



AGENDA
BASEHOR CITY COUNCIL
August 16, 2010 7:00 p.m.
Basehor City Hall

1. **Roll Call** by Mayor Terry Hill and Pledge of Allegiance
2. **Consent Agenda** *(Items to be approved by Council in one motion, unless objections raised)*
 - a. Approve July 19, 2010 City Council minutes
 - b. Approve Treasurer's Report
 - c. Approve Brian Healey for Planning Commission Candidate
3. **Call to Public**
Members of the public are welcome to use this time to comment about any matter relating to City business that is listed on this Agenda. The comments that are discussed under "Call to Public" may or may not be acted upon by the Council during this meeting. There is a five-minute time limit. (Please wait to be recognized by the Mayor then proceed to the podium; state your name and address).
4. **Unfinished Business** - (None at this time)

New Business

5. **Adoption of the Ordinance for Uniform Public Offense Code**
6. **Adoption of the Standard Traffic Ordinance**
7. **All Jurisdiction Hazard Mitigation Plan**
8. **Creek Ridge Phase 4- Final Development Plan**
9. **Creek Ridge Phase 4 – Final Plat**
10. **Creek Ridge Extension**
11. **Consider waiver of park land fees for Creek Ridge**
12. **2011 Budget Public Hearing**
13. **Adopt 2011 Budget**
14. **Neighborhood Revitalization No. 3 Public Hearing**
15. **Adopt Resolution 2010-08 implementing Neighborhood Revitalization No. 3 as presented**
16. **City Clerk candidate consideration**
17. **Interlocal Agreement between WYCO/Kansas City, KS/LVCO/Basehor, KS for the improvements to K-7 highway & Donahoo Rd. intersection.**
18. **City Administrator's Report**
19. **Mayor's Report**
20. **Council Members Report**
21. **Executive Session** (if needed)
22. **Adjournment**

Basehor City Council reserves the right to amend the agenda following its publication in the Basehor Sentinel newspaper. Citizens are encouraged to attend all public meetings. Updates to the agenda may be viewed at www.cityofbasehor.org

Memo

To: City Administrator
From: Kristi Olson
CC:
Date: 8/9/2010
Re: July 2010 Monthly Financial Report

The attached report contains the financial summaries of the revenue and expenditure activities of the City of Basehor for the month ending July 30, 2010.

Revenues:

General Fund – revenue from property, back, motor and recreational vehicle taxes along with franchise fees

Sewer Fund – revenue from utility billing charges, expenditures include payment for KDHE loan

Solid Waste Fund – revenue from utility billing charges

Bond & Interest: revenue from property and special assessment taxes, expenditures include Bond payments

City of Basehor

Period Ending 07/31/10

Revenues	Revenues				
	Budget 2010	Revenues YTD	Current Month	Balance	% Budget
General	\$2,034,034.78	\$1,468,376.44	\$40,359.75	\$565,658.34	72.2%
Special Park	\$16,376.00	\$4,710.10	\$600.00	\$11,665.90	28.8%
Sewer	\$1,045,824.00	\$685,054.73	\$51,201.07	\$360,769.27	65.5%
Cedar Lakes	\$10,704.00	\$17.99	\$0.00	\$10,686.01	0.2%
Bond & Interest	\$498,019.94	\$335,951.97	\$0.00	\$162,067.97	67.5%
Solid Waste	\$174,718.00	\$101,635.67	\$10,823.98	\$73,082.33	58.2%
Consolidated Highway	\$532,863.00	\$250,277.83	\$26,870.28	\$282,585.17	47.0%
Municipal Equipment Reserve	\$98,500.00	\$121.06	\$0.00	\$98,378.94	0.1%
Capital Improvement	\$339,798.00	\$167,578.19	\$21,540.26	\$172,219.81	49.3%
Basehor Town Center Project	\$0.00	\$301.35	\$65.72	-\$301.35	
Wolf Creek Project	\$0.00	\$410,716.68	\$70.91	-\$410,716.68	

Expenditures	Expenses				
	Budget 2010	Expenses YTD	Current Month	Balance	% Budget
General					
Administration	\$311,595.00	\$198,254.68	\$10,751.81	\$113,340.32	63.6%
Street Department	\$213,249.00	\$111,930.28	\$18,646.58	\$101,318.72	52.5%
Governing Body / Administrator	\$166,370.00	\$71,151.12	\$12,892.90	\$95,218.88	42.8%
Police Department	\$804,738.00	\$408,570.08	\$78,256.95	\$396,167.92	50.8%
City Facilities	\$35,190.00	\$35,968.58	\$1,183.01	-\$778.58	102.2%
Park & Recreation	\$18,342.00	\$5,562.47	\$2,333.15	\$12,779.53	30.3%
Employee Benefits	\$388,496.00	\$205,180.20	\$23,446.57	\$183,315.80	52.8%
Planning & Zoning	\$232,233.00	\$94,952.62	\$15,115.56	\$137,280.38	40.9%
Special Park	\$35,000.00	\$2,570.00	\$0.00	\$32,430.00	7.3%
Sewer	\$1,333,544.00	\$436,068.63	\$39,181.49	\$897,475.37	32.7%
Cedar Lakes	\$17,000.00	\$12,044.86	\$835.80	\$4,955.14	70.9%
Bond & Interest	\$531,499.00	\$100,560.63	\$0.00	\$430,938.37	18.9%
Solid Waste	\$211,100.00	\$69,198.73	\$3,130.21	\$141,901.27	32.8%
Consolidated Highway	\$481,000.00	\$15,557.34	\$5,649.73	\$465,442.66	3.2%
Municipal Equipment Reserve	\$150,000.00	\$13,529.60	\$0.00	\$136,470.40	9.0%
Capital Improvement	\$150,000.00	\$398,354.50	\$1,773.50	-\$248,354.50	265.6%
Basehor Town Center Project	\$0.00	\$270,606.37	\$621.50	-\$270,606.37	
Wolf Creek Project	\$0.00	\$166,063.20	\$25,086.07	-\$166,063.20	

SEWER AND SOLID WASTE BILLING 2010						
MONTH	SEWER COUNT	SEWER BILLED	AVERAGE SWR BILL	SOL WASTE COUNT	SOL WASTE BILLED	AVERAGE SOL BILL
January	1,655	\$57,650.02	\$34.83	1,458	14,625.07	\$10.03
February	1,658	\$57,919.69	\$34.93	1,463	14,670.04	\$10.03
March	1,663	\$57,968.33	\$34.86	1,469	14,699.83	\$10.01
April	1,666	\$58,142.23	\$34.90	1,475	14,762.29	\$10.01
May	1,671	\$57,035.02	\$34.13	1,488	14,892.23	\$10.01
June	1,674	\$59,123.05	\$35.32	1,493	14,959.42	\$10.02
July	1,668	\$58,427.72	\$35.03	1,493	14,964.73	\$10.02
August						
September						
October						
November						
December						
TOTAL	11,655	\$406,266.06		10,339	\$103,573.61	
AVERAGE	1,665		\$34.86			\$10.02

NOTE: Bills are generated at the end of the month and charges are collected the following month

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

NAME: Brian D. Healy

ADDRESS: 18175 Cypress Bend Street

DAY TIME PHONE NUMBER: 913-684-5586 EVENING PHONE NUMBER: 913-708-3284

E-MAIL ADDRESS: brian.d.healy@us.army.mil

PLACE OF EMPLOYMENT: Battle Command Training Program (BCTP) Ft. Leavenworth KS.

HOW LONG HAVE YOU BEEN A RESIDENT OF BASEHOR? 4 Years

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

HOW MUCH TIME COULD YOU DEVOTE PER MONTH? 2-3 days per month. More if necessary.

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

IF YES, EXPLAIN: _____

BRIEFLY DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON A BOARD/COMMITTEE FOR THE CITY OF BASEHOR.

I believe that all residents should take an active interest and participate in the community you live at any and all levels. To many times we fall into the mode of "oh someone else will do it" and then complain when things don't go the way you envisioned. Active involvement within the community increases both your knowledge and awareness of what is going on in the community and allows for participation in those processes to help improve the overall environment we live and work in. I've been on numerous boards and committees in most places I have lived and worked. This involvement has always giving me a better understanding of the process and requirement's facing both our elected and employed officials within the community. My motivations in making this application are no different than in the past. To give back a little to the community that provides my family and all the families of Basehor so much.

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

- Kansas State High School Athletic Association Registered Soccer Official 2002-2007: Selected to Officiate State Tournament Fall 2006.
- Leavenworth Soccer Association: Member and Coach 1992-1997
- Lansing High School Booster Club: Member 1994-1999; President 1995-1997.
- American Community Support Association, American Embassy, Bangkok Thailand: Board Member 1988-1991; Chairman 1989-1991.
- Fort Rucker Alabama, School Board: Member 1985-1988; President 1986-1988.

SIGNATURE: Brian D. Healy

DATE: 26 April 2010

E-Signed by HEALY, BRIAN, D. 1172783259
VERIFY authenticity with ApproveIt

HEALY, BRIAN, D. 1172783259

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. 5

Topic: Uniform Public Offense Code

Action Requested: Adopt an Ordinance amending Chapter XI, Public Offenses, Article 11-101 of the code of the City of Basehor, Kansas

Narrative: In July of each year new laws for the State of Kansas that were adopted through legislation become effective. As a City we have to adopt a new Ordinance each year to allow for us to enforce the new laws.

Presented by: Chief Lloyd Martley

Administration Recommendation: Adopt a new Ordinance amending the current one.

Committee Recommendation:

Attachments: New Ordinance, Guide to 2010 Kansas legislation impacting law enforcement.

Projector needed for this item?

No

(Published in *Basehor Sentinel* August ____)

ORDINANCE NO. 574

AN ORDINANCE AMENDING CHAPTER XI, PUBLIC OFFENSES, ARTICLE 11-101 OF THE CODE OF THE CITY OF BASEHOR, KANSAS.

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

Section 1. Section 11-101 of the code of the City of Basehor is hereby amended to read as follows:

11-101 INCORPORATED UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Basehor, Kansas that certain code known as the "Uniform Public Offense Code," Edition of 2010, prepared and published in book by the League of Kansas Municipalities, Topeka, Kansas. At least one copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance" and to which shall be attached a copy of this article and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. That, unless expressly declared to be an exception to the "Uniform Public Offense Code for Kansas Cities, Edition 2010", all ordinances found to be in conflict with the same are hereby repealed.

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 ____th day of August, 2010.

Approved by the Mayor this ____th day of August, 2010.

Terry L. Hill, Mayor

Approved for Content:

Attest:

Patrick G. Reavey, City Attorney

Katherine M. Renn, City Clerk Interim

Uniform Public Offense Code

The following represents the changes in the UPOC from the 2009 edition to the 2010 edition:

Section 1.1	Definitions
Section 3.1	Domestic Battery
Section 10.1	Criminal Use of Weapons
Section 10.3	Criminal Disposal of Firearms
Section 10.3.1	Criminal Possession of a Firearm
Section 10.24	Smoking Prohibited
Section 10.25	Smoking; Posting Premises
Section 10.26	Smoking Prohibited; Penalties

The other changes and information provided in the 2010 Kansas Legislation Guide pertain to felony charges that are handled through Leavenworth District Court.

Kansas Association of Chiefs of Police Guide To 2010 Kansas Legislation Impacting Law Enforcement



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Kansas Association of Chiefs of Police, Legislative Committee Chair
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This document summarizes legislation impacting law enforcement passed by the 2010 legislature. This document is intended to address the statute changes most relevant to law enforcement operations. Not all changes are listed. **Always follow the guidance of your agency for application and implementation of new and amended laws.** This document is not legal advice. It is a summary of the legislation based on observations and discussions during the legislative process. The author is not an attorney. **Questions should be addressed within your agency following your agency's protocol.**

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June 21, 2010

TABLE OF CONTENTS

Legislation affecting line operations	Page 2
Criminal law	Page 2
Traffic law	Page 4
Investigatory operations	Page 6
Concealed carry	Page 6
Jail Operations	Page 7
Other issues of interest to line operations	Page 8
Drug enforcement legislation.....	Page 8
Alcohol enforcement legislation	Page 9
Criminal trial legislation.....	Page 9
Sentencing legislation.....	Page 9
Forfeiture legislation.....	Page 10
Traffic law legislation not directly affecting line operations	Page 10
Offender Registry	Page 11
Other Legislation of Interest	Page 11
References	Page 15
Appendices	
Appendix A – Table of amended statutes of interest to law enforcement	Page 16
Appendix B – Smoking Law.....	Page 22
Appendix C – Graduated Driver’s License	Page 23
Appendix D – Texting Law.....	Page 24
Appendix E – Domestic Violence Law	Page 25
Appendix F – Training Considerations	Page 26
Appendix G – Public information opportunities	Page 27
Appendix H – Local issues created by legislative changes.....	Page 28
Appendix I – Cross Reference from Bill Number to Session Law Chapter	Page 30
Index	Page 31

A. LEGISLATION DIRECTLY AFFECTING LINE OPERATIONS

Also see "Drug Enforcement Legislation" and "Forfeiture Legislation."

1. Criminal Law

a. Ballistic resistant material, committing a felony while using

A new provision will enhance the sentence for a felony crime if the court makes a finding of fact the offender was using ballistic resistant material while committing or attempting to commit a felony or during flight from committing or attempting to commit any felony. Such finding adds 30 months presumptive imprisonment to be served consecutively to any other sentence. Read the bill explainer. Amends KSA 21-4704. (Effective 4/29/2010. HB2435§19; 2010 Session Laws, Ch.109§19)

b. Contraband in correctional institution or state care and treatment facility

These provisions apply to adult and juvenile correctional institutions and state care and treatment facilities operated by the SRS. The laws on "traffic in contraband" in those facilities is strengthened by 1) increasing severity levels to SL4 nonperson felony from SL5 when the person introducing a firearm, ammunition or explosive to the facility is an employee of the facility; 2) increasing severity levels to SL5 nonperson felony for a non-employee introduces a firearm, ammunition or explosive to the facility or anyone introduces contraband in the facility prohibited by rule and regulation; 3) any other introduction of contraband is a severity level 6 nonperson felony. All these had been SL10 offenses. An exemption is also added for a person with a CCH license while in a vehicle in the parking lot of such facility. Read the bill explainer. Amends KSA 21-3826. (Effective 7/1/2010. SB434§4; 2010 Session Laws, Ch.147§4)

c. Domestic Violence

NOTE: Provisions in this bill affecting law enforcement do not take effect until 7/1/2011. The domestic violence statutes were heavily amended. The primary objective was to create a domestic violence "tag" on the case records from reporting through disposition. The bill will require changes in each agency's Domestic Violence policy. It provides a statutory definition of domestic violence which has been left to each agency in current law. The required contents of the mandatory agency policy is clarified including the mandatory arrest policy and evaluating cross accusations. **See appendix E.** Read the explainer. Creates new statues and amends KSA 20-369, 22-2307, 22-2908, 21-3110,21-3412a, 21-4603d, 22-2909 and 75-712. (Effective 7/1/2010, but most sections aren't in effect until 7/1/2011. HB2517; 2010 Session Laws, Ch. 101)

d. Firearm, criminal possession

Adds attempt, conspiracy, and solicitation to commit one of the listed felonies prohibiting firearm possession for 10 years. It also clarifies the listed drug offenses can be under either the new chapter 21 drug laws or the old chapter 65 drug laws. Read the bill explainer. Amends KSA 21-4204. (Effective 4/15/10. SB67§3; 2010 Session Laws, Ch. 88§3 and further amended by SB306§16; 2010 Session Laws, Ch. 140§16)

e. Human trafficking

Section 1 adds coercing employment as an illegal act and defines the methods which illegally create coercion of employment. Section 1 also adds holding another person in a condition of peonage as an illegal act. Peonage is defined as a condition of involuntary servitude by use or threat of physical restraint, physical injury or the threat of a legal action (such as deportation or jail). Section 7 adds human trafficking and aggravated human trafficking to the asset forfeiture statute. It also authorizes victims of human trafficking to use the safe at home program, see KSA 75-451 et.seq. as amended by §9. Much of the remainder of the bill regarding human trafficking is merely changing the term "trafficking" to "human trafficking"

in all the statutes where this crime is referenced. Read the bill explainer. Amends KSA 21-3446, 21-3447, 21-4643, 22-4906, 22-4902, 38-2361, 60-4104, 75-451, 75-452, and 75-453. (Effective 7/1/10. SB353§1 and 7; 2010 Session Laws, Ch. 122§1 and 7)

f. Identity theft

Changes the law so it is no longer required to prove the defendant knew the identity information used actually belongs to another person. Also adds a clarifying definition of "personal identifying information." This amendment is aimed at making sure a recent federal case ruling does not adversely affect prosecution. Read the bill explainer. Amends KSA 21-4018. (Effective 4/15/10. SB67§2; 2010 Session Laws, Ch. 88§2)

g. Mistreatment of dependant adult

Changes the *cruel* punishment upon a dependant adult to *unreasonable* punishment upon a dependant adult. Also increases sentencing levels including changing the severity level of omission or deprivation of treatment, goods, or services from an A misdemeanor to a SL8 person felony. Read the bill explainer. Amends KSA 21-3437. (Effective 4/15/10. SB67§1; 2010 Session Laws, Ch. 88§1)

h. Smoking in prohibited places

The legislature passed a statewide ban on smoking in most publicly accessible "enclosed areas" or what we think of as buildings. These violations are cigarette or tobacco infractions. They are not misdemeanors. This new law has a lot of parts so a lengthy description of what the bill contains is in appendix B. Basically, smoking is prohibited in the interior of most buildings open to the public, places of employment, and public vehicles. But it also includes outdoor areas within 10 feet of an exterior door, air intake vent, or open window. Some exemptions include gaming floors of a casino or gaming facility, designated smoking areas in an adult care home or long term care unit of a medical facility, tobacco shops, some class A or B license prior to 1/1/2009, and private clubs where only minors are prohibited. Patios or other areas permanently open to the elements and weather are not considered an enclosed portion of a building. It also prohibits vending machine sales of tobacco products in an area accessible by minors. Also see Appendix B. Creates several new laws. Read the bill explainer. Amends KSA 21-3105, 21-4009, 21-4010, 21-4011, 21-4012, 65-530, 79-3301, and 79-3321. It also repeals KSA 21-4016 and 21-4017. (Effective 7/1/2010. HB2221; 2010 Session Laws, Ch. 8)

i. Unlawful sexual relations

The laws on unlawful sexual relations, dealing with DOC employees engaging in sexual activity with inmates was strengthened by 1) adding a provision to include a parole officer, DOC volunteer, or DOC contractor for parole oversight engaging in sexual activity with persons the offender knows to be on parole, conditional release or on post release supervision; and 2) by increasing the severity level from a SL10 person felony to a SL4 or SL5 person felony. All violations are now presumptive imprisonment--no more presumptive probation. These crimes are also now sexually violent crimes requiring registration as a sex offender. Read the bill explainer. Amends KSA 21-3520. (Effective 7/1/2010. SB434§3, 5 and 8; 2010 Session Laws, Ch. 147§3, 5 and 8)

j. Use of force and self defense

The use of force and self defense statutes in KSA chapter 21 article 32 are heavily amended. These amendments started out for the purpose of fixing the statute on the basis of a Kansas Supreme Court ruling (State vs. Hendrix) late last year. That fix involved clarifying that not only actual use of force was permitted under appropriate circumstances but so is threatened use of force. But the final bill went much further. The bill also establishes two new statutes defining "use of force" and "use of deadly force" and clarifying when a person's belief that

deadly force is necessary is presumptively reasonable. The new statutes also clarify that appropriate threat of deadly force is evaluated on the basis of justification of using non-deadly force and not actually using deadly force. The bill also adds "place of work" to the locations (currently dwelling or occupied vehicle) where force may be justified to repel an unlawful entry or attack on the property and where deadly force may be used to repel such attack on the property to prevent imminent death or greatly bodily harm. Throughout these statutes, there were also other wording changes which seem mundane but will undoubtedly have significant impact on court interpretations. The provisions are effective retroactively. (Effective 4/29/2010 with retroactive provisions. SB381; 2010 Session Laws, Ch. 124)

k. Weapons, knives

The criminal use of weapons statute is amended to clarify that folding knives designed to be easily opened with one hand by pressure against the blade or a protrusion on the blade is not prohibited. Switchblade knives, butterfly knives, and knives where the blade ejects from the end of the knife with downward or centrifugal force are still illegal. Read the bill explainer. Amends KSA 21-4201. (Effective 4/8/09. SB497; 2010 Session Laws, Ch. 51 and further amended by SB306§15; 2010 Session Laws, Ch. 140§15)

2. Traffic Law

a. Graduated driver's license

Allows a 16 year old holding a farm permit or restricted license to drive directly to and from a religious worship service held by a religious organization. They have added a definition of a religious organization. **See Appendix C.** Permits the licensed adult riding with a person holding a motorcycle learning permit to ride on the cycle with the permit holder. It still allows the adult to ride a motorcycle in the vicinity of the cycle operated by the permit holder. Read the bill explainer. Amends KSA 8-234a, 8-296, 8-2,100 and 8-2,101. (Effective 5/27/2010. HB2482§1, 4, 5, and 6; 2010 Session Laws, Ch. 146§1. 4, 5, and 6)

b. Insurance, proof of

The proof of insurance document provided by the insurance company must include the year and make of the vehicle. Read the bill explainer. Amends KSA 40-3104 (Effective 7/1/10. HB2492; 2010 Session Laws, Ch. 12)

c. Motorcycle Helmet

Changes the wording of the statute requiring persons under the age of 18 on a motorcycle to wear a helmet to also make the operator of the motorcycle subject to ticketing for allowing a person under the age of 18 to ride on the motorcycle without a helmet. Prior to this change, only the person under 18 could be ticketed and not the operator. Now both or either can be ticketed. Also amends the statute by adding a requirement for persons under the age of 18 riding as a passenger on a motorcycle to wear eye protection. Read the bill explainer. Amends KSA 8-1598. (Effective 7/1/10. SB300§3; 2010 Session Laws, Ch. 151§3)

d. Recreational off-highway vehicle

A new class of vehicle is created. The recreational off-highway vehicle is similar to an ATV only bigger, has a seat that you don't straddle, and a steering wheel. These vehicles must be titled as a nonhighway vehicle. Read the bill explainer. Amends KSA 8-126 and 8-197 (Effective 7/1/2010. HB2660§4 and 6; 2010 Session Laws, Ch. 164§4 and 6)

e. Seat belts

The seat belt laws are changed by 1) making the violation a primary violation for adult front seat occupants and 2) adding a requirement for rear seat adult passengers to wear a seat belt. The rear seat passenger requirement remains a secondary offense. The laws for persons under 18 years of age have not changed. Those are all primary violations regardless of where the

person is seated in the vehicle. Also warnings must be given to anyone over the age of 18 until June 30, 2010. Read the bill explainer. Amends KSA 8-2503 and 8-2504. (Effective 6/10/10. HB2130; 2010 Session Laws, Ch. 157)

f. Tags/ Vehicle Registration

(1) Truck, truck-tractor, and truck trailer tags

The 30-day temporary registration now entitles a truck, truck tractor or any combination of truck or truck tractor and any type of trailer or semitrailer to be operated under laden conditions as long as the temporary permit is valid. Read the bill explainer. Amends KSA 8-2409. (Effective 4/15/2010. HB2547§1; 2010 Session Laws, Ch. 71§1)

(2) Specialty tags

Several new specialty license plates were approved: Boy Scouts, Vietnam War Veteran, and Pet Friendly. Read the bill explainer. Creates new statutes and amends KSA 8-1,141 and 8-1,147 (Effective 7/1/2010. HB2660§1, 2, 3, 7, and 8; 2010 Session Laws, Ch. 164§1, 2, 3, 7, and 8)

(3) License plate visibility

Creates statute specifically prohibiting a license plate to be covered in whole or in part with any clear or opaque material or any other plastic-like material that affects the plate's visibility or reflectivity. Read the bill explainer. Creates new statute. (Effective 7/1/10. SB300§1 & 6. ; 2010 Session Laws, Ch. 151§1 and 6) [Possible cite: "2010 Kansas Session Laws Chapter 151§1"]

g. Texting while driving

Prohibits a person driving a motor vehicle from using a wireless device to write, send, or read a written communication while operating the vehicle on a public road or highway. Includes text messages, instant messages, and e-mail. The following exemptions to the prohibition are made:

- (1) Exempts law enforcement officers or emergency services personnel using the device as part of their scope and duties of such employment.
- (2) A vehicle stopped off of the regularly travelled portion of the roadway.
- (3) As required to read, select, or enter a number or name to place a phone call.
- (4) Read emergency, traffic, or weather alerts.
- (5) Receiving a message related to the operation or navigation of the vehicle.
- (6) Reporting current or ongoing illegal activity to law enforcement.
- (7) Preventing imminent injury to a person or property.
- (8) Information between for-hire operators and their dispatcher using a device permanently affixed to the vehicle.

Requires law enforcement to only give warnings until January 1, 2011. Read the bill explainer. Creates a new statute. (Effective 7/1/10. SB300§2 & 6; 2010 Session Laws, Ch. 151§2 and 6) Also see Appendix D.

h. Transit buses

Permits transit buses in Johnson County to operate on the right shoulder of city connecting links and other highways in the state highway system with authorization of KDOT provided the traffic flow has slowed to less than 35 mph. The operation of the bus is limited to a speed not exceeding 10 mph above the traffic flow speed and the bus must yield to other traffic on the shoulder or other exiting, entering, or merging traffic on the highway. Read the bill explainer. Creates a new statute and amends KSA 8-1517. (Effective 7/1/2010. HB2561; 2010 Session Laws, Ch. 134)

i. Unlawful riding on a vehicle

There is a change in SB300§6 that may appear to delete the fine for unlawful riding on a vehicle. However, the provision was just moved from one place in the fine schedule to another. The fine schedule is in order of statute number and for some reason this had been placed out of order in a previous session. Read the bill explainer. Amends KSA 8-2118 (Effective 7/1/10 SB300§6; 2010 Session Laws, Ch. 151§6)

j. Window tinting

Creates a law enforcement exemption to the window tint law. The exemption only applies to marked law enforcement vehicles. The bill also changes the language of the statute eliminating the phrase "safety glazing material" which was causing a problem in some courts. Read the bill explainer. Amends 8-1749a. (Effective 7/1/10. SB300§4; 2010 Session Laws, Ch. 151§4)

3. Investigatory operations

a. Search warrants and search warrant affidavits

The law is amended to allow transmitting search warrants and search warrant affidavits through "electronic communications" instead of the more restrictive "telefacsimile communications." Read the bill explainer. Amends KSA 22-2502 (Effective 7/1/10. SB519§4; 2010 Session Laws, Ch. 70§4)

b. Kelsey's law

Kelsey's law was passed last year to assure cell phone location information is immediately available to law enforcement when needed. It is amended to require the cell phone companies to report contact information to the KBI rather than requiring the KBI to contact each company. It also removes the requirement for the KBI to disseminate the information to law enforcement agencies quarterly and requires them to make the information available upon law enforcement request. This will be fulfilled by having the information available through the KBI's 24/7 dispatch center. Read the bill explainer. Amends KSA 22-4615. (Effective 4/22/10. HB2652; 2010 Session Laws, Ch. 100)

4. Concealed carry

Makes numerous changes to the concealed carry licensing process. Changes carry concealed *weapon* (CCW) to carry concealed *handgun* (CCH). The areas effecting line operations are:

a. The testing for carrying concealed while intoxicated provisions have changed.

- (1) There is no longer an implied consent for a CCH permit holder. The test must be obtained through consent of the licensee, a search warrant, or without consent or search warrant if authorized under KSA 22-2501.
- (2) The only time a person can be sanctioned for refusing to submit to a test for alcohol or drugs is when the permit holder fired the handgun resulting in death or serious injury. Serious injury is as defined in KSA 8-1001.
- (3) To be in violation, the offender must be intoxicated on drugs or alcohol rendering the person incapable of safely operating the handgun.
- (4) A test of less than .08 alcohol can be used with other evidence to show a violation. A test of .08 alcohol or higher is prima facie evidence of a violation.
- (5) Does not apply in the licensee's home or place of business or on the licensee's property.
- (6) It also does not apply if the licensee possesses the handgun only while engaged in a lawful act of defending themselves or another.
- (7) This violation only applies to a licensee with a handgun. It does not apply to a person who does not possess a CCH license or a person possessing a firearm that is not a handgun.

b. A person who moves to Kansas and has a valid CCH license from the state from which they moved, may carry concealed in Kansas until they are issued or denied a Kansas CCH license,

PROVIDED they carry with them a receipt from the Kansas Attorney General's Office for their Kansas CCH license application.

- c. Buildings where concealed carry is prohibited must have signs posted at eye level and between 12" to the right and 12" to the left of all exterior entrances to the building.
- d. A building where concealed carry is prohibited cannot include that area of a building used for motor vehicle parking.
- e. Carrying concealed by a licensee where prohibited is now an unclassified misdemeanor for the first two convictions with a fine of \$50 for the first offense and \$100 for the second offense. Third and subsequent offense is now a class B misdemeanor. Carrying concealed while intoxicated by a licensee remains a class A misdemeanor.

Read the bill explainer. Amends most of the concealed carry statutes. (Effective 7/1/10. SB306; 2010 Session Laws, Ch. 140)

Also see concealed carry under section I.

5. Jail Operations

- a. Juveniles arrested for alcohol violations

Juveniles arrested only for possessing, consuming, obtaining, purchasing or attempting to purchase liquor or CMB cannot be placed in a jail and can only be held in a detention facility for a maximum of 24 hours excluding legal holidays and weekends. A person who was under age 18 at the time of violation and who is adjudicated only for possessing, consuming, obtaining, purchasing or attempting to purchase liquor or CMB cannot be placed in a jail, juvenile detention facility, juvenile correction facility, or other sanction house. Read the bill explainer. Amends KSA 41-727. (Effective 7/1/2010. SB452§2; 2010 Session Laws, Ch. 142§2)

- b. Prisoners in local jails with 10 or less days to serve on state sentence

Allows the Secretary of Corrections to release a prisoner who is in a local jail awaiting transfer to DOC who has less than 10 days to serve on their sentence. Read the bill explainer. Amends KSA 75-5220. (Effective 7/1/2010. SB346§2; 2010 Session Laws, Ch. 89§2)

- c. Prisoner medical costs

Clarifies the DOC is responsible for all medical costs incurred while the prisoner is in the physical custody of the DOC. Read the bill explainer. Amends KSA 75-5220. (Effective 7/1/2010. SB346§2; 2010 Session Laws, Ch. 89§2)

- d. Prisoner transfer to DOC

Requires the following documents to be provided by the court to accompany any prisoner transferred to DOC: all complaints, supporting affidavits, county and district attorney reports, presentence investigation reports, and other diagnostic reports on the offender received by the district court. Also changes the period between the notification a prisoner is ready to be transferred to DOC and when DOC must notify the local jail to transport the prisoner to DOC from 3 business days to 4 business days. Read the bill explainer. Amends KSA 21-4632 and KSA 75-5220. (Effective 7/1/2010. SB346§1 & 2; 2010 Session Laws, Ch. 89§1 and 2)

- e. Unlawful sexual relations - See this title under section 1. Criminal Law.

- f. Work release

Authorizes the courts to place a person in a work release program (other than the state DOC) if the person is convicted of a felony with a sentence to be served at the local jail. The program must require the defendant to return to confinement at the end of each day. Read

the bill explainer. Amends KSA 21-4603d. (Effective 7/1/2010. HB2604; 2010 Session Laws, Ch. 41)

6. Other issues of interest to line operations

a. Child custody

Generally, orders regarding child custody issued pursuant to a CINC case or juvenile offender case take priority over orders issued in other child custody types of cases. These laws are complicated and I will not attempt to provide advice on how officers should proceed when faced with conflicting orders. Expert legal advice should be sought. Read the bill explainer. Amends KSA 38-1116, 38-2201, 38-2203, 38-2304, 60-1610, and 60-3107. (Effective 7/1/2010. SB460§2, 4, 6, 18, 21, and 22; 2010 Session Laws, Ch. 75§2, 4, 6, 18, 21, and 22)

B. DRUG ENFORCEMENT LEGISLATION

1. BZP

BZP is now a schedule 1 drug and illegal to possess, manufacture or distribute. Read the bill explainer. Amends KSA 65-4105. (Effective 4/29/2010. HB2411; 2010 Session Laws, Ch. 7)

2. K-2 compounds

Three compounds of K-2 (HU-210, JWH-018 and JWH-073) are now schedule 1 drugs and illegal to possess, manufacture or distribute. Read the bill explainer. Amends KSA 65-4105. (Effective 3/18/2010. HB2411; 2010 Session Laws, Ch. 7)

3. TFMPP

TFMPP is now a schedule 1 drug and illegal to possess, manufacture or distribute. Read the bill explainer. Amends KSA 65-4105. (Effective 3/18/2010. HB2411; 2010 Session Laws, Ch. 7)

4. Distribution to a minor

For those statutes with the enhancement for distribution within 1000 feet of a school, a technical change requires the trier of fact to make a finding the offender is 18 or more years of age. It also added the provision to KSA 21-36a05 to enhance the sentence when the offenders intent was to distribute to a minor. Read the bill explainer. Amends KSA 21-36a01, 21-36a05, 21-36a10, and 21-36a13 (Effective 4/29/2010. HB2435§13-16; 2010 Session Laws, Ch. 109§13-16)

5. Drug code cleanup

The revisor requested several amendments to the drug code to clean up the recodification passed last year. This included several statutes where references to the drug code needed clarified to include violations of both the new and the old drug codes; adding the age of the offender back into the illegal activities within 1000 feet of a school; and ability of municipal courts to handle certain misdemeanor drug cases. These changes are in statutes involving criminal possession of a firearm, criminal disposal of a firearm, and the criminal street gang statute. Read the bill explainer. Amends KSA 12-4104, 21-36a05, 21-36a06, 21-36a08, 21-36a10, 21-4203, 21-4204, 21-4226, 21-4704, 22-3901, 22-4902, 59-2132, 65-516, 72-1397, 72-5445, 75-7c04, and 76-11a13. (Effective 4/15/2010. HB2661; 2010 Session Laws, Ch. 74)

6. Prescription drugs

The crimes of illegally obtaining prescription drugs and illegally selling a prescription only drug are separated and place in different subsections of KSA 21-36a08. Obtaining remains a SL9 nonperson felony. Selling becomes a SL6 nonperson felony. Read the bill explainer. Amends KSA 21-36a08. (Effective 4/15/2010. HB2661§4; 2010 Session Laws, Ch. 74§4)

C. ALCOHOL ENFORCEMENT LEGISLATION

Juveniles arrested for alcohol violations – See this title in Section A.5: Legislation directly affecting line operations; Jail operations.

D. CRIMINAL TRIAL LEGISLATION

1. Video testimony by forensic scientists

Authorizes (doesn't require) district or municipal courts to accept video testimony from forensic scientists. Read the bill explainer. Amends KSA 22-3427. (Effective 4/15/10. SB386§2; 2010 Session Laws, Ch. 90§2)

2. Redaction of information during discovery

Authorizes the prosecutor providing documents to the defense during discovery to redact certain personal identifier information of victims or material witnesses that could be used in identity theft or other inappropriate activity. Read the bill explainer. Amends KSA 22-3212 (Effective 4/15/10. SB386§1; 2010 Session Laws, Ch. 90§1)

E. SENTENCING LEGISLATION (Also see Kansas Sentencing Commission's Legislative Changes Report.)

1. Attempts, conspiracy, and solicitation to commit certain crimes

The legislature amended several sex crime statutes to clarify the severity level for attempting to commit, conspiring to commit, or solicitation to commit certain crimes. This was designed to fix an issue brought out in State vs. Horn. Read the bill explainer. Amends several statutes. See the bill header for list. (Effective 4/29/2010. HB2435§1-11; 2010 Session Laws, Ch. 109§1-11)

2. Burglary attempts, conspiracy, or solicitation

On July 1, 2011, convictions for attempting, conspiring, or soliciting to commit burglary will be included in the current provision making a conviction of burglary presumptive imprisonment when the offender has a prior conviction for burglary. Read the bill explainer. Amends KSA 21-3520. (Effective 7/1/2010. SB434§6; 2010 Session Laws, Ch. 147§6)

3. Contraband in correctional institution or state care and treatment facility - See this title under Section A.1. Criminal Law.

4. Criminal history calculation

In response to State vs. Luttig and State vs. Gilley, the statute was changed by eliminating the language "or applicable penalties" from the conditions resulting in the prior conviction not being counted in determining the criminal history category of a defendant. Read the bill explainer. Amends KSA 21-4710. (Effective 4/8/2010. HB2469; 2010 Session Laws, Ch. 36)

5. DUI Sentencing-3rd and 4th time offenders. See this same title under Section G.3.b: Traffic law legislation; DUI

6. Endangering a child, Aggravated

Requires the sentence for aggravated endangering a child to be served consecutive to any other sentence imposed. Read the bill explainer. Amends KSA 21-3608a. (Effective 4/29/2010. HB2435§12; 2010 Session Laws, Ch. 109§12)

7. Juvenile, extended jurisdiction

Amends juvenile procedure for extended juvenile jurisdiction procedure relating to revocation. Allows court to remove a stay and impose the adult sentence if the offender commits a new offense or violates sentencing conditions. Allows for the original adult sentence to be modified but only upon agreement of the prosecutor and defense. Read the bill explainer. Amends KSA 38-2364, 38-2365 and 38-2373. (Effective 7/1/2010. HB2506; 2010 Session Laws, Ch. 163)

8. Mistreatment of dependant adult
Increases sentencing levels including changing the severity level of omission or deprivation of treatment, goods, or services from an A misdemeanor to a SL8 person felony. Read the bill explainer. Amends KSA 21-3437. (Effective 4/15/10. SB67§1; 2010 Session Laws, Ch. 88§1)
9. Securities violations
Severity levels for securities violations were increased based on revised dollar amount of loss. Read the bill explainer. Amends KSA 17-12a508. (Effective 7/1/2010. SB458; 2010 Session Laws, Ch. 92)
10. Sex offender, aggravated habitual
The definition of an aggravated habitual sex offender is amended so that the required multiple convictions for a violent sexual offense does not require those convictions to have occurred in the past. In other words, an offender convicted in the same trial for two counts of a violent sexual offense will be an aggravated habitual sex offender. This is an amendment in response to State vs. Trautloff. Read the bill explainer. Amends KSA 21-4642. (Effective 4/29/2010. HB2435§17; 2010 Session Laws, Ch. 109§17)
11. Traffic fines
Traffic fines in district courts are increased by \$15. The additional funding will support mental health treatment programs in DOC and the cost of the communications lines to local law enforcement for the KCJIS system. Read the bill explainer. Amends KSA 8-2118 and 74-7336. (Effective 7/1/2010. HB2226; 2010 Session Laws, Ch. 145)
12. Unlawful sexual relations - See this title under section A.1. Criminal Law.
13. Ballistic material, committing a felony while using - See this title under section A.1. Criminal Law.

F. FORFEITURE LEGISLATION

1. Human trafficking and aggravated human trafficking
Assets from human trafficking and aggravated human trafficking is added to the asset forfeiture statute. Read the bill explainer. Amends KSA 60-4104. (Effective 7/1/10. SB353§7; 2010 Session Laws, Ch. 122)

G. TRAFFIC LAW LEGISLATION (Not directly affecting line operations)

1. Commercial driver's and diversion agreements
A person who held a commercial driver's license at the time of the violation is not eligible for diversion. This addresses a loophole in the law where CDL holders would relinquish their license after a violation so they could get diversion, then reapply for their CDL after the diversion agreement was signed. Read the bill explainer. Amends KSA 8-2,150. (Effective 5/27/2010. HB2482§7; 2010 Session Laws, Ch. 146§7)
2. Drivers License
 - a. Renewal
The renewal process is changed. There will no longer be an open book written test. The state will no longer mail the eyesight examination form, the written test, or the driver's license manual. The state will be required to mail a summary of changes to traffic regulations passed by the legislature. Read the bill explainer. Amends 8-237, 8-247, and 8-1325. (Effective 5/27/10 HB2482§2, 3 and 8; 2010 Session Laws, Ch. 146§2, 3, and 8)

3. DUI

a. DUI Sentencing-2nd offenders-Interlock devices

Changes the driver's license suspension and restriction provisions for 2nd offenders of DUI so that after 45 days of suspension the offender can request a restricted license, provided they did not refuse a test and had a BAC of less than .15. Such restricted license will restrict driving activities for the remainder of one year as well as require an interlock device for one-year post suspension. These provisions only apply after conviction. Read the bill explainer. Amends KSA 8-1014 and 8-1015. (Effective 6/3/2010. SB368§1 & 2; 2010 Session Laws, Ch. 153§1)

b. DUI Sentencing-3rd and 4th time offenders

Delays until 7/1/2011 a provision passed last year that would have changed sentencing a person convicted of a third DUI offense will be sentenced under the provisions currently applied to fourth time offenders. Fourth time offenders will be sentenced to 180 days to 1 year which the court may impose to be served in a state DOC facility while participating in an in-custody treatment program. The DOC secretary has the authority to reject assignment to DOC if there is inadequate prison or treatment capacity available. The offender must serve at least 180 days prior to any parole, probation, or suspended or reduced sentence. The offender can be placed on work release but only after serving a minimum of 144 consecutive hours. Read the bill explainer. Amends KSA 8-1567. (Effective 6/3/2010. SB368§3; 2010 Session Laws, Ch. 153§3)

4. Motor carriers

The time allowed for the KCC to verify that the carrier is in compliance with all applicable requirements from when they are first authorized to operate in Kansas is extended from 12 months to 18 months. Read the bill explainer. Amends KSA 66-1,114 and 66-1,114b. (Effective 7/1/2010. HB2485; 2010 Session Laws, Ch. 39)

5. School buses

The exemption for school buses to meet new requirements for certain features (design, lighting, etc.) for 20 years from the date of manufacture is extended to 25 years from date of manufacture. Read the bill explainer. Amends KSA 8-2009a. (Effective 7/1/10. SB300§5; 2010 Session Laws, Ch. 151§5)

H. OFFENDER REGISTRY

1. Attempt, conspiracy, solicitation

Applies the life time registry requirement for an attempt to commit, conspiracy to commit, or solicitation to commit a sex crime currently requiring life time registration for conviction of the actual crime. Read the bill explainer. Amends KSA 22-4906. (Effective 7/1/2010. HB2468; 2010 Session Laws, Ch. 66)

2. Unlawful sexual relations

Unlawful sexual relations offenders are now required to register as a sex offender. Read the bill explainer. Amends KSA 21-3520. (Effective 7/1/2010. SB434§8; 2010 Session Laws, Ch. 147§8)

I. OTHER LEGISLATION OF INTEREST

1. 911 funding

The House and Senate could not reach agreement with new 911 funding legislation. So they extended the current funding mechanism and rates for one year. They did add a prohibition on using 911 funds to acquire field radios (car radios and hand held radios). The legislation also requires each PSAP to report to the LCPA an accounting of PSAP's receipts during the calendar year 2010. Read the bill explainer. Amends KSA 12-5301, 12-5304, 12-5322, 12-5330, 12-5338, and 12-5361. (Effective 5/27/2010. HB2582; 2010 Session Laws, Ch. 148)

2. Child pornography, civil cause of action

Provides any person who was under the age of 18 and the victim of an offense where the offender was convicted of Article 35 of Chapter 21, incest, or aggravated incest and any portion of the offense was used in the production of child pornography may file a civil action against the producer, promoter, or intentional possessor of the child pornography. Read the bill explainer. Creates new statute. (Effective 7/1/2010. HB2509; 2010 Session Laws, Ch. 133)
3. Concealed Carry- Administrative issues

The law was amended with significant changes to the licensing qualifications and process. Renewal applications will be submitted directly to the Office of the Attorney General. The fee paid to Sheriff's Offices for processing the initial application is reduced to \$32.50. The proceeds from this fee can only be used to pay for expenses incurred in the processing of applicants. Amends most of the concealed carry statutes. (Effective 7/1/10. SB306; 2010 Session Laws, Ch. 140) Also see concealed carry under section A.4.
4. Court payments

District courts can accept payments via other methods besides cash and check. For example, credit cards. Each court can determine acceptable methods. Payment can also be made other than in person or by mail. Read the bill explainer. Amends the entire criminal code resulting in new statute numbers for all statutes in the criminal code. (Effective 7/1/2011. SB519§1, 2, and 6; 2010 Session Laws, Ch. 70§1, 2, and 6)
5. Criminal code recodification

Recodifies the entire criminal code. Does not make substantive changes to the law. Combines some statutes, clarifies language in some statutes, and addresses some case law issues. The biggest change is in the culpability terminology. Read the bill explainer. Amends the entire criminal code resulting in new statute numbers for all statutes in the criminal code. (Published 7/1/2010, **not effective until 7/1/2011.** HB2668; 2010 Session Laws, Ch. 307)
6. DNA processing fee

The DNA processing fee supporting the KBI DNA offender database is increased to \$200. The fee is mandated unless the court finds on the record the defendant is indigent. The fee must be charged by the court unless the defendant proves the fee was paid on a previous case and a sample was not submitted for the current case. Read the bill explainer. Amends KSA 75-724. (Effective 7/1/2010. HB2605§2; 2010 Session Laws, Ch. 117§2)
7. E-citations

Provisions are added to KSA chapter 8, chapter 12, and chapter 19 allowing for electronic signature of citations by officers and a method to electronically record a violators promise to appear. The promise to appear achieved by the officer recording the answer to the question (exactly as follows): "Do you agree to appear before the _____ court on or before (date)?" It also amends the statute on insurance verification allowing the transmittal of a DC-66 electronically. These amendments apply to district courts, municipal courts, and violations of county resolutions. The existing laws for paper citations remain unchanged. This bill is to modernize the process to improve efficiency where electronic citations are used. It is up to the courts on how and if they accept the citation electronically or on paper. Transmittal of DC-66 information is also dependant on development of the technology to do so. Read the explainer. Creates new statutes and amends KSA 40-3104. (Effective 7/1/09. SB533; 2010 Session Laws, Ch. 56)
8. Fingerprinting, law enforcement assistance relating to state employment requirements.

Requires new employees of the office of vital statistics to undergo a fingerprint based records check. States, "Local and state law enforcement officers and agencies shall assist the secretary

[of Health and Environment] in taking and processing of fingerprints for applicants." Read the bill explainer. Amends KSA 65-2402. (Effective 5/27/10. HB2454§2; 2010 Session Laws, Ch. 143§2)

9. Horsethief Reservoir Police Department

The Horsethief Reservoir Benefit District is authorized to have its own police department. They must pay tuition to KLETC for their training. Jurisdictional issues require an agreement between the relative governing bodies. Read the bill explainer. Amends KSA 12-1,120, 22-2401a, 74-5602, 74-5605, 74-5609a. (Effective 7/1/2010. HB2638; 2010 Session Laws, Ch. 42)

10. Journalist shield law

A journalist does not have to reveal additional information or source information unless certain conditions are met. A district court must find the information sought: 1) is material and relevant to the proceeding for which the disclosure is sought; 2) could not, after a reasonable effort, be obtained by readily available alternative means; and 3) is of a compelling interest. Read the bill explainer. Creates new statutes. (Effective 7/1/2010. HB2585; 2010 Session Laws, Ch. 114)

11. KCJIS line funding

Funding for improved KCJIS lines was approved. The funding adds \$5 to the district court traffic fines. These improved lines will hopefully start being installed in early 2011. Read the bill explainer. Amends KSA 8-2118 and 74-7336. (Effective 7/1/2010. HB2226; 2010 Session Laws, Ch. 145)

12. Laboratory fee assessments

The wording of the statute requiring payment of a \$400 lab fee is changed to place more emphasis on the mandate to the courts to assess and collect the fees. The new language does allow the fee assessed by a municipality to be different if the municipality has an agreement with a laboratory to conduct the testing. The fee is assessed for each offense requiring lab services, not once per conviction event. So, for example, a conviction for DUI and possession of illegal drugs results in an \$800 assessment. The bill also adds the Sedgwick County Computer Forensics Lab to the listed facilities. Read the bill explainer. Amends KSA 28-176. (Effective 7/1/2010. HB2605§1; 2010 Session Laws, Ch. 117§1)

13. Liens filed maliciously or fraudulently

This provision attempts to further address the problem with a person filing false liens to harass public officials including law enforcement officers. It creates a civil action to recover damages if a court determines a lien was filed fraudulently. It also allows the court to 1) enjoin the defendant from filing future liens against persons listed in the order without prior approval of the court; and 2) enjoin the defendant from filing any future fraudulent liens. Read the bill explainer. Creates new statute and amends KSA 58-4301. (Effective 7/1/10. SB537; 2010 Session Laws, Ch. 125)

14. Open records

a. Contact information provided to a government agency for the purpose of communicating with the person is not required to be disclosed. This includes e-mail addresses, cell phone number, and other contact information. Read the bill explainer. Amends KSA 45-219. (Effective 4/29/2010. SB369§1; 2010 Session Laws, Ch. 112§1)

b. When information is released, there is no requirement to allow a storage device such as a thumb drive, external drive, or other electronic device to be connected, inserted, or otherwise attached to a computer or other electronic device of the agency. Read the bill explainer. Amends KSA 45-221. (Effective 4/29/2010. SB369§2; 2010 Session Laws, Ch. 112§2)

15. Retirement, payments by employer contributions to death and disability fund
Employers do not pay the contribution to the KPERS/KP&F group insurance reserve fund (death and disability fund) during the fourth quarter of the 2010 and 2011 state fiscal year. Read the bill explainer. Amends KSA 74-4927. (Effective 6/3/2010. HB2219; 2010 Session Laws, Ch. 158)
 16. Sheriff succession
This bill eliminates a conflict between two statutes governing who is in charge of a sheriff's office if there is no sheriff. It clarifies the undersheriff is in charge and if there is neither a sheriff nor an undersheriff, then the county clerk is in charge. The provision remains placing the county clerk in charge if the sheriff is incarcerated in the county jail. Read the bill explainer. Amends KSA 19-804a. (Effective 7/1/10. HB2039; 2010 Session Laws, Ch. 111)
 17. State law enforcement officer's firearm disposal on retirement
Creates statutory authority for a retiring state law enforcement officer to purchase their assigned sidearm, with trigger lock, at fair market value. A state law enforcement officer resigning to take employment with a non-state law enforcement agency are also authorized to purchase their sidearm. Read the explainer. Creates new statute and amends KSA 75-6606. (Effective 4/29/2010. SB30§2 & 3; 2010 Session Laws, Ch. 106§2 and 3)
 18. Terminally ill DOC prisoner
The process for the release of a terminally ill DOC prisoner is modified. A DOC prisoner may be conditionally released if a physician determines they are terminally ill and not expected to live more than 30 days. Approval must be provided by the secretary of corrections and the chair of the parole board. If released, the prisoner remains under supervision and is subject to withdrawal of the release by the secretary of corrections. Prisoners sentenced for an off-grid offense are not eligible. Creates on new statute and amends KSA 22-3728. Read the bill explainer. (Effective 7/1/10. HB2412; 2010 Session Laws, Ch. 107)
 19. Victim notification by DOC
The state DOC is required to notify victims and victim's family of the death, escape, or change of status of any person incarcerated for a violation of articles 33, 34, 35, or 36 of chapter 21 and in SRS custody due to mental incompetency to stand trial, mental evaluation, or involuntary commitment. Read the bill explainer. Creates one new statute and amends KSA 22-3303, 22-3305, 22-3428, 22-3428a, 22-3430, 22-3431, and 22-3727. (Effective 7/1/2010. HB2440; 2010 Session Laws, Ch. 61)
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REFERENCES:

- Kansas Association of Counties' Summary of New Laws 2010.
Kansas Legislature, Legislative Research Department's 2010 Legislative Highlights Report and the Supplement to the Preliminary Report.
Kansas Legislature, Legislative Research Department's Legislative Summary web page.
Kansas Legislature, Revisor's Office's List of Amended and Repealed Statutes.
Kansas Secretary of State's Index of Bills and Session Law Chapters.
Kansas Sentencing Commission's Legislative Changes Report.

Available at a later date:

The Revisor's Office will publish a listing of new statutes created by the 2010 legislature on their website, <http://www.ksrevisor.org/>. It will be in the list of reports located just under the picture of the capital dome on the right side of their main page.

The 2010 Kansas Session Laws will be available on the Kansas Secretary of State's session law web site: <http://www.kslegislature.org/legsrv-sessionlaws/index.do>.

To read the text of a bill go to: <http://www.kslegislature.org/legsrv-bills/index.do>

Statutes are available on line at: <http://www.kslegislature.org/legsrv-statutes/index.do>

CAUTION: The online statutes will not have the 2010 amendments added to them for quite some time, usually around the beginning of the following calendar year.

TABLE OF SELECTED STATUTES AMENDED BY LEGISLATURE
 Selected amended or repealed statutes effecting law enforcement

APPENDIX A

KSA (S)=Supp	Type Action	Bill	Session Law Chapter	Sec	NOTE	Effective Date
8-126 (S)	Am	HB 2660	164	4		7/1/2010
8-145d (S)	Am	HB 2660	164	5		7/1/2010
8-197 (S)	Am	HB 2660	164	6		7/1/2010
8-1,141 (S)	Am	HB 2660	164	7		7/1/2010
8-1,147 (S)	Am	HB 2660	164	8		7/1/2010
8-234a (S)	Am	HB 2482	146	1		5/27/2010
8-237 (S)	Am	HB 2482	146	2		5/27/2010
8-247 (S)	Am	HB 2482	146	3		5/27/2010
8-296 (S)	Am	HB 2482	146	4		5/27/2010
8-2,100 (S)	Am	HB 2482	146	5		5/27/2010
8-2,101 (S)	Am	HB 2482	146	6		5/27/2010
8-2,150 (S)	Am	HB 2482	146	7		5/27/2010
8-1014 (S)	Am	SB 368	153	1		6/3/2010
8-1015 (S)	Am	SB 368	153	2		6/3/2010
8-1325 (S)	Am	HB 2482	146	8		5/27/2010
8-1517	Am	HB 2561	134	2		7/1/2010
8-1567	Am	SB 368	153	3 & 4	Amended SB586§1. Delayed effective date: 7/1/2011	6/3/2010
8-1598	Am	SB 300	151	3		7/1/2010
8-1749a	Am	SB 300	151	4		7/1/2010
8-2009a	Am	SB 300	151	5		7/1/2010
8-2118 (S)	Am	SB 300 HB 2226	151 145	6 1	Amends SB 519, §1; Conflict between HB 2226, §3 and SB 300 §1	7/1/2010
8-2409	Am	HB 2547	71	1		4/15/2010
8-2410	Am	SB 586	155	2 & 26	Amends HB 2547, §2; Repeals SB 376, §20	7/1/2010
8-2413	Am	HB 2547	71	3		4/15/2010
8-2414	Am	HB 2547	71	4		4/15/2010
8-2415	Am	HB 2547	71	5		4/15/2010
8-2416	Am	HB 2547	71	6		4/15/2010
8-2417	Am	HB 2547	71	7		4/15/2010
8-2419	Am	HB 2547	71	8		4/15/2010
8-2503 (S)	Am	HB 2130	157	1		6/10/2010
8-2504 (S)	Am	HB 2130	157	2		6/10/2010
12-1,120 (S)	Am	HB 2638	42	2		7/1/2010
12-4104 (S)	Am	HB 2661	74	1		4/15/2010
12-4117 (S)	Am	SB 434	147	2	Conflict with SB 373, §1	7/1/2010
12-5301	Am	HB 2582	148	1		5/27/2010
12-5304	Am	HB 2582	148	2		5/27/2010
12-5322 (S)	Am	HB 2582	148	3		5/27/2010

KSA (S)=Supp	Type Action	Bill	Session Law Chapter	Sec	NOTE	Effective Date
12-5330 (S)	Am	HB 2582	148	4		5/27/2010
12-5338 (S)	Am	HB 2582	148	5		5/27/2010
12-5361 (S)	Am	HB 2582	148	6		5/27/2010
17-12a508	Am	SB 458	92	1		7/1/2010
19-804a	Am	HB 2039	111	1		7/1/2010
20-369	Am	HB 2517	101	4	Delayed effective date	7/1/2011
21-3105	Am	HB 2221	8	1	Conflict with HB 2668, §307	7/1/2010
21-3110 (S)	Am	HB 2517	101	5	Delayed effective date; conflict with HB 2668, §307	7/1/2011
21-3211	Am	SB 381	124	4	Conflict with HB 2668, §307	4/29/2010
21-3212	Am	SB 381	124	5	Conflict with HB 2668, §307	4/29/2010
21-3213	Am	SB 381	124	6	Conflict with HB 2668, §307	4/29/2010
21-3214	Am	SB 381	124	7	Conflict with HB 2668, §307	4/29/2010
21-3215	Am	SB 381	124	8	Conflict with HB 2668, §307	4/29/2010
21-3216	Am	SB 381	124	9	Conflict with HB 2668, §307	4/29/2010
21-3217	Am	SB 381	124	10	Conflict with HB 2668, §307	4/29/2010
21-3218	Am	SB 381	124	11	Conflict with HB 2668, §307	4/29/2010
21-3301	Am	HB 2435	109	1	Conflict with HB 2668, §307	4/29/2010
21-3302	Am	HB 2435	109	2	Conflict with HB 2668, §307	4/29/2010
21-3303	Am	HB 2435	109	3	Conflict with HB 2668, §307	4/29/2010
21-3412a (S)	Am	HB 2517	101	6	Delayed effective date; conflict with HB 2668, §307	7/1/2011
21-3437	Am	SB 67	88	1	Conflict with HB 2668, §307	4/15/2010
21-3446	Am	SB 353	122	1	Conflict with HB 2668, §307	7/1/2010
21-3447	Am	SB 586	155	3 & 26	Amends HB 2435, §4; repeals SB 353, §2 Conflict with HB 2668, §307	7/1/2010
21-3449	Am	HB 2435	109	5	Conflict with HB 2668, §307	4/29/2010
21-3450	Am	HB 2435	109	6	Conflict with HB 2668, §307	4/29/2010
21-3502	Am	HB 2435	109	7	Conflict with HB 2668, §307	4/29/2010
21-3504	Am	HB 2435	109	8	Conflict with HB 2668, §307	4/29/2010
21-3506	Am	HB 2435	109	9	Conflict with HB 2668, §307	4/29/2010
21-3513	Am	HB 2435	109	10	Conflict with HB 2668, §307	4/29/2010
21-3516	Am	HB 2435	109	11	Conflict with HB 2668, §307	4/29/2010
21-3520	Am	SB 434	147	3	Conflict with HB 2668, §307	7/1/2010
21-3608a (S)	Am	HB 2435	109	12	Conflict with HB 2668, §307	4/29/2010
21-36a01 (S)	Am	HB 2435	109	13		4/29/2010
21-36a05 (S)	Am	SB 586	155	4 & 25	Amends HB 2661, §2; repeals HB2435§14	6/3/2010
21-36a06 (S)	Am	HB 2661	74	3		4/15/2010
21-36a08 (S)	Am	HB 2661	74	4		4/15/2010
21-36a10 (S)	Am	SB 586	155	5 & 25	Amends HB 2661, §5; repeals HB2435§15	6/3/2010

KSA (S)=Supp	Type Action	Bill	Session Law Chapter	Sec	NOTE	Effective Date
21-36a13 (S)	Am	HB 2435	109	16		4/29/2010
21-3826 (S)	Am	SB 434	147	4	Conflict with HB 2668, §307	7/1/2010
21-4009	Am	HB 2221	8	2		7/1/2010
21-4010	Am	HB 2221	8	3		7/1/2010
21-4011	Am	HB 2221	8	4		7/1/2010
21-4012	Am	HB 2221	8	5		7/1/2010
21-4016	Rep	HB 2221	8	12		7/1/2010
21-4017	Rep	HB 2221	8	12		7/1/2010
21-4018	Am	SB 67	88	2	Conflict with HB 2668, §307	4/15/2010
21-4201 (S)	Am	SB 306	140	15 & 18	Repeals SB497§1; Conflict with HB 2668, §307	7/1/2010
21-4203 (S)	Am	HB 2661	74	6	Conflict with HB 2668, §307	4/15/2010
21-4204 (S)	Am	SB 306	140	16 & 18	Amends SB586§6; Repeals HB2661, §7; SB 67§ 3 Conflict with HB 2668, §307	7/1/2010
21-4218 (S)	Am	SB 306	140	17	Conflict with HB 2668, §307	7/1/2010
21-4226 (S)	Am	HB 2661	74	8	Conflict with HB 2668, §307	4/15/2010
21-4603d (S)	Am	HB 2517	101	7	Delayed effective date; conflict with HB 2668, §307	7/1/2011
21-4603d (S)	Am	HB 2604	41	1		7/1/2010
21-4632	Am	SB 346	89	1	Conflict with HB 2668, §307	7/1/2010
21-4642 (S)	Am	HB 2435	109	17	Conflict with HB 2668, §307	4/29/2010
21-4643	Am	SB 586	155	7 & 26	Amends HB 2435, §18; Repeals SB353§3 Delayed effective date; conflict w/ HB2668§307	7/1/2010
21-4704 (S)	Am	SB 434	147	5 & 9	Amends HB 2661, §9; Am. further by §6 Repeals SB586§8 and HB2661§9	7/1/2010
21-4704 (S)	Am	SB 434	147	6	As amended by §5; delayed effective date; conflict with HB 2668, §307	7/1/2011
21-4710	Am	HB 2469	36	1	Conflict with HB 2668, §307	4/08/2010
22-2307	Am	HB 2517	101	8	Delayed effective date	7/1/2011
22-2401a	Am	HB 2638	42	5		7/1/2010
22-2502	Am	SB 519	70	4		7/1/2010
22-2504	Am	SB 519	70	5		7/1/2010
22-2807	Am	HB 2528 HB 2656	132 135	1 15	Conflict with each other	7/1/2010
22-2908	Am	HB 2517	101	9	Delayed effective date	7/1/2011
22-2909 (S)	Am	HB 2517	101	10	Delayed effective date	7/1/2011
22-3212	Am	SB 386	90	1	Conflict with HB 2656, §19	4/15/2010
22-3303	Am	HB 2440	61	2		7/1/2010
22-3305	Am	HB 2440	61	3	Conflict with HB 2656, §21	7/1/2010
22-3428	Am	HB 2440	61	4	Conflict with HB 2656, §22	7/1/2010
22-3428a	Am	HB 2440	61	5	Conflict with HB 2656, §23	7/1/2010

KSA (S)=Supp	Type Action	Bill	Session Law Chapter	Sec	NOTE	Effective Date
22-3430	Am	HB 2440	61	6		7/1/2010
22-3431	Am	HB 2440	61	7		7/1/2010
22-3433	Rep	SB 386	90	3		4/15/2010
22-3437 (S)	Am	SB 386	90	2	Conflict with HB 2656, §24	4/15/2010
22-3717 (S)	Am	SB 434	147	7	Conflict with HB 2656, §32	7/1/2010
22-3727	Am	HB 2440	61	8		7/1/2010
22-3728	Am	HB 2412	107	1		7/1/2010
22-3901 (S)	Am	HB 2661	74	10		4/15/2010
22-4615 (S)	Am	HB 2652	100	1		4/22/2010
22-4902 (S)	Am	SB 434	147	8 & 9	Amends HB 2661, §11; Repeals SB353§4; SB586§9	7/1/2010
22-4906	Am	SB 586	155	10 & 26	Amends HB 2468, §1; delayed effective date. Repeals SB353§5	7/1/2010
28-176 (S)	Am	HB 2605	117	1		7/1/2010
38-1116	Am	SB 460	75	2		7/1/2010
38-2201	Am	SB 460	75	4		7/1/2010
38-2203	Am	SB 460	75	6		7/1/2010
38-2304	Am	SB 460	75	18		7/1/2010
38-2305 (S)	Am	HB 2195	5	4	Am. further by SB 586, §14	3/11/10
38-2361 (S)	Rep	SB 586	155	26	Repeals SB353§6; SB460§20; and HB2364§9	7/1/2010
38-2364 (S)	Am	HB 2506	163	1		7/1/2010
38-2365 (S)	Am	HB 2506	163	2		7/1/2010
38-2373 (S)	Am	HB 2506	163	3	Conflict with HB 2656, §55	7/1/2010
40-3104 (S)	Am	SB 586	155	16 & 26	Amends HB 2492, §1; Repeals SB533§26	7/1/2010
41-102 (S)	Am	SB 452	142	3		7/1/2010
41-308a (S)	Am	SB 452	142	5		7/1/2010
41-308b (S)	Am	SB 452	142	18		7/1/2010
41-310 (S)	Am	SB 452	142	6		7/1/2010
41-311 (S)	Am	SB 452	142	7		7/1/2010
41-317 (S)	Am	SB 452	142	8		7/1/2010
41-326	Am	SB 452	142	9		7/1/2010
41-350 (S)	Am	SB 452	142	10		7/1/2010
41-727 (S)	Am	SB 452	142	2		7/1/2010
41-2601	Am	SB 452	142	11		7/1/2010
41-2605	Am	SB 452	142	12		7/1/2010
41-2606 (S)	Am	SB 452	142	13		7/1/2010
41-2607	Am	SB 452	142	14		7/1/2010
41-2622 (S)	Am	SB 452	142	15		7/1/2010
41-2623 (S)	Am	SB 452	142	16		7/1/2010
41-2629	Am	SB 452	142	17		7/1/2010

KSA (S)=Supp	Type Action	Bill	Session Law Chapter	Sec	NOTE	Effective Date
45-219	Am	SB369	112	1		4/29/2010
45-221	Am	SB369	112	2		4/29/2010
45-406	Am	HB 2195	5	2		3/11/10
58-4301	Am	SB 537	125	2		7/1/2010
59-2132 (S)	Am	HB 2661	74	12		4/15/2010
59-2967	Am	HB 2195	5	9		3/11/10
59-2971 (S)	Am	HB 2195	5	10		3/11/10
59-29a08 (S)	Am	HB 2195	5	5		3/11/10
59-29a19	Am	HB 2195	5	6		3/11/10
59-29b67	Am	HB 2195	5	7		3/11/10
59-29b71 (S)	Am	HB 2195	5	8		3/11/10
60-1610	Am	SB 460	75	21		7/1/2010
60-3107	Am	SB 460	75	22		7/1/2010
60-4104 (S)	Am	SB 353	122	7		7/1/2010
65-2402	Am	HB 2454	143	2		5/27/2010
65-4105 (S)	Am	HB 2411	7	1		3/18/2010
65-516 (S)	Am	SB 586	155	18	Amends HB 2661, §13; delayed effective date; conflict with HB 2356, §10	7/1/2010
65-530	Am	HB 2221	8	7	Conflict with HB 2356, §15	7/1/2010
66-1,114 (S)	Am	HB 2485	39	1		7/1/2010
66-1,114b (S)	Am	HB 2485	39	2		7/1/2010
72-1397 (S)	Am	HB 2661	74	14		4/15/2010
72-5445 (S)	Am	HB 2661	74	15		4/15/2010
74-4927 (S)	Am	HB 2219	158	1		6/3/2010
74-5602 (S)	Am	HB 2638	42	3		7/1/2010
74-5605 (S)	Am	HB 2638	42	4		7/1/2010
74-5609a	Am	HB 2638	42	6		7/1/2010
74-7336 (S)	Am	HB 2226	145	2		7/1/2010
75-451 (S)	Am	SB 353	122	8		7/1/2010
75-452 (S)	Am	SB 353	122	9		7/1/2010
75-453 (S)	Am	SB 353	122	10		7/1/2010
75-712 (S)	Am	HB 2517	101	11	Delayed effective date	7/1/2011
75-724 (S)	Am	HB 2605	117	2		7/1/2010
75-7c01 (S)	Am	SB 306	140	1		7/1/2010
75-7c02 (S)	Am	SB 306	140	2		7/1/2010
75-7c03 (S)	Am	SB 306	140	3		7/1/2010
75-7c04 (S)	Rep	SB 306	140	4 & 18	Amends HB 2661, §16	7/1/2010
75-7c05 (S)	Am	SB 306	140	5		7/1/2010
75-7c06 (S)	Am	SB 306	140	6		7/1/2010
75-7c07 (S)	Rep	SB 306	140	7	Amends SB 376, §193	7/1/2010

KSA (S)=Supp	Type Action	Bill	Session Law Chapter	Sec	NOTE	Effective Date
75-7c08 (S)	Am	SB 306	140	8		7/1/2010
75-7c10 (S)	Am	SB 306	140	9		7/1/2010
75-7c11 (S)	Rep	SB 306	140	18		7/1/2010
75-7c12 (S)	Am	SB 306	140	10		7/1/2010
75-7c13 (S)	Am	SB 306	140	11		7/1/2010
75-7c15 (S)	Am	SB 306	140	12		7/1/2010
75-7c17 (S)	Am	SB 306	140	13		7/1/2010
75-7c19 (S)	Am	SB 306	140	14		7/1/2010
75-3519	Am	HB 2195	5	3		3/11/10
75-5220 (S)	Am	SB 346	89	2		7/1/2010
75-6606 (S)	Am	SB 30	106	3	Am. further by SB 586, §24	4/29/2010
76-11a13 (S)	Am	HB 2661	74	17		4/15/2010
79-3301 (S)	Am	HB 2221	8	9		7/1/2010
79-3321 (S)	Am	HB 2221	8	10		7/1/2010

**A complete list of all statutes amended or repealed by 2010 legislation is available on line at: <http://www.ksrevisor.org/rpts/2010AmendsAndRepeals.pdf>
That list does not include new statutes created by the 2010 legislation.**

**SMOKING LAW (KANSAS INDOOR CLEAN AIR ACT)
HB2221**

APPENDIX B

There are many details in this bill to consider, such as the places where smoking is still allowed; Class A and B clubs licensed prior to January 1, 2009, may opt out of the law through notification to the Secretary of Health and Environment; places where only persons paying dues or membership fees can enter; access points to certain facilities and buildings; patios or other areas permanently "open to nature and the weather"; and the fourteen new definitions and one modified definition applicable to the smoking laws.

The ABC is to develop rules and regulations on the application of exemptions. **Local codes can be more restrictive—be sure you follow city ordinances or county resolutions where applicable.**

Due to the detail and interpretation needed, this document does not attempt to tell you about every detail of this bill since it would probably be borderline legal advice which the author is not authorized to provide. Always seek and rely on interpretation and direction from your agency, prosecutor, legal advisor, or other appropriate attorney. It does appear to me the citations for the violations are primarily in section 5. However, the factors to determine if a violation occurs are scattered in the other sections of the bill. Here is an index, of sorts, for the bill.

Section 1 amends the applicable statutes referenced for a cigarette or tobacco infraction in KSA 21-3105.

Section 2 amends and add to the definitions in KSA 21-4009 applicable to the smoking laws. **Note the use of the term "enclosed area" which excludes areas permanently "open to nature and the weather" such as patios and porches used by many bars, clubs and restaurants. Also, the term public place includes areas other than buildings such as taxis and other public conveyance. This law requires law enforcement to carefully consider and apply the many definitions provided in this section.**

Section 3 amends KSA 21-4010 adding to the locations where smoking is prohibited and locations exempted from the prohibition. For all practical purposes this section is all the new law on the applicable locations prohibitions and exemptions.

Subsection (a) identifies the areas where smoking is prohibited.

Subsection (b) covers the responsibilities of employers.

Subsection (c) covers adult care facilities and medical care facilities.

Subsection (d) contains the exemptions.

Section 4 requires posting of no smoking signs.

Section 5 contains the actual violations to be cited.

Subsection (a) makes the person in charge of prohibited places responsible for failing to comply with the laws

Subsection (b) makes it unlawful for person in charge of a prohibited place to allow persons to smoke in prohibited places.

Subsection (c) makes it unlawful for the person smoking to do so in a prohibited place.

Subsection (d) specifies the fine.

Subsection (e) establishes the method for determining 1st, 2nd or 3rd and subsequent violations.

Subsection (f) establishes a prohibition against employer retaliation against an employee who reports or enforces the smoking rules.

NOTE: All of these violations are cigarette or tobacco infractions and not misdemeanors. Maximum fines: \$100 first offense; \$200 second offense within one year; \$500 third or subsequent offense within one year.

Section 6 authorizes the ABC to develop certain rules and regulations regarding exemptions.

Section 7 amends KSA 65-530 clarifying day care homes are subject to the criminal sanctions as well as civil penalties.

Section 8 names the "Kansas Indoor Clean Air Act."

Section 9 amends KSA 79-3301 by adding and amending some definitions.

Section 10 amends KSA 79-3321 by adding provisions restricting vending machine sales of tobacco products.

- **This law is effective on July 1, 2010-Don't be confused by the January 2, 2010, dates in parts of the bill.**
- **CAUTION: The rules for arresting a person (vs. issuing a notice to appear and releasing them) charged with a cigarette or tobacco infraction is different than for persons charged with a traffic infraction or misdemeanor. Follow your agency directions on any arrests. (See KSA 12-4212(b) and KSA 79-3393.)**

**GRADUATED DRIVER'S LICENSE
HB2482**

APPENDIX C

Allowed Driving, By Age			
Driving allowed by a holder of a farm permit or restricted license	age 14 (farm permit only)	age 15	age 16
To or from or in connection with any farm job, employment or farm related work	yes	yes	yes
On days school is in session, directly to and from school	yes	yes	
When accompanied by an adult driver	yes	yes	yes
From 5 a.m. to 9 p.m.			yes
While going to or from authorized school activities			yes
While going directly to or from any religious worship service held by a religious organization			yes

Chart from the conference committee report prepared by the Kansas Legislative Research Department

Religious organization is defined as: any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined to be organized and created as a bona fide religious organization.

SB300 New Sec. 2.

- (a) As used in this section:
- (1) "Wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. "Wireless communication device" does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.
 - (2) "Write, send or read a written communication" means using a wireless communication device to manually type, send or read a written communication, including but not limited to, a text message, instant message or electronic mail.
- (b) Except as provided in subsections (c) and (d), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication.
- (c) The provisions of subsection (b) shall not apply to:
- (1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;
 - (2) a motor vehicle stopped off the regular traveled portion of the roadway;
 - (3) a person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call;
 - (4) a person who receives an emergency, traffic or weather alert message; or
 - (5) a person receiving a message related to the operation or navigation of the motor vehicle.
- (d) The provisions of subsection (b) shall not prohibit a person from using a wireless communications device while operating a moving motor vehicle to:
- (1) Report current or ongoing illegal activity to law enforcement;
 - (2) prevent imminent injury to a person or property; or
 - (3) relay information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle.
- (e) From and after the effective date of this act and prior to January 1, 2011, a law enforcement officer shall issue a warning citation to anyone violating subsection (b).
- (f) This section shall be part of and supplemental to the uniform act regulating traffic on highways.

EFFECTIVE July 1, 2010

**DOMESTIC VIOLENCE
HB2517**

APPENDIX E

Provisions directly affecting law enforcement are in **bold**.

Provisions taking effect on July 1 this year are in *italics*, all other provisions take effect July 1, 2011.

Content	Section	Statute Amended	Effective
Domestic violence "tag" or designation to be placed on the criminal case if the court finds on the record domestic violence occurred. Designation is not applied if it is a first offense (prior conviction or prior diversion applies) <u>and</u> if the offense was not used to coerce, control, punish, intimidate or take revenge against the victim.	1	New	7/1/2011
<i>The court case number may contain a "DV" designation or any other method of domestic violence case designation may be used if found by the court to be beneficial.</i>	2	<i>New</i>	<i>7/1/2010</i>
<i>The attorney general must implement rules and regulations to carry out domestic violence offender assessment as required in KSA 21-4603d(p).</i>	3	<i>New</i>	<i>7/1/2010</i>
A judicial district may impose up to \$100 fee for a local domestic or family violence program fund on a person convicted of domestic violence.	4	20-369	7/1/2011
Defines: domestic violence; dating relationship; family or household member; and domestic violence offense.	5	21-3110	7/1/2011
Amends domestic battery statute by changing a defendant's eligibility period for more than two diversions from three years to five years.	6	21-3412a	7/1/2011
Adds new subsection (p) requiring a person found guilty of a domestic violence offense to undergo domestic violence offender assessment or other evaluation, follow treatment recommendations unless otherwise ordered by the court or DOC, and to pay for the assessment. An exception is in section 1 for certain first time offenders.	7	21-4603d	7/1/2011
Changes the required contents of the written domestic violence policies required of all law enforcement agencies: <ol style="list-style-type: none"> 1. Mandatory arrest (language is modified from current law). 2. Clarification of when the officer is not required to make an arrest. 3. Guidance on investigation of cross allegations. 4. A statement defining domestic violence as defined in §5. 5. Other current requirements remain. 	8	22-2307	7/1/2011
Prohibits diversion agreements if the defendant is accused of a domestic violence offense and has participated in two or more domestic violence related diversions in the past five years.	9	22-2908	7/1/2011
Any defendant placed on diversion must undergo domestic violence offender assessment or other evaluation and must follow treatment recommendations unless otherwise agreed to by the prosecutor.	10	22-2909	7/1/2011
The KBI is required to provide certain domestic violence report information to the governor's domestic violence fatality review board. The information cannot reveal the identity of victims or offenders.	11	75-712	7/1/2011

NOTE: No law enforcement related requirements become effective this year. They all are effective on July 1, 2011.

TRAINING CONSIDERATIONS

APPENDIX F

Agencies may want to consider the following items as specific topics of training for their officers and other employees. It is strongly recommended to involve your local prosecutors and legal advisors/local government attorneys in interpreting these new laws and determining how they will be applied at the local level. Some also will require policy decisions.

1. Concealed carry - carrying while intoxicated
Considerable changes in these laws.
2. Concealed carry qualification and application process (For Sheriffs)
Considerable changes in these laws.
3. Driver's license, graduated license restrictions
New restricted use allowed
4. Drugs - distribution of illegal drugs to a minor
Several issues involved with this change in the law may require some minor training. It now has to be proven in court the offender is age 18 or older on the charge of distributing drugs to a minor or within 1000 feet of a school. Proving actual distribution or the intent to distribute to a child will also now be a factor to gain the sentencing enhancements of those violations.
5. Drugs that are now illegal
Some training on recognition of BZP, TFMPP and K-2 will be helpful to the officers.
6. Mistreatment of dependant adult
Changes in these laws significantly lower the bar for violations.
7. Search incident to arrest
The bill to amend the search incident to arrest statute to reflect the recent case law was unsuccessful. As a result, officers must understand the difference in what the statute and the case law provide.
8. Smoking law
This isn't what we want to be doing, but our officers will end up handling the complaints on this new statute.
9. Use of force/self defense
Major changes in this area.
10. Weapons (folding knives)
Some officers had been allegedly trying to claim some folding knives were illegal prompting a change in the law.

NOTE: The changes in the domestic violence laws won't take place until July 1, 2011. You might want to wait to do training on that issue to avoid confusion.

PUBLIC INFORMATION OPPORTUNITIES

APPENDIX G

1. Seat belt law
2. Texting law
3. Motorcycle helmets and eye protection for riders under 18

The following issues will involve decisions by local governing bodies:

1. Seat belt ordinances - Until the STO's or local ordinances are updated they will not match the new state law. Consideration may be made to make temporary ordinance amendments or special operational instructions to officers.
2. Smoking law - The new state smoking law may require a review of local ordinances and policies. A review of local government building signage and physical arrangements may also be necessary.
3. Transfer of prisoners to DOC - The revised law requires additional reports and documentation to be provided to DOC at the time of the transfer. The law states the courts must provide the documents to the sheriff. Coordination with the court may be wise. (Sheriff's issue)
4. Use of force and self defense - A review of local ordinances on use of force and self defense may be in order to assure there is no conflict with the newly amended state laws.
5. Concealed carry – The revised concealed carry laws change some areas where concealed carry can be prohibited and also changes some of the provisions for posting entrances to the prohibited areas. A review of local government building signage and prohibited areas may also be necessary. This is especially necessary for campus facilities.

The following issues may need interaction with other officials to assure a smooth transition to the new laws:

1. 911 expenditures - If you operate a 911 center there is a reporting requirement of funding received during the 2010 calendar year. Your local government fiscal office may be able to assist.
2. Concealed carry - Sheriffs will want to work closely with the attorney general's office on the transition to the new licensing requirements for concealed carry.
3. Domestic violence - Although the law doesn't require immediately changing our written policies on domestic violence, all agencies will need to update the policy by July 1, 2011. This may require some collaboration with the courts, prosecutors, treatment facilities, and advocacy groups. It could also require some municipal ordinance amendments.
4. Juveniles taken into custody only for possession, purchasing, or consumption of alcohol cannot be detained in certain facilities or under certain circumstances. Coordination between field officers and juvenile officials may be helpful.
5. Redaction of information on documents during discovery could be an issue worthy of discussion with prosecutors. I would expect some officers to be requesting some of their information be redacted during that process.
6. Search warrants - While the judges aren't required to accept search warrant affidavits by electronic communication methods other than fax, they now can. A discussion with prosecutors and courts may be in order to assure everyone knows the expectations and procedures for doing this.
7. Traffic fines and court costs are changing. So is the payment method to the district courts. This may require changes to documents or policies regarding information supplied to violators issued a summons or notice to appear.

8. Use of force and self defense - Discussions with local prosecutors will probably prove beneficial to assure law enforcement and prosecutors are together on the application of the new statutes.
9. Video testimony by forensic scientists will help prosecution efforts. But it will also require coordination with the courts, prosecutors and the laboratories. There will be equipment needs to implement this option.

The following policy issues may need addressed by your agency:

1. CINC and juvenile offender custody orders and their priority over other custody orders. Handling of conflicting orders.
2. Domestic violence policies must be revised by July 1, 2011.
3. Juveniles taken into custody only for possession, purchasing, or consumption of alcohol cannot be detained in certain facilities or under certain circumstances.
4. Open records - revised statutes permit non-disclosure of certain information collected for the purpose of communicating with the person. The information includes e-mail addresses, cell phone numbers, and other contact information. The statute also clarifies it is not required to connect a requestors electronic storage device to your computer or electronic systems.
5. Texting - policies may need to be reviewed to be sure they do not conflict with the new state law.
6. Window tinting on law enforcement vehicles.

CROSS REFERENCE**APPENDIX I****BILL NUMBER TO SESSION LAW CHAPTER****Selected bills affecting law enforcement**

Bill	Session Law Chapter
SB 30	106
SB 67	88
SB 300	151
SB 306	140
SB 346	89
SB 353	122
SB 368	153
SB 369	112
SB 381	124
SB 386	90
SB 434	147
SB 452	142
SB 458	92
SB 460	75
SB 497	51
SB 519	70
SB 533	56
SB 537	125
SB 586	155

Bill	Session Law Chapter
HB 2039	111
HB 2130	157
HB 2195	5
HB 2219	158
HB 2221	8
HB 2226	145
HB 2411	7
HB 2412	107
HB 2435	109
HB 2440	61
HB 2454	143
HB 2468	66
HB 2469	36
HB 2482	146
HB 2485	39
HB 2492	12
HB 2506	163
HB 2509	133
HB 2517	101
HB 2528	132
HB 2547	71
HB 2561	134
HB 2582	148
HB 2585	114
HB 2604	41
HB 2605	117
HB 2638	42
HB 2652	100
HB 2660	164
HB 2661	74
HB 2668	307

The full list of bills with session law chapter numbers is available on line at:
http://www.kssos.org/pubs/bills/2010_Index_of_Bills.xls

INDEX

30-day permits	5	criminal history calculations.....	9
911 funding	11	criminal law	2
affidavit, search warrant.....	6	dependant adult, mistreatment of	3, 9
alcohol violations		discovery	9
generally	8	redaction of information	9
juveniles	7	DNA	
attempted crime		fee.....	12
added to certain crimes.....	9	DOC	
burglary	9	less than 10 days to serve	7
offender registry.....	11	medical costs	7
State vs Horn.....	9	prisoner transfer to	7
ballistic resistant material	2	terminally ill prisoner.....	14
burglary	9	domestic violence.....	2
buses		driver's license	
school.....	11	graduated.....	4
transit	5	renewal.....	10
carrying concealed while intoxicated	6	drugs	
cell phone location	6	bzp.....	8
child		cleanup of new drug code	8
endangering	9	distribution to a minor.....	8
Child custody	8	HU-210	8
child pornography	11	JWH-018.....	8
CINC		JWH-073	8
child custody orders.....	8	K-2	8
civil		legislation generally	8
child pornography	11	prescription	
liens.....	13	obtaining illegally	8
concealed carry	6, 12	selling illegally	8
concealed carry while intoxicated	6	TFMPP	8
concealed handgun		DUI	
carrying while intoxicated.....	6	generally	10
generally	6	interlock	10
conspiracy to commit crime		multiple offender	10, 11
added to certain crimes.....	9	sentencing	9, 10, 11
burglary	9	e-citations.....	12
offender registry.....	11	endangering a child	9
contraband in correctional institution	2	eye protection, motorcycle.....	4
contraband in state care and treatment		farm permit	4
facility	2	finances	
correctional institution, contraband	2	traffic.....	10, 13
county clerks	14	fingerprinting, employment applications ...	12
court orders		firearm	
child custody	8	concealed carry	6
courts, method of payment to.....	12	criminal possession	2

state leo retirement.....	14
forensic scientist video testimony.....	9
forfeiture	
human trafficking	10
forfeiture legislation	
generally	10
Gilley, State vs.....	9
graduated driver's license	4
handgun	
concealed carry	6, 12
helmet, motorcycle	4
Hendrix, State vs.....	3
Horn, State vs.....	9
Horsethief reservoir	12
house bills	
HB2039	14
HB2130	5
HB2219	13
HB2221	3, 21
HB2226	10, 13
HB2411	8
HB2412	14
HB2435	2, 8, 9, 10
HB2440	14
HB2454	12
HB2468	11
HB2469	9
HB2482	4, 10, 22
HB2485	11
HB2492	4
HB2506	9
HB2509	11
HB2517	2, 24
HB2547	5
HB2561	5
HB2582	11
HB2585	13
HB2604	7
HB2605	12, 13
HB2638	13
HB2652	6
HB2660	4, 5
HB2661	8
HB2668	12
human trafficking.....	2
forfeiture.....	10

identity theft.....	3
discovery redaction	9
insurance, proof of	4, 12
investigations.....	6
jail operations	7
journalist shield law	13
juvenile	
extended jurisdiction	9
juvenile offender	
child custody orders	8
juveniles	
alcohol violations, incarceration for	7
KCJIS line funding.....	13
Kelsey's law	6
knives	4
KPERS	
employer contribution to death and	
disability fund.....	13
lab fees	13
DNA	12
law enforcement vehicle	6
license plate	5
liens, fraudulent.....	13
line operations	
ballistic resistant material, use during	
felony	2
contraband in correctional institution	2
contraband in treatment facility.....	2
criminal law generally	2
criminal possession of firearm	2
dependant adult	3
domestic violence.....	2
driver's license	4
firearm, criminal possession.....	2
GDL	4
generally	2
graduated driver's license.....	4
human trafficking.....	2
identity theft.....	3
investigations, generally	6
jails.....	7
knives	4
license tags.....	5
mistreatment of a dependant adult	3
off-highway vehicle	4
proof of insurance, document	4

recreational off-highway vehicle	4	child.....	11
riding on vehicle	6	civil cause of action.....	11
search warrants	6	prisoners	
seat belts	4	state	
self defense.....	3	less than 10 days to serve	7
sexual relations	3	medical costs	7
smoking law	3	terminally ill	14
specialty tags	5	transfer to DOC	7
tags, obscuring view	5	recodification	
texting.....	5	criminal code	12
traffic		drug code	8
driver's license	4	recreational off-highway vehicle.....	4
generally.....	4	redaction of information	9
graduated driver's license.....	4	registration, vehicle.....	5
motorcycles.....	4	regsitration, offender	11
off-highway vehicle.....	4	religious worship service, driving to and	
proof of insurance, document	4	from.....	4
riding on vehicle	6	retirement	
seat belts	4	employer contributions to death and	
specialty tags.....	5	disability fund.....	13
texting.....	5	firearm, state leo.....	14
transit buses	5	riding on a vehicle	6
truck 30 day permit	5	school buses	11
trucks	5	search warrants and search warrant	
window tinting	6	affidavits	6
trafficking, human	2	seat belts.....	4
transit buses.....	5	securities	
unlawful sexual relations.....	3	sentencing	10
use of force	3	self defense	3
weapons, knives	4	senate bills	
window tinting	6	SB 30.....	14
Luttig, State vs.	9	SB 67.....	2, 3, 9
mistreatment of dependant adult.....	3, 9	SB300.....	4, 5, 6, 11, 23
motor carriers	11	SB306.....	2, 4, 7, 12
motorcycle		SB346.....	7
eye protection.....	4	SB353.....	3, 10
helmet	4	SB368.....	11
learning permit.....	4	SB369.....	13
offender registry		SB381	4
generally	11	SB386.....	9
off-highway vehicle.....	4	SB434.....	2, 3, 9, 11
open records		SB452.....	7
contact information, release of certain ..	13	SB458.....	10
use of requestors electronic device	13	SB460.....	8
police department, Horsethief reservoir	12	SB497.....	4
pornography		SB519.....	6, 12

SB533	12	traffic	
SB537	13	driver's license renewal	10
sentencing		DUI sentencing	10
burglary	9	e-citations	12
criminal history calculations	9	farm permit	4
DUI	9	fines	10, 13
endangering a child	9	generally, not directly affecting line ops	10
generally	9	motor carriers	11
juvenile		off-highway vehicle	4
alcohol violations	7	school buses	11
extended jurisdiction	9	texting	5
mistreatment of a dependant adult	9	transit buses	5
securities	10	Trautloff, State vs.	10
sex offender		truck	5
habitual	10	unlawful sexual relations	3
sentencing	10	use of force	3
sexual relations, unlawful	3	vehicle	
sheriff succession	14	law enforcement	6
shield law	13	registration	5
smoking in prohibited places	3	riding on	6
solicit to commit crime		victim protection	
burglary	9	discovery redaction	9
offender registry	11	victims	
State vs. Gilley	9	DOC notifications	14
State vs. Hendrix	3	video testimony	9
State vs. Horn	9	vital statistics employee applicant	
State vs. Luttig	9	fingerprinting	12
State vs. Trautloff	10	warrants, search	6
tags	5	weapons	
tags, specialty	5	knives	4
terminally ill prisoner	14	window tinting	6
testimony		witness protection	
forensic scientist	9	discovery redaction	9
video	9	work release	7
texting while driving	5, 23		

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 6

Topic: Standard Traffic Ordinance

Action Requested: Adopt an Ordinance amending Chapter XIV, Traffic Article, 14-101 of the code of the City of Basehor, Kansas

Narrative: In July of each year new laws for the State of Kansas that were adopted through legislation become effective. As a City we have to adopt a new Ordinance each year to allow for us to enforce the new laws.

Presented by: Chief Lloyd Martley

Administration Recommendation: Adopt a new Ordinance amending the current one.

Committee Recommendation:

Attachments: New Ordinance, Guide to 2010 Kansas legislation impacting law enforcement.

Projector needed for this item?

No

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER XIV, TRAFFIC ARTICLE 14-101, OF THE CODE OF THE CITY OF BASEHOR, KANSAS.

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

Section 1. Section 14-101 of the code of the City of Basehor is hereby amended to read as follows:

14-101 INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Basehor, Kansas, that certain code known as the "Standard Traffic Ordinance of Kansas Cities," Edition of 2010, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. At least one copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance," and to which shall be attached a copy of this article, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such standard traffic ordinance similarly marked, as may be deemed expedient.

Section 2. That all ordinances found to be in conflict with the said "Standard Traffic Ordinance for Kansas Cities, Edition of 2010" be and the same are hereby repealed.

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 ____th day of August, 2010.

Approved by the Mayor this ____th day of August, 2010.

Terry L. Hill, Mayor

Approved For Content:

Attest:

Patrick G. Reavey, City Attorney

Katherine M. Renn City Clerk Interim

Standard Traffic Ordinances

The following represents the changes in the STO from the 2009 edition to the 2010 edition that will directly affect the City of Basehor:

Section 1.	Definitions
Section 30.5	Commercial Driver's License. Diversion agreements not allowed
Section 126.1	Obstructing License Plate
Section 126.2	Use of Wireless Communication Devices
Section 142.	Equipment for Motorcycle Operator or Rider
Section 181.	One-way Glass and Sun Screening Devices
Section 182.1	Seat Belts

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 7

Topic: All Jurisdiction Hazard Mitigation Plan

Action Requested: Adopt a resolution to support the mitigation plan.

Narrative: Leavenworth County has been approved by FEMA for the Mitigation Plan. Each jurisdiction has to adopt a resolution before the plan can be placed in public view and finalized.

Presented by: Chief Lloyd Martley

Administration Recommendation: Adopt a resolution supporting the mitigation plan.

Committee Recommendation:

Attachments: Hazard Mitigation Plan 1.0 Introduction, Multi-jurisdictional mitigation plan for Basehor

Projector needed for this item?

No

Basehor

1. Identify flash-flood prone areas to consider flood reduction measures to city/county planners.	
Category:	Prevention
Jurisdiction:	Basehor
Hazard:	Flood
Goal.Objective:	1.1, 2.1,
Background / Benefit:	Flood zone mapping has provided initial identification of potential hazard areas that can be reviewed with other data sources, such as the watershed districts goals and objectives, in developing long range planning activities for flood prevention, or other planning steps to reduce exposure to this hazard.
Priority:	High
Funding Sources:	Local
Responsibility Assigned to:	City Planner / Floodplain Manager
Target Completion Date:	December 31, 2015
Cost of Action:	No Cost / Low Cost

2. Incorporate the inspection and management of trees into the city maintenance program that may pose a threat to the electrical lines that could result in power outages during ice storms.	
Category:	Prevention
Jurisdiction:	Basehor
Hazard:	Ice Storm
Goal.Objective:	1.3, 3.1, 3.2,
Background / Benefit:	Significant amounts of property damage occur during ice storms that result from tree failure. Trees that fall into utility lines have additional serious consequences such as causing power outages, surges, fires and other damage. The jurisdiction's ability to recognize and prevent hazardous tree conditions (through inspection, pruning or removal) is the best defense against problems and costly damages resulting from tree failure. Specifically, trees located on jurisdictional property, which pose immediate threats to property, utility lines and other critical facilities should be addressed.
Priority:	Moderate
Funding Sources:	Local / State / Federal
Responsibility Assigned to:	City of Basehor
Target Completion Date:	Continuous
Cost of Action:	Requires Funding

3. Determine the efficacy of the existing generators located within Critical Facility structures, including the City Hall / Police Department, and consider funding options for any Critical Facilities that may require generators and/or transfer switches to maintain power in the event of severe weather events.	
Category:	Prevention
Jurisdiction:	Basehor
Hazard:	Multi-Hazard
Goal.Objective:	1.3, 3.1, 3.2,
Background / Benefit:	Ensure that Critical Facilities located within the City of Basehor maintain power during severe weather events.
Priority:	Moderate
Funding Sources:	Local / State / Federal
Responsibility Assigned to:	City of Basehor
Target Completion Date:	December 31, 2015
Cost of Action:	Requires Funding

4. Seek funding to retain an engineer to design a safe room within the City of Basehor City Hall / Police Department and apply for grant funding for construction of the safe room within the new facility when constructed.	
Category:	Structural Projects
Jurisdiction:	Basehor
Hazard:	Multi-Hazard
Goal.Objective:	2.4, 3.1,
Background / Benefit:	A lack of safe rooms poses a serious risk to the community. The City of Basehor has identified a need for a safe room within the Basehor City Hall / Police Department when constructed.
Priority:	Moderate
Funding Sources:	Local / State / Federal
Responsibility Assigned to:	City of Basehor
Target Completion Date:	December 31, 2015
Cost of Action:	Requires Funding

5. Develop a radio communications plan between the City of Basehor Public Works Department / Street Department and City Hall to ensure interoperability between entities. The communications plan should address equipment compatibility and upgrade requirements to implement the plan.	
Category:	Emergency Services
Jurisdiction:	Basehor
Hazard:	Multi-Hazard
Goal.Objective:	1.3, 4.1,
Background / Benefit:	The City of Basehor has identified a need to implement interoperable radio communications between the Public Works Department / Street Department and City Hall.
Priority:	Moderate
Funding Sources:	Local / State / Federal
Responsibility Assigned to:	City of Basehor
Target Completion Date:	December 31, 2015
Cost of Action:	Requires Funding

6. Seek funding options for the purchase of a brine applicator and mixer to apply chemicals to roads within the City of Basehor prior to major winter storm events, including ice storms.	
Category:	Emergency Services
Jurisdiction:	Basehor
Hazard:	Multi-Hazard
Goal.Objective:	1.3, 3.2,
Background / Benefit:	The City of Basehor has identified a need for a brine applicator and mixer to assist in maintaining safe roads within the city during major winter storm events.
Priority:	Moderate
Funding Sources:	Local / State / Federal
Responsibility Assigned to:	City of Basehor
Target Completion Date:	December 31, 2015
Cost of Action:	Requires Funding

7. Seek funding options for the purchase of equipment to assist in the removal of debris and assist with cleanups after major storms.	
Category:	Emergency Services
Jurisdiction:	Basehor
Hazard:	Multi-Hazard
Goal.Objective:	1.3, 3.1, 3.2, 4.1,
Background / Benefit:	The City of Basehor has identified the need for equipment to be utilized in the removal of debris and cleanup after major storms within the city limits. Equipment needed includes a Case 580 Super M Series 3 4x4 extended backhoe with grapple bucket; a Polaris Ranger 800 HD utility vehicle; and a 2010 F-450 Ford 4x4 diesel truck with dump bed.
Priority:	Moderate
Funding Sources:	Local / State / Federal
Responsibility Assigned to:	City of Basehor
Target Completion Date:	December 31, 2015
Cost of Action:	Requires Funding

Table of Contents

Hazard Mitigation Plan

1.0 Introduction	3
1.1 Background	3
1.2 Purpose	4
1.3 Scope	4
1.4 Authority	4
1.5 Paper Reduction and Elimination	5

Hazard Mitigation Plan

1.0 Introduction

This Hazard Mitigation Plan is a guide for Leavenworth County citizens to prepare for possible natural disaster events by taking action to help mitigate the effects of potential hazards. The plan was prepared for Leavenworth County and participating local jurisdictions through the efforts of the Mitigation Planning Committee (MPC) in conjunction with E-Fm Consulting, LLC. As part of an overall multi-jurisdictional planning effort, this plan has been created by the participating entities to comply with the Disaster Mitigation Act of 2000 (Public Law 106-390, hereinafter referred to as DMA 2000).

Section 1.0 provides a general introduction to the Leavenworth County Multi-Jurisdictional Hazard Mitigation Plan. It is organized into the following five sections:

- 1.1. Background
- 1.2. Purpose
- 1.3. Scope
- 1.4. Authority
- 1.5 Paper Reduction

1.1 Background

Natural phenomena such as floods, tornadoes, and severe storms, are a part of the world around us. As part of nature, their occurrence is inevitable; there is little we can do to control their force and intensity. However, through hazard mitigation planning, we can minimize the impact these events have on our lives and property.

“Hazard mitigation” is simply a technical term for reducing risk to people and property from natural hazards. It includes structural measures, such as protecting buildings and infrastructure from the forces of wind and water, as well as non-structural measures, such as natural resource protection and wise floodplain management. These activities can help protect both existing development and, by mitigating potential hazards to new construction, future development. It is widely accepted that the most effective mitigation measures are implemented at the local government level, where decisions on the regulation and control of development are ultimately made.

The easiest and best way a jurisdiction can develop serious intentions about hazard mitigation is through the development and adoption of a local hazard mitigation plan. A mitigation plan will ensure that measures to reduce the present and future vulnerability of a jurisdiction are thoroughly considered before, during, and after a disaster strikes.

Mitigation planning in compliance with the requirements of DMA 2000 offers many benefits.

These include:

- saving lives and property;
- saving money;
- speeding recovery following disasters;
- reducing future vulnerability through wise development / redevelopment;
- expediting both pre-disaster and post-disaster grant funding by demonstrating a firm commitment to improving jurisdiction health and safety.

Recently, both the State of Kansas and the U.S. Congress made the development of a hazard mitigation plan a specific eligibility requirement for any local jurisdiction applying for mitigation grant funding. Jurisdictions with an adopted plan will therefore become “pre-positioned” and more apt to receive any available mitigation funds.

More importantly, mitigation planning has the potential to produce long-term and recurring benefits by breaking the repetitive cycle of disaster loss. A core assumption of mitigation is that current dollars invested in mitigation practices will significantly reduce the demand for future dollars by lessening the amount needed for emergency recovery, repair and reconstruction in the event of a disaster. These mitigating practices will assist residents, their businesses and local industries to recover faster in the wake of a disaster, enabling the jurisdiction's economy to re-establish itself sooner and with less interruption.

Mitigation planning will also lead to benefits beyond the main purpose of hazard vulnerability reduction. Measures such as the acquisition or regulation of land in known hazard areas can help achieve jurisdictional goals such as preserving open space, maintaining environmental health and natural features, and enhancing recreational opportunities.

1.2 Purpose

As mentioned above, this plan was created in an effort to help Leavenworth County and participating local jurisdictions to come into compliance with the requirements of DMA 2000.

The purpose of this Hazard Mitigation Plan is:

- To protect against the loss of life in the event of a disaster;
- To preserve the safety of persons and property by reducing the risk of potential damage and economic loss in the event of a disaster;
- To qualify for additional grant funding, both pre- and post-disaster;
- To qualify for participation in the National Flood Insurance Program (NFIP), and the Community Rating System (CRS) to receive additional credits under the program;
- To speed recovery and redevelopment following future disaster events;
- To demonstrate a firm local commitment to hazard mitigation principles;
- To comply with both state and federal legislative requirements for local hazard mitigation plans.

1.3 Scope

This Multi-Jurisdictional Mitigation Plan was developed under a Federal Emergency Management Agency (FEMA) hazard-planning grant awarded to Leavenworth County through the Kansas Division of Emergency Management. Leavenworth County approved E-Fm Consulting, LLC's contract on January 7, 2008.

The Plan identifies natural and State-mandated hazards associated with the county, but is developed primarily to address the two highest priority classifications of "High" and "Moderate" hazards. Other hazards identified during the hazard and vulnerability analysis that were classified as "Low" and "Negligible" were statistically eliminated from priority planning based on the probability (likelihood) and vulnerability (severity) of these hazard events, or county internal and fiscal capabilities. The Mitigation Planning Committee (MPC) may add specific hazards to the prioritized hazards list to ensure local planning needs are met. Hazards will be reviewed on a routine basis with plan updates as circumstances change.

The geographic scope for the Hazard Mitigation Plan includes both the incorporated and unincorporated areas of Leavenworth County, as provided in Section 2.0 of this plan.

1.4 Authority

Local governments in Kansas have a wide range of tools available to them for implementing mitigation programs, policies and actions. In implementing a mitigation plan or specific action, a local jurisdiction may utilize any or all of the four broad types of government authority granted by the State of Kansas.

These four types of authority are defined as: (a) Regulation; (b) Acquisition; (c) Taxation; (d) Spending.

The scope of this local authority is subject to constraints, however, as all of Kansas' political subdivisions must not act without proper delegation from the State. Under a principle known as "Dillon's Rule," all power is vested in the State and can only be exercised by local governments to the extent it is delegated.

Kansas' local governments have been granted broad regulatory powers in their jurisdictions. Kansas General Statutes (K.A.R.) bestow the general police power on local governments, allowing them to enact and enforce ordinances which define, prohibit, regulate or abate acts, omissions, or conditions detrimental to the health, safety, and welfare of the people, and to define and abate nuisances (including public health nuisances).

Since hazard mitigation can be included under the police power (as protection of public health, safety, and welfare), towns, cities, and counties may include requirements for hazard mitigation in local ordinances. Local governments may also use their ordinance-making power to abate "nuisances", which could include, by local definition, any activity or condition making people or property more vulnerable to any hazard. After approval of the Multi-Jurisdictional Plan by the State of Kansas and FEMA (ref. Sec. 2.2), the plan can then be implemented by the County Board of Commissioners and the Executive Officers of the local jurisdictions under the authority of and by the police powers bestowed on them by the State of Kansas.

This Plan has been developed to be in accordance with current rules and regulations governing local hazard mitigation plans. The Plan shall be routinely monitored to maintain compliance with the following legislation:

1. Home Rule Powers: Article 12 Section 5 – Kansas Constitution
2. Kansas Emergency Planning and Jurisdiction Right-to-Know Act, K.S.A. 65-5701 through 65-5711, and Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, Emergency Planning and Jurisdiction Right-to-Know Act (EPCRA), Pub. L. 99-499
 - (a) Federal Civil Defense Act of 1950, Pub. L. No. 81-920, as amended
 - (b) K.A.R. 56-2, Standards for Local Disaster Agencies
3. The Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended by the Disaster Mitigation Act of 2000 (Public Law 106-390 – October 30, 2000).

1.5 Paper Reduction and Elimination

It is the goal of this planning process to comply with the overall direction to reduce or eliminate the use of paper. The 1998 Government Paper Elimination Act (GPEA), and consequent clarification by the Office of Management and Budget, asks all entities to consider eliminating paper as the vehicle to provide information or data to and from the Federal government. This mitigation plan is intended to be read, maintained, and edited in its online version.

As an interim step towards this goal, the plan can be printed using the standardized portable document format (PDF). When printed in this format, the formatting that is seen on-the-screen has been reduced and partially compacted in order to save paper when ultimately printed. Consequently, text may not carry with the associated table or image to the next page. The full content will be included in the PDF file. Thank you for your consideration of the Planning Committee's goal.

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 8

Topic:

Creek Ridge Phase IV – Final Development Plan

Action Requested:

Approve the final development plan for Creek Ridge Phase IV.

Narrative:

July 13, the Planning Commission found that the proposed Creek Ridge Phase IV final development plan was in compliance with the approved preliminary development plan. The Planning Commission approved the final development plan with a vote of 5-0.

Staff concludes that the final development plan is consistent with the approved preliminary development plan. Staff recommends that the final development plan be approved.

Presented by:

Mitch Pleak, City Engineer

Administration Recommendation:

Committee Recommendation:

Attachments:

Memo Mitch Pleak 7.23.10 (1 page)

Staff Report Mitch Pleak 8.6.10 (9 pages)

Projector needed for this item?

No

Memorandum

To: Mr. Mayor and City Council
CC: Mark Loughry
From: Mitch Pleak
Date: 7.23.10
Re: Creek Ridge Phase 4 – Final Development Plan.

July 13, the Planning Commission found that the proposed Creek Ridge Phase 4 final development plan was in compliance with the approved preliminary development plan. The Planning Commission approved the final development plan with a vote of 5-0.

Staff concludes that the final development plan is consistent with the approved preliminary development plan. Staff recommends that the final development plan be approved.

Staff Report

Date: August 6, 2010

Subject: Consideration of Final Development Plan for Creek Ridge Phase 4, submitted by Jeff Scherer on the following described property:

GENERAL INFORMATION

Applicant: Jeff Scherer

Owner: Scherer Family Living Trust

Address: 157th St. and Landauer St.
Basehor, KS 66007

Engineer: G.T. Spehar Engineering & Planning

SITE INFORMATION

Location: 1700-1900 block of N. 158th Street.

Current Zoning: "P-R" Planned Residential

Future Land Use Map: See below.

PROJECT BACKGROUND

June 1, 2009, the City Council approved the preliminary development plan for Creek Ridge Phase 4. Per the Zoning Regulations, the Planning Commission shall review the Final Development Plan for compliance with the approved Preliminary Development Plan. If the Final Development Plan is found to be in substantial compliance with the approved Preliminary Development Plan, the Planning Commission shall recommend that the Governing Body approve the Final Development Plan.

July 13, 2010, the Planning Commission found the Final Development Plan to be in compliance with the approved Preliminary Development Plan. (5-0 Vote)

STAFF ANALYSIS

Site Characteristics:

The site is located southwest of Creek Ridge Phase 2, between 158th St. and 157th St. The property is currently vacant. The subject property consists of 64 residential units. The development will consist of 32 one-bedroom units and 32 two-bedroom units. Two buildings will contain 24 units and one building will contain 16 units. Each of the one-bedroom units will contain 688 square feet and the two-bedroom units will contain 990 square feet.

There are two main entrances to the development. Landauer St. will be constructed from 158th St. to the development and 157th St. will connect to the east side of the development. Landauer St. will be constructed along the northwest side of the development when Tract E is developed.

Character of Neighborhood:

The character of the immediate area is largely residential with established single-family and townhome style residential uses. Much of the area adjacent to 158th St. is vacant. However, additional vacant areas of Creek Ridge have had a preliminary development plan approved, such as Tract E. Phase I, II, and III of Creek Ridge are either built out or have had substantial construction completed.

Adjacent Property:

	<u>Zoning</u>	<u>Use</u>
North:	"R-2"	Two-Family
South:	"PR"	Vacant Land
East:	"PR"	Townhomes
West:	"CP-1"	Vacant

Conformance with the Comprehensive Plan:

The Future Land Use Map identifies this property as high density residential. **The development plan complies with the Future Land Use Map.**

Traffic Impact:

As part of this phase, the City requires that a portion of Landauer Street must be extended to provide at least two ways in/out of the development. The developer chose to extend the Landauer from the west entrance to 158 Street. The portion of Landauer, between the west entrance and 157 Street, will be constructed with the future development of Tract E. The estimated average daily trips for the development are 422. The maximum average daily trips, comparable to the segments of 158th Street and Parallel are 8,000 to 10,000. **The existing surrounding street system of 158th Street and Parallel Street has existing capacity to accommodate the new development. The 24/40 Highway Corridor Plan designates the intersection of 158th Street and 24/40 for a future traffic signal, which will increase the functionality of the intersection when the signal is installed.**

Environmental Impact:

No stormwater detention will be provided for this development due to its location within the watershed and size of the development. The completed storm water detention analysis provides an insignificant increase of peak runoff with the proposed development.

The applicant is in the process of attaining the Notice of Intent (NOI) for stormwater runoff from construction activities from the Kansas Department of Health and Environment (KDHE). The NOI will need to be approved and submitted to the City before construction can begin.

The development is adjacent to floodplain. The 100-year floodplain has been delineated on the final development plan.

The required open space for the development is 1 acre. The proposed open space consists of the pool area & deck, playground, the center island of the parking lot behind the garages & carports, and areas outside the buildings. The total open space provided with the development is 1.1 acres. The required trees for the development are 31. The development provides 28 trees including 3 trees planted with Phase III along 157th Street.

The applicant has provided a landscaping plan with the submittal. The landscaping plan provides the tree placement, landscaping, lighting, and entrance sign.

Sanitary Sewer:

The estimated gallons per day (gpd) from the development is 12,800 gpd. The current capacity for the water treatment plant is 1.2 million gpd. The current usage is 520,000 gpd. The reserve capacity is 680,000 gpd. **The City of Basehor will have the capacity to accommodate the increased demand. The applicant is in the process of attaining a permit to discharge sewage from sewer extensions serving the development into the City of Basehor's waste water treatment plant. This will need to be approved and submitted to the City before construction begins.**

Water:

This development will be served by Consolidated Rural Water District #1.

Fire Protection:

The proposed buildings are required to have internal sprinkler systems installed. Fire hydrants will be located in front of Building B, at the playground, and the northeast corner of the development.

Parking:

The development plan indicates a total of 98 parking spaces, 4 of which are handicapped. The required amount of parking spaces is 1.5 parking spaces per dwelling unit. There will be 64 units, which require 96 parking spaces. **The development plan meets the requirements for parking according to the zoning regulations.**

Transportation Excise Tax:

The total excise tax that will apply to the development (based on 4.14 acres) is approximately \$16,230.46.

Park Fees:

The developer will be required to pay \$200 per residential unit for park fees, as required by the City's Subdivision Regulations. The total park fees associated with the development will be approximately \$12,800.

STAFF COMMENTS:

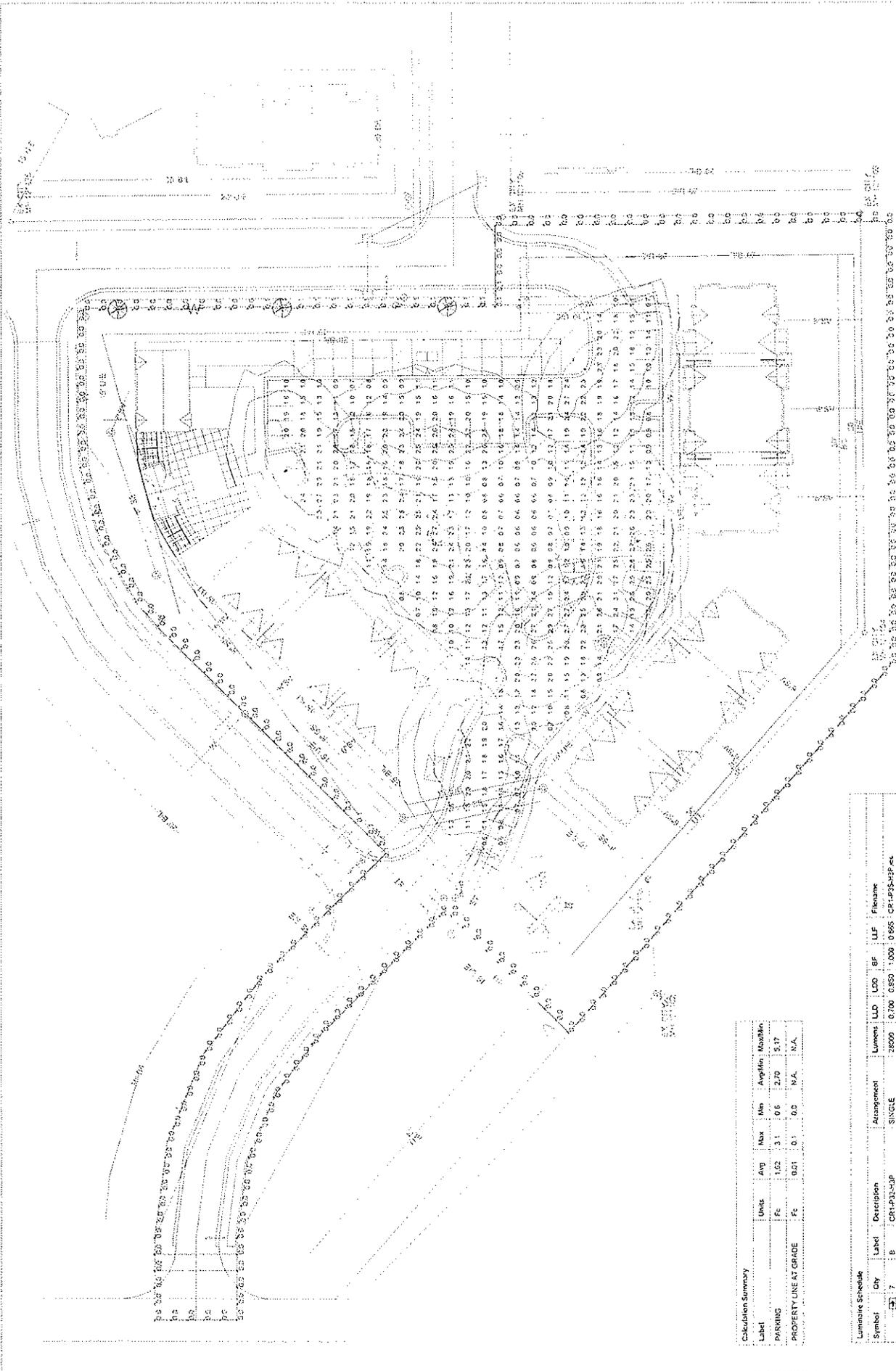
The conditions from the June 1, 2009 City Council meeting are:

1. The developer shall negotiate with the City for a minimum 15ft. wide public right of way extending easterly from 158th St. to eastern plat boundary and northerly on the east plat boundary for south property line to Landauer for the purposes on construction a trail subject to final trail alignment and grant funds. **Per the City's Trail Plan between 155th Street to 158th Street, the trail does not lay within the proposed Creek Ridge Phase 4. The trail does lay within the future development of Tract F with in the Creek Ridge Development Plan. The trail easement will be negotiated at the time of platting for Tract F.**
2. A lighting plan showing the details of light poles and ft./candle measurements at the property lines shall be provided with the final development plan. **A lighting plan has been submitted for the final development plan. Staff concludes that the ft./candle measurements at the property lines are near zero.**

3. Details for the playground equipment shall be provided to verify the play equipment meets the standards noted in the proposed Zoning Regulations. **Details for the playground equipment will be submitted and approved before construction begins.**
4. A copy of the original Notice of Intent to KDHE shall be submitted to the Planning Department, or if a NOI was never submitted, it will need to be submitted to KDHE with a copy provided to the Planning Department. **NOI has not been submitted to Staff. The NOI must be submitted and approved before construction begins.**
5. Landauer Street shall be constructed from the west entrance of the apartments to 158th Street. The public street shall be constructed and accepted by the City prior to issuance of any occupancy permit. **Landauer Street is proposed to be constructed from the west entrance to 158th Street.**
6. All sidewalks along the front end of parking stalls shall be a minimum of 6-ft wide to accommodate two-foot overhang of parked vehicles. **6-ft wide sidewalks are proposed with the final development plan.**
7. Connect the site sidewalk at the west entrance to the proposed sidewalk on the south side of Landauer Street. **The proposed Landauer Street sidewalk connects to the development sidewalk per the final development plan.**
8. City of Basehor policy is to construct all public streets within limits of dedicated right of way. Therefore, the plat will need to be modified to include the Landauer Street right of way from the west entrance to 158th Street; and exclude the Landauer Street right of way from the west entrance to 157th Street. **The final plat includes right of way for Landauer Street.**

Per the Condition #8, approved by the City Council, the applicant has removed Landauer Street right of way from the west entrance to 157th Street. The preliminary development plan had a total area of 4.44 acres (which included the right of way for Landauer St.) which gave the development a housing density of 14.41 units/acre. With Condition #8 met with the final development plan, the total acres have been reduced to 4.14 acres which gives the development a housing density of 15.47 units/acre.

Staff concludes that the Final Development Plan is in consistent with the approved Preliminary Development Plan. Staff recommends that the Final Development Plan be approved.



Calculation Summary

Label	Unit	Area	Min	Max	Avg
PARKING	Ft ²	162	3.1	0.6	2.70
PROPERTY LINE AT GRADE	Ft ²	0.01	0.1	0.0	N/A

Luminaire Schedule

Symbol	Qty	Label	Description	Arrangement	Lumens	LLD	UCR	BF	LUF	File Name
☐	7	B	CR1P33-HP	SINGLE	36000	0.700	0.850	1.000	0.995	CR1P33-HP.et

HUBBELL

 LIGHTING

 1050798

CREEK RIDGE APTS

 BASEHOR, KANSAS

 SITE LIGHTING STUDY

DATE: 7/16/2019

 TIME: 10:50 AM

 PROJECT: CREEK RIDGE APTS

 DRAWING NO: 1050798

GRAPHIC SCALE

 40 20 0 40 80

1. THE DESIGNER HAS CONDUCTED VISUAL ANALYSIS OF THE PROPOSED LIGHTING SYSTEM AND HAS DETERMINED THAT THE PROPOSED LIGHTING SYSTEM WILL PROVIDE ADEQUATE ILLUMINATION FOR THE PROJECT. THE DESIGNER HAS CONDUCTED VISUAL ANALYSIS OF THE PROPOSED LIGHTING SYSTEM AND HAS DETERMINED THAT THE PROPOSED LIGHTING SYSTEM WILL PROVIDE ADEQUATE ILLUMINATION FOR THE PROJECT.

APPLICATION FORM

CITY OF BASEHOR

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



Project Name & Description Creek Ridge Phase 4 - Tract D		Total Site Acreage 4.14	Present Zoning AR
Legal Description (May be attached as separate sheet)			Proposed Zoning
Project Address / General Location 157th St. and Landaver St.			Presubmittal Date
Parcel ID Number (CAMA Number) 181-02-D-00-00-005.07-0			Floor Area Classification
Property Owner Name Scherer Family Living Trust	Phone 913-724-1002	Fax 913-441-9045	
Property Owner Address P.O. Box 486	City Basehor	State KS	Zip 66007
Applicant's Name (if different from above) Jeff Scherer	Phone 913-724-1002	Fax 913-441-9045	
Applicant's Address P.O. Box 486	City Basehor	State KS	Zip 66007
Applicant's mobile phone 816-769-0354	Property Owner and/or Applicant's E-mail address jscherer@sbcglobal.net		

APPLICATION TYPE

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

PROJECT INFORMATION

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

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

Total Site Area 4.14	Existing Floor Area	Existing Building Footprint	Open Space Area
No. of Buildings 4	Proposed Floor Area	Proposed Building Footprint	Pavement Coverage

COMPLETE THIS AREA IF SUBDIVIDING PROPERTY

Proposed Number of Lots	Maximum Lot Size	Minimum Lot Size	Average Lot Size
-------------------------	------------------	------------------	------------------

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

X [Signature] 5/27/10
 Signature Date

Office Use Only
 Filing Fee \$ 510.00 Received by MP # of Plans 12
 Attached Legal Description Property Ownership List

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 9

Topic:

Creek Ridge Phase IV – Final Plat

Action Requested:

Approve the final plat for Creek Ridge Phase IV.

Narrative:

July 13, the Planning Commission found that the proposed Creek Ridge Phase IV final plat- Phase I was in compliance with the approved preliminary plat. The Planning Commission approved the final plat with a vote of 5-0.

Public improvement plans for Landuer Street will be approved before construction begins. The Subdivision Improvement Agreement is currently under review.

Staff concludes that the final plat is consistent with the approved preliminary plat. Staff recommends that the final plat be approved.

Presented by:

Mitch Pleak, City Engineer

Administration Recommendation:

Committee Recommendation:

Attachments:

Memo Mitch Pleak 7.23.10 (1 page)
Staff Report Mitch Pleak 8.6.10 (5 pages)

Projector needed for this item?

No

Memorandum

To: Mr. Mayor and City Council
CC: Mark Loughry
From: Mitch Pleak
Date: 7.23.10
Re: Creek Ridge Phase 4 – Final Plat.

July 13, the Planning Commission found that the proposed Creek Ridge Phase 4 final plat was in compliance with the approved preliminary plat. The Planning Commission approved the final plat with a vote of 5-0.

The applicant has notified Staff that the public improvement plans associated with Landuer Street will be submitted before construction begins. The public improvement plans must be approved by Staff before construction begins. The Subdivision Improvement Agreement is currently under review.

Staff concludes that the final plat is consistent with the approved preliminary plat. Staff recommends that the final plat be approved.

Staff Report

Date: August 6, 2010

Subject: Consideration of Final Plat for Creek Ridge Phase 4, submitted by Jeff Scherer on the following described property:

A 4.14 acre tract of land in the Northwest Quarter of Fractional Section 2, Township 11 South, Range 22 East of the 6th Principal Meridian in the City of Basehor, Leavenworth County, Kansas

GENERAL INFORMATION

Applicant: Jeff Scherer

Owner: Jeff Scherer

Address: 157th St. and Landauer St.
Basehor, KS 66007

Engineer: G.T. Spehar Engineering & Planning

SITE INFORMATION

Location: 1700-1900 block of N. 158th Street
Current Zoning: "P-R" Planned Residential
Future Land Use Map: See below.

STAFF ANALYSIS

Site Characteristics:

The site is an 4.14 acre tract located southwest of Creek Ridge Phase 2, between 158th St. and 157th St. The property is currently vacant. This final plat consists of 64 residential units and Landauer Street.

Character of Neighborhood:

The character of the immediate area is largely residential with established single-family and townhome style residential uses. Much of the area adjacent to 158th St. is vacant. However, additional vacant areas of Creek Ridge have had a preliminary development plan approved, such as Tract E. Phase I, II, and III of Creek Ridge are either built out or have had substantial construction completed.

Adjacent Property:

	<u>Zoning</u>	<u>Use</u>
North:	"R-2"	Two-Family
South:	"PR"	Vacant Land
East:	"PR"	Townhomes
West:	"CP-1"	Vacant

Conformance with the Comprehensive Plan:

The Future Land Use Map identifies this property as high density residential. **The development plan complies with the Future Land Use Map.**

Traffic Impact:

As part of this phase, the City requires that a portion of Landauer Street must be extended to provide at least two ways in/out of the development. The developer chose to extend the Landauer from the west entrance to 158 Street. The portion of Landauer, between the west entrance and 157 Street, will be constructed with the future development of Tract E. The estimated average daily trips for the development are 422. The maximum average daily trips, comparable to the segments of 158th Street and Parallel are 8,000 to 10,000. **The existing surrounding street system of 158th Street and Parallel Street has existing capacity to accommodate the new development. The 24/40 Highway Corridor Plan designates the intersection of 158th Street and 24/40 for a future traffic signal, which will increase the functionality of the intersection when the signal is installed.**

Drainage Impact:

The site slopes to the South of the site. The storm water discharges to the south boundary of the plat to the existing drainage system.

STAFF COMMENTS:

June 1, 2009, the City Council approved the preliminary development and plat for Creek Ridge, Phase 4 with 8 conditions (provided within the final development plan staff report). Out of the 8 conditions 2 conditions involve the final plat.

Condition #1 - The developer shall negotiate with the City for a minimum 15ft. wide public right of way extending easterly from 158th St. to eastern plat boundary and northerly on the east plat boundary for south property line to Landauer for the purposes on construction a trail subject to final trail alignment and grant funds. **Per the City's Trail Plan between 155th Street to 158th Street, the trail does not lay within the proposed Creek Ridge Phase 4. The trail does lay within the future development of Tract F with in the Creek Ridge Development Plan. The trail easement will be negotiated at the time of platting for Tract F.**

Condition #8 - City of Basehor policy is to construct all public streets within limits of dedicated right of way. Therefore, the plat will need to be modified to include the Landauer Street right of way from the west entrance to 158th Street; and exclude the Landauer Street right of way from the west entrance to 157th Street. **The final plat includes right of way for Landauer Street.**

Per Section 2-103, the Planning Commission shall review the final plat for compliance with the approved preliminary plat and for completion of all final plat requirements. The items to be included on the final plat per the Subdivision Regulations requirements:

1. The lines and names of all proposed streets or other ways or easements, and other open spaces intended to be dedicated for public use or granted for use of inhabitants of the subdivision. **This was provided by the applicant and shown on the plat.**
2. Lines and names of all adjoining streets within 200 feet. **This is shown within the submitted plat.**

3. Metes and bounds describing the plat and the contents within the plat associated with any lots, easements, and tracts of lands. This information shall be represented in a way that any lot line can be located in the field. **This is provided within in the submitted plat and easement descriptions.**
4. The location of all building setback lines. **This is provided within the submitted plat.**
5. Suitable primary control points. **This is provided within the submitted plat. The control points are suitable.**
6. Location and elevation of a permanent benchmark. **A permanent benchmark is described on the plat.**
7. The location of all permanent monuments with the distances and bearings plainly marked. **This is provided within the submitted plat.**
8. Date of preparation, title, north point, and scale shall be included with the plat. **This is provided within the submitted plat.**
9. Error of Closure. **The perimeter of the plat is under 10,000 feet. Per the subdivision regulations the error allowed is 1 ft in 10,000 ft. The error of closure for the plat is 1 ft in 426,003 ft, which is adequate.**
10. Identification system for all lots and blocks, and the area in square feet of each lot. **No lots or blocks are proposed and not needed.**
11. Certification of the land surveyor preparing the plat, seal, and signature. **This is provided within the submitted plat.**
12. Acknowledgement of a notary. **This is provided within the submitted plat.**
13. A certification of the Planning Commission showing its approval of the plat. **Planning Commission approved the Final Plat with a vote 5-0.**
14. The approval of the City Council. **Action has not been taken.**
15. The certificate of the Register of Deeds. **This is provided within the submitted plat.**
16. The title insurance certification showing that the proposed sub divider owns all the property within the plat and that it is free from encumbrances and liens. **The applicant has provided the title insurance certification.**
17. Statement by the owner dedicating streets, rights-of-way, and sites for public use. **This is shown within the submitted plat.**
18. Such other certificates, affidavits, endorsements, or dedication as may be required by the Planning Commission in the enforcement of these Regulations. **No additional information was required by the Planning Commission on July 13.**
19. Purpose for which sites, other than residential lots, are dedicated or reserved. **Not applicable.**
20. Proper margins and lettering on the sheet that contains the plat. **Margins and lettering are properly shown.**
21. Legal description of the subdivision. **This was submitted with the plat.**
22. Public improvement plans associated with the final plat. **Public improvement plans have not been submitted. Public improvement plans will need to be submitted and approved before construction begins.**
23. A copy of the homeowners association. **Not applicable.**
24. Subdivision Improvements Agreement. **The Subdivision Improvement Agreement is currently under review and will be finalized before the City Council takes action.**

Staff, public entities, and utility companies have completed the review of the plat and development plan. The final plat for Creek Ridge Phase 4 is in substantial compliance with the preliminary plat. It is Staff's recommendation to approve the final plat.

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 10

Topic:

Creek Ridge Phase IV Final Development Plan extension request.

Action Requested:

The applicant has requested an extension of 42 months to meet the zoning regulations concerning the final development plan.

Narrative:

Per the zoning regulations (Article 7, Section 5-n): Approved Final Development Plans shall become null and void 18 months from the date of approval, if a building permit has not been issued and the start of construction of at least the first phase of the development of the approved Final Development Plan has not begun, unless such period is extended by the Governing Body upon written request by the applicant.

The applicant is requesting a 42 month extension on top of the allowed 18 months defined in the zoning regulations for a total of 60 months.

Presented by:

Mitch Pleak, City Engineer

Administration Recommendation:

Committee Recommendation:

Attachments:

Applicant Letter of Request 8.2.10 (1 page)

Memo 8.6.10 (1 page)

Projector needed for this item?

No

August 2, 2010

To: City of Basehor
Mayor Terry Hill
City Council Members

I, Jeff Scherer, am requesting approval from the Basehor City Council of the final plat and final development plan for Creek Ridge Phase IV. I would also request that upon approval, I am granted an extension not to exceed five (5) years to begin development of the project.

Due to the current banking requirements and financial environment, construction and long term financing for this type of project will require time to negotiate and acquire.

I also had discussions with the Planning Commission and City Council requesting that the park land fees be waived or decreased as the project will have an on site playground. I would ask that this request also be approved.

A handwritten signature in black ink, appearing to read "Jeff Scherer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Memorandum

To: Mr. Mayor and City Council
CC: Mark Loughry
From: Mitch Pleak
Date: 8.6.10
Re: Final Development Plan Extension.

August 3, the Planning Commission discussed approved timelines associated with the City's final development regulations. The Planning Commission is forecasting that action will be taken in October. Staff is currently gathering information associated with approved timelines for final development plans from surrounding communities. Staff and Planning Commission goals are to protect our City and make our City competitive to surrounding communities.

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 11

Topic:

Park Land fees associated with Creek Ridge Phase IV.

Action Requested:

Consider the request to waive the Park Land fees associated with Creek Ridge Phase IV.

Narrative:

The applicant has requested to the City to waive the park land fees associated with the platting of Creek Ridge Phase IV. Phase IV has a proposed 64 lots in the plat which equates to \$12,800 (\$200 per unit) in park land fees.

Staff concludes that the proposed on site playground is private and not open to the public. This does not meet the Park Land Ordinance. It is Staff's recommendation that the Park Land fee of \$12,800 shall not be waived.

Presented by:

Mitch Pleak, City Engineer

Administration Recommendation:

Committee Recommendation:

Attachments:

Applicant Letter of Request 8.2.10 (1 page)

Projector needed for this item?

No

August 2, 2010

To: City of Basehor
Mayor Terry Hill
City Council Members

I, Jeff Scherer, am requesting approval from the Basehor City Council of the final plat and final development plan for Creek Ridge Phase IV. I would also request that upon approval, I am granted an extension not to exceed five (5) years to begin development of the project.

Due to the current banking requirements and financial environment, construction and long term financing for this type of project will require time to negotiate and acquire.

I also had discussions with the Planning Commission and City Council requesting that the park land fees be waived or decreased as the project will have an on site playground. I would ask that this request also be approved.

A handwritten signature in black ink, appearing to read "Jeff Scherer", with a long horizontal stroke extending to the right.

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 12

Topic:

2011 Budget Public Hearing

Action Requested:

Open the meeting for the 2011 Budget Public Hearing.

Narrative:

Open 2011 Budget Public Hearing as required by Kansas State Statute.

Presented by:

City Administrator, Mark Loughry

Administration Recommendation:

Committee Recommendation:

Attachments:

None

Projector needed for this item?

No

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 13

Topic:

2011 Budget Adoption

Action Requested:

Adopt 2011 Budget as presented.

Narrative:

Presented by:

City Administrator, Mark Loughry

Administration Recommendation:

Committee Recommendation:

Attachments:

Certificate (1 page)

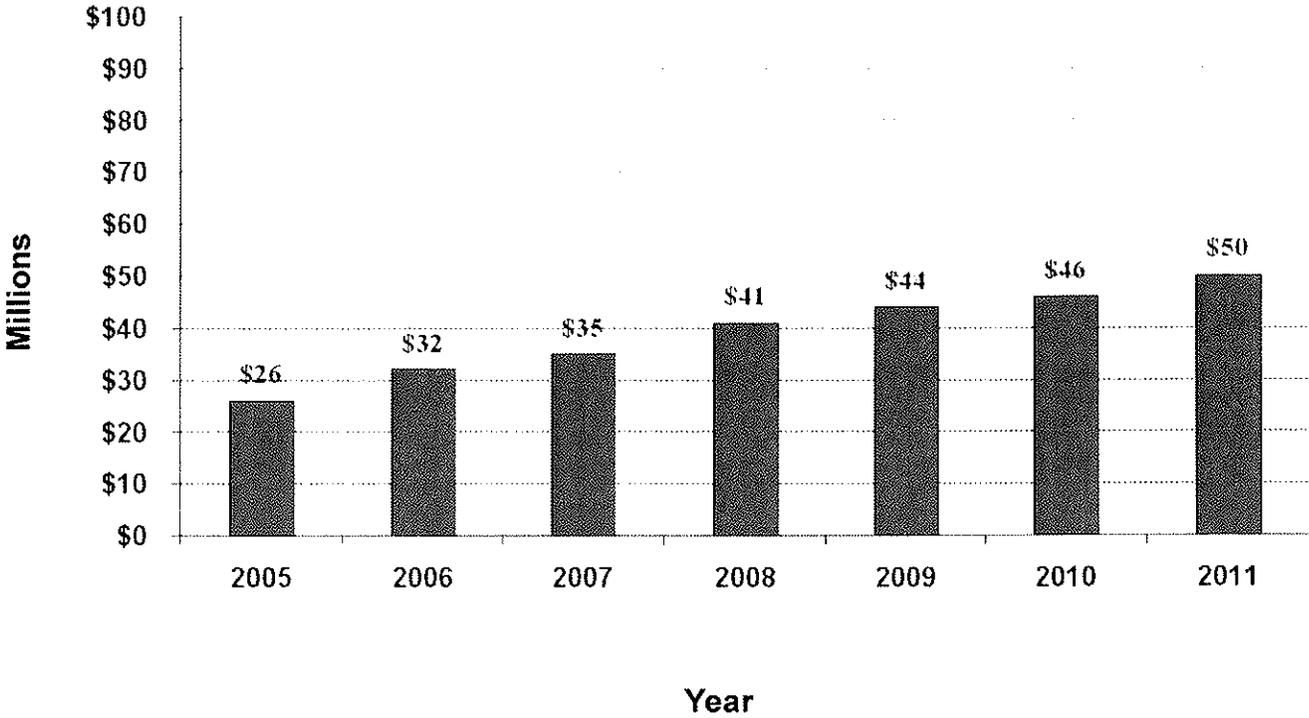
Notice of Public Hearing (1 page)

2011 Budget (33 pages)

Projector needed for this item?

No

City of Basehor ASSESSED VALUATION HISTORICAL DATA 2005 - 2011



City of Basehor MILL LEVY HISTORICAL DATA 2004 TO 2011

	Total	General	Debt of Service	Employee Benefit
2004	28.639	28.49	0.149	
2005	28.437	28.289	0.148	
2006	27.959	27.959	0	
2007	28.536	28.536	0	
2008	28.547	25.34	3.207	
2009	28.621	27.953	0.668	
2010	28.976	28.64	0.336	
2011	33.125	21.445	3.112	8.568

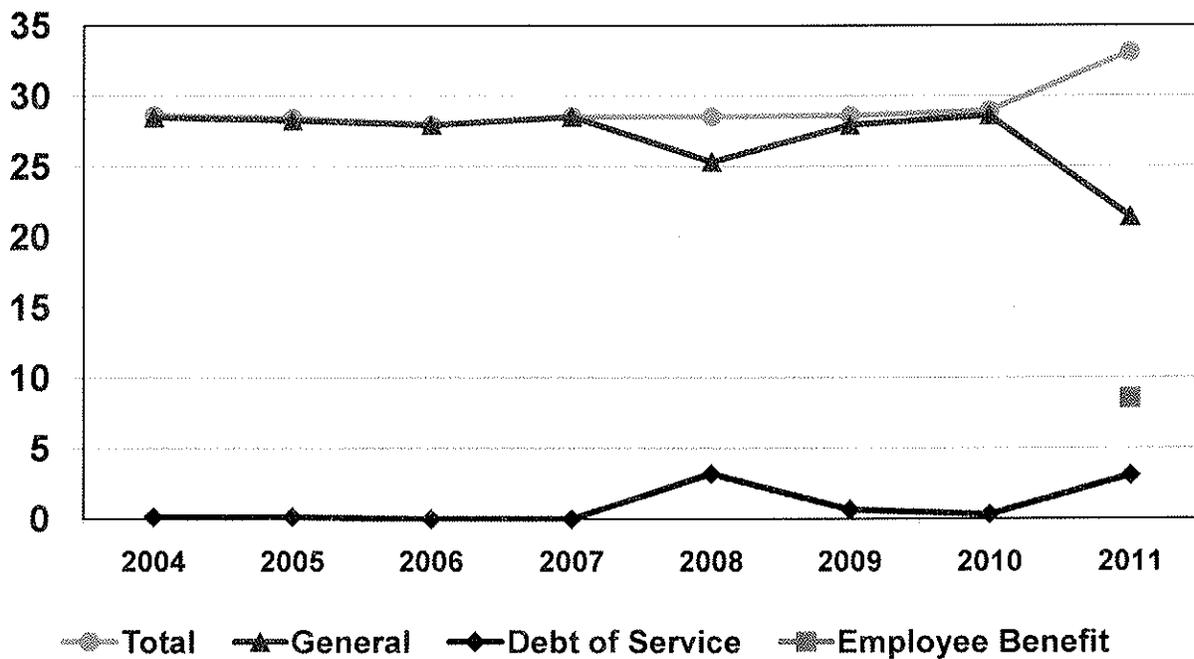


TABLE OF CONTENTS

City Administrator's Budget Memo	1
2011 Operating Budget Calendar	3
Operating Funds Beginning Cash Balance, Expenses & Revenue	4
Mill Levy Comparison & All Funds Salaries	5
Summary of Personnel Allocations	6
<u>General Fund</u>	
Revenue	7
Expenditures	8
Governing Body	9
Administrator	10
Clerk / Finance	11
Employee Benefits	12
Street Department	13
Police Department	15
City Facilities	16
Parks & Rec. Department	17
Planning & Zoning Depart – Employee Benefits	18
Misc.	19
<u>Enterprise Fund</u>	
Solid Waste	20
Sewer Revenues	21
Sewer Expenditures	22

Other Levy Funds

Bond & Interest Fund23
 Employee Benefit.....24

Misc. Funds

Consolidated Highway Fund25
 Special Park & Rec. Fund.....26
 Capital Improvement Fund27
 Cedar Lakes Maintenance Fund28
 Municipal Equip. Reserve Fund29
 Basehor Town Center Report30
 Wolf Creek Report31

Capital Improvement Plan.....32

Fleet Replacement Schedule33

Municipal Equip & Public Works Project Forms..... 34-36

Memo

Date: 7/2/2010
To: Basehor City Council
Cc: Mayor, Terry Hill
From: Mark Loughry, City Administrator
RE: 2011 Budget

Council attached you will find the 2011 budget work book. In my opinion this budget is about as tight as it can get in the main operating funds and is a vast improvement over previous submittals. With the budget I have attached some quick review sheets but I caution you to look closely at the budgets themselves before responding to the comparisons.

The Levy funds expenditures increased \$214,920 due in large part to the addition of TRF 125 loan payments amounting to \$115,668 and a total increase in the Bond and Interest Fund of \$195,990. The City appraisal increased approximately 10% resulting in each mill being worth about \$4,750 more than the previous year which helps to offset some of the increased expenses. You will notice that I also budgeted for a 7% delinquency rate in all Levy funds which is consistent with the City's delinquency rate according to the County Treasurer. State budget law allows us to add an additional 5% on top of the current delinquency rate and this may be something the Council will want to consider. This budget as submitted will require an increase in the mill levy of 3.62 mills.

At this time there is a step increase budgeted as per the pay plan. There is one reclassification of the Police Clerk to be in the same range as the Court Clerk since their job functions are essentially the same, this will require a 16 cent an hour increase over the budgeted step increase. With the exception of the Solid Waste Fund all funds have a decrease in salaries when compared to the 2010 budget and total wages and benefits decreased \$26,895 across all funds.

The General Fund expenditures are down due mainly to the creation of a new fund that will consolidate all employee benefits, however even if you add back in the benefits the General Fund decreased expenditures by \$38,785. The biggest hit to the General Fund was a decrease in available funds due to the reduction in cash carryover by previous year's expenditures. I did budget for a portion of the sales tax to be receipted into the General Fund, as allowed per ordinance, to help increase revenues without increasing the mill levy.

I have included an increase in the Solid Waste Fund for revenue and expenditures associated with potentially moving to a city wide recycling program. The actual cost will be determined when negotiating a new contract with Deffenbaugh and could vary from the

Memo

budgeted amount. As an Enterprise Fund this fund should be self sustaining and should be if transfers out are limited.

The Sewer Fund had substantial increases as expected for debt payments associated with the new waste water plant. Overall expenditures are up approximately \$304,000. Increased revenues in 2010 will help to carry this fund through 2011 but should not be counted on every year. I have eliminated transfers into this fund from other funds as enterprise funds should be self sustaining based on user fees. Without a substantial increase in customers or a rate increase this fund will not remain financially viable. I recommend we consider a rate increase in September of this year in order to maintain the long term financial stability of this fund.

I have included an Employee Benefit Fund which consolidates all employee benefits into one centralized fund as allowed per State Statute. I believe this accomplishes one of the items we discussed at our planning retreat. If you should chose to utilize this fund it will require the adoption of an Ordinance to create it. You will notice that I have budgeted transfers in from the Enterprise Funds to cover their employees benefits but not from the General Fund as it is a Levy Fund. This Fund does not create any new expenses; it simply consolidates the expenses from all funds.

In the Consolidated Highway Fund and the Capital Improvement Fund I have budgeted to spend most of the available cash. There are two reasons for this. First it is the City's responsibility to our citizens to tax them for services and then to provide those services. Second budgeting these funds does not equate to spending them, but if we do not budget to spend them they are not available for us to use should a need arise. Sitting on a large cash balance in a fund like the consolidated highway fund or Capital Improvement Fund is good if we are building up funds for a large project, but once we accumulate adequate funds for a project we are obligated to spend them. I would like for the Council to consider how they would like to spend the cash balances in these two funds or at least identify projects that we are placing these funds aside for. This will help us justify the need to keep collecting revenues into these funds.

The remainder of the funds are fairly straight forward and have very little significant changes. I look forward to meeting on July 14th to review and discuss the 2011 Budget.

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

City of Basehor

2011 Operating Budget Preparation Calendar

Date	Scheduling Item
March 13, 2010	City Council Budget Retreat
March 26, 2010	Staff Budget Retreat
May 11, 2010	Budget Forms and General Information Available for Departments via Computer Public "J" Drive
May 28, 2010	DEADLINE: Department Budget Request Due to City Administrator
First Week in June	City Administrator Budget Reviews with Departments
July 1, 2010	<p>Receive Assessed Valuation from County Clerk</p> <p><i>The County Clerk shall include such assessed valuations in the applicable taxing districts with all other assessed valuations in those taxing districts and on or before July 1 notify the appropriate officials of each taxing district within the county of the assessed valuation estimates to be utilized in the preparation of budgets for ad valorem tax purposes (K.S.A. 79-5a27).</i></p>
July 7, 2010	City Council Special Budget Work Session
July 12, 2010 Work Session	City Council Review of 2011 Budget
July 19, 2010 Regular Meeting	Set Public Hearing Date as August 16, 2010
July 20, 2010	<p>Send <i>Notice of Public Hearing to Basehor Sentinel</i></p> <p><i>The governing body shall give at least 10 days' notice of the time and place of the meeting by publication in a weekly or daily newspaper of the county having a general circulation therein (K.S.A. 79-2929).</i></p>
August 2, 2010	City Council Review of 2011 Budget
August 16, 2010 Regular Meeting	<p>Conduct Public Hearing; Approve 2011 Proposed Budget</p> <p><i>The hearing herein required to be held upon all budgets by all taxing subdivisions or municipalities of the state shall be held not less than ten (10) days prior to the date on which they shall certify their annual levies to the county clerk as required by law (K.S.A. 79-2933).</i></p>
August 25, 2010	<p>Submit Approved 2011 Budget to Leavenworth County Clerk</p> <p><i>Each year the governing body of any city, the trustees of any township, the board of education of any school district and the governing bodies of all other taxing subdivisions shall certify, on or before August 25, to the proper county clerk the amount of ad valorem tax to be levied (K.S.A. 79-1801).</i></p> <p><i>Where action has been taken under any statute to increase the amount of tax to be levied authorized by law, a statement showing the increased amount or tax levy rate voted, or a copy of the charter resolution or ordinance making the change, shall be attached to the budget each year the change is in effect (K.S.A. 79-2930).</i></p>

OPERATING FUNDS BEGINNING CASH BALANCE

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
General	\$1,240,199	\$562,109	\$459,830	\$419,077	\$264,598
Special Parks and Rec	\$122,658	\$146,260	\$155,615	\$159,898	\$149,714
Consolidated Highway	\$1,832,503	\$2,217,728	\$1,618,085	\$1,726,181	\$1,692,871
Capital Improvement	\$713,661	\$1,210,908	\$1,346,875	\$1,399,713	\$1,244,713
Municipal Equipment reserve	\$182,125	\$355,972	\$286,227	\$286,227	\$236,227
Bond and Interest	\$68,327	\$106,182	\$33,314	\$81,613	\$46,949
Sewer	\$821,433	-\$22,348	\$395,713	\$464,249	\$769,531
Solid Waste	\$64,198	\$65,925	\$74,502	\$71,534	\$17,538
Cedar Lake Maintenance	\$63,523	\$62,523	\$56,693	\$43,442	\$24,141
Total Beginning Cash	\$5,108,627	\$4,705,259	\$4,426,854	\$4,651,934	\$4,446,282

OPERATING FUNDS EXPENSES

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
General	\$2,428,076	\$1,986,681	\$2,509,840	\$2,148,195	\$2,048,180
Special Parks and Rec	\$4,610	\$821	\$35,000	\$20,000	\$67,500
Consolidated Highway	\$325,990	\$1,074,840	\$481,000	\$466,000	\$2,056,000
Capital Improvement	\$0	\$117,597	\$150,000	\$450,000	\$1,300,000
Municipal Equipment reserve	\$65,358	\$103,535	\$150,000	\$120,000	\$63,000
Bond and Interest	\$1,010,964	\$534,971	\$531,499	\$531,122	\$727,489
Sewer	\$1,835,723	\$5,374,122	\$1,340,044	\$1,100,918	\$1,666,235
Solid Waste	\$157,583	\$164,177	\$211,100	\$211,596	\$209,565
Cedar Lake Maintenance	\$12,331	\$29,378	\$17,000	\$29,000	\$44,141
Employee Benefit	\$0	\$0	\$0	\$0	\$499,155
Total Annual Expenditures	\$5,840,635	\$9,386,121	\$5,425,483	\$5,076,831	\$8,681,264

OPERATING FUNDS REVENUE

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
General	\$1,816,421	\$1,783,352	\$2,057,838	\$1,993,716	\$1,783,582
Special Parks and Rec	\$28,209	\$14,459	\$16,376	\$9,816	\$10,250
Consolidated Highway	\$721,717	\$568,782	\$532,863	\$432,690	\$440,320
Capital Improvement	\$497,247	\$306,402	\$339,798	\$295,000	\$75,000
Municipal Equipment reserve	\$218,256	\$33,790	\$98,500	\$70,000	\$93,050
Bond and Interest	\$1,050,421	\$510,819	\$498,411	\$496,458	\$680,540
Sewer	\$993,997	\$5,981,180	\$1,045,824	\$1,406,200	\$896,762
Solid Waste	\$163,455	\$158,996	\$174,718	\$157,600	\$196,100
Cedar Lake Maintenance	\$11,331	\$10,297	\$10,704	\$9,699	\$20,000
Employee Benefit	\$0	\$0	\$0	\$0	\$499,155
Total Annual Revenue	\$5,501,054	\$9,368,077	\$4,775,032	\$4,871,179	\$4,694,759
Total Cash Available	\$10,609,681	\$14,073,336	\$9,201,886	\$9,523,113	\$9,141,042
Ending Cash Balance	\$4,769,046	\$4,687,215	\$3,776,403	\$4,446,282	\$459,777

MILL LEVY COMPARISON

	2008 Actual	2009 Actual	2010 Budget	2011 Budget
Annual Valuation	\$41,143,071	\$43,924,056	\$45,551,787	\$50,301,191
Bond and Interest Levy	3.207	0.668	0.336	3.112
General Fund Levy	25.340	27.953	28.640	17.510
Employee Benefit Levy				9.275
Total Annual Mill Levy	28.547	28.621	28.976	29.897
Variance From Previous Year		0.074	0.355	0.921
Total Funds Generated from Ad Valorem	\$1,174,511	\$1,257,166	\$1,319,941	\$1,503,837

ALL FUNDS SALARIES

		2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Street	Full Time	\$108,650	\$117,424	\$125,855	\$117,000	\$120,000
	Part-Time	\$0	\$0	\$4,644	\$0	\$0
	Overtime, Comp Time, Vac.	\$3,080	\$6,234	\$4,500	\$7,500	\$3,500
Police	Full-time	\$389,970	\$538,466	\$541,113	\$546,000	\$590,000
	Part-time	\$60,398	\$37,397	\$33,000	\$10,000	\$15,000
	Overtime, Comp Time, Vac.	\$18,817	\$29,074	\$48,000	\$38,000	\$48,000
Planning	Fulltime	\$102,226	\$94,669	\$149,133	\$110,000	\$112,000
	Part-time Intern	\$6,465	\$0	\$11,440	\$0	\$0
	Overtime	\$3,587	\$1,779	\$4,000	\$750	\$1,000
Park & Rec	Personal Services	\$0	\$3,203	\$0	\$0	\$0
	Part-Time	\$7,370	\$3,202	\$9,292	\$9,000	\$5,400
Clerk	Full-time	58720	\$64,661	\$95,476	\$103,500	\$107,000
	Part-time	\$40,054	\$40,961	\$30,112	\$10,000	\$0
	Overtime, Comp Time, Vac.	\$3,865	\$4,595	\$4,000	\$2,000	\$2,000
Admin	Special Parks and Rec					
	Full Time	\$0	\$0	\$0	0	\$130,000
	Overtime	\$0	\$0	\$0	\$0	\$1,200
Governing Body	Elected Officials	\$0	\$28,670	\$0	\$0	\$17,200
	Personal Services	\$84,230	\$102,654	\$131,775	\$122,000	\$0
	TOTAL GENERAL FUND	\$887,431	\$1,072,988	\$1,192,340	\$1,075,750	\$1,152,300
Sewer Fund	Full-time	\$107,776	\$116,995	\$121,193	\$117,000	\$119,700
	Overtime	\$5,953	\$5,464	\$7,500	\$7,500	\$7,000
	TOTAL SEWER FUND	\$113,729	\$122,458	\$128,693	\$124,500	\$126,700
Solid Waste	Full-time	\$14,440	\$16,240	\$16,994	\$19,580	\$26,980
	Overtime	\$154	\$55	\$500	\$500	\$1,000
	TOTAL SOLID WASTE FUND	\$14,594	\$16,296	\$17,494	\$20,080	\$27,980
Total Benefits all Funds		\$312,417	\$364,276	\$446,537	\$377,409	\$499,155
TOTAL WAGES AND BENEFITS		\$1,328,171	\$1,576,019	\$1,785,065	\$1,597,739	\$1,806,135

CITY OF BASEHOR ALLOCATIONS 2011 BUDGET
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Account No.	Department	2010 FTE	2011 FTE
01-001	Clerk & Finance	2.50	2.00
01-002	Street Dept.	3.50	3.50
01-003	Governing Body	1.50	0.00
01-004	Police Dept.	17.50	17.50
01-007	Administration	0.00	2.00
05-009	Sewer Dept.	2.50	2.40
01-017	Planning & Zoning	3.00	2.00
09-701	Solid Waste	0.5	0.6
<i>Totals</i>		31.00	30.00

FTE - Full Time Equivalent

REVENUE**GENERAL FUND**

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Beginning of the year balance	\$1,240,199	\$562,109	\$459,830	\$419,077	\$264,598
460 Ad Valorem Property Tax	\$965,537	\$1,122,910	\$1,304,610	\$1,304,610	\$823,161
491 Motor Vehicle Distribution	\$159,697	\$144,741	\$149,881	\$149,881	\$153,666
493 Recreational Vehicle Tax	\$1,567	\$1,945	\$1,558	\$1,558	\$1,951
496 16M & 20M Truck Tax	\$4,143	\$1,770	\$3,347	\$3,347	\$3,403
464 Back Taxes	\$12,083	\$48,112	\$24,785	\$30,000	\$30,000
Sales Tax	\$0	\$0	\$0	\$0	\$220,000
Slider	\$0	\$4,882	\$0	\$0	\$0
Field of Dreams	\$0	\$0	\$0	\$20,000	\$55,000
421 Court Fines	\$198,858	\$194,846	\$218,142	\$195,000	\$195,000
401 Building Permits	\$116,539	\$36,379	\$52,500	\$13,000	\$13,000
403 Pet Licenses	\$1,020	\$1,348	\$1,000	\$1,000	\$1,000
404 Business Licenses	\$8,115	\$8,050	\$7,500	\$8,000	\$8,000
405 Misc. Fees/Permits/Licenses	\$12,614	\$14,175	\$12,473	\$13,000	\$13,000
407 Plan/Plat Application Fees	\$4,025	\$1,845	\$3,220	\$3,220	\$3,400
432 Westar Energy Franchise Tax	\$60,612	\$73,840	\$66,982	\$66,982	\$67,000
433 Atmos Energy Franchise Tax	\$49,456	\$44,917	\$69,163	\$69,163	\$70,000
436 Suburban Water Franchise Tax	\$8,348	\$7,454	\$10,711	\$11,000	\$11,000
Consolidated Water Franchise Tax	\$0	\$0	\$0	\$0	\$12,000
437 The World Co. Franchise Tax	\$31,050	\$24,427	\$32,239	\$32,239	\$32,000
438 AT&T Franchise Tax	\$11,229	\$11,832	\$12,945	\$13,000	\$13,000
SW Bell Franchise Tax	\$0	\$0	\$0	\$3,000	\$3,000
Grants and Reimbursables	\$75,250	\$0	\$42,000	\$42,000	\$42,000
551 Interest Income	\$34,679	\$11,307	\$13,750	\$700	\$0
451 Local Alcohol Liquor Fund	\$8,141	\$7,816	\$16,032	\$8,016	\$8,001
511 Other Revenues	\$33,457	\$5,754	\$15,000	\$5,000	\$5,000
675 Transfer from Solid Waste Fund	\$20,000	\$15,000	\$0	\$0	\$0
TOTAL REVENUES	\$1,816,421	\$1,783,352	\$2,057,838	\$1,993,716	\$1,783,582
TOTAL FUNDS AVAILABLE	\$3,056,620	\$2,345,461	\$2,517,668	\$2,412,793	\$2,048,180
TOTAL EXPENDITURES	\$2,428,076	\$1,986,681	\$2,509,840	\$2,148,195	\$2,048,180
UNRESERVED CASH BALANCE	\$628,544	\$358,781	\$7,827	\$264,598	\$0
MILL LEVY INFORMATION	2008	2009	2010	2011	
FUND REQUIREMENTS	\$965,537	\$1,122,910	\$1,304,610		\$823,161
ADD FOR DELINQUENT TAXES					7%
TOTAL AD VALOREM	\$128,141	\$26,834	\$15,319		\$880,782
RATE OF LEVY IN MILLS	25.340	27.953	28.640		17.510

KSA 79-2930 allows up to an additional 5% for delinquent taxes
In 2009 there was a delinquency rate of 7%

GENERAL FUND**EXPENDITURES**

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Governing Body Administrator	\$94,579	\$157,522	\$166,370	\$156,045	\$59,620
Facilities	\$27,863	\$39,228	\$35,190	\$75,500	\$79,100
Clerk	\$249,124	\$266,160	\$311,595	\$305,582	\$243,800
HR	\$280,430	\$329,306	\$388,496	\$354,400	\$20,000
Park & Recreation	\$14,661	\$14,106	\$18,342	\$18,450	\$59,450
Planning	\$165,631	\$156,085	\$243,673	\$171,150	\$179,300
Police	\$607,352	\$727,708	\$804,738	\$732,531	\$799,350
Street	\$181,045	\$194,937	\$213,249	\$207,750	\$214,450
Miscellaneous	\$807,392	\$101,629	\$328,187	\$126,787	\$136,910
TOTALS	\$2,428,076	\$1,986,681	\$2,509,840	\$2,148,195	\$2,048,180

GENERAL FUND**GOVERNING BODY****ACCOUNT: 01-003**

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Elected Officials	\$0	\$28,670	\$0	\$0	\$17,200
Personal Services	\$84,230	\$102,654	\$131,775	\$122,000	\$0
Paging/Wireless	\$0	\$735	\$2,000	\$0	\$0
01-003-751 Legal Fees	\$1,312	\$2,388	\$1,500	\$1,000	\$1,000
Vehicle Expense	\$688	\$1,231	\$1,000	\$700	\$1,000
01-003-774 Training	\$3,282	\$1,601	\$4,400	\$2,000	\$1,400
01-003-781 Promo/Public Relations Activities	\$1,000	\$0	\$1,000	\$21,000	\$0
01-003-782 Mileage Reimbursement	\$75	\$2,658	\$6,000	\$200	\$500
01-003-783 Organization & Membership Dues	\$790	\$260	\$1,845	\$1,845	\$1,070
01-003-799 Miscellaneous Contractual	\$229	\$10,798	\$9,500	\$1,500	\$1,500
01-003-801 Office Supplies	\$43	\$90	\$300	\$100	\$200
01-003-803 Miscellaneous Commodities	\$1,313	\$3,298	\$3,000	\$3,000	\$3,000
01-003-804 Gas / Oil / Miscellaneous		\$166	\$750	\$400	\$450
01-003-807 Printed Material/Publications	\$192	\$697	\$300	\$300	\$300
01-003-850 Capital Outlay	\$1,423	\$2,276	\$3,000	\$2,000	\$2,000
Outside Agency Requests	\$0	\$0	\$0	\$0	\$30,000
Council Projects	\$0	\$0	\$0	\$0	\$0
TOTALS	\$94,579	\$157,522	\$166,370	\$156,045	\$59,620

Expenses related to the City Administrator have been moved out of the Governing Body Department beginning in 2011 resulting in a significant decrease in expenditures. In 2010 the Promo/Public Relations line item is being used for the \$20,000 NRP marketing program. Outside Agency Requests have been consolidated to this department and will be handled as a lump sum amount which will then be passed on to the Outside Agency Review Board for dispersal.

GENERAL FUND**CITY ADMINISTRATOR****ACCOUNT: 01-007**

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
01-007-701 Full Time					\$130,000
01-007-704 Overtime					\$1,200
01-007-758 Cell Phone					\$2,000
01-007-774 Training					\$3,500
01-007-782 Mileage Reimb/Car Allowance					\$7,000
01-007-783 Organization & Membership Dues					\$1,500
01-007-799 Miscellaneous Contractual					\$15,000
01-007-801 Office Supplies					\$1,000
General Supplies					\$500
01-007-807 Printed Material/Publications					\$2,000
01-007-850 Capital Outlay					\$2,500
Contingency					\$90,000
TOTALS					\$256,200

This Department is new for 2011 and includes expenditures for the City Administrator and the Administrative Assistant. Previously expenditures were dispersed between the Clerk and Governing Body budgets. The Contingency line item is for unexpected expenses that occur mid-year with no ability to budget for them. State statutes allow for up to 10% of contingency spending.

GENERAL FUND**CLERK / FINANCE****ACCOUNT : 01-001**

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
01-001-701 Full-time	\$58,720	\$64,661	\$95,476	\$103,500	\$107,000
01-001-702 Part-time	\$40,054	\$40,961	\$30,112	\$10,000	\$0
01-001-704 Overtime, Comp Time & Vacation	\$3,865	\$4,595	\$4,000	\$2,000	\$2,000
01-001-751 Legal Fees	\$9,507	\$9,838	\$15,000	\$13,500	\$15,000
01-001-758 Paging/Wireless	\$286	\$190	\$375	\$600	\$1,500
01-001-760 Notices & Advertisements	\$869	\$1,812	\$2,000	\$2,000	\$2,000
01-001-774 Training	\$3,291	\$3,063	\$3,700	\$3,700	\$3,700
01-001-779 Insurance Expenses	\$71,321	\$69,741	\$74,500	\$81,000	\$55,000
01-001-781 Promo/Public Relations Activities	\$14,195	\$17,060	\$22,364	\$22,364	\$0
01-001-782 Car Allowance/Mileage Reimb	\$308	\$217	\$400	\$400	\$400
01-001-783 Organization & Membership Dues	\$8,929	\$10,205	\$10,918	\$10,918	\$11,600
01-001-785 Accounting & Auditing	\$16,550	\$17,790	\$20,000	\$22,000	\$12,000
01-001-799 Miscellaneous Contractual	\$10,726	\$10,773	\$18,650	\$15,000	\$15,000
01-001-801 Office Supplies	\$2,520	\$3,632	\$3,000	\$3,600	\$3,600
01-001-803 Miscellaneous Commodities	\$1,772	\$2,130	\$6,000	\$3,500	\$3,500
01-001-807 Printed Material/Publications	\$448	\$429	\$500	\$7,000	\$7,000
01-001-808 Postage & Postal Permit	\$1,801	\$841	\$2,100	\$2,000	\$2,000
01-001-850 Capital Outlay	\$3,964	\$8,223	\$2,500	\$2,500	\$2,500
TOTALS	\$249,124	\$266,160	\$311,595	\$305,582	\$243,800

Insurance Expenses increased due to increased value of city owned facilities.

Promo/Public Relations Activities included funding for outside agency requests and has been moved to the Governing Body budget for 2011. **Organizational and**

Membership Dues include funding for memberships to organizations like the League of Kansas Municipalities, Mid-America Regional Council and the Leavenworth County Development Coalition. **Accounting and Auditing** expenses have been reduced in expectation of moving away from a GAAP compliant audit for the 2010 budget year.

Miscellaneous Contractual includes items like copier agreements, accounting software maintenance and Filebound. **Printed Material/Publications** shows an increase to cover a recodification of city code beginning in 2010. This recodification will allow for all city code to be viewed and searched from the web with current updates.

GENERAL FUND**EMPLOYEE BENEFITS****ACCOUNT: 01-011**

		2008	2009	2010	2010	2011
		Actual	Actual	Budget	Estimate	Budget
01-011-745	HR Support Plus	\$0	\$1,375		\$9,000	\$9,000
01-011-746	Social Security	\$54,512	\$64,545	\$76,977	\$61,000	\$0
01-011-747	Medicare	\$12,748	\$15,095	\$18,002	\$15,100	\$0
01-011-748	KS Unemployment Tax	\$901	\$1,076	\$1,242	\$1,100	\$0
01-011-749	Employee Vision	\$0	\$1,844	\$4,036	\$4,000	\$0
01-011-772	EE Medical	\$87,627	\$106,684	\$128,172	\$118,000	\$0
01-011-773	EE Deferred Compensation	\$55,762	\$55,513	\$67,980	\$56,000	\$0
01-011-778	EE Dental Insurance	\$7,225	\$7,574	\$9,792	\$8,000	\$0
01-011-786	KS Police/Fireman	\$53,796	\$68,982	\$69,295	\$65,000	\$0
01-011-787	Employee Assistance Program	\$0	\$0	\$500	\$0	\$500
	Short Term Disability	\$0	\$0	\$0	\$2,700	\$0
	Long Term Disability	\$0	\$0	\$0	\$2,500	\$0
	Life and AD&D	\$0	\$0	\$0	\$1,500	\$0
01-011-813	Clothing Allowance	\$7,443	\$6,417	\$12,000	\$10,000	\$10,000
01-011-816	Vaccination Allowance	\$415	\$200	\$500	\$500	\$500
TOTALS		\$280,430	\$329,306	\$388,496	\$354,400	\$20,000

Employee benefits for all funds have been consolidated to the Employee Benefit Fund allowing for easier tracking and a complete view of benefit costs. **HR Support Plus** includes the agreement for human resource support for all departments. This group handles all background checks and general consulting for the City.

GENERAL FUND**STREET DEPARTMENT****ACCOUNT: 01-002**

	2008	2009	2010	2010	2011
	Actual	Actual	Budget	Estimate	Budget
01-002-701 Full Time	\$108,650	\$117,424	\$125,855	\$117,000	\$120,000
01-008-702 Part-Time	\$0		\$4,644	\$0	\$0
01-002-704 Overtime, Comp Time, Vacation	\$3,080	\$6,234	\$4,500	\$7,500	\$3,500
01-002-751 Legal Fees	\$0	\$46	\$200	\$1,500	\$1,500
01-002-758 Paging/Wireless	\$1,638	\$1,397	\$1,800	\$1,500	\$1,500
01-002-760 Notices & Advertisements	\$42	\$193	\$200	\$150	\$150
01-002-761 Vehicle/Equipment Main & Repair	\$5,650	\$5,107	\$6,000	\$7,500	\$7,500
01-002-774 Training	\$0	\$0	\$300	\$300	\$300
01-002-787 Street Lighting	\$41,933	\$52,615	\$46,000	\$56,000	\$56,000
01-002-799 Miscellaneous Contractual	\$1,958	\$1,962	\$2,500	\$2,500	\$2,500
01-002-801 Office Supplies	\$559	\$91	\$700	\$700	\$700
01-002-803 Miscellaneous Commodities	\$5,453	\$4,488	\$7,000	\$5,000	\$5,000
01-002-804 Gas/Oil/Misc	\$6,908	\$4,010	\$9,000	\$6,000	\$6,000
01-002-810 Safety Equipment	\$1,048	\$988	\$1,200	\$1,200	\$1,200
01-002-811 Maint Materials/Supplies	\$1,020	\$382	\$1,350	\$900	\$0
01-002-850 Capital Outlay	\$3,106	\$0	\$2,000	\$0	\$8,600

TOTALS \$181,045 \$194,937 \$213,249 \$207,750 \$214,450

Capital Outlay includes funding for a plow system on the Public Works tractor to assist with snow removal.

GENERAL FUND**POLICE DEPARTMENT****ACCOUNT: 01-004**

	2008	2009	2010	2010	2011
	Actual	Actual	Budget	Estimate	Budget
01-004-701 Full-time	\$389,970	\$538,466	\$541,113	\$546,000	\$590,000
01-004-702 Part-time	\$60,398	\$37,397	\$33,000	\$10,000	\$15,000
01-004-704 Overtime, Comp Time, Vacation	\$18,817	\$29,074	\$48,000	\$38,000	\$48,000
01-004-705 Police Grant Personal Serv.	\$0	\$1,901	\$0	\$0	\$0
01-004-751 Legal Fees	\$420	\$112	\$5,000	\$200	\$1,000
01-004-758 Paging/Wireless	\$3,137	\$5,130	\$5,000	\$4,500	\$5,000
01-004-759 Animal Control Expenses	\$2,102	\$2,251	\$3,000	\$2,031	\$3,000
01-004-760 Notices & Advertisements	\$715	\$108	\$1,000	\$800	\$1,000
01-004-761 Vehicle/Equipment Main & Repair	\$7,119	\$7,553	\$12,000	\$10,000	\$10,000
01-004-764 Leavenworth County Jail	\$4,060	\$4,603	\$7,000	\$4,830	\$6,000
01-004-766 Municipal Court Judge	\$3,000	\$3,650	\$3,600	\$3,650	\$3,650
01-004-767 Court Fees	\$26,122	\$30,520	\$35,000	\$30,000	\$30,000
01-004-774 Training	\$6,958	\$6,055	\$10,000	\$8,750	\$10,000
01-004-781 Promo/Public Relations Activities	\$0	\$0	\$500	\$0	\$500
01-004-782 Mileage Reimbursement	\$233	\$157	\$500	\$200	\$500
01-004-783 Organization Membership Dues	\$175	\$295	\$325	\$370	\$500
01-004-799 Misc Contractual Services	\$13,353	\$11,971	\$20,000	\$15,000	\$15,000
01-004-801 Office Supplies	\$4,181	\$2,747	\$4,000	\$3,400	\$3,500
01-004-803 Miscellaneous Commodities	\$11,949	\$8,965	\$12,000	\$10,000	\$10,000
01-004-804 Gas/Oil/Misc	\$35,055	\$27,043	\$45,500	\$35,000	\$35,000
01-004-807 Printed Material/Publications	\$1,139	\$673	\$1,500	\$700	\$1,500
01-004-808 Postage & Postal Permit	\$892	\$1,009	\$1,200	\$1,100	\$1,200
01-004-810 Safety Equipment (Vests)	\$988	\$3,087	\$4,000	\$3,000	\$3,000
01-004-850 Capital Outlay	\$16,570	\$4,942	\$11,500	\$5,000	\$6,000
TOTALS	\$607,352	\$727,708	\$804,738	\$732,531	\$799,350

Miscellaneous Contractual Services includes items such as copier maintenance, Leads Online and Training @ Your Place agreements.

GENERAL FUND**CITY FACILITIES****ACCOUNTS: 01-005; 01-001**

	2008	2009	2010	2010	2011
	Actual	Actual	Budget	Estimate	Budget
01-005-752 Utility Gas (Atmos)	\$6,592	\$7,141	\$7,500	\$10,000	\$10,000
01-005-753 Utility Electric (Westar)	\$2,476	\$2,619	\$3,000	\$2,800	\$3,000
01-005-754 Utility Sewer & Solid Waste	\$3,029	\$2,895	\$3,300	\$2,000	\$3,000
01-005-755 Utility Water (Cons Water)	\$1,116	\$1,126	\$1,560	\$1,300	\$1,500
01-005-757 Telephone/Fax/Internet Service	\$4,654	\$5,801	\$5,400	\$4,200	\$4,200
01-005-777 Facility Repairs & Maintenance	\$1,452	\$867	\$1,800	\$1,800	\$1,800
01-005-797 Technology Support	\$0	\$8,300	\$0	\$38,000	\$40,000
01-005-799 Misc. Contractual Services	\$4,979	\$7,654	\$6,280	\$5,800	\$5,800
01-005-803 Miscellaneous Commodities	\$2,751	\$2,524	\$3,350	\$2,600	\$2,800
01-001-850 Capital Outlay	\$814	\$299	\$3,000	\$7,000	\$7,000
TOTALS	\$27,863	\$39,228	\$35,190	\$75,500	\$79,100

Technology Agreement covers the agreement for services relating to information technology support and network security. **Miscellaneous Contractual** includes items like cleaning, general repairs and fire extinguisher inspections. **Miscellaneous Commodities** includes general supplies and maintenance materials.

GENERAL FUND**CITY FACILITIES GEN PARKS &
REC DEPARTMENT****ACCOUNT: 01-008**

	2008	2009	2010	2010	2011
PERSONNEL	Actual	Actual	Budget	Estimate	Budget
01-008-701 Personal Services	\$0	\$3,203	\$0	\$0	\$0
01-008-702 Part-Time	\$7,370	\$3,202	\$9,292	\$9,000	\$5,400
01-008-803 Miscellaneous Commodities	\$182	\$827	\$500	\$500	\$500
01-008-811 Maintenance Materials/Supplies	\$433	\$1,166	\$800	\$800	\$800
Field of Dreams	\$0	\$0	\$0	\$0	\$40,000
01-008-753 Utility Electric	\$1,562	\$1,532	\$2,000	\$2,800	\$3,000
01-008-754 Utility Sewer & Solid Waste	\$118	\$139	\$150	\$150	\$150
01-008-755 Utility Water	\$449	\$352	\$600	\$600	\$600
01-008-792 Park Maintenance & Repairs	\$2,102	\$2,534	\$2,500	\$2,500	\$2,500
01-008-799 Misc. Contractual Services	\$2,445	\$1,150	\$2,500	\$2,100	\$6,500
TOTALS	\$14,661	\$14,106	\$18,342	\$18,450	\$59,450

Part-Time expenses are being reduced to cover one seasonal worker versus the two previously budgeted. Some of the mowing duties previously handled by seasonal work is being contracted out and will be included in the **Miscellaneous Contractual Services** line item. **Field of Dreams** is a new line item related to the acquisition of the athletic complex. This line item is designed to take a portion of the revenue generated from the complex and put it back towards improvements. Staff is projecting \$55,000 in revenue from the Field of Dreams.

GENERAL FUND**PLANNING & ZONING DEPT.****ACCOUNT: 01-017**

	2008	2009	2010	2010	2011
	Actual	Actual	Budget	Estimate	Budget
01-017-701 Full-time	\$102,226	\$94,669	\$149,133	\$110,000	\$112,000
01-017-702 Part-time Intern	\$6,465	\$0	\$11,440	\$0	\$0
01-017-704 Overtime	\$3,587	\$1,779	\$4,000	\$750	\$1,000
01-017-751 Legal Fees	\$7,167	\$12,865	\$13,000	\$18,000	\$18,000
01-017-758 Paging/Wireless	\$742	\$1,107	\$1,500	\$1,500	\$1,500
01-017-760 Notices & Advertisements	\$3,948	\$3,237	\$4,000	\$2,000	\$3,000
01-017-761 Vehicle/Equipment Main & Repair	\$305	\$68	\$1,200	\$500	\$1,000
01-017-765 Engineering Services	\$22,295	\$27,957	\$25,000	\$15,000	\$15,000
01-017-768 Consulting/Special Studies	\$5,362	\$0	\$10,000	\$5,600	\$10,000
01-017-774 Training	\$2,843	\$2,166	\$3,500	\$3,500	\$3,500
01-017-776 Building Demolition	\$1,320	\$6,000	\$6,000	\$1,500	\$1,500
01-017-782 Mileage Reimb/Car Allowance	\$124	\$82	\$1,000	\$1,000	\$1,000
01-017-783 Organization/Membership Dues	\$85	\$662	\$1,000	\$1,000	\$1,000
01-017-799 Miscellaneous Contractual	\$3,306	\$2,012	\$4,000	\$3,000	\$3,000
01-017-801 Office Supplies	\$419	\$349	\$1,000	\$500	\$500
01-017-803 Miscellaneous Commodities	\$398	\$897	\$1,500	\$1,000	\$1,000
01-017-804 Gas/Oil/Misc	\$1,075	\$853	\$1,300	\$1,300	\$1,300
01-017-807 Printed Material/Publications	\$1,577	\$325	\$1,600	\$2,000	\$2,000
01-017-808 Postage & Postal Permit	\$2,387	\$840	\$1,500	\$1,000	\$1,000
01-017-850 Capital Outlay	\$0	\$217	\$2,000	\$2,000	\$2,000
TOTALS	\$165,631	\$156,085	\$243,673	\$171,150	\$179,300

Legal Fees are used for abatements and agreement review. **Engineering Services** are decreasing as staff takes on more of those duties. **Miscellaneous Contractual** includes maintenance on engineering software packages.

GENERAL FUND**MISCELLANEOUS****ACCOUNT: 01-**

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Transfer to Sewer Fund	\$100,000	\$0	\$175,000	\$0	\$0
Transfer to Consolidated Highway	\$200,000	\$0	\$0	\$0	\$0
Transfer to Capital Improvement	\$200,000	\$0	\$0	\$0	\$0
Transfer to Equipment Reserve	\$215,000	\$30,000	\$95,000	\$69,000	\$78,910
NRP Rebate	\$12,648	\$2,391	\$15,787	\$15,787	\$16,000
Developer Admin Costs	\$79,744	\$0	\$0	\$0	\$0
Reimbursements & Reimbursables	\$0	\$69,238	\$42,400	\$42,000	\$42,000
TOTALS	\$807,392	\$101,629	\$328,187	\$126,787	\$136,910

Eliminated the **Transfer to Sewer Fund** as enterprise funds should be supported by user fees and not levied taxes. The **Transfer to Equipment Reserve** is used to cover depreciation on General Fund equipment and decreased to match the Vehicle Replacement Schedule. The **NRP Rebate** covers the rebate of property tax on eligible property improvements within the defined neighborhoods. **Reimbursements & Reimbursables** is budgeted as money in and money out.

SOLID WASTE FUND**ACCOUNTS: 09-000; 09-009; 09-010; 09-011**

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Beginning of year balance	\$64,198	\$65,925	\$74,502	\$71,534	\$17,538
Revenue					
Solid Waste Fees	\$157,692	\$153,420	\$168,443	\$155,000	\$194,000
Delinquent Fee Collections	\$3,942	\$4,510	\$5,000	\$2,500	\$2,000
Interest on Idle Funds	\$1,821	\$1,066	\$1,275	\$100	\$100
TOTAL REVENUE	\$163,455	\$158,996	\$174,718	\$157,600	\$196,100
TOTAL AVAILABLE FUNDS	\$227,653	\$224,921	\$249,220	\$229,134	\$213,638
Expenditures					
09-010-701 Full-time	\$14,440	\$16,240	\$16,994	\$19,580	\$26,980
09-010-704 Overtime	\$154	\$55	\$500	\$500	\$1,000
09-011-746 Social Security	\$905	\$1,010	\$1,085	\$1,217	\$0
09-011-747 Medicare	\$212	\$237	\$254	\$285	\$0
09-011-748 Unemployment	\$15	\$0	\$17	\$26	\$0
05-011-749 Vision Insurance	\$0	\$0	\$79	80	\$0
09-011-772 Medical/Life Insurance	\$30	\$27	\$4,697	2020	\$0
09-011-773 Deferred Compensation	\$2,026	\$2,202	\$2,250	\$2,582	\$0
09-011-778 Dental Insurance	\$0	\$0	\$204	186	\$0
Transfer to Employee Benefit	\$0	\$0	\$0	\$0	\$11,085
09-000-903 Transfer to General Fund	\$20,000	\$15,000	\$0	\$0	\$0
09-000-972 Transfer to Sewer Fund	\$0	\$0	\$50,000	\$50,000	\$0
09-010-775 Solid Waste Disposal	\$116,313	\$125,729	\$130,500	\$130,620	\$164,000
09-010-799 Misc. Contractual Services	\$588	\$585	\$770	\$200	\$800
09-010-801 Office Supplies	\$97	\$91	\$100	\$100	\$100
09-010-803 Miscellaneous Commodities	\$0	\$0	\$100	\$100	\$100
05-009-807 Printed Material/Publications	\$554	\$0	\$750	\$1,300	\$1,500
05-009-808 Postage & Postal Permit	\$2,250	\$3,000	\$2,800	\$2,800	\$4,000
TOTALS	\$157,583	\$164,177	\$211,100	\$211,596	\$209,565
UNRESERVED CASH BALANCE	\$70,070	\$60,744	\$38,120	\$17,538	\$4,073

Budgeting an increase in revenue and a similar increase in expenditures as the City explores city wide recycling. One half of the Utility Billing Clerk and ten percent of the City Superintendents wages and benefits are covered out of this fund.

SEWER FUND**SEWER DEPARTMENT****ACCOUNTS: 05-000; 05-009; 05-011**

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Beginning of year balance	\$821,433	-\$22,348	\$395,713	\$464,249	\$769,531
REVENUES					
Sewer Charges	\$657,626	\$665,825	\$690,037	\$680,000	\$715,600
Sewer Connection Fees	\$200,775	\$88,636	\$103,500	\$400,000	\$100,000
Delinquent Fee Collections	\$22,017	\$18,236	\$20,000	\$5,400	\$8,000
Interest Income	\$13,579	\$7,927	\$7,287	\$800	\$1,000
Transfer from Solid Waste	\$0	\$0	\$50,000	\$50,000	\$0
Transfer from General Fund	\$100,000	\$0	\$175,000	\$0	\$0
Capital Project Funds	\$0	\$5,200,556	\$0	\$270,000	\$0
24/40 Sewer Interceptor	\$0	\$0	\$0	\$0	\$72,162
TOTAL REVENUE	\$993,997	\$5,981,180	\$1,045,824	\$1,406,200	\$896,762
TOTAL AVAILABLE FUNDS	\$1,815,430	\$5,958,832	\$1,441,537	\$1,870,449	\$1,666,293
TOTAL EXPENDITURES	\$1,835,723	\$5,374,122	\$1,340,044	\$1,100,918	\$1,666,235
UNRESERVED CASH BALANCE	-\$20,293	\$584,710	\$101,493	\$769,531	\$59

Total expenditures in the Sewer Fund increased \$304,127 due in large part to an increase in debt payments of \$249,994. 2010 **Sewer Connection Fees** include the projected fees from the Sewer District # 3 project. Transfers in were eliminated as enterprise funds should be sustained by user fees. Sewer rates will need to increase in order for this fund to stay viable if the city does not experience substantial growth. **24/40 Sewer Interceptor** revenue is being budgeted here since the debt payments are being made directly from this fund.

SEWER FUND**SEWER DEPARTMENT****ACCOUNTS: 05-000; 05-009; 05-011**

PERSONNEL		2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
05-009-701	Full-time	\$107,776	\$116,995	\$121,193	\$117,000	\$119,700
05-009-704	Overtime	\$5,953	\$5,464	\$7,500	\$7,500	\$7,000
05-011-746	Social Security	\$6,765	\$7,281	\$7,979	\$7,200	0
05-011-747	Medicare	\$1,582	\$1,703	\$1,866	\$1,866	0
05-011-748	Unemployment	\$114	\$0	\$129	\$129	0
05-011-749	Vision Insurance	\$0	\$231	\$238	\$600	0
05-011-772	Medical/Life Insurance	\$11,469	\$12,794	\$33,766	\$13,000	0
05-011-773	Deferred Compensation	\$15,786	\$16,544	\$16,550	\$16,000	0
05-011-778	Dental Insurance	\$943	\$932	\$1,428	\$1,428	0
05-009-753	Utility Electric	\$57,086	\$67,754	\$63,000	\$63,000	\$83,000
05-009-757	Telephone/Fax/Internet Service	\$4,341	\$5,137	\$4,500	\$1,100	\$2,500
05-009-758	Paging/Wireless	\$1,766	\$1,654	\$1,900	\$750	\$1,200
05-009-761	Vehicle/Equip Maint. & Repair	\$1,769	\$8,878	\$2,000	\$2,000	\$2,500
05-009-762	Sludge Waste Removal	\$19,186	\$15,532	\$22,000	\$20,000	\$20,000
05-009-765	Engineering Services	\$438,270	\$258,399	\$15,000	\$14,000	\$5,000
05-009-774	Training	\$816	\$849	\$2,500	\$2,500	\$2,500
05-009-777	Facility Repairs/Maintenance	\$6,340	\$1,932	\$14,000	\$14,000	\$14,000
05-009-789	Collection System Maint./Repair	\$41,401	\$14,767	\$50,000	\$26,500	\$26,500
05-009-790	Sampling	\$8,015	\$3,725	\$18,000	\$5,000	\$5,000
05-009-799	Miscellaneous Contractual	\$8,041	\$7,061	\$19,000	\$7,200	\$7,500
	General Supplies	\$6,615	\$6,519	\$7,250	\$4,750	\$5,000
05-009-804	Gas/Oil/Misc	\$6,979	\$3,855	\$10,000	\$4,300	\$4,500
05-009-807	Printed Material/Publications	\$959	\$174	\$1,250	\$1,100	\$1,000
05-009-808	Postage & Postal Permit	\$3,008	\$3,833	\$4,000	\$4,000	\$4,000
	New Equipment	\$7,808	\$9,857	\$8,000	\$8,000	\$6,500
	Maint. Materials/Supplies	\$7,145	\$9,231	\$12,500	\$10,000	\$10,000
	Transfer to General Fund	\$0	\$0	\$0	\$0	\$0
	Transfer to Equipment Reserve	\$0	\$0	\$0	\$0	\$13,790
	Transfer to Employee Benefit	\$0	\$0	\$0	\$0	\$52,056
	Transfer to Bond & Interest	\$488,000	\$0	\$0	\$0	\$0
05-000-865	Capital Improvements	\$517,831	\$4,236,792	\$50,000	\$10,000	\$10,000
05-000-854	Sewer Line Rehab	\$59,961	\$29,108	\$106,500	\$0	\$275,000
05-000-901	KDHE Payment	\$0	\$527,122	\$737,995	\$737,995	\$987,989
TOTALS		\$1,835,723	\$5,374,122	\$1,340,044	\$1,100,918	\$1,666,235

Engineering Services are decreasing as staff takes on more of these duties. The **Transfer to Equipment Reserve** is to offset depreciation on waste water treatment vehicles and corresponds to the Vehicle Replacement Schedule. The **Sewer Line Rehab** includes \$275,000 to remove the Chestnut Street lift station and replace it with a gravity line running across Tomahawk Valley.

BOND & INTEREST FUND

ACCOUNT: 08-000

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Beginning of year balance	\$68,327	\$106,182	\$33,314	\$81,613	\$46,949
REVENUES					
Ad Valorem	\$128,141	\$26,834	\$15,319	\$15,319	\$146,279
Delinquent	\$5,530	\$2,780	\$0	\$792	\$0
MVT	\$0	\$17,309	\$3,581	\$3,581	\$1,803
RVT	\$0	\$222	\$37	\$37	\$23
16/20MVT	\$0	\$0	\$88	\$243	\$81
Special Assessments	\$425,032	\$460,902	\$476,486	\$476,486	\$532,354
Interest	\$3,718	\$2,772	\$2,900	\$0	\$0
Transfer From Sewer	\$488,000	\$0	\$0	\$0	\$0
TOTAL REVENUE	\$1,050,421	\$510,819	\$498,411	\$496,458	\$680,540
TOTAL AVAILABLE FUNDS	\$1,118,748	\$617,001	\$531,725	\$578,071	\$727,489
EXPENDITURES					
08-000-860 GO Bond Principal Payments	\$522,964	\$320,000	\$330,000	\$330,000	\$350,000
08-000-862 GO Bond Interest Payments	\$0	\$214,971	\$201,499	\$201,122	\$186,821
08-000-880 KDHE Payments	\$488,000	\$0	\$0	\$0	\$0
08-000-880 KDOT Principal Payments	\$0	\$0	\$0	\$0	\$53,418
08-000-881 KDOT Interest Payments	\$0	\$0	\$0	\$0	\$62,250
Cash Basis Reserve	\$0	\$0	\$0	\$0	\$75,000
TOTAL EXPENDITURES	\$1,010,964	\$534,971	\$531,499	\$531,122	\$727,489
UNRESERVED CASH BALANCE	\$107,784	\$82,030	\$226	\$46,949	\$0

MILL LEVY INFORMATION	2008	2009	2010	2011
FUND REQUIREMENTS	\$128,141	\$26,834	\$15,319	\$146,279
ADD FOR DELINQUENT TAXES				7%
TOTAL AD VALOREM	\$128,141	\$26,834	\$15,319	\$156,519
RATE OF LEVY IN MILLS	3.207	0.668	0.336	3.112

KSA 79-2930 allows up to an additional 5% for delinquent taxes
In 2009 there was a delinquency rate of 7%

The **KDHE Payments** in 2011 are to begin servicing TRF 125. The **Cash Basis Reserve** line item is allowed to cover unbudgeted mid-year debt payments in the case of an early debt issuance or can assist with revenue shortfalls.

EMPLOYEE BENEFIT**EMPLOYEE BENEFITS****ACCOUNT: 01-011**

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Beginning of year balance	\$0	\$0	\$0	\$0	\$0
REVENUES					
Ad Valorem	\$0	\$0	\$0	\$0	\$436,015
Delinquent	\$0	\$0	\$0	\$0	\$0
MVT	\$0	\$0	\$0	\$0	\$0
RVT	\$0	\$0	\$0	\$0	\$0
16/20MVT	\$0	\$0	\$0	\$0	\$0
Interest	\$0	\$0	\$0	\$0	\$0
Transfer From Solid Waste	\$0	\$0	\$0	\$0	\$11,085
Transfer From Sewer	\$0	\$0	\$0	\$0	\$52,056
TOTAL REVENUE	\$0	\$0	\$0	\$0	\$499,155
TOTAL AVAILABLE FUNDS	\$0	\$0	\$0	\$0	\$499,155
EXPENDITURES					
Social Security					\$78,000
Medicare					\$18,200
KS Unemployment Tax					\$30,265
Employee Vision					\$4,590
EE Medical					\$159,000
EE Deferred Compensation					\$80,000
Work Comp					\$35,000
EE Dental Insurance					\$10,500
KS Police/Fireman					\$76,000
Short Term Disability					\$3,500
Long Term Disability					\$2,500
Life and AD&D					\$1,600
TOTAL EXPENDITURES	\$0	\$0	\$0	\$0	\$499,155
UNRESERVED CASH BALANCE	\$0	\$0	\$0	\$0	\$0
Annual Comparison of Benefit Cost	\$312,417	\$364,276	\$446,537	\$377,409	\$435,590
MILL LEVY INFORMATION	2008	2009	2010	2011	
FUND REQUIREMENTS					\$436,015
ADD FOR DELINQUENT TAXES					7%
TOTAL AD VALOREM					\$466,536
RATE OF LEVY IN MILLS					9.275

KSA 79-2930 allows up to an additional 5% for delinquent taxes
In 2009 there was a delinquency rate of 7%

This fund is being created to consolidate all employee benefits. The **Transfer From Solid Waste** and the **Transfer From Sewer** are budgeted to cover their share of employee benefits.

CONSOLIDATED HIGHWAY FUND

ACCOUNT: 10-000

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Beginning of year balance	\$1,832,503	\$2,217,728	\$1,618,085	\$1,726,181	\$1,692,871
REVENUES					
State of Kansas Gas Tax	\$104,326	\$105,127	\$108,120	\$111,740	\$108,900
County Transfer Gas Tax	\$10,101	\$9,476	\$11,710	\$11,950	\$12,420
Excise/Impact Fees	\$84,714	\$34,951	\$51,239	\$16,000	\$16,000
Local Sales and Use Tax	\$277,886	\$289,594	\$326,249	\$290,000	\$300,000
Miscellaneous	\$0	\$100,000	\$0	\$0	\$0
Transfer from General Fund	\$200,000	\$0	\$0	\$0	\$0
Interest on Idle Funds	\$44,690	\$29,634	\$35,545	\$3,000	\$3,000
TOTAL REVENUE	\$721,717	\$568,782	\$532,863	\$432,690	\$440,320
TOTAL AVAILABLE FUNDS	\$2,554,220	\$2,786,510	\$2,150,948	\$2,158,871	\$2,133,191
10-000-849 Street Improvements (Excise)	\$67,886	\$781,120	\$175,000	175,000	175,000
Street CIP Projects	\$0	\$0	\$0	0	1,475,000
10-000-765 Contractual Services	\$13,000	\$100,705	\$30,000	15,000	15,000
10-000-771 Street Repairs & Maintenance	\$204,046	\$170,240	\$200,000	200,000	330,000
10-000-803 Misc. Contractual Services	\$10,476	\$3,833	\$11,000	11,000	11,000
10-000-811 Maintenance Materials/Supplies	\$30,582	\$18,941	\$65,000	65,000	50,000
TOTAL EXPENDITURES	\$325,990	\$1,074,840	\$481,000	\$466,000	\$2,056,000
UNRESERVED CASH BALANCE	\$2,228,230	\$1,711,670	\$1,669,948	\$1,692,871	\$77,191

The **Consolidated Highway Fund** is used for street maintenance, repair, pavement management plan, salt and sand. The **Street CIP Projects** line item for 2011 allows for funding of a project from the City Capital Improvement Plan as identified by City Council. The **Street Repairs & Maintenance** line item is increasing to allow for more project to be complete in the pavement management program.

SPECIAL PARK & REC FUND

ACCOUNT: 04-000

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Beginning of year balance	\$122,658	\$146,260	\$155,615	\$159,898	\$149,714
REVENUES					
Local Liquor Tax	\$8,141	\$7,816	\$8,016	\$8,016	\$8,000
Parkland Fee	\$12,800	\$4,400	\$6,000	\$1,600	\$2,000
Interest on Investments	\$2,968	\$1,993	\$2,360	\$200	\$250
Miscellaneous	\$4,300	\$250	\$0	\$0	\$0
TOTAL REVENUE	\$28,209	\$14,459	\$16,376	\$9,816	\$10,250
TOTAL AVAILABLE FUNDS	\$150,867	\$160,719	\$171,991	\$169,714	\$159,964
EXPENDITURES					
Park Maintenance & Repair	\$2,536	\$821	\$5,000	\$5,000	\$7,500
Capital Outlay	\$2,074	\$0	\$30,000	\$15,000	\$60,000
TOTAL EXPENDITURES	\$4,610	\$821	\$35,000	\$20,000	\$67,500
UNRESERVED CASH BALANCE	\$146,257	\$159,898	\$136,991	\$149,714	\$92,464

The **Special Park & Recreation Fund** can be used for park and recreation improvements and maintenance. The **Capital Outlay** line item includes \$30,000 for up to two matching fund grants for neighborhood playgrounds and \$30,000 for paving of the City Park parking lot.

CAPITAL IMPROVEMENT FUND

ACCOUNT: 12-000

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Beginning of year balance	\$713,661	\$1,210,908	\$1,346,875	\$1,399,713	\$1,244,713
REVENUE					
Transfer From General Fund	\$200,000	\$0	\$0	\$0	\$0
Local Sales/Use Tax	\$277,885	\$289,594	\$326,248	\$290,000	\$70,000
Interest on Idle Funds	\$19,362	\$16,808	\$13,550	\$5,000	\$5,000
TOTAL REVENUE	\$497,247	\$306,402	\$339,798	\$295,000	\$75,000
TOTAL AVAILABLE FUNDS	\$1,210,908	\$1,517,310	\$1,686,673	\$1,694,713	\$1,319,713
EXPENDITURES					
12-000-850 Capital Outlay	\$0	\$117,597	\$150,000	\$450,000	\$1,300,000
TOTALS	\$0	\$117,597	\$150,000	\$450,000	\$1,300,000
UNRESERVED CASH BALANCE	\$1,210,908	\$1,399,713	\$1,536,673	\$1,244,713	\$19,713

The **Capital Improvement Fund** is to be used primarily on City facilities. In 2010 the City expended \$400,000 on **Capital Outlay** to acquire the Basehor Field of Dreams. In 2011 \$1,300,000 is budgeted to address space needs at City Hall.

CEDAR LAKES MAINTENANCE FUND

ACCOUNT: 07-001

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Beginning of year balance	\$63,523	\$62,523	\$56,693	\$43,442	\$24,141
REVENUES					
Assessed Fees	\$9,874	\$9,646	\$9,699	\$9,699	\$20,000
Interest on Idle Funds	\$1,457	\$651	\$1,005	\$0	\$0
TOTAL REVENUE	\$11,331	\$10,297	\$10,704	\$9,699	\$20,000
TOTAL AVAILABLE FUNDS	\$74,854	\$72,820	\$67,397	\$53,141	\$44,141
EXPENDITURES					
01-001-799 Miscellaneous Contractual	\$12,331	\$29,378	\$17,000	\$29,000	\$44,141
TOTAL EXPENDITURES	\$12,331	\$29,378	\$17,000	\$29,000	\$44,141
UNRESERVED CASH BALANCE	\$62,523	\$43,442	\$50,397	\$24,141	\$0

The **Cedar Lakes Maintenance Fund** is to be used for expenses related to sewer issues in the Cedar Lakes sewer district. Expenditures have been outpacing revenues for the past several years so the City will request an increase in assessed fees to the sewer district. Staff has reviewed past expenditures and based on historical expensess and life expectancy of the grinder pumps, \$20,000 per year should build enough funds to cover annual operating costs.

MUNICIPAL EQUIP RESERVE FUND

ACCOUNT: 11-000

	2008 Actual	2009 Actual	2010 Budget	2010 Estimate	2011 Budget
Beginning of year balance	\$182,125	\$355,972	\$286,227	\$286,227	\$236,227
REVENUES					
Transfer from General Fund	\$215,000	\$30,000	\$95,000	\$69,000	\$78,910
Transfer from Sewer Fund	\$0	\$0	\$0	\$0	\$13,790
Interest on Investments	\$3,256	\$3,790	\$3,500	\$1,000	\$350
TOTAL REVENUE	\$218,256	\$33,790	\$98,500	\$70,000	\$93,050
TOTAL AVAILABLE FUNDS	\$400,381	\$389,762	\$384,727	\$356,227	\$329,277
EXPENDITURES					
Capital Outlay	\$65,358	\$103,535	\$150,000	\$120,000	\$63,000
TOTAL EXPENDITURES	\$65,358	\$103,535	\$150,000	\$120,000	\$63,000
UNRESERVED CASH BALANCE	\$335,023	\$286,227	\$234,727	\$236,227	\$266,277

2011 Projected Purchases

ATV	\$20,000
Trailer Mounted Compressor	\$31,000
Tack Cart with Heat Box	\$12,000
Total 2011 Projected Purchases	\$63,000

The **Municipal Equipment Reserve Fund** is a report only fund as per State Statute, however staff is projecting the above purchases based on budget requests. The **Transfers In** are calculated based on the Fleet Replacement Schedule with each fund covering its own projected depreciation. By following the transfer schedule the City should be able to avoid large budgeted expenditures. The ATV will be used for assistance in snow removal and projects where a truck cannot be utilized. The Tack Cart and Compressor will allow city staff to perform crack sealing and other street maintenance items. This equipment has been added to the fleet replacement schedule.

**BASEHOR TOWN
CENTER****REPORT****ACCOUNT: 18-000**

	2009 Actual
18-000-765 Engineering Services	\$169,668
18-000-799 Misc. Contractual Services	\$18,229
18-000-849 Street Improvements	\$25,700
18-000-864 Temp Note Interest Payments	\$144,551
18-000-891 Water Services	\$10,212
18-000-892 Sewer Services	\$537,843
18-000-893 Street Services	\$1,655,005
<i>Totals</i>	\$2,561,208

WOLF CREEK**REPORT****ACCOUNT: 19-000**

	2009 Actual
19-000-751 Legal Professional Fees	\$67,429
19-000-760 Notices & Advertisements	\$1,466
19-000-765 Engineering Services	\$228,734
19-000-799 Misc. Contractual Services	\$130,208
19-000-803 Misc. Commodities	\$6
19-000-849 Street Improvements	\$933,466
19-000-891 Water Services	\$110,427
<i>Totals</i>	\$1,471,736

Capital Improvement Plan

Capital Improvement Plan

DEPARTMENT	PROJECT	Prior to 2010	2010	2011	2012	2013	2014	CITY SHARE	CITY SOURCE	OUTSIDE SHARE	OUTSIDE SOURCE	GRAND TOTAL
Public Works												
Street												
	Wolf Creek Parkway	\$ 1,282,308	\$ 295,639					\$ 1,577,947	Revolving Loan			\$ 1,577,947
	150th - Parallel to Craig	\$ 663,422	\$ 42,981					\$ 706,403				\$ 706,403
	K-7 to Donahoo Road Left Turn Lane			\$ 30,000				\$ 30,000		\$ 1,091,000	KDOT, FED, County	\$ 1,121,000
								\$ -				\$ -
								\$ -				\$ -
								\$ -				\$ -
								\$ -				\$ -
								\$ -				\$ -
Category Yearly Subtotal:		\$ 1,945,730	\$ 338,620	\$ 30,000	\$ -	\$ -	\$ -	\$ 2,314,350	\$ -	\$ 1,091,000	\$ -	\$ 3,405,350

Public Works Project Queue	Total
147th - State Ave. to Parallel Rd. - Asphalt/Bridge	\$ 7,500,000
147th - Parallel Rd. to Leavenworth Rd. - Chip & Seal	\$ 690,000
147th - Leavenworth Rd. to Donahoo Rd. - Chip & Seal	\$ 690,000
147th - Donahoo Rd. to Hollingsworth Rd. - Chip & Seal	\$ 690,000
142nd - State Ave. to Parallel Rd. - Asphalt	\$ 5,826,000
Parallel Rd. - 155th to 158th - Chip & Seal	\$ 268,000
Parallel Rd. - 158th to 163rd - Chip & Seal	\$ 427,000
Reverse Frontage Road - 155th to 158th - Asphalt	\$ 2,374,840
Intersection - 155th & Parallel Rd. - Asphalt	\$ 1,127,816
155th - Parallel to Elm - Asphalt	\$ 1,521,582
155th - 24/40 to Parallel - Asphalt	\$ 4,220,206
Total	\$ 25,335,444

SEWER												
	WWTP Upgrade	\$ 5,657,243	\$ 153,294					\$ 5,810,537	Revolving Loan			\$ 5,810,537
								\$ -				\$ -

Sanitary Sewer Project Queue	Total
Sanitary Sewer Master Plan	\$ 150,000
Total	\$ 150,000

Category Yearly Subtotal:		\$ 5,657,243	\$ 153,294	\$ -	\$ -	\$ -	\$ -	\$ 5,810,537	\$ -	\$ -	#REF!	\$ 5,810,537
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Facility												
								\$ -				\$ -
								\$ -				\$ -
Category Yearly Subtotal:		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	#REF!	\$ -

Public Works Project Queue	Total
City Hall	\$ 2,000,000
Total	\$ 2,000,000

Grand Total		\$ 7,602,973	\$ 491,914	\$ 30,000	\$ -	\$ -	\$ -	\$ 8,124,887	\$ -	\$ 1,091,000	#REF!	\$ 9,215,887
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Total of Projects in Queue	\$ 27,485,444
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City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 14

Topic:

Neighborhood Revitalization Plan No. 3 Public Hearing

Action Requested:

Open the Public Hearing for adoption of Resolution 2010-08 implementing Neighborhood Revitalization Plan No. 3.

Narrative:

Open the Public Hearing for adoption of Resolution 2010-08 implementing Neighborhood Revitalization Plan No. 3 as required by Kansas State Statute.

Presented by:

City Administrator, Mark Loughry

Administration Recommendation:

Committee Recommendation:

Attachments:

None

Projector needed for this item?

No

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 15

Topic:

Neighborhood Revitalization Plan No. 3 Adoption

Action Requested:

Adopt Resolution 2010-08 implementing Neighborhood Revitalization Plan No. 3.

Narrative:

NRP No. 3 closely resembles NRP No. 2 except rebate taxes will only be available from the City and there will be no interlocal agreement with any other entities.

Presented by:

City Administrator, Mark Loughry

Administration Recommendation:

Committee Recommendation:

Attachments:

Memo dated 7-2-10, Mark Loughry (1 page)
Resolution 2010-08 (2 pages)

Projector needed for this item?

No

Memo

Date: 7/2/2010
To: Basehor City Council
Cc: Mayor, Terry Hill
From: Mark Loughry, City Administrator
RE: Theno Estates Neighborhood Revitalization Plan (NRP) #3

Council the new owner of Theno Estates has requested that the City consider implementing a revitalization plan for Theno Estates similar to NRP #2 that we have in place in other areas of the city. This plan will be different in that we are only considering the rebate of taxes within the City and not entering into an interlocal agreement with any other entities. If the property owner wishes for any other taxing entity to participate it will be their responsibility to approach the appropriate governing body.

Attached is a copy of the proposed plan which mirrors fairly closely the plan we implemented last year. There are a few fine points that the City Attorney and I need to work out as far as dates and changes in participation and I hope to have that ready for you Monday night. If the Council supports this request we will need to schedule a public hearing in August for final approval. This will have a retroactive implementation date of July 1st, and will expire December of 2012. The expiration date matches with NRP #2.

I do feel this is a fair request and will assist leveling the playing field for a property that was outside of the city limits when the initial plan was implemented. Staff supports this request.

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

RESOLUTION NO. 2010-

A RESOLUTION ADOPTING BASEHOR NEIGHBORHOOD REVITALIZATION PLAN NO. 3 PROVIDING FOR PROPERTY TAX REBATES AND DESIGNATING A CERTAIN AREA OF THE CITY OF BASEHOR AS A NEIGHBORHOOD REVITALIZATION AREA

WHEREAS, K.S.A 12-17,114 through 12-17-120, the Neighborhood Revitalization Act, provides that cities may prepare plans and designate Neighborhood Revitalization Areas; and

WHEREAS, the city of Basehor finds that one or more of the conditions as described in subsection (c) of K.S.A. 12-17-115 exist within the area; and,

WHEREAS, the rehabilitation, conservation, development or redevelopment of structures within the area are necessary to protect the public health, safety or welfare of the residents of the city of Basehor; and

WHEREAS, the city of Basehor desires to adopt Neighborhood Revitalization Plan No. 3 that will apply to the area of the City known as Centerpoint Preserve, which is a different geographic area of the city than those areas included within existing Neighborhood Revitalization Plans; and

WHEREAS, the Neighborhood Revitalization Area designated in Plan No. 3 meets the requirements of K.S.A. 12-17,117 et seq; and,

WHEREAS, the Neighborhood Revitalization Plan No. 3 provides incremental property tax rebates to encourage property owners to rehabilitate, conserve, develop or redevelop structures within the area; and

WHEREAS, public notice has been made and a public hearing held as required by the Neighborhood Revitalization Act.

THEREFORE, BE IT RESOLVED THAT the Governing Body of the city of Basehor adopts the Neighborhood Revitalization Plan No. 3, which Plan is attached hereto (Exhibit "A") and by this reference made a part hereof.

BE IT FURTHER RESOLVED THAT, as set forth in Resolution 2010-_____, the area described in Neighborhood Revitalization Plan No. 3 is hereby designated as a Neighborhood Revitalization Area.

Passed by the Governing Body of the City of Basehor, Kansas this 16th day of August, 2010.

Mayor Terry Hill

ATTEST:

Kathy Renn, City Clerk

Exhibit “A”

[INSERT NEIGHBORHOOD REVITALIZATION PLAN NO. 3]

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 16

Topic:

City Clerk appointment

Action Requested:

Consider approval of the mayoral appointment for City Clerk

Narrative:

See enclosed packet containing resume & references

Presented by:

City Administrator, Mark Loughry

Administration Recommendation:

Recommend approval as presented.

Committee Recommendation:

Attachments:

Packet containing City Clerk reference material

Projector needed for this item?

No

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 17

Topic:

Interlocal Agreement between Wyandotte Co. / Kansas City, KS / Leavenworth Co. / Basehor, KS for improvements to K-7 & Donahoo Rd.

Action Requested:

Approve Interlocal Agreement between the unified government of Wyandotte Co. / Kansas City, KS / Leavenworth County / Basehor, KS for the improvements to K-7 Highway & Donahoo Road intersection.

Narrative:

Presented by:

Mark Loughry, City Administrator

Administration Recommendation:

Committee Recommendation:

Attachments:

Memo, Mark Loughry, August 9, 2010 (1 page)

Interlocal Agreement (10 pages)

Supporting documents from Sept. 10, 2009 City Council Work Session (20 pages)

Projector needed for this item?

No

Memo

Date: 8/09/2010
To: Basehor City Council
Cc: Mayor, Terry Hill
From: Mark Loughry, City Administrator
RE: Donahoo Interlocal Agreement

Council in September of 2009 Wyandotte County approached the City about the possibility of entering into an interlocal agreement with KDOT, Leavenworth County, Wyandotte County and the City of Basehor in regards to the reconstruction of the intersection at K7 and Donahoo. At that time the City agreed in principal and jointly asked KDOT for matching funds to complete the project. We are now at the point where the City must commit the \$30,000 requested as the City's share of the project.

A few things that should be noted

- The total project cost is estimated at \$1,121,000
- The County is also contributing \$30,000
- The City would be responsible for 28% of any change orders that impact all entities
- The City would be responsible for 100% of any change orders that impact only our portion of the project
- If any right of way acquisition is required for the City's portion of the project the City would pay 100% of that cost (currently no ROW acquisition is required)

While there is the potential that this project could cost the City more than the \$30,000 discussed it would only do so if it was a direct benefit to the City, therefore I do recommend that the City enter into this interlocal agreement.

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

**INTERLOCAL AGREEMENT BETWEEN
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS
AND LEAVENWORTH COUNTY, KANSAS, AND BASEHOR, KANSAS
FOR THE IMPROVEMENTS TO K-7 HIGHWAY AND DONAHOO ROAD INTERSECTION**

THIS AGREEMENT, made this _____ day of _____, 2010 between the Unified Government of Wyandotte County/Kansas City, Kansas, (hereinafter "Unified Government"), and the County of Leavenworth, Kansas (hereinafter "Leavenworth County"), and the City of Basehor, Kansas, (hereinafter "Basehor"), each being a municipality organized and existing under the laws of Kansas.

WHEREAS, the Unified Government, Leavenworth County, and Basehor desire to jointly make a capital improvement on K-7 Highway at Donahoo Road located approximately 4.5 miles north of I-70; and

WHEREAS, the improvements are to consist of intersection improvements designed to standards set forth by the American Association of State Highway and Transportation Officials (AASHTO), the Kansas Department of Transportation (KDOT), the Unified Government, Leavenworth County, and Basehor, (the improvement hereinafter referred to as the "Project"); and

WHEREAS, it is in the best interest of the Unified Government, Leavenworth County, and Basehor, and their citizens, to reach an agreement for the joint undertaking of this project; and

WHEREAS, the governing body of Leavenworth County did approve and authorize JC Tellefon to execute this Agreement by official vote of said body on the 13 day of May, 2010; and

respective Administrators for resolution.

- 1.4. The Unified Government has applied for and received approval of \$800,000 in Federal-Aid US 73 Earmark Funds through the Kansas Department of Transportation. In addition, the Unified Government, Leavenworth County, and Basehor have jointly applied and received approval for \$214,000 in K-7 Corridor Management Funds. Use of such Federal and State funds shall dictate the manner in which the project is developed, including procedures for consulting engineer selection, plan format, project schedule, funding eligibilities, and construction engineering procedures.
- 1.5. The assigned KDOT Project No. is 105 C - 4589 - 01 with an anticipated bid letting in April, 2011. Intermediate milestone dates for development of field check, and final check plans have been established by KDOT, and all parties shall make best efforts to adhere to those dates.
- 1.6. The Unified Government, as administrator of the project shall procure, at its expense, the services of a consulting engineer utilizing quality based criteria as set forth in the Procurement Code of the Unified Government and Procedural Guidelines of the Kansas Department of Transportation. The consultant shall be employed to perform the following tasks prior to bid letting: site surveying, project design, development of construction plans, and permit applications, all collectively referred to as preliminary engineering. During the construction phase the consulting engineer will also perform utility coordination, respond to design interpretations and clarifications, and prepare as-built drawings.
- 1.7. At the completion of the design phase, the consultant will enter into a separate three-party agreement with KDOT and the Unified Government for Local Public Authority (LPA) Construction Engineering and Inspection Services. Said agreement shall be subject to review and approval by the Leavenworth County Engineer and the Basehor City

negotiate, and acquire said properties at that jurisdiction's expense. In a situation where negotiations with property owner(s) fail to acquire the necessary right-of-way or easement, that jurisdiction's power of eminent domain shall be invoked to condemn the necessary land through the appropriate District Court of the State of Kansas. Costs associated with the acquisition of right-of-way or easement shall be borne by the jurisdiction where said right-of-way or easement is located.

- 1.10. Because federal aid is involved in the construction of the project, the procedures established by the Federal Highway Administration for appraisal, negotiation, and acquisition shall be followed by each jurisdiction.
- 1.11. The anticipated funding sources and estimated costs associated with this Project are contained in Exhibit A. The anticipated costs are estimated costs only, and final resolution of project costs shall be based on actual costs. The local portion of any change orders during the project shall be shared 44%/28%/28%, unless the changed items specifically and directly benefit one government only, in which case the change will be 100% that jurisdiction's responsibility.
- 1.12. In order to facilitate the development of the project, the Unified Government will fund 100% of the preliminary engineering services. Each government will fund its share of utility relocation and right-of-way acquisition, if any, and following the bid letting and receipt of a statement from KDOT of the local share of construction and construction engineering, the Unified government will invoice Leavenworth County and Basehor for those local costs referenced in Exhibit "A". Leavenworth County and Basehor shall make payment to the Unified Government within 60 calendar days of receipt of the invoice. A final statement of audited project costs following construction completion, when received from KDOT will trigger a final reconciliation of local funds due from or to be reimbursed to each local government.

15. This agreement is entered into pursuant to K.S.A. 12 - 2908.
- 15.16. No terms not specifically set out herein, shall affect, modify or add to the terms or obligations contained in this agreement.
- 15.17. The parties act in independent capacities in the performance of their respective rights and obligations under this Agreement, and none are to be considered the officer, agent, or employee of the others.
- 15.18. This Agreement is subject to Kansas Cash Basis Law, K.S.A. 10 - 1101 and amendments thereto. Any automatic renewal of the terms of the Agreement shall create no legal obligation on the part of the Unified Government, or Leavenworth County, or Basehor. The Unified Government, and Leavenworth County, and Basehor are obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during their current budget year or (b) funds made available from any lawfully operated revenue producing source.
- 15.19 This Agreement shall be governed by, interpreted and construed in accordance with the laws of the State of Kansas.
- 15.20 The failure of either party to insist upon the strict performance of any of the terms or conditions of this Agreement or to exercise any option, right or remedy herein contained, should not be construed as a waiver or relinquishment for the future of such term, provision, option, right, or remedy, but the same shall continue and remain in full force and effect. No waiver by either party of any term or provision hereof shall be deemed to have been made unless expressed in writing and signed by the waiving party.

IN WITNESS THEREOF, the parties hereto have executed this Agreement with triplicate originals on the day and year first written above.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/
KANSAS CITY, KANSAS

By: _____
Mayor/CEO

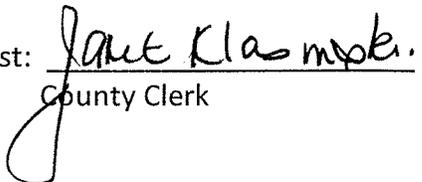
Attest: _____
Unified Government Clerk

Approved as to form:

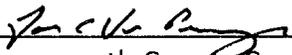
Unified Government Attorney

LEAVENWORTH COUNTY

By:  _____

Attest:  _____
County Clerk

Approved as to form:

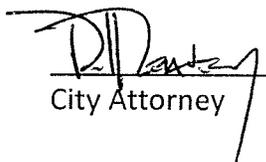
 _____
Leavenworth County Counselor

CITY OF BASEHOR, KANSAS

By: _____
Mayor

Attest: _____
City Clerk

Approved as to form:

 _____
City Attorney

CITY OF BASEHOR

Agenda Item Cover Sheet

Council Agenda Item No. 8

Meeting Date: September 10, 2009

TOPIC:

Request to KDOT for state assistance on the K-7 Donahoo Road intersection improvement project.

ACTION REQUESTED:

Authorize the Mayor to sign a joint request from the City of Basehor, Leavenworth County and the Unified Government of Wyandotte County to the Kansas Department of Transportation for K-7 corridor funds in the amount of \$213,572 to be used on the K-7 Donahoo Road intersection improvements.

NARRATIVE:

Previously the Unified Government of Wyandotte County had inquired if the City of Basehor would be interested in participating financially in a project to improve the K-7 and Donahoo road intersection. At that time the project was in its early design phase but interest was expressed by the City Council. The project has now moved forward to the point of asking for funding from KDOT which requires a formal request from all of the entities involved. A letter has been prepared for the Mayor to sign on behalf of the City of Basehor requesting that KDOT set aside funding in the amount of \$213,572 from the K-7 corridor management funds. This is a joint request from all parties involved and will be presented to the appropriate governing bodies individually. This request is not obligating the City of Basehor to the project it is just requesting funding from KDOT. As the project moves forward there will be a formal request for funding brought to the City Council for approval.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

City Administrator

ADMINISTRATION RECOMMENDATION:

I recommend approval allowing the Mayor to sign the letter requesting funding from KDOT

COMMITTEE RECOMMENDATION(S):

ATTACHMENTS:

Letter of request to KDOT, project scope and area map

PROJECTOR NEEDED FOR THIS ITEM?



Mr. David Gurss, Coordinator
KDOT Bureau of Transportation Planning
2nd Floor, Tower
700 S.W. Harrison Street
Topeka, Kansas 66603

Re: K-7 Corridor Fund Application
Donahoo Road Intersection Improvements

August 31, 2009

Dear Mr. Gurss:

Per our previous conversations and meetings regarding the above referenced project, the Unified Government of Wyandotte County, City of Basehor, and Leavenworth County hereby formally request financial assistance from the Kansas Department of Transportation. We are requesting \$214,000 in K-7 corridor funds to help fund improvements that benefit the west side of the Donahoo Road and K-7 Highway intersection serving the City of Basehor and Leavenworth County.

Attached is a completed application for K-7 corridor funds for the improvements.

The Unified Government of Wyandotte County/Kansas City, Kansas will be the lead Local Public Agency (LPA) for this project. The local share funds for the proposed improvements will be authorized by the City of Basehor, Leavenworth County, and Wyandotte County if the above KDOT funding is obtained. If necessary, we can provide additional information or assurances associated with this request.

Please let me know if you have any questions or need additional information.

Sincerely,

CITY OF BASEHOR

LEAVENWORTH COUNTY

Terry Hill
Mayor

Michael Spickelmier
County Engineer

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

Fred Backus
County Engineer

K-7 CORRIDOR PROJECT APPLICATION FORM

DATE: 8/28/09

REQUESTOR: City of Basehor, Leavenworth County, and the Unified Government of Wyandotte County/Kansas City, Kansas

PROJECT LOCATION: Donahoo Road and K-7/US 73 Intersection

PROJECT DESCRIPTION: Improvements to the Donahoo Road and K-7/US 73 intersection that benefit the west side of the intersection. A Concept of the proposed intersection improvements is attached.

PROJECT LENGTH: 1000 Ft. (0.2 Miles)

COST ESTIMATE:

* Construction Cost	\$ <u>258,000</u>	<u>Fred Backus</u> Applicant's Contact Person
* Engineering Services		
- Preliminary	\$ <u>31,000</u>	<u>County Engineer/Unified Government</u> Title
- Construction	\$ <u>26,000</u>	<u>701 North 7th Street</u>
* Property Acquisition	\$ <u>6,000</u>	<u>Kansas City, KS 66101</u> Mailing Address
* Utility Relocation	\$ <u>0</u>	
* Total Cost Estimate	\$ <u>321,000</u>	Phone No. (<u>913</u>) <u>573-5700</u>
* Requested From State	\$ <u>214,000</u>	
* Balance (Local Cost)	\$ <u>107,000</u>	

ADDITIONAL COMMENTS: See Attachments. Costs shown above are only for that portion of the overall project costs associated with the western side of the intersection.

Applicant's Signature

Reviewed and Recommended By:

Kansas City Metro Engineer

District One Engineer

**K-7 Project Checklist
Preliminary Application**

Date: August 31, 2009

Requestor: City of Basehor, Leavenworth County, and the Unified Government of Wyandotte County/Kansas City, Kansas

Prepared by: BHC RHODES (on behalf of the requestors)

Project Description –

Improve the Donahoo Road and K-7/US 73 intersection to provide dedicated turn lanes. A concept of the proposed intersection improvements is attached.

Scope Statement –

The improvement of Donahoo Road from 131st Street to K-7 Highway in FY2011 will complete corridor improvements between I-435 and K-7 Highway and in doing so will change the transportation characteristics of this corridor. The proposed interim improvements will consist of a two-lane urban street section that will ultimately serve as one half of a future divided parkway. These improvements to Donahoo Road will likely create additional turning conflicts at the currently unimproved K-7/US 73 intersection. Intersection safety will be greatly improved by providing protected turning movements. Corridor funds are being requested to assist with the construction of the western half of the intersection improvements serving the City of Basehor and Leavenworth County.

Cost Estimate (construction, engineering, right-of-way, if available) –

Total cost is projected to be \$1,073,749 in 2011 dollars, with the western portion of the intersection construction estimated to be \$321,000 in 2011 dollars. A detailed cost projection is attached.

Funding Sources (estimated amounts and/or percentages) for western portion of intersection improvements –

Unified Government – K-7/US 73 Federal Earmark	\$ 47,000.00
City of Basehor – Local Match	\$ 30,000.00
Leavenworth County – Local Match	\$ 30,000.00
Kansas Department of Transportation – K-7 Corridor Funds	\$ 214,000.00

- Map of area and sketch of improvement –

A concept of the proposed intersection improvements is attached.

- Other information –

BHC RHODES was selected by the Unified Government to provide design and construction engineering services for the improvements of Donahoo Road between K-7 and 131st Street.

The Unified Government and BHC RHODES have met with KDOT staff on two occasions, August 8, 2008 and April 30, 2009, to discuss the scope of the K-7 and Donahoo Road improvements, participation in said improvements, and the application for corridor funds. The minutes from the meetings are attached.

Traffic counts were completed for the K-7 and Donahoo Road intersection in September 2008 and March 2009. The purpose of the two traffic counts was to compare any changes in the traffic volumes after the opening of the new I-435 and Donahoo Road interchange. A memorandum summarizing the findings is attached.

Mary Mogle

From: Mark Loughry [cityadm@cityofbasehor.org]
Sent: Monday, August 31, 2009 3:39 PM
To: cityclerk@cityofbasehor.org
Subject: FW: K-7 and Donahoo - Final drafts of KDOT Corridor Funds Application docs
Attachments: K-7_Corridor_Application_2.pdf; K-7_Corridor_Application_1.pdf; Funding_Request_Letter_083109.pdf

Agenda packet

Mark Loughry, CPM
(913) 724-1370 ext 33
City Administrator
2620 N. 155th St.
P.O. Box 406
Basehor, KS 66007
cityadm@cityofbasehor.org
www.cityofbasehor.org

From: Randall Gorton [mailto:Randall.Gorton@ibhc.com]
Sent: Monday, August 31, 2009 2:50 PM
To: Spickelmier, Michael; Mark Loughry; Backus, Fred
Cc: Rob Krewson; Shane Standley; Steven Bachenberg; Jim Pickett
Subject: K-7 and Donahoo - Final drafts of KDOT Corridor Funds Application docs

Gentlemen,

Attached are final drafts of a transmittal letter to be signed jointly by all 3 local governments requesting KDOT corridor funds for this project, an application form provided by KDOT, and the preliminary application information form. I have discussed these with David Gurss at KDOT to make sure that we are providing the correct level of information. David indicated that the final details, such as final contribution amounts amongst all parties, maximum amount of funds available from KDOT, and the respective shares for any additional costs would be included in the final agreement prepared by KDOT. Additionally, it appears that there will be a separate interlocal agreement between Basehor, Leavenworth County, and the UG prior to execution of the final KDOT agreement.

Please review these documents and let us know if there is anything that you have questions about or should be changed.

We do need to know if we need to change who will be signing the joint application on behalf of your jurisdiction. That way we can provide you with the final versions for you to present to each governing body and then we can circulate around the official hard copy for submittal to KDOT ASAP.

Thanks,
Randy

Randy Gorton, P.E.
Project Manager
c: (816) 898-0559
BHC RHODES | CIVIL ENGINEERS . SURVEYORS
"No Problem" Customer Service Experts

901 N 8th Street, 100, Kansas City, Kansas 66101 | Office: 913.371.5300 | Fax: 913.371.2677
| ibhc.com

8/31/2009

Mr. David Gurss, Coordinator
KDOT Bureau of Transportation Planning
2nd Floor, Tower
700 S.W. Harrison Street
Topeka, Kansas 66603

Re: K-7 Corridor Fund Application
Donahoo Road Intersection Improvements

August 17, 2009

Dear Mr. Gurss:

The Unified Government of Wyandotte County, City of Basehor, and Leavenworth County hereby request financial assistance from the Kansas Department of Transportation in the amount of \$213,572 for improvements to the intersection of Donahoo Road and K-7 Highway.

Attached is a completed application for K-7 corridor funds for the improvements.

The necessary funds for the local share of the proposed improvements are available. If necessary, we can provide additional information or assurances associated with this request.

Please let me know if you have any questions or need additional information.

Sincerely,

CITY OF BASEHOR

LEAVENWORTH COUNTY

Terry Hill
Mayor

Michael Spickelmier
County Engineer

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

Fred Backus
County Engineer

**K-7 Project Checklist
Preliminary Application**

Date: August 17, 2009
Requestor: City of Basehor, Kansas
Prepared by: BHC RHODES (on behalf of the City of Basehor)

Project Description –

Improve the Donahoo Road and K-7/US 73 intersection to provide dedicated turn lanes. A concept of the proposed intersection improvements is attached.

Scope Statement –

The improvement of Donahoo Road from 131st Street to K-7 Highway in FY2011 will complete corridor improvements between I-435 and K-7 Highway and in doing so will change the transportation characteristics of this corridor. The proposed interim improvements will consist of a two-lane urban street section that will ultimately serve as one half of a future divided parkway. These improvements to Donahoo Road will likely create additional turning conflicts at the currently unimproved K-7/US 73 intersection. Intersection safety will be greatly improved by providing protected turning movements.

Cost Estimate (construction, engineering, right-of-way, if available) –

Total cost is projected to be \$1,073,749 in 2011 dollars. A detailed cost projection is attached.

Funding Sources (estimated amounts and/or percentages) –

Unified Government – K-7/US 73 Federal Earmark	\$ 800,000.00
City of Basehor – Local Match	\$ 30,088.50
Leavenworth County – Local Match	\$ 30,088.50
Kansas Department of Transportation – K-7 Corridor Funds	\$ 213,572.00

Map of area and sketch of improvement –

A concept of the proposed intersection improvements is attached.

Other information –

BHC RHODES was selected by the Unified Government to provide design and construction engineering services for the improvements of Donahoo Road between K-7 and 131st Street.

The Unified Government and BHC RHODES have met with KDOT staff on two occasions, August 8, 2008 and April 30, 2009, to discuss the scope of the K-7 and Donahoo Road improvements, participation in said improvements, and the application for corridor funds. The minutes from the meetings are attached.

Traffic counts were completed for the K-7 and Donahoo Road intersection in September 2008 and March 2009. The purpose of the two traffic counts was to compare any changes in the traffic volumes after the opening of the new I-435 and Donahoo Road interchange. A memorandum summarizing the findings is attached.

Minutes from Meeting to Discuss K-7 & Donahoo Improvements

Date & Location: Thursday, April 30, 2009 at KDOT (ESOB in Topeka)
In attendance: **KDOT:** Clay Adams, Jim Pickett, Brian Gower, David Gurss,
Unified Government: Fred Backus
Leavenworth County: Mike Spickelmier
BHC RHODES: Rob Krewson, Jim Jussel, Garry Olson, Randy Gorton

The intent of the meeting was to review events to-date regarding anticipated improvements to the K-7 and Donahoo Road intersection. The UG, Leavenworth County, and City of Basehor have had additional discussion regarding the submittal of a joint application for K-7 Corridor funds to assist with the construction of necessary improvements.

Key points discussed included:

A Review of Events Since August 2008 Meeting

- Since meeting with KDOT staff in August of 2008, BHCR has performed two separate traffic counts at the intersection in September and March. The counts indicated that there has been no apparent increase in traffic since the Donahoo interchange on I-435 was opened in November.
- BHCR's analysis of the traffic data indicates that there is no current justification for the installation of traffic signals at K-7 and Donahoo.
- The UG, Leavenworth County, and the City of Basehor have since met to discuss making joint application for Corridor Funds to secure adequate monies to construct the improvements most likely to be needed at this location. Leavenworth County has already provided written documentation of their interest in such an agreement; the City of Basehor intends to review as well at an upcoming City Council meeting.

Funding

- The UG has allocated \$800,000 of the Federal earmark for the US 73 corridor in Wyandotte County to intersection improvements at K-7 and Donahoo. The remaining earmark funds are needed in other locations along the corridor.
- Leavenworth County and Basehor have very limited funds available to contribute to improvements at the intersection.
- There was discussion of conceptual construction costs for improvements that may be needed for the intersection and the gap in funding that exists between the desired improvements and what funds the UG has budgeted. K-7 Corridor funds are the only good option available to bridge that gap.

Intersection Improvements

- Discussion was had as to which of the conceptual intersection improvements identified would be required at this time. The SB right turn lane seems to have the least apparent need at this time. The conceptual improvements should be updated based on KDOT's preferred taper lengths and anticipated lane storage needs.
- It was assumed that the intersection improvements would be done as a separate project with an anticipated letting in 2010.

ACTION ITEMS

- BHCR will assemble an estimate of total project costs (construction, R/W, utility adjustment, design, construction engineering) for the intersection improvements shown on our intersection layout exhibit with the modifications discussed during meeting (no SB right turn lane, approx. 150' of full depth improvements to west leg of intersection).
- BHCR will forward cost estimates to KDOT and the local governments for review and consideration.
- Leavenworth County and the City of Basehor should determine what funds may be contributed to the cost of the project.
- KDOT will determine whether this project would be administered thru Local Projects, Corridor Management, or could be administered by the UG.
- KDOT will review remaining Corridor funds and determine how much may be available for this project.
- KDOT to provide 2006-2008 crash data at this intersection.
- Basehor, Leavenworth Co., and Unified Government of Wyandotte Co./KCK will prepare a joint application requesting K-7 corridor funds to help pay for part of these improvements.

Any additions or corrections to these minutes should be directed to Randy Gorton with BHC RHODES (randall.gorton@ibhc.com or 913-371-5300).

Minutes from Meeting to Discuss K-7 & Donahoo Improvements

Date & Location: Friday, August 8, 2008 at KDOT-Bonner Springs office
In attendance: **KDOT:** Jim Pickett, Steve Taylor, Cheryl Lambrecht, Brian Gower, David Gurss,
Unified Government: Fred Backus, Wayne Moody,
BHC RHODES: Steve Bachenberg, Rob Krewson, Randy Gorton

The intent of the meeting was to discuss the proposed Unified Government (UG) project to improve Donahoo Road from 131st Street to K-7 in FY 2010 or 2011, and, more specifically, KDOT's views regarding funding options and necessary improvements to the K-7 intersection. BHC RHODES has been selected by the UG to design the Donahoo Road improvements but have not yet negotiated a final scope of work.

Key points discussed included:

Available Federal Funds

- In 2001 there was a Federal earmark for approximately \$5 million for the UG to make improvements to US 73 within Wyandotte County. Approximately \$3.5 million in funds remain. FHWA has been inquiring as to any plans for the use of the remaining funds. David Gurss indicated that the funds should be committed "pretty soon" to avoid loss of remaining money. It was generally agreed that there needs to be commitments for improvements within 1 year to preserve the availability of the Federal earmark.
- It is believed that the Federal earmark may be used for planning, design, construction, construction engineering, and property acquisition in support of improvements within the designated route. David Gurss indicated that he would verify what funds may be used for.
- KDOT recommended the UG could purchase as much R/W around the intersection as possible using the Federal funds.

KDOT K-7 Corridor Management Funds

- At present most of the K-7 Corridor Management funds are already obligated.
- KDOT has spoken with the City of Basehor regarding the construction of NB left turn lane at the Donahoo intersection, but no application has been submitted by Basehor.
- There was discussion whether the Federal earmark funds could be used as local match for Corridor Management monies. David Gurss will check on that.

Intersection Improvements

- The consensus was that improvements to the intersection would be prudent based on anticipated traffic patterns and volumes once the Donahoo Road interchange on I-435 is opened. KDOT would prefer that all legs of the intersection be improved at one time, if possible. Given the County line being located generally within the SB lanes of K-7, there was some question as to how funding may be apportioned to pay for improvements to the entire intersection.
- It was agreed that it makes sense to handle the intersection improvements as a separate project from the remainder of the Donahoo Road improvements. There was discussion to have the intersection project handled thru the Bureau of Traffic.
- A traffic study should be done to evaluate existing conditions, estimate traffic volumes after the I-435 interchange is open and once the entire Donahoo corridor is improved to

K-7. The study also needs to evaluate all applicable warrants as to the need for traffic signals at those key thresholds.

- Discussion took place regarding the use of Federal earmark funds to handle additional improvements located along the K-7/US 73 corridor within Wyandotte County while leveraging dedicated K-7 corridor money to improve the west leg of the Donahoo intersection.
- The UG will need to submit a letter or letters to KDOT stating what funds would be requested to make these improvements using both the Federal earmark and Corridor Management funds. The letter(s) should separate out Federal earmark funds from corridor funds. BHC RHODES will prepare cost estimates for proposed intersection improvements at K-7.
- The UG is also currently working on a list of potential US 73 improvements for review by elected officials. This list will be used to consider additional improvement projects that may be completed using the remaining Federal earmark in addition to the Donahoo intersection work.
- The only upcoming programmed maintenance work within this section of K-7 is the application of nova chips in 2009.
- Jim Pickett will continue to be KDOT's main point of contact at this time.

Any additions or corrections to these minutes should be directed to Randy Gorton with BHC RHODES (randall.gorton@ibhc.com or 913-371-5300).

Unified Government of Wyandotte County
Donahoo Road Improvements

BHC Project 9900

MEMORANDUM

TO: Mr. Fred Backus, P.E. DATE: March 30, 2009
FROM: Mr. Jim Jussel, P.E., PTOE *jj*
RE: Additional Analysis for Donahoo Road after opening of interchange at I-435

BHC RHODES has completed additional traffic counts for the Donahoo Road and K-7 Highway intersection the week of March 9, 2009 through March 13, 2009. The purpose of the additional traffic counts was to compare any changes in the traffic volumes after the opening of the new I-435 and Donahoo Road interchange.

Traffic Volume Comparison

A comparison was made between the 24-hour machine counts that were conducted in September 2008 with the same locations recorded in March 2009. The overall traffic volumes were relatively similar to the volumes recorded in September 2008. The amount entering vehicles to the intersection decreased about 11 percent. The most recent traffic count shows a slight decrease in traffic (5 percent) for the eastbound approach and a slight increase for the westbound approach (1 percent). Table 1 provides a detailed summary of the differences in the daily traffic volumes for the approach volumes to the intersection of Donahoo Road and K-7 Highway.

The manual turning movement counts were completed for peak commuter periods on March 10, 2009 at the intersections of K-7 Highway with Hollingsworth Road, Donahoo Road, and Leavenworth Road. The turning movement counts confirmed the slight decrease in overall traffic for the corridor when compared to the October 1, 2008 traffic counts.

Traffic Signal Warrant Analysis: K-7 at Donahoo Road existing volumes

A signal warrant analysis was done for the intersection of K-7 Highway and Donahoo Road using the existing volumes obtained in March 2009. The analysis concluded that this intersection does not meet any of traffic volume signal warrants outlined in the Manual on Uniform Traffic Control Devices (MUTCD).

SUMMARY

Based on the review of the traffic volumes recorded both in the fall of 2008 and March of 2009, the traffic volumes on Donahoo Road have not increased. With the opening of the Donahoo Road interchange at I-435, the traffic volumes along Donahoo Road were expected to increase after the interchange opened. However, the overall amount of entering traffic volumes to the intersection decreased about 11 percent. This is not uncommon for an intersection to fluctuate up to 10 percent change.

Therefore, we believe the traffic volumes are valid. It would appear that the drivers on K-7 Highway and I-435 have not discovered the connection of Donahoo Road from K-7 Highway to I-435 or do not view it as a "better route". However, as the roadway improves from the two-lane rural roadway section to the improved corridor the traffic patterns may begin to change. We recommend that the traffic signal warrants be monitored as roadway sections are completed.

Table 1
Machine Count Comparison
09/2008 (prior to completed interchange at Donahoo Rd & I-435) vs. 03/2009 (after completed interchange at Donahoo Rd & I-435)
K-7 @ Donahoo Road

Hours	Eastbound Approaching Volume			Westbound Approaching Volume			Northbound Approaching Volume			Southbound Approaching Volume			Total Entering Volume				
	Sep-08	Mar-09	% +/-	Sep-08	Mar-09	% +/-	Sep-08	Mar-09	% +/-	Sep-08	Mar-09	% +/-	Sep-08	Mar-09	% +/-		
0:00 - 1:00	0	1	0%	1	1	0%	77	90	13	17%	47	54	7	15%	146	21	17%
1:00 - 2:00	0	1	0%	0	0	0%	47	50	3	6%	25	21	(4)	-16%	72	0	0%
2:00 - 3:00	0	0	0%	0	0	0%	33	28	(5)	-15%	23	23	0	0%	56	51	-9%
3:00 - 4:00	1	0	0%	1	0	0%	27	24	(3)	-11%	43	36	(7)	-16%	80	(5)	-9%
4:00 - 5:00	1	1	0%	1	1	0%	60	34	(26)	-43%	94	77	(17)	-18%	156	113	-28%
5:00 - 6:00	13	5	-62%	3	2	(1)	170	136	(34)	-20%	374	285	(89)	-24%	560	428	-24%
6:00 - 7:00	28	21	-25%	10	12	2	482	385	(97)	-20%	826	708	(118)	-14%	1,346	1,126	-16%
7:00 - 8:00	35	35	0%	30	25	(5)	838	650	(188)	-22%	990	859	(131)	-14%	1,893	1,609	-15%
8:00 - 9:00	22	24	9%	15	16	1	629	537	(92)	-15%	710	683	(27)	-4%	1,376	1,260	-8%
9:00 - 10:00	10	17	70%	15	12	(3)	530	480	(50)	-9%	571	503	(68)	-12%	1,126	1,012	-10%
10:00 - 11:00	11	11	0%	9	11	2	512	425	(87)	-17%	569	487	(82)	-14%	1,101	934	-15%
11:00 - 12:00	13	10	-23%	11	14	3	563	454	(109)	-19%	575	565	(10)	-2%	1,162	1,043	-10%
12:00 - 13:00	12	12	0%	10	11	1	579	479	(100)	-17%	576	536	(40)	-7%	1,177	1,038	-12%
13:00 - 14:00	9	11	22%	9	13	4	589	519	(80)	-13%	566	524	(42)	-7%	1,183	1,067	-10%
14:00 - 15:00	17	7	-59%	12	15	3	688	577	(111)	-16%	620	576	(44)	-7%	1,337	1,175	-12%
15:00 - 16:00	15	12	-20%	17	18	1	857	667	(190)	-22%	771	738	(33)	-4%	1,660	1,435	-14%
16:00 - 17:00	15	17	13%	14	22	8	956	878	(78)	-8%	898	867	(31)	-3%	1,883	1,784	-5%
17:00 - 18:00	19	16	-16%	31	27	(4)	1,070	954	(116)	-11%	807	816	9	1%	1,927	1,813	-6%
18:00 - 19:00	15	16	7%	28	16	(12)	702	686	(16)	-2%	627	566	(61)	-10%	1,372	1,284	-6%
19:00 - 20:00	8	11	38%	9	9	0	485	479	(6)	-1%	470	364	(106)	-23%	982	863	-12%
20:00 - 21:00	4	5	25%	6	9	3	494	425	(69)	-14%	303	245	(58)	-19%	807	684	-15%
21:00 - 22:00	2	1	-50%	5	7	2	398	397	(1)	0%	194	194	0	0%	598	599	0%
22:00 - 23:00	0	2	0%	2	2	0	220	232	12	5%	143	117	(26)	-18%	365	353	-3%
23:00 - 24:00	0	1	0%	2	1	(1)	154	140	(14)	-9%	74	66	(8)	-11%	230	208	-10%
Total	250	237	-5%	241	244	4	11,180	9,726	(1,454)	-13%	10,896	9,950	(946)	-9%	22,567	20,157	-11%



UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KS
Donahoo Road and K-7 Intersection Improvements
Engineer's Opinion of Probable Cost
5/12/2009

Construction Cost*	\$875,204
Engineering	
Final Design / Consultant EDC	\$105,025
Construction Inspection	\$87,520
R/W & Easement Acquisitions^	\$6,000
Utility Relocations†	\$0
Total Project Cost	\$1,073,749

* Based on 2011 dollar values

^ Includes anticipated TCE at SW corner

† No anticipated utility relocations



UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KS
 Donahoo Road and K-7 Intersection Improvements
 Engineer's Opinion of Probable Construction Cost
 5/12/2009

Bid Items		Donahoo Road and K-7			
No.	Item Description	Unit	Unit Price	Quantity	Total Cost
Common Items					
1	Mobilization	LS	\$ 65,000.00	1	\$ 65,000.00
2	Contractor Staking	LS	\$ 19,500.00	1	\$ 19,500.00
3	Clearing and Grubbing	LS	\$ 15,000.00	1	\$ 15,000.00
4	Sediment and Erosion Control	LS	\$ 10,000.00	1	\$ 10,000.00
5	Seeding & Mulching	LS	\$ 7,500.00	1	\$ 7,500.00
6	Traffic Control	LS	\$ 25,000.00	1	\$ 25,000.00
7	Grading	LS	\$ 7,500.00	1	\$ 7,500.00
8	24"-30" RCP (Culvert Pipe)	LF	\$ 80.00	120	\$ 9,600.00
9	RCP End Sections, 24"	EA	\$ 1,400.00	4	\$ 5,600.00
10	Concrete Flume and Slope Drain	EA	\$ 1,500.00	1	\$ 1,500.00
11	Curb and Gutter, Combined (All Types)	LF	\$ 18.00	460	\$ 8,280.00
NB Left Turn Lane					
12	6" Non-treated Compacted Aggregate Base (AB-3)	SY	\$ 8.00	1,623	\$ 12,983.72
13	13" Asphalt Pavement	TON	\$ 85.00	1,118	\$ 95,002.77
14	Pavement Marking/Signage	LS	\$ 7,500.00	1	\$ 7,500.00
15	Rock Excavation (Pavement Removal)	CY	\$ 15.00	178	\$ 2,671.84
NB Right Turn Lane					
16	6" Non-treated Compacted Aggregate Base (AB-3)	SY	\$ 8.00	1,585	\$ 12,682.72
17	13" Asphalt Pavement	TON	\$ 85.00	1,107	\$ 94,117.94
18	Pavement Marking/Signage	LS	\$ 4,500.00	1	\$ 4,500.00
19	Rock Excavation (Pavement Removal)	CY	\$ 15.00	233	\$ 3,499.82
SB Left Turn Lane					
20	6" Non-treated Compacted Aggregate Base (AB-3)	SY	\$ 8.00	1,640	\$ 13,120.97
21	13" Asphalt Pavement	TON	\$ 85.00	1,128	\$ 95,899.83
22	Pavement Marking/Signage	LS	\$ 7,500.00	1	\$ 7,500.00
23	Rock Excavation (Pavement Removal)	CY	\$ 15.00	172	\$ 2,578.83
Donahoo Road East Leg Left Turn Lane Addition					
24	6" Non-treated Compacted Aggregate Base (AB-3)	SY	\$ 8.00	1,223	\$ 9,785.46
25	13" Asphalt Pavement	TON	\$ 85.00	880	\$ 74,783.67
26	Pavement Marking/Signage	LS	\$ 1,000.00	1	\$ 1,000.00
27	Rock Excavation (Pavement Removal)	CY	\$ 15.00	187	\$ 2,799.92
Donahoo Road West Leg Improvements					
28	6" Non-treated Compacted Aggregate Base (AB-3)	SY	\$ 40.00	855	\$ 34,194.44
29	13" Asphalt Pavement	TON	\$ 85.00	602	\$ 51,191.49
30	Pavement Marking/Signage	LS	\$ 1,000.00	1	\$ 1,000.00
31	Rock Excavation (Pavement Removal)	CY	\$ 15.00	182	\$ 2,728.15
2009 Construction Cost Subtotal					704,022
15% Contingency					105,603
2009 Construction Cost Subtotal w/ Contingency					809,625
Inflation to Construction Year 2011 (@ 8.1%)					65,580
2011 Construction Cost Total					875,204

Note: All Unit Prices based on 2009 values. The costs shown on this estimate represent an estimate of probable costs prepared in good faith and with reasonable care. BHC Rhodes has no control over the costs of construction labor, materials, or equipment, nor over competitive bidding or negotiating methods and does not make any commitment or assume any duty to assure that bids or negotiated prices will not vary from this estimate. This estimate does not include costs for right-of-way, utility relocation, and engineering administration.

Mary Mogle

From: David Gurss [dgurss@ksdot.org]
Sent: Friday, August 14, 2009 3:37 PM
To: Randall Gorton
Cc: Jim Pickett; David Gurss
Subject: RE: K-7 & Donahoo - info for written corridor funds request
Attachments: K-7 Donahoo_west side pro-rated.xls

Randall,

The attached spreadsheet is what I prepared before I talked with LV County and Basehor County. Basically, I broke out the items for west side improvements (\$320,358) and determined that the UG was putting in \$46,609 more than the cost of the east side improvements.

After I met with LV County and Basehor, they told me their governing bodies had agreed to split their \$60,177 share.

Here's the breakdown:

- Locals – 1/3 match of \$106,807
 - UG – \$46,609
 - Basehor & LV County – \$60,177 (\$30,088.50 each)
- KDOT – \$213,572 (2/3)
- Total – \$320,358

Let me know if you disagree with any of these figures.

Thanks,
David

David Gurss
KDOT Transportation & Land Use Planning Coordinator
785-296-3267; dgurss@ksdot.org

From: Randall Gorton [mailto:Randall.Gorton@ibhc.com]
Sent: Friday, August 14, 2009 2:23 PM
To: David Gurss
Cc: Shane Standley; Rob Krewson
Subject: K-7 & Donahoo - info for written corridor funds request

David,

We are drafting a joint letter for UG, LV County, and Basehor to make official application for corridor funds. We'll want to state in the letter each parties assumed local match amounts. Would you let me know the specific contributions expected from Basehor and LV County as well as the total amount of corridor funds that will be allocated to add to the local match?

Thanks,
Randy

8/26/2009

Donahoo Road & K-7 Intersection Improvements



MINUTES
BASEHOR PLANNING COMMISSION
July 13, 2010
BASEHOR CITY HALL

NO WORKSESSION

PLANNING COMMISSION MEETING
7:00 P.M.

A. Call to Order

John Matthews, Chair, called the meeting to order at 7:00 p.m.

Pledge of Allegiance

B. Roll Call

Members Present: Commissioners Joe Mc Ardle, Russell Jacobson, John Matthews, Ed Bush, and Jon Gallion. Absent: *(Kevin Jones & Bob Harrison have stepped down and still have two vacancies)*

Staff Present: Mitch Pleak, City Engineer, and Kathy Renn, Assistant City Clerk.

C. Approval of Minutes

A motion was made by Commissioner Gallion and seconded by Commissioner Bush to approve the June 8, 2010 minutes. Chair Matthews asked for a vote. Motion passed, 5-0.

D. Unfinished Business – None

E. New Business –

1. Consideration of Final Development Plan for Creek Ridge Phase 4, at 157th St. and Landauer St., as requested by Jeff Scherer.

Mr. Pleak reviewed the staff report with Commissioners. Staff recommends approval of the final development plan for Creek Ridge Phase 4.

Commissioner Bush made the motion to approve the Final Development Plan for Creek Ridge Phase 4 at 157th St. and Landauer St. with the eight conditions stated:

1. The developer shall negotiate with the City for a minimum 15ft. wide public right of way extending easterly from 158th St. to eastern plat boundary and northerly on the east plat boundary for south property line to Landauer for the purposes on construction a trail subject to final trail alignment and grant funds. **Currently no agreement has been completed.**
2. A lighting plan showing the details of light poles and ft./candle measurements at the property lines shall be provided with the final development plan. **A lighting plan was provided with the final development plan. Ft/candle measurements will be provided before the City Council takes action.**

3. Details for the playground equipment shall be provided to verify the play equipment meets the standards noted in the proposed Zoning Regulations. **Details for the playground equipment have not been submitted.**
4. A copy of the original Notice of Intent to KDHE shall be submitted to the Planning Department, or if a NOI was never submitted, it will need to be submitted to KDHE with a copy provided to the Planning Department. **NOI has not been submitted to Staff.**
5. Landauer Street shall be constructed from the west entrance of the apartments to 158th Street. The public street shall be constructed and accepted by the City prior to issuance of any occupancy permit. **Landauer Street is proposed to be constructed from the west entrance to 158th Street.**
6. All sidewalks along the front end of parking stalls shall be a minimum of 6-ft wide to accommodate two-foot overhang of parked vehicles. **6-ft wide sidewalks are proposed with the final development plan.**
7. Connect the site sidewalk at the west entrance to the proposed sidewalk on the south side of Landauer Street. **The proposed Landauer Street sidewalk connects to the development sidewalk per the final development plan.**
8. City of Basehor policy is to construct all public streets within limits of dedicated right of way. Therefore, the plat will need to be modified to include the Landauer Street right of way from the west entrance to 158th Street; and exclude the Landauer Street right of way from the west entrance to 157th Street. **The final plat includes right of way for Landauer Street.**

Commissioner Gallion seconded. Chair Matthews called for the vote. Motion passed 5-0.

2. Consideration of Final Plat for Creek Ridge Phase 4, at 157th St. and Landauer St. as requested by Jeff Scherer.

Commissioner Gallion motions to approve the final plat as submitted. Commissioner Mc Ardle seconds. Chair Matthews asked for a vote. Motion passed 5-0.

F. Open Agenda – July Elections

Chair Matthews made the motion to appoint Ed Bush as the new Chair. Commissioner Gallion seconded. Chair Matthews called for vote. Motion passed 5-0.

Chair Matthews made the motion to appoint Commissioner Gallion as Vice-Chair. Commissioner Bush seconded. Chair Matthews called for vote. Motion passed 5-0.

Commissioner Bush made the motion to keep the City as recording planning secretary currently held by Katherine M. Renn, Assistant City Clerk. Chair Matthews called for vote. Motion passed 5-0.

G. Reports from Special Committees – None

H. City Engineer's Report –

Mr. Pleak asked the Commissioners if they would like to conduct another special work session on Tuesday, July 20, 2010 more discussion on the current sign regulations and also more discussion on the architectural design. Planning Commissioners agreed for the work session on July 20, 2010 at 6:00 p.m. Mr. Pleak also informed the Commissioners that he met with one applicant, Brian Healy for one of the vacancies for the Planning Commission and may also have another applicant, Vernon Fields to fill both vacancies by the next Planning Commission meeting.

I. Adjournment -

Commissioner Bush made the motion to adjourn and Commissioner Gallion seconded. There being no further discussion, the meeting was adjourned at 7:25 p.m. from Chair Matthews.

Submitted for approval with/**without** additions or corrections this 3rd day of August, 2010.

John Matthews, Chairperson

Katherine Renn, Planning Secretary



Minutes
Basehor City Council Work Session
 Basehor City Hall July 12, 2010

Call to Order

Mayor Terry Hill called the meeting to order at 7:00 p.m.

Roll Call

Present: Mayor Hill, and Councilmembers Breuer, Dysart & Mertz

Absent: Council President Washington & Councilmember Moyer

Present also: Mark Loughry, Lloyd Martley, Cassie Schmidt, Gene Myracle, Mitch Pleak & Patrick Reavey.

Newspaper Present: None

1. Theno Estates Neighborhood Revitalization

Councilmember Dysart asked if the other NRP entities needed to be on board. Mayor Hill explained Theno Estates will be separate from the original NRP. Councilmember Dysart asked if there was a state statute explaining all entities need to agree to the terms. City Attorney Reavey explained the City could just rebate the city tax without any responsibility from the other entities. City Administrator Loughry explained the public hearing date will need to be set at the next regular meeting. Council agreed to place this on the July 19th regular meeting agenda.

2. Series 2010 Temporary Notes

City Administrator Loughry explained action needs to be taken on this at the August 2nd City Council work session. Councilman Breuer asked if the temporary note will be for two years. Gary Anderson, Bond Council from Gilmore & Bell explained the current notes mature on Sept 1, 2010 & the intent is to re-issue 2 yr low-interest temporary notes, then before maturity re-finance into permanent bonds. Councilman Mertz asked why the City is not purchasing permanent bonds now. Mayor Hill explained the City was not ready at this time. Council agreed to place this on the July 19th regular meeting agenda.

3. Personnel Manual

Mayor Hill explained staff has put together a personnel manual with guidance from Human Resource Solutions & City Attorney Reavey. City Administrator Mark Loughry approached the first subject as "A-3 Chain of Command". President Washington explained he was concerned employees may be hesitant to bring issues to the City Council in a public meeting. City Administrator Loughry explained the employee would have the option of bringing it to the Mayor or the City Administrator outside a public meeting. Councilman Mertz does not agree with the second paragraph of the "Chain of Command" policy as written & suggests taking it completely out of the manual. City Attorney Reavey explained the purpose of the policy is to give the employee the option of following the chain of command all the way to the top & if the second paragraph were taken out then it may seem prohibitive to an employee to address the City Council. He also suggested the City Attorney could be added as another outlet. Council President Washington was also concerned the undefined period of time in "D-5 Probationary Period". City Administrator Loughry explained the period of time was left open & would be outlined directly in the job description of the specific employee based on the position. City Attorney Reavey explained there were no legal concerns with this policy as written. Council President Washington also disagreed with the first sentence of "D-6a Promotion" & felt employees from within must apply for an open advertised position to be considered for an open position. Mayor Hill & Councilman Mertz agreed. City Attorney Reavey recommended striking the first sentence & keeping the remaining. City Administrator Loughry explained "E-3 Longevity" is an attempt at the request from Council for bonuses for employees however there is no budget for 2011 for any bonuses. Council agreed to completely strike "E-3 Longevity" from the Personnel Manual. City Attorney Reavey suggested "for cause" be struck for the first sentence of "E-5b Pay on Termination" & have "involuntary" added after the word "discharged". Staff agreed to make this change. Councilman Mertz recommended adopting a policy as an incentive to stay on while a replacement is found for a terminating employee giving 30 days notice at the discretion of the City Administrator to earn 40 hrs PTO after the 30 days are complete. Council agreed with this policy addition. Staff agreed to add this to the Personnel Manual. President Washington also disagreed with "Article J. Reduction in Force" & stated it should be completely struck from the personnel manual. Council agreed to completely strike "Article J". City Administrator Loughry explained "S-1c Residency Requirements" as a method to encourage employees to move to within the city limits. Councilmembers Dysart & Mertz did not support "S-1c" & the Council agreed to strike it completely from the Personnel Manual. Council agreed to place this on the July 19th regular meeting agenda.

Recess - 8:40pm

Meeting Reconvenes - 8:49pm

4. Tomahawk Valley Phase I – Final Plat

Mayor Hill explained Steve Miles proposed a sewer-line easement & right-of-way property in exchange for City Council approval of the plat “as is”. Mr. Miles would prefer a 60 mo. extension vs. an 18 mo. extension due to the economic down-turn. City Attorney Reavey explained the final plat needs to be approved & the extension approved in that order. Council agreed to place both the plat approval and extension as separate agenda items on the July 19th regular meeting agenda.

5. Tomahawk Valley Final Development Plan

Council agreed to place this on the July 19th regular meeting agenda.

6. Donna Mittong drainage request

Council agreed to not place this on the July 19th regular meeting agenda.

7. George Smith request

Council agreed to place not this on the July 19th regular meeting agenda.

8. Employee Benefit Fund Ordinance

Council President Washington had reservations for the fund because it may make it harder to determine statistics in the future for wage studies. Mayor Hill & Councilman Mertz support this ordinance. Council agreed to place this on the July 19th regular meeting agenda.

Mayor's Report

None

Council Member Reports

None

City Administrator's Report

None

Executive Session

A motion was made by Councilmember Dysart and seconded by Councilman Mertz for the Governing Body, City Administrator Mark Loughry and the City Attorney Patrick Reavey to meet for executive session for Attorney-Client land acquisition for no longer than 10 min. and return by 10:05 p.m. Motion passed 5-0. Council returned at 10:04 p.m.

Meeting Reconvenes

Adjournment

Councilman Breuer made the motion to adjourn. Councilmember Dysart seconded. Motion passed. 5-0. There being no further business, the meeting was adjourned at 10:05 p.m.

Check Register Report

Date: 07/08/2010

Time: 4:31 PM

Page: 1

City Of Basehor

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Check Amount 21,257.32

Total Checks: 1

Grand Total 21,257.32

Mark Loughry 7-9-10
 Mark Loughry
 City Administrator Date

Kristi Olson 7-9-10
 Kristi Olson
 Acctg Clerk Date

Check Register Report

Date: 07/15/2010

Time: 4:28 PM

Page: 1

City Of Basehor

BANK: First State Bank

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17911	07/15/2010	Printed	CARTER WAT 12037	CARTER WATERS CORPORATION 10-000-811	2 TONS ASPHALT PATCH	190.23
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17912	07/15/2010	Printed	CINTAS 12013	CINTAS 05-009-799	WEEK SVCS/SUPPLYS 6-24 PWD	39.69
					Check Amount	<u>39.69</u>
17913	07/15/2010	Printed	CONS WATER 12035	CONS RURAL WATER DISTRICT #1 12-000-850	TRANSFER METERS/1167 & 1174	50.00
					Check Amount	<u>50.00</u>
17914	07/15/2010	Printed	DATAMAX 12014 12014	DATAMAX 01-004-799 01-001-799	CHGS/7-16 TO 8-16/PD & ADMIN	145.02
						119.00
					Check Amount	<u>264.02</u>
17915	07/15/2010	Printed	KDHE 12020	DEPT OF HEALTH & ENVIRONMENT 05-009-803	ANNUAL WASTEWATER PERMIT	185.00
					Check Amount	<u>185.00</u>
17916	07/15/2010	Printed	EFTPS 12008 12008 12008	EFTPS 01-000-205 01-000-204 01-000-202	FIT/SS/MEDICARE/PAY #14	1,326.66
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						4,428.07
					Check Amount	<u>11,376.86</u>
17917	07/15/2010	Printed	HAYNES EQU 12015	HAYNES EQUIPMENT CO 07-000-799	GRINDER PUMP REP/15586 CEDAR	835.80
					Check Amount	<u>835.80</u>
17918	07/15/2010	Printed	HUMAN RESO 12016	HUMAN RESOURCE SOLUTION 01-011-745	JUNE SVCS/BACKGRND CHK-OLSON	615.00
					Check Amount	<u>615.00</u>
17919	07/15/2010	Printed	IDEAL LAWN 12034	IDEAL LAWN & LANDSCAPE 01-002-799	MOWING CITY ROW/CITY HALL	173.00
					Check Amount	<u>173.00</u>
17920	07/15/2010	Printed	JACKSON 12017	BOBBY JACKSON JR 01-000-421	REIMB OVRPAY CITATION #007642	3.06
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17921	07/15/2010	Printed	JCI 12036	JCI 05-009-789	IMPELLON/STUFF BOX/FALCON	1,153.50
					Check Amount	<u>1,153.50</u>
17922	07/15/2010	Printed	JOHNSON CL 12018	JOHNSON COUNTY GOVERNMENT 05-009-790	FACILITY FLOW SAMPLING/6-17	174.00
					Check Amount	<u>174.00</u>
17923	07/15/2010	Printed	KS DOR WTH 12009	KANSAS DEPARTMENT OF REVENUE 01-000-206	KS ST WHOLD TAX/PAY #14	1,945.00
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17925	07/15/2010	Printed	KANSAS ONE 12019	KANSAS ONE-CALL SYSTEMS, INC. 05-009-799	ONE CALL LOCATES	30.30
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17926	07/15/2010	Printed	KS TREASUR 12021	KANSAS STATE TREASURER 01-004-767	JUNE 2010 COURT FEES	1,036.00
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17927	07/15/2010	Printed	LAWN TAMER 12022	LAWN TAMERS 01-000-856	CONTRACT MOWING/CODE	1,200.00
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17928	07/15/2010	Printed	LCDC 12025	LCDC 01-001-781	BOARD MTG LUNCH/5-13-10	7.00
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17929	07/15/2010	Printed	LEAV TIMES 12024	LEAVENWORTH TIMES 01-001-760	ADS/CITY CLERK	102.24
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17930	07/15/2010	Printed	LOI TECH 12023	LOI TECHNOLOGY 01-005-799	SVC CALL/SET UP PHONE-OLSON	90.00
					Check Amount	90.00
17931	07/15/2010	Printed	MC JANITOR 12026	MC JANITORIAL 01-005-799	CLEANING SVCS/JULY 2010	240.00
					Check Amount	240.00
17932	07/15/2010	Printed	MCAFEE HEN 12038	MCAFEE HENDERSON SOLUTIONS 19-000-765	ENG SVCS/WCJ/GEN SVCS/HIWAY	1,800.00
			12038	10-000-765		5,327.50
			12038	01-000-856		555.00
			12038	01-017-765		230.00
					Check Amount	7,912.50
17933	07/15/2010	Printed	OLSON 12032	KRISTI OLSON 01-001-774	PAYROLL/6/26-7/9/10	924.30
					Check Amount	924.30
17934	07/15/2010	Printed	PLEAK 12027	MITCH PLEAK 01-017-782	REIMB MILEAGE/06-08 TO 7-09-10	158.00
					Check Amount	158.00
17935	07/15/2010	Printed	POLYDYNE 12028	POLYDYNE INC 05-009-814	(2)450# DRUMS POLYMER	1,008.00
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17936	07/15/2010	Printed	PROPAYROLL 12011	PROPAYROLL 01-011-742	PAYROLL SVCS/PAY #14	189.75
					Check Amount	189.75
17937	07/15/2010	Printed	SCHMIDT C 12030	CASSIE SCHMIDT 01-001-782	REIMB MILEAGE/6-30-10	27.00
					Check Amount	27.00
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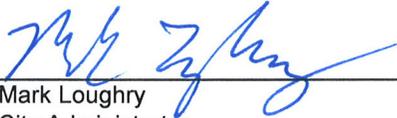
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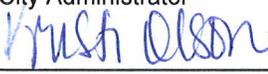
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C. Basehor

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			12031	05-009-753		326.74
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Total Checks:				30	Grand Total(excluding void check):	<u>35,264.53</u>


7-19-10

 Mark Loughry Date
 City Administrator

7/19/10

 Kristi Olson Date
 Acctg Clerk

Check Register Report

Date: 07/20/2010

Time: 10:44 AM

Page: 1

City Of Basehor

BANK: First State Bank

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17940	07/20/2010	Printed	ADVANCE IN 12043	ADVANCE INSURANCE COMPANY 01-000-235	EMP ADD & LIFE INS/AUG 2010	105.60
			12043	01-000-247		249.46
			12043	01-000-244		278.37
					Check Amount	<u>633.43</u>
17941	07/20/2010	Printed	AFLAC 12046	AFLAC 01-000-239	CAFETERIA PLAN/JUNE 2010	43.90
			12046	01-000-238		39.36
			12046	01-000-237		36.24
			12046	01-000-242		25.56
			12046	01-000-241		261.76
			12046	01-000-240		265.86
					Check Amount	<u>672.68</u>
17942	07/20/2010	Printed	BLUE CROSS 12042	BLUE CROSS & BLUE SHIELD OF KS 01-000-209	GROUP MEDICAL INS/AUGUST 2010	12,915.24
			12041	01-000-209		13,285.13
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17943	07/20/2010	Printed	KS EMPLOY 12010	KANSAS EMPLOYMENT SECURITY FD 01-000-207	KS UNEMPLOY TAX/PAY #14	45.77
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17944	07/20/2010	Printed	KS EMPLOY 12033	KANSAS EMPLOYMENT SECURITY FD 01-000-207	EXTRA AMT DUE/1ST QTR 10	70.85
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345	07/20/2010	Printed	KANSAS PAY 12045	KANSAS PAYMENT CENTER 01-000-248	PAY #14	379.50
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17946	07/20/2010	Printed	KPF EFT 12044	KPF EFT PROGRAM 01-000-208	RETIREMENT FUND PAY #14	3,968.46
			12044	01-000-211		7.45
					Check Amount	<u>3,975.91</u>
17947	07/20/2010	Printed	MIDWEST PU 12039	MIDWEST PUBLIC RISK 01-000-203	GROUP DENTAL INS/JULY 2010	1,272.00
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17948	07/20/2010	Printed	VISION SER 12040	VISION SERVICES PLAN 01-000-200	GROUP VISION INS/JULY 2010	486.61
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Total Checks: 9

Bank Total(excluding void checks): 33,737.12

Total Checks: 9

Grand Total(excluding void check): 33,737.12

Mark Loughry 7-21-10

 Mark Loughry Date
 City Administrator

Kristi Olson 7/20/10

 Kristi Olson Date
 Acctg Clerk

Check Register Report

Date: 07/22/2010

Time: 3:51 PM

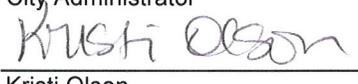
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City Of Basehor

BANK: First State Bank

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Total Checks:				3	Grand Total(excluding void check):	<u>2,124.33</u>


7-22-10

 Mark Loughry Date
 City Administrator

7/22/10

 Kristi Olson Date
 Acctg Clerk

Check Register Report

Date: 07/30/2010

Time: 12:08 PM

Page: 1

City Of Basehor

BANK: First State Bank

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17953	07/30/2010	Printed	BLUE CROSS 12050	BLUE CROSS & BLUE SHIELD OF KS 01-000-209	JULY/AUG 2010 BAL DUE	754.90
					Check Amount	<u>754.90</u>
17954	07/30/2010	Printed	BRANDT FAB 12051	BRANDT FABRICATING 05-009-799	SPINNER SHAFT/SALT SPREADER	57.00
					Check Amount	<u>57.00</u>
17955	07/30/2010	Printed	CHRISTOFF 12052	GARTH CHRISTOFF 01-000-421	REIMB OVERPAY CITATION 011088	25.00
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17956	07/30/2010	Printed	CINTAS 12055	CINTAS 05-009-799	WEEKLY SVCS & SUPPLYS	119.07
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17957	07/30/2010	Printed	CONS WATER 12054 12054	CONS RURAL WATER DISTRICT #1 01-008-755 01-005-755	WATER SERVICES	31.08
					Check Amount	<u>80.06</u>
					Check Amount	<u>111.14</u>
17958	07/30/2010	Printed	DATAMAX 12056 12056	DATAMAX 01-001-799 01-004-799	LEASE/EXCOPY CHGS	124.06
					Check Amount	<u>254.06</u>
					Check Amount	<u>378.12</u>
17959	07/30/2010	Printed	EFTPS 12057 12057 12057	EFTPS 01-000-202 01-000-205 01-000-204	PAY #15 (7/30/10)	4,153.38
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17960	07/30/2010	Printed	FIRST AMER 12058	FIRST AMERICAN TITLE COMPANY 12-000-850	FIELD OF DREAMS/TITLE,CLOSING	1,520.00
					Check Amount	<u>1,520.00</u>
17961	07/30/2010	Printed	GIBBENS 12059	GIBBENS, SUTTON, & SONNTAG LLC 01-004-780	COURT APPT ATTORNEY	1,800.00
					Check Amount	<u>1,800.00</u>
17962	07/30/2010	Printed	ING LIFE 12060	ING LIFE INSURANCE & ANNUITY 01-000-212	DEFERRED COMP #VK0871	9,579.03
					Check Amount	<u>9,579.03</u>
17963	07/30/2010	Printed	JOHNSON CL 12061	JOHNSON COUNTY GOVERNMENT 05-009-790	FACILITY FLOW SAMPLING 7-1-10	118.50
					Check Amount	<u>118.50</u>
17964	07/30/2010	Printed	KS DOR WTH 12062	KANSAS DEPARTMENT OF REVENUE 01-000-206	PAY #15/7-30-10	1,868.76
					Check Amount	<u>1,868.76</u>
17965	07/30/2010	Printed	KS EMPLOY 12066	KANSAS EMPLOYMENT SECURITY FD 01-000-207	PAY #15/PAY DATE 7-30-10	44.63
					Check Amount	<u>44.63</u>
17966	07/30/2010	Printed	KANSAS PAY 12063	KANSAS PAYMENT CENTER 01-000-248	PAY #15/PAY DATE 7-30-10	379.50
					Check Amount	<u>379.50</u>

Check Register Report

Date: 07/30/2010
 Time: 12:08 PM
 Page: 2

(Basehor BANK: First State Bank

Check Number	Check Date	Status	Vendor# Ref#	Vendor Name GL Number	Check Description	Amount
17967	07/30/2010	Printed	KPF EFT 12064	KPF EFT PROGRAM 01-000-208	PAY #15/PAY DATE 7-30-10	3,511.92
					Check Amount	<u>3,511.92</u>
17968	07/30/2010	Printed	KPF EFT 12065 12065	KPF EFT PROGRAM 01-000-208 01-000-211	PAY #13/PAY DATE 7-2-10	3,699.11 7.45
					Check Amount	<u>3,706.56</u>
17969	07/30/2010	Printed	LAWN TAMER 12067	LAWN TAMERS 01-000-856	CONTRACT MOW/CODE VIOLATIONS	650.00
					Check Amount	<u>650.00</u>
17970	07/30/2010	Printed	LV SHERIFF 12068	LEAVENWORTH COUNTY SHERIFF 01-004-764	PRISONER BOARD JUNE 2010	122.50
					Check Amount	<u>122.50</u>
17971	07/30/2010	Printed	MCBRATNEY 12080	KIANN MCBRATNEY 01-004-767	HOURLY FEES/JULY 2010	400.00
					Check Amount	<u>400.00</u>
17972	07/30/2010	Printed	MIDWEST PU 12070	MIDWEST PUBLIC RISK 01-000-203	GROUP DENTAL/AUGUST 2010	1,272.00
					Check Amount	<u>1,272.00</u>
17973	07/30/2010	Printed	PRAY 12071	WILLIAM E. PRAY 01-004-766	MUNICIPAL COURT JUDGE SVCS	300.00
					Check Amount	<u>300.00</u>
17974	07/30/2010	Printed	PROPAYROLL 12072	PROPAYROLL 01-011-742	PAYROLL SVCS/PAY #15	195.00
					Check Amount	<u>195.00</u>
17975	07/30/2010	Printed	REAVEY LAW 12079 12079 12079 12079 12079 12079 12079	REAVEY LAW LLC 18-000-751 10-000-751 12-000-850 01-017-751 01-004-751 01-003-751 01-001-751	LEGAL SVCS MAY-JUNE 2010	621.50 132.00 203.50 2,161.50 159.50 434.50 2,541.00
					Check Amount	<u>6,253.50</u>
17976	07/30/2010	Printed	SELECT IMA 12073	SELECT IMAGING 01-001-799	FILEBOUND HOSTING SERVICES	300.00
					Check Amount	<u>300.00</u>
17977	07/30/2010	Printed	SHRED IT 12074	SHRED IT 01-005-799	SHRED SERVICES	49.00
					Check Amount	<u>49.00</u>
17978	07/30/2010	Printed	TALLMAN 12075	TALLMAN AUTO BODY 01-004-761	UNIT 5 & UNIT 11 REPAIRS	1,954.96
					Check Amount	<u>1,954.96</u>
17979	07/30/2010	Printed	TRAINING A 12076	TRAINING AT YOUR PLACE 01-004-799	2010 ACCIDENT FORMS UPDATED	1,000.00
					Check Amount	<u>1,000.00</u>

Check Register Report

Date: 07/30/2010

Time: 12:08 PM

Page: 3

City of Basehor

BANK: First State Bank

Check Number	Check Date	Status	Vendor# Ref#	Vendor Name GL Number	Check Description	Amount
17980	07/30/2010	Printed	US POSTAL	UNITED STATES POSTAL SERVICE	REPLENISH PERMIT #12	
			12081	05-009-808		500.00
			12081	09-010-808		500.00
					Check Amount	<u>1,000.00</u>
17981	07/30/2010	Printed	VISION SER	VISION SERVICES PLAN	GROUP VISION/AUGUST 10	
			12077	01-000-200		486.61
					Check Amount	<u>486.61</u>
17982	07/30/2010	Printed	WESTAR GRP	WESTAR ENERGY	UTILITY CHARGES	
			12078	01-002-787		21.00
			12078	01-008-753		54.10
			12078	01-005-753		335.50
			12078	05-009-753		9,331.95
					Check Amount	<u>9,742.55</u>
Total Checks:				30	Bank Total(excluding void checks):	<u>58,633.44</u>
Total Checks:				30	Grand Total(excluding void check):	<u>58,633.44</u>

Mark Loughry 7-30-10
 Mark Loughry, City Administrator Date

Kristi Olson 7/30/10
 Kristi Olson, Accounting Clerk Date

Check Register Report

Date: 08/05/2010

Time: 2:10 PM

Page: 1

City Of Basehor

BANK: First State Bank

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amount
17983	08/05/2010	Printed	CAS CONSTR	CAS CONSTRUCTION LLC	WWTP EXPANSION & UPGRADE	104,925.00
17984	08/05/2010	Printed	KACM	KACM	REG/DOCKERY & BROWN	100.00
17985	08/05/2010	Printed	KS DEPT OF	KANSAS DEPT OF TRANSPORTATION	LEASE PYMT/POLICE RADIOS	1,514.27
17986	08/05/2010	Printed	KS TREASUR	KANSAS STATE TREASURER	INT PYMTS 04/05 GO BOND SERIES	100,560.63
17987	08/05/2010	Printed	VISION SER	VISION SERVICES PLAN	VISION INS/AUG 10	465.08
Total Checks:					5	
Bank Total(excluding void checks):						207,564.98
Total Checks:					5	
Grand Total(excluding void checks):						207,564.98

Mark Loughry 8-5-10

 Mark Loughry Date
 City Administrator

Kristi Olson 8/5/10

 Kristi Olson Date
 Accounting Clerk