 419, 15520 Crestwood Drive, Basehor, KS 66007 (913) 724-7000 – Office (913) 724-1310 – Fax www.crwtd1.com

To: Basehor City Council
Date: February 8, 2011
From: Consolidated Water District Board of Directors
Re: Excise Tax / Paint Scheme Fee Request

The Water District is incurring additional and unexpected costs in relation to the construction of our new water tower.

The Water District is requesting that the excise tax associated with our water tower project be waived and refunded. In addition, the Water District is also requesting the City of Basehor fund the "Basehor" portion of the paint scheme.

The Water District would have requested the excise tax be waived before the City Council considered our project for approval in February 2010. However, we were not notified of those fees until after our project was approved by the City Council.

The Water District is requesting the City of Basehor waive and refund the Excise Tax (\$3,888.72), and pay for the "Basehor" portion of the paint scheme costing \$5,200.00. The total requested from the City of Basehor is \$9,088.72.

The Water District would like the City Council to consider our request at the March City Council meeting. We thank the City Council in advance for their consideration of our request and look forward to our continued cooperation.

Respectfully,

Board of Directors
Consolidated Water District #1



The City of Basehor

Date: March 1, 2011

To: Basehor City Council
Mark Loughry, City Administrator

From: Corey Swisher, City Clerk/Finance Director

Re: Water Tower Logo

Background:

The City has received a request from Consolidated Water District #1 asking for the City to pay for the painting of the City's logo on the water tower that is currently under construction.

Considerations:

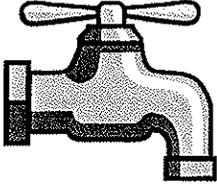
- Cost to the City

Attachments:

February 8, Consolidated Water District #1 Correspondence

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

913-724-1370
FAX 913-724-3388
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Consolidated Water District #1

Leavenworth County, KS

P. O. Box 419, 15520 Crestwood Drive, Basehor, KS 66007 (913) 724-7000 – Office (913) 724-1310 – Fax www.crwdl.com

To: Basehor City Council
Date: February 8, 2011
From: Consolidated Water District Board of Directors
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Respectfully,

Board of Directors
Consolidated Water District #1

Memorandum

To: Mr. Mayor and City Council
CC: Mark Loughry
From: Mitch Pleak
Date: 2.24.11
Re: 2011 Pavement Management Project.

2011 will be the fourth year the pavement management program has been implemented for the City of Basehor. Staff has reviewed the pavement condition index and completed streets. The proposed street improvements for 2011 are:

- Pin Oak Drive (155th Street to the East).
- Poplar Street (155th Street to 154th Street).
- 154th Terrace (Poplar Street to Pin Oak Drive).
- 154th Street (Poplar Street to the North).
- 154th Terrace Court (Pin Oak Drive to the North).
- Pebble Terrace (156th Street to the West).
- Pebble Drive (156th Street to the West).
- 156th Street (Pebble Drive to the North).

The project will be paid from the consolidated highway fund. Available funds are:

- 10-000-849 Street Improvements \$175,000.
- 10-000-771 Street Repairs & Maintenance \$330,000.

On February 24th Staff opened bids for the project. The lowest bidder was O'Donnell and Sons at a bid of \$149,842.00. Staff is recommending approving the contract with O'Donnell and Sons. The project budget is recommended to be \$175,000.00. Like the 2010 Pavement Management Project, Staff will full utilize the \$175,000.00 for pavement management using the approved contract unit prices.

Proposed project Schedule:

- 3/21/11 – City Council considers approving the contract.
- 5/23/11 – Contractor will receive notice to begin construction activities.
- 6/23/11 – Construction activities will be substantially complete.
- 7/1/11 – Completion of the project.

Memo

Date: 2/25/2011
To: Basehor City Council
Cc: Mayor, Terry Hill
From: Mark Loughry, City Administrator
RE: Wolf Creek Marketplace Incentive

Council, First National Bank of Olathe has been in negotiations with a potential tenant for Wolf Creek Marketplace but they are not able to reach a price agreement. Without disclosing too much confidential information I can tell you that the bank is asking less than half of what was owed against the property but the potential tenant has a business model that requires they pay significantly less for the facility. I have been in contact with both groups and feel that an incentive by the City may help with closing the deal. I am attaching a spreadsheet that shows a possible incentive package just to start the discussion. This is actually similar to, but a little more conservative than what was offered to the grocery store.

Regardless of whether we can get the current group to move forward or not I would like to see if the Council would put something together that can be approved and then try to get a little County participation and let the realtors, the Bank and the LCDC put it out there for people who may be interested. The attached scenario is based on the group currently looking at the store. I think we could easily create some type of agreement that would say any tenant that would come in and generate at least \$2,000,000 in taxable retail sales would be eligible for this package. If we base the rebates on percentages it would obviously be a bigger enticement for a store that generates more sales. The information provided is simply one scenario and intended to initiate discussion on the topic.

If you have questions or require further discussion please let me know.

Incentive Package for Wolf Creek Tenant

Property Value	Assessed Valuation %	Assessed Value	City Mill Levy	Projected Annual Sales	County Mill Levy
\$2,800,000	25%	\$700,000	29.778	\$2,000,000	33.085

	Local Annual Sales Tax	TDD Sales Tax	Annual Property Tax	Total
City of Basehor	\$20,940.00	\$15,000.00	\$20,844.60	\$56,784.60
Rebate %	50%	0%	100%	
Annual Rebate Amount	\$10,470	\$0	\$20,845	\$31,315
Years of rebate	10	10	10	
Total City Rebate	\$104,700	\$0	\$208,446	\$313,146
Net 10 year impact to City	\$104,700	\$150,000	\$0	\$254,700

Leavenworth County	County Annual Sales Tax	TDD Sales Tax	Annual Property Tax	Total
	\$19,060 NA		\$23,160	\$42,219.50



The City of Basehor

Date: March 1, 2011

To: Basehor City Council
Mark Loughry, City Administrator

From: Corey Swisher, City Clerk/Finance Director

Re: Ordinance No. 586 - Business License Requirements

Background:

On January 17th Council directed staff to amend the City's business license requirements to include the proof of payment of sales tax to the State of Kansas. Such determination shall be made by staff's review of a tax clearance certificate from the State, or other suitable proof of no delinquency presented by the applicant, or staff contacting the County Clerk and/or County Treasurer.

Attachments:

Ordinance No. 586

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

913-724-1370
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ORDINANCE NO 586

AN ORDINANCE AMENDING SECTION 5-311 OF ARTICLE 3 OF CHAPTER V OF THE CITY CODE RELATED TO BUSINESS LICENSE REQUIREMENTS

WHEREAS, the Governing Body believes it is appropriate to amend certain sections of City's provisions on business licenses.

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

Section 1. Section 5-301 of Article 3 of Chapter V of the Basehor City Code is amended to read as follows:

5-301. **LICENSE REQUIRED.** It shall be unlawful for any person, either as principal or agent or employee, to conduct, pursue carry on or operate any calling, trade, profession or occupation in the city without first paying the license fee prescribed and procuring such a license from the city clerk whenever the procuring of the license is required by the city. The requirement for a city license shall also apply to any in-house business.

Section 1. Section 5-311 of Article 3 of Chapter V of the Basehor City Code is amended to read as follows:

5-311 **DELINQUENT TAXES.** Notwithstanding any of the foregoing provisions, no license will be issued for a business unless city staff determines the applicant for the license, and the titleholder of the property where the business is to be located, are not delinquent in payment of any State taxes or taxes administered through the county where the business will be located. Such determination shall be made by staff's review of a tax clearance certificate from the State, other suitable proof of no delinquency presented by the applicant, or staff contacting the county Clerk and/or county treasurer. Any denials of a license pursuant to this section may be appealed by the applicant to the Basehor governing body.

Section 2. This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper.

Section 3. This ordinance shall repeal any and all existing City Code provisions or Ordinances that are in effect and inconsistent herewith in the City of Basehor.

PASSED by the Governing Body of the City of Basehor, and approved by the Mayor on March 21, 2011.

TERRY HILL, Mayor

ATTEST:

COREY SWISHER, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney

Memorandum

To: Mr. Mayor and City Council
CC: Mark Loughry
From: Mitch Pleak
Date: 2.28.11
Re: Kansas Safe Routes to School Program Application

In February 2011 Staff received notification from the Kansas Department of Transportation (KDOT) regarding an application for the Safe Routes to School Program. This is a federally funded program which provides reimbursement to communities for infrastructural and non-infrastructural improvements which in turn encourage children to walk or bicycle to school more safely. Staff will be requesting funds to install sidewalks. Eligible projects will focus on children in Kindergarten through 8th grade. Project funding available is \$265,000. The program functions as a federal reimbursement program where the City will be required to enter into a contract with KDOT in which the City will agree to let the project and pay the contractor as work is performed. The City will then submit proper proof of payment to KDOT for reimbursement. KDOT will reimburse the City as the bills are submitted. This is a 100% reimbursement program for all eligible costs. Part of the application is providing support from the City Council via resolution, and a letter of support from the school district.

If the City Council supports filing an application for funds, Staff will work with the School District to acquire the necessary information to complete the application. Applications are due to Mid-America Regional Council by May 5, 2011.

Appendix A

Example: Resolution of Support and Administration

A RESOLUTION DECLARING THE ELIGIBILITY OF THE <LOCAL GOVERNMENTAL AGENCY> TO SUBMIT AN APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR USE OF SAFE ROUTES TO SCHOOLS FUNDS SET FORTH BY SAFETEA-LU FOR THE <PROJECT NAME> PROJECT IN <LOCAL JURISDICTION> AND AUTHORIZING THE <CHIEF ELECTED OFFICIAL, CEO> TO SIGN THIS APPLICATION.

Whereas, the <Local Governmental Agency>, Kansas, has the legal authority to apply for, receive, and administer federal, state, and other monies through Home Rule Power under the Constitution of the State of Kansas and authorized by K.S.A. 12-1662, regarding the expenditure of federal aid to public agencies; and

Whereas, the <Local Governmental Agency>, Kansas, desires to submit an application to the Kansas Department of Transportation for Safe Routes to Schools funds set forth by SAFETEA-LU; and

Whereas, the <Local Governmental Agency>, Kansas, is participating in the Kansas Department of Transportation's Safe Routes to Schools program set forth by SAFETEA-LU; and

Whereas, Federal monies are available under a Safe Routes to Schools program set forth by SAFETEA-LU, administered by the State of Kansas, Department of Transportation, for the purpose of creating safer routes to schools in Kansas; and

Whereas, after appropriate public input and due consideration, the Governing Body of <Local Governmental Agency>, Kansas has recommended that an application be submitted to the State of Kansas for the <project name> project.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE <LOCAL GOVERNMENTAL AGENCY>, KANSAS:

SECTION 1. That the <Local Governmental Agency>, Kansas, does hereby authorize <the CEO> to submit an application to the Kansas Department of Transportation for Safe Routes to Schools program funds set forth by SAFETEA-LU on behalf of the citizens of <Local Governmental Agency>, Kansas.

SECTION 2. That the <Local Governmental Agency>, Kansas, hereby assures the Kansas Department of Transportation that sufficient funding for the <project name>

project is available, as the Safe Routes to Schools Program is a reimbursement program.

SECTION 3. That the <Local Governmental Agency>, Kansas, hereby assures the Kansas Department of Transportation that sufficient funding for the operation and maintenance of the <project name> project will be available for the life of the project.

SECTION 4. That the <Local Governmental Agency>, Kansas, hereby assures the Kansas Department of Transportation that the <Local Governmental Agency>, Kansas, will have title or permanent easement to the <project name> project by the time of project letting, if necessary.

SECTION 5. That the CEO of <Local Governmental Agency>, Kansas, is authorized to sign the application to the Kansas Department of Transportation for Safe Routes to Schools program funds set forth by SAFETEA-LU on behalf of the citizens of <Local Governmental Agency>, Kansas. The CEO is also authorized to submit additional information as may be required and act as the official representative of the <Local Governmental Agency> in this and subsequent related activities.

SECTION 6. That the <Local Governmental Agency>, Kansas, hereby assures the Kansas Department of Transportation that the <Local Governmental Agency>, Kansas, is willing and able to, if the <project name> project is selected for funding, administer all activities involved with the <project name> project.

ADOPTED AND PASSED by the Governing Body of the <Local Governmental Agency>, Kansas, this <day> of <month>, <year>.

CEO

ATTEST: <Seal>