

## AGENDA

### BASEHOR CITY COUNCIL

January 22, 2009

6:00 p.m.

Basehor City Hall

**WORK SESSION - 6:00 p.m.** Discussion of agenda items

**REGULAR MEETING – 7:00 p.m.**

**1. Roll Call by Mayor Chris Garcia and Pledge of Allegiance**

**2. Consent Agenda**

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

- a. Approve Minutes
  1. January 5, 2009 Work Session & Regular Meeting
  2. January 12, 2009 Work Session
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

**3. Call to Public**

Members of the public are welcome to use this time to comment about any matter relating to City business that is listed on this Agenda. The comments that are discussed under "Call to Public" may or may not be acted upon by the Council during this meeting. There is a five-minute time limit. (Please wait to be recognized by the mayor then proceed to the podium; state your name and address).

**4. Scheduled Discussion Items**

- a. Steve Jack, Executive Director - LCDC Quarterly Update

**5. Business**

- a. Consider waiving certain fees and requirements for USD 458 for the proposed Wellness and Fitness Center.
- b. Consider approval of an interlocal agreement with Leavenworth County for Sewer District #3 Glenwood Estates dealing with decommissioning of the sewer lagoons.
- c. Consider recommendations from the planning commission on the Pinehurst South Replat
- d. Review requirements for a conditional use permit for JED Installation
- e. Consider the engineering and construction management procedures to be followed by the City and Benchmark Management as part of the Wolf Creek Junction street projects.

- f. Consider payment request #2 final from Holland Corp. for the 2008 street overlay program.

- 6. City Administrator Report**
- 7. Mayor's Report**
- 8. Council Member Reports**
- 9. Executive Session**
- 10. 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](http://www.cityofbasehor.org)

**Minutes**

**BASEHOR CITY COUNCIL**

**January 5, 2009**

**6:00 p.m.**

**Basehor City Hall**

**Official Presiding: Mayor Chris Garcia**

**Members Present: Pres. Iris Dysart, Terry Hill, Roger McDowell, Keith Sifford,  
and Jim Washington**

**Members Absent: None**

**Staff Present: Carl Slaugh, Lloyd Martley, Mary Mogle, Gene Myracle,  
Joe McAfee, Patrick Reavey**

**Newspaper: Kaitlyn Syring, *Basehor Sentinel***

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

The work session was called to order with all members present. The city attorney was in attendance.

**Discuss the Transportation Development District for Wolf Creek Junction,  
projected revenues and funding for the proposed street projects.**

City Administrator Carl Slaugh reported Greg Vahrenberg, Piper Jaffray, would go over financial status of Wolf Creek Junction, David Gurss and Jim Pickett with KDOT were present to answer any questions council may have regarding the 150<sup>th</sup> Street intersection project, and Christine Bushyhead, legal counsel for Benchmark Management was present to answer questions regarding the proposed amendments. Mr. Slaugh reported he would also like to go over projected revenues and funding for the combined 150<sup>th</sup> Street and Wolf Creek Parkway project.

Mr. Vahrenberg, advisor to the City on bond issues, pointed out that he would not be able to speak of specific details pertaining to the project explaining there are several options available to the City such as Tax Increment Financing (TIF), Transportation Development District (TDD), KDOT low interest loans, and General Obligation bonds. He explained by using General Obligation bonds, the debt becomes the sole responsibility of the City to pay back through taxes. KDOT loans may carry a broader pledge than loan amount. The TDD revenue bonds are paid solely from revenue generated within the development and carry a higher risk than General Obligation bonds

and are also difficult to sell to investors. Mr. Vahrenberg said his job was to look at the revenue stream by looking at projections provided by the developer through a company that performed feasibility studies. If there is a short fall within the TDD District, the City would be liable for any deficiency associated with the TDD.

Councilmember Washington asked if the TDD goes into default, would that reflect in the City's credit rating and who would be the issuer of the bonds. Mr. Vahrenberg noted the City was not obligated to use tax dollars to pay the deficiency and although the City would be the issuer, the City would collect revenue within the TDD district.

Councilmember Washington asked if TDD Bonds were marketable. Mr. Vahrenberg noted it was difficult to receive funding due to today's economy environment.

Mr. Vahrenberg reported the City currently did not have a rating; however, the City did have a bond issuance that required the City to obtain insurance and received an +Aaa rating. If the project defaulted, it could have an impact on the City receiving amiable bids from investors. Councilmember Washington noted the City has the possibility of \$20-24 million debt and questioned how that amount of debt would affect the City's debt ratio. Mr. Vahrenberg reported while marketing a bond, they would show the debt ratio and gross amount of debt.

Councilmember Hill asked about the difference between a TIF and General Obligation bond. Mr. Vahrenberg reported it helps to lower borrowing costs and assists with improving chances in selling the bonds at a lower rate.

Mr. Slauch noted it was not legal to have a TDD in conjunction with a benefit district. Mr. Vahrenberg concurred with the city administrator.

Mr. Vahrenberg explained the coverage ratio shown on the feasibility study provided by Basehor Properties used a 1.2 rather than the customary 1.4. Mr. Slauch asked if the City should require more financial information on the developer. Mr. Vahrenberg stated it was his opinion if the City was taking risk on the project they may want to have a feasibility study or some type of disclosure provided.

Christine Bushyhead, legal counsel with White Goss Law Firm,, representing Basehor Properties and Benchmark Management, reported the study was compiled in 2006 at which time it was customary to use the lower ratio of 1.2 and suggested the City use the State Revolving Loan in order to pay off the TDD earlier.

Councilmember Washington noted Mrs. Bushyhead would issue bonds at a later date but what source of funding would be in place later. Mrs. Bushyhead noted the realignment of 150<sup>th</sup> Street and construction of Wolf Creek Parkway came in to play and needed that issue settled before funding could be finalized.

Mr. Slauch noted initially the developer was going to fund the street projects up front and at a later date, it was decided to use a KDOT loan funded through TDD revenue.

Mrs. Bushyhead noted the projections also included other retail businesses and reported she had a second market study that showed projected revenues to be about \$9.5 million.

Councilmember Washington noted if the City was the borrower of record, how would it impact if the developers tax increment stream was what paid the loan back, Mr. Vahrenberg noted KDOT may have a broader pledge than regular bonds and reiterated the City could not use taxes to pay off the bonds.

Mrs. Bushyhead stated the research performed on the market place now, verses 2006, showed they would receive a possible revenue of \$19,250 per month. The City would also receive 1% city sales tax revenue which was a potential \$299,256 per year. The City and the developer could partner by loaning the district sales tax.

President Dysart asked Mrs. Bushyhead if sales were still estimated at \$12 million. Mrs. Bushyhead noted that was the initial amount but after the recent study, it was estimated \$19,250 per month which should bring in ample revenue to make TDD payments. President Dysart reported a past study showed the area would not support a grocery store. Mrs. Bushyhead said the recent study showed the area would support the store.

Break – 6:54 p.m.

### **REGULAR MEETING – 7:00 p.m.**

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

The regular meeting was called to order at 7:04 p.m. with all members present. The city attorney was in attendance.

#### **EXECUTIVE SESSION**

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to convene into Executive Session for up to five-minutes to discuss attorney-client privileged matter and invited the city attorney, city administrator and planning director into the session. A show of hands was taken with all members voting in favor. Motion passed 5-0. (7:06 p.m.)

At 7:10 p.m., the regular meeting was called back to order.

#### **CONSENT AGENDA**

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

- a. Approve Minutes
  1. December 8, 2008 Work Session
  2. December 15, 2008 Work Session & Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events

A motion was made by Councilmember Sifford and seconded by President Dysart to approve the Consent Agenda as printed. A show of hands was taken with all members voting in favor. Motion passed 5-0.

## **PUBLIC HEARING**

### **Amendment to the Transportation Development District for Wolf Creek Junction**

Mayor Garcia advised members of the audience that they would be given five minutes to present comments regarding the amendment to the Transportation Development District for Wolf Creek Junction.

#### ***Staff Report***

Mr. Slauch reported it was necessary to adopt an amendment to the Wolf Creek Junction Transportation Development District (TDD) in order to add the 150<sup>th</sup> Street intersection improvements to the TDD District. Exhibit B showed project costs totaling \$3,773,868 would be updated once the amendment was passed by Council.

Christine Bushyhead (White Goss Law Firm) legal counsel for Basehor Properties, LLC and Benchmark Management provided an additional report that explained the project changes in detail. If additional funds were available, improvements to 155<sup>th</sup> Street would be made as well. The original ordinance stated a maximum cost of \$3,594,160 with a 5% administration cost (\$179,708) totaling \$3,773,868. This amount did not include bond issuance and interest costs.

#### ***Public Comments***

Walter Heimbaugh (15101 Sweetbriar, Basehor, KS) reported he was concerned with the realignment of 150<sup>th</sup> Street. He explained children were picked up for school on 150<sup>th</sup> Street and did not understand why KDOT made previous alignment changes and now wanted to change the alignment again. Additional commuting time would be a hardship to the residents south of 24/40 Hwy and encouraged Council to have a traffic study done to support the realignment. Briarwood residents want to maintain the turn at 150<sup>th</sup> Street.

Martha Heimbaugh (15101 Sweetbriar, Basehor, KS) noted the 150<sup>th</sup> Street realignment project seemed to be "detached" from the human element and provided calculations for additional travel time for each home owner in Briarwood. She commented the map shown on the letter gave the impression that residents south of 24-40 Hwy would continue to use 150<sup>th</sup> Street for access onto 24/40 Hwy and suggested using a break in the line so residents would understand the proposed plan. Local streets have no sidewalks

and were not built to handle primary collector traffic. About twenty years ago, KDOT deemed that 150<sup>th</sup> Street intersection was not safe; however, after the last realignment, the intersection had been certified safe. If changed again, the speed limit would be at an unsafe speed as well.

Councilmember Washington asked Mrs. Heimbaugh her opinion if 150<sup>th</sup> Street would be realigned and fully signalized. Mrs. Heimbaugh stated if the City was not going to build the reverse frontage road, but added turn lanes, the City would be moving in the right direction; however, without looking at a traffic study she would not be able to give a professional opinion at this time. She felt additional acceleration/deceleration lanes should be considered as well and encouraged Council to think about the impact on the residents south of 24/40 Hwy.

Victoria Willits (15235 Bradford Ct) stated the City of Basehor needed a grocery store, a hardware store, and other retail stores in order to grow in a positive manner and supported the amendment.

David They (14829 Rolling Hills Rd) asked if the exit would still exist off 150<sup>th</sup> Street. There should be turn lanes on the north side of 24/40 Hwy and Miles Excavating needed acceleration lanes so trucks could pick up speed before they access 24/40 Hwy. He asked if a frontage road would be built on the south side of 24-40 Hwy.

Councilmember Sifford asked if the KDOT representatives would address the residents questions regarding the stop light. KDOT made not comments at this time.

Joe McArdle (804 154<sup>th</sup> Pl) supported the project and commented if 150<sup>th</sup> Street access were to be removed it would cripple the development. Normally, commercial developments have three to seven access points.

Councilmember Washington noted the amendment does not limit the project to the north side of 24/40 Hwy. Mrs. Bushyhead said the language could be limited if that was the Council's wishes. Councilmember Washington was comfortable with the current language.

Councilmember Hill asked how low sales would need to go before the City would have to make up the difference of proceeds. Mr. Vahrenberg reported if the revenue was less than the bonds, and there was nowhere else to turn; then the bonds would go into default. Mrs. Bushyhead noted a cushion was normally built into the projections to cover shortfalls.

Dennis Mertz (2910 N. 155<sup>th</sup> St.) asked if the "return on investment" (ROI) would be paid before the "Transportation Revolving Fund" (TRF). Mr. McIntosh said the development would have to experience a \$9 million loss in order to default. Councilmember Washington reported the ROI would be paid first. Mr. Mertz commented the project would not go against the City's bond indebtedness, but there was risk for the City. He also suggested requiring a specification sheet that would give details

of the project (i.e. boundary lines) and asked if the City would receive a credit for engineering fees. Mr. McIntosh stated he paid the engineering fees, not the City.

Luke Nevell, representing the development, reported it was crucial to the development to obtain the access point on the east end of the development for marketing purposes.

Mayor Garcia called the public hearing closed.

### **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).

Martha Heimbaugh (15101 Sweetbriar, Basehor, KS) commented although 24,000 cars traveling on 24/40 Hwy per day sounded like a lot; however, not everyone passing by would stop at the grocery store.

George Smith (14923 Parallel, Basehor, KS) stated Basehor was not a little spot on the map any longer. He supported the grocery store but did not feel it would make it without supporting businesses within the development. The south side of the highway was not being addressed and 150<sup>th</sup> Street south was inadequate and felt the Council should have a plan rather than approving something now.

John Flower (15510 Cedar Lane, Bonner Springs) spoke regarding Business Items "a" through "d". Mr. Flower reported the 24/40 Corridor Study was a plan for development along 150<sup>th</sup> Street and also addresses improvements to 150<sup>th</sup> Street. The plan provides for improvements to 150<sup>th</sup> Street and a plus was that KDOT was helping with funding.

Walter Heimbaugh (15101 Sweetbriar) did not think funding was in place to fix 150<sup>th</sup> Street south of 24/40 Hwy. Until funding was identified, no improvements should be addressed. He volunteered to put together a package and meet with Senator Roberts in an effort to acquire funding.

Donald Dyster (2207 N. 155<sup>th</sup> Terr.) explained the more businesses that came to the City, the better the tax base revenue would be.

Public portion of the meeting closed.

### **SCHEDULED DISCUSSION ITEMS**

#### ***a. Paul Howe, Deffenbaugh Disposal – Update on services and future needs***

Mr. Howe asked if there were any issues that needed to be addressed concerning Deffenbaugh's services.

President Dysart asked if there was a contact number for residents to contact Deffenbaugh direct since their telephone system was not user friendly. Mr. Howe stated he would email the city clerk a direct line to his administrative assistant. President Dysart commended Deffenbaugh representative Joe Stagner noting he was very polite and helpful.

## **BUSINESS**

***a. Consider approval of an amendment to the Wolf Creek Junction Transportation Development District (TDD) to add the 150<sup>th</sup> Intersection project as an eligible expense.***

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve the amendment to the Wolf creek Junction Transportation Development District (TDD) to add the 150<sup>th</sup> Intersection project as an eligible expense. President Dysart asked if this item was approved; how could items b and c not be approved since they are connected. Mr. Slaugh reported b and c deal with KDOT funding and not the amendment. President Dysart thought the agreements should be approved before approving the amendment. Mr. Reavey clarified that money was coming from the existing TDD and would allow funds to be used for 150<sup>th</sup> Street. The amendment would not obligate the City to fund the expense.

Councilmember Washington noted he did not have a final copy of Exhibit B. Mr. Reavey noted Exhibit B, was in the packet. Mrs. Bushyhead stated the City has a copy of the legal resolution and exhibit on file. Mr. Reavey noted the City's bond counsel, as well as himself, reviewed the Exhibit. President Dysart asked if the legal description changed in the new document; which did not include the 2 ½ acres. Mrs. Bushyhead noted that has been negotiated in the agreement [224-08]. She went over the agreements that have been approved at previous meetings.

Councilmember Washington noted the amendment does not take into account the alignment of 150<sup>th</sup> Street and asked if Mrs. Bushyhead's client would provide a written agreement that the area would be included in the TDD District. Mrs. Bushyhead explained they could not do that until an engineer began preliminary design.

A show of hands was taken with all members voting in favor with the exception of President Dysart. Motion passed 4-1.

***b. Consider approval of an agreement with the Kansas Department of Transportation for construction of Wolf Creek Parkway.***

Mr. Slaugh reported this agreement was necessary for receiving \$500,000 matching funds from KDOT for the construction of Wolf Creek Parkway. He explained there was some confusion about whether the document had been adopted last October. He explained

when the document was presented in October it was in draft form and at the request of KDOT, they requested the document in final form be adopted.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve the agreement with Kansas Department of Transportation for construction of Wolf Creek Parkway. A show of hands was taken with all members voting in favor with the exception of council member's Washington and Dysart. Motion passed 3-2.

***c. Consider approval of an agreement with the Kansas Department of Transportation for construction of 150<sup>th</sup> Street at the intersection of U.S. Highway 24-40.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the agreement with Kansas Department of Transportation for construction of 150<sup>th</sup> Street at the intersection of U.S. Highway 24/40 Hwy. David Gurss clarified the agreement addressed the \$325,000 for right of way acquisition and engineering as agreed earlier. Mr. Reavey noted the agreement was approved and this was an Exhibit to the original agreement. A show of hands was taken with all members voting in favor with the exception of President Dysart. Motion passed 4-1.

***d. Consider an offer by Steve Miles, Miles Excavating Inc., for acquiring the right-of-way on the south side of U.S. Highway 24-40 required to extend 150<sup>th</sup> Street to the south.***

Mr. Slaugh reported he received a proposal from Steve Miles which required action prior to the next Council meeting. The proposal includes dedication of right of way and payment for an easement. Mr. Miles has provided estimates that have been reviewed by KDOT. Mr. Slaugh suggested hiring an appraiser to get a price of what the land was worth.

Steve Miles (19661 171<sup>st</sup> Street) stated he supported Mr. Slaugh's recommendation to hire an appraiser and would be willing to extend the deadline. Mr. Miles reported in his letter he also requested full access to 147th Street.

Councilmember Sifford clarified that Mr. Miles was willing to give an extension. Mr. Miles stated he was willing to grant an extension to the second meeting in February.

David Gurss noted the Corridor committee would meet in February and could discuss the matter. Mr. Miles requested he and City representatives attend the meeting as well. Mayor Garcia reported he recalled a meeting where it was agreed that 147<sup>th</sup> Street remain as a full access intersection. Mr. Jim Pickett reported the Corridor agreement was not changed and would not be changed to a right-in/right-out intersection. Councilmember Hill asked if the language was removed, wouldn't KDOT have the right to change it if there became a safety issue. Mr. Pickett reported the committee understood the goals, but now that it is in place, it would be time to see if it was working.

Mr. Miles said he thought a reverse frontage road may cause a stacking issue. The City would be required to maintain a frontage road but KDOT would be responsible for maintenance of 24/40 Hwy.

Councilmember Washington suggested using a "marginal frontage road" that would go across the front of the property rather than the back of the property. Mr. Miles did not understand why the City would want a frontage road because they would have to maintain it and felt the City should fight for the development of the Nick property since it was for sale.

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to direct staff to hire an appraiser to appraise the value of the right of way that Miles has offered in trade for acceleration lanes and commit to Miles that Council will make a formal motion on February 19<sup>th</sup>. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***e. Consider approval of an application for a transportation revolving fund loan.***

Mr. Slaugh requested formal approval from Council to complete and submit application for the City's financial obligation for construction of Wolf Creek Parkway.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve an application for a transportation revolving fund loan as presented. A show of hands was taken with all members voting in favor with the exception of council member's Washington and Dysart. Motion passed 3-2.

***f. Consider approval of pay request #2 from CAS Construction LLC for the Wastewater Treatment Plant expansion in the amount of \$170,911.80.***

A motion was made by Councilmember Washington and seconded by Councilmember McDowell to approve pay request #2 from CAS Construction LLC for work performed on the wastewater treatment plant expansion project in the amount of \$170,911.80. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***g. Consider an appointment to fill a vacancy on the planning commission.***

Mayor Garcia nominated Joe McArdle to fill the vacant term of David Povilonis on the Planning Commission.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the appointment of Joe McArdle to fill the vacant term of former Planning Commission member David Povilonis. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***h. Consider approval of an interlocal agreement with Leavenworth County for Sewer District #3 Glenwood Estates dealing with decommissioning of the sewer lagoons.***

Councilmember Washington started the discussion by explaining he had an issue with section 15 of the agreement which states the connection fees given to the City would be solely for the purpose of paying off the State Revolving loan. He suggested the paragraph be rewritten that any excess amount be applied toward the loan amount. The county counselor commented to Councilmember Washington that he expected the City to counter back with revisions.

Mr. Slaugh reported an alternative was the County invoice the developer for the amount or bill Glenwood Estates residents excluding the undeveloped ground.

Mr. Slaugh pointed out Exhibit 2 shows the estimated construction costs for the connection of Sewer District No. 3. President Dysart thought the connection fees were incorrect. Mr. Slaugh stated the figures were based on 2008 connection fees rather than 2009 and he would see that the figures were updated. She noted the fees increased as of 1/01/09 and should be \$4,800. She read from an article which stated the Glenwood Estates grinder pumps were failing at a rate higher than budgeted. Mr. Slaugh reported the current agreement includes the language; which allows for annual adjustments. Mayor Garcia felt it was redundant to add another section since the agreement refers to "facilities" and felt grinder pumps would be included in that description.

Councilmember Washington asked Mr. Flower if there was a separate agreement with the County for maintenance of Cedar Lake Estates grinder pumps. Mr. Flower noted the interlocal agreement relates to Glenwood Estates and how the City would interact and pay for the reconstruction of the sewer system and did not have any bearing on the "ongoing" maintenance. Sewer District No. 3 was the taxing entity and the county commissioners have no authority to set the budget, it is done by the Board of Directors. Sewer District No. 7 maintains grinder pumps and the county collects the money and turns it over to the City.

Mr. Slaugh reported funds should be used to maintain the wastewater treatment plant and future infrastructure.

Mr. McAfee said Glenwood Estates could go gravity flow; however, it would cost more, but it would help to eliminate the need for grinder pumps.

President Dysart reported the last sentence in section 11 read that the "new addition may not connect to the existing lagoon system an occupancy permit is contingent upon proper operation of the new sanitary sewer system" however, KDHE has granted a temporary permit. Mr. McAfee said it would be up to the County to approve the permit since they were not annexed into the City. Mr. Slaugh noted the school district was waiting for the City to approve this agreement so they knew how to proceed. It would cost approximately \$500,000 to open and close a lagoon.

Councilmember Washington felt the agreement was geared toward annexation of property.

Councilmember Sifford agreed that he had issues with items 11 and 15 as well as item 14 that does address annexation. Mayor Garcia stated the agreement should state the City would be pursuing annexation of Glenwood Estates. Councilmember Sifford stated he regretted not making annexation mandatory in lieu of assessing a 125% connection and maintenance fees.

Mr. Reavey suggested including in the agreement that the property owners voluntarily annex. This would also reduce their connection fees.

A motion was made by Councilmember Washington and seconded by Councilmember Hill to table action until first meeting in February and authorize staff to address changes with the Board of County Commissioners. Mr. Slaugh asked for clarification of changes.

1. Add language addressing grinder pump maintenance
2. City would keep base connection fee and any excess amount would be applied toward the loan.

A show of hands was taken with all members voting in favor. Motion passed 5-0.

***i. Consider approval of payment to Leavenworth County for the 158<sup>th</sup> Street turn lane completed in 2005.***

A motion was made by Councilmember Hill and seconded by Councilmember Sifford to approve payment to Leavenworth County [in the amount of \$79,743.98] for the 158<sup>th</sup> Street turn lane completed in 2005. Councilmember Washington said he had an issue with the accounting of the Pinehurst Benefit and asked if the benefit district should be reopened. The city engineer reported while researching this matter, he found some discrepancies which showed the City should have received around \$201,000 in administrative fees rather than \$283,000. Therefore, there should be funds from administrative fees to pay Leavenworth County. Mr. Slaugh reported it was clear that the project was not included in the initial benefit district and did not find where it was included in the final; however, it was clear the bill had never been paid and payment was due to the County.

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve payment to Leavenworth County and take out of 2008 General Fund. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***j. Consider payment to Kansas Municipal Insurance Trust (KMIT) for Worker's Compensation insurance.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve payment [in the amount of \$24,742] to Kansas Municipal Insurance Trust for 2009 Worker's Compensation insurance. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***k. Consider payment of membership dues to League of Kansas Municipalities and subscription to Kansas Government Journal to League of Kansas Municipalities.***

A motion was made by Councilmember Washington and seconded by President Dysart to approve payment [in the amount of \$2,182.79] for membership dues to League of Kansas Municipalities and renew (7) subscriptions to Kansas Government Journal for year 2009. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***l. Consider 2009 contract with Leavenworth County for probation services.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve the 2009 contract with Leavenworth County for court services at the rate of \$175 per case. A show of hands was taken with all members voting in favor. Motion passed 5-0.

### **CITY ADMINISTRATOR REPORT**

Jan 12 - Work Session  
Jan 19 - Holiday (no meeting)  
Jan 22 - City Council Meeting  
Jan 27 - Election Registration Deadline – Noon  
Feb 9 - Cedar Lake Estates Public Hearing, Glenwood Ridge Elementary

### **MAYOR'S REPORT**

Nothing to report at this time.

### **COUNCIL MEMBER REPORTS**

#### **Jim Washington**

Councilmember Washington reported, at the request of MARC, he would be participating in a round table discussion on January 9, 2009.

### **EXECUTIVE SESSION**

None

### **ADJOURNMENT**

There being no further business to discuss, a motion was made by Councilmember Sifford and seconded by Councilmember McDowell to adjourn the January 5, 2009 regular meeting. A show of hands was taken with all members voting in favor. Motion passed 4-0.

Submitted for Council approval with/without corrections or additions this 22<sup>nd</sup> day of January, 2009.

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Chris Garcia, Mayor

Attest:

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Mary A. Mogle, CMC, City Clerk

**Minutes****BASEHOR CITY COUNCIL WORK SESSION****January 12, 2009****6:00 p.m.****Basehor City Hall****Official Presiding: Mayor Chris Garcia****Members Present: Pres. Iris Dysart, Terry Hill, Keith Sifford, Jim Washington**  
**Members Absent: Roger McDowell****Staff Present: Carl Slaugh, Lloyd Martley, Mary Mogle, Gene Myracle,**  
**Dustin Smith****Newspaper: (none present)**

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The work session was called to order by Mayor Chris Garcia with all members present with the exception of council member's McDowell and Hill.

*(Order of agenda revised to accommodate USD 458, scheduled school board meeting at 7:00 p.m.)*

**1. USD 458 Building Fees – consider waiving excise tax, building permit fee, and payment in lieu of construction for sidewalks.**

Mr. Slaugh explained the school district has submitted a request to build an 8,000 sq. ft. wellness center behind the existing high school and asked the City to waive excise, building permit, and sidewalk fees. *(Councilmember Hill arrived at 6:05 p.m.)* Following a pre-development meeting between representatives of USD #458 and city staff five items were unresolved and required council direction.

The main items of concern are the following *(extracted from Agenda Item Information Form)*:

1. Platting requirement (item #2) – means for obtaining dedication of right of way for street and obtaining and recording utility easements. Reference Subdivision Regulations, p. 7-8.
2. Transportation Excise Tax (item #3) – city ordinance 387, 20 May 2002, requires payment of 0.09 cents per square foot. Request to waive entirely or apply only to the building construction area and not to the whole 54 acres of high school property to be platted.
3. Building Permit Fees (items 1, 13, 15) – waive building permit fees; fees have not been computed since a building site plan has not been submitted as yet

4. Public Hearing Requirement (item #5) – Zoning Regulation, section 12.06, based on the requirement for a preliminary plat and Subdivision Reg, section 2-102, para. 5 pre-plat; basically if the property is required to be platted, then a public hearing is necessary.
5. Sidewalks (additional item 1) – requirement to make a payment of \$4.60 per linear foot of frontage (PILOC) for the entire high school property or \$59,800. This is a new requirement approved by the city council. The question posed is if the requirement should apply to the entire street frontage of the school property since there are no sidewalks, even though construction does not take place on the frontage.

Dr. Albers pointed out this was to be a building that would sit behind the high school and involve a small portion of the property approximately 150 ft. from Parallel and 155<sup>th</sup> Street. He felt it was unreasonable to require the school district to pay \$250,000 in taxes for a \$700,000 building. Mr. Howard suggested the Board of Education provide a letter stating when improvements were made to 155<sup>th</sup> Street; then sidewalks would be constructed at the school districts expense. Councilmember Washington supported waiving excise tax, but not permit fees, and thought a letter of promise regarding construction of sidewalks in the future would suffice.

Councilmember Sifford asked if the wellness center was part of the bond issue. Dr. Albers stated it was not included in the bond issue and would be paid from capital outlay funds. Mr. Howard hopes in the future to open the facility before and after school for the community, although that had yet to be discussed among the school board. Mayor Garcia stated he would support the center if it were opened to the community. He explained the library entered into an escrow fund for their sidewalks and thought that may be an option for the school district as well. President Dysart asked for an estimate of fees. Mr. Smith noted the exact amount of fees had yet to be determined since plans have not been submitted. Councilmember Washington stated he would like to see all property platted within the City and felt the school district should plat their property in conjunction with this project.

The planning director reported the plat should be submitted at the time plans are submitted. Mr. Smith explained he recently sent letters to four other property owners regarding the construction of sidewalks and cautioned council that some may consider this a discriminatory act. Councilmember Washington did not feel it was discriminatory since it was one government entity dealing with another government entity.

The city administrator reported KDOT representative Jim Pickett was to appear regarding items 2 and 3 and had yet to arrive. He requested item 4 be discussed next.

#### ***4. Consider the option of implementing contractor licensing within the City of Basehor.***

Building Inspector Mark Lee presented a PowerPoint presentation substantiating his position for contractor licensing. The intent of licensing was to make sure contractors were qualified to perform electrical, plumbing, and HVAC. This also helps to protect

property owners as well. He gave an example, if homeowner were to build their own home, they would not need to be licensed, but their contractors would need a license. Contractors would be required to maintain a \$1 million liability insurance policy and submit a certificate of insurance. The licensing would be broke down into four different categories; which would allow them to provide different levels of services. All licenses would be issued on an annual basis.

It was Mr. Lee's intent to have an interlocal agreement with Johnson County to perform the testing and issue license. He went over the various requirements currently implemented by Johnson County.

Councilmember Sifford questioned if the City's limited staff would be able to enforce licensing and felt the homeowner should take due diligence to protect themselves. He thought some homeowners might want to have friends and family help with a project and according to the proposed agreement; they would need to have a licensed contractor perform the work. Mayor Garcia felt this would help to control people from coming in and performing "shoddy" work.

Mr. Slauch reported this was a mechanism to assure there was quality work performed.

Developer, Jeff Scherer, reported the "little guy" would loose out and explained the inconvenience it would cause the contractors that he used and noted it would also cost him and other property owners more money to use licensed contractors. He felt the City would loose control when they have Johnson County issuing licenses.

Mr. Scherer commented having a license does not mean the contractor knows everything; it just meant he passed the test. Mayor Garcia disagreed explaining the contractor had to have vast knowledge of the trade in order to pass the test.

Councilmember Washington asked how Leavenworth City licenses compare. Mr. Lee reported they used 1997 Code. Councilmember Washington felt Mr. Lee should review Leavenworth's process to see if it would be a better fit for Basehor. Mr. Scherer reported he did not need a license to be a builder in most cities; however, if you were an electrician, plumber, or HVAC contractor other cities may require licensing.

Mayor Garcia felt a licensed contractor should be held at a higher threshold.

Councilmember Hill felt a license gave the connotation of professionalism in any trade.

***3. Discuss capital improvement program and possibility of partnership with UG on K-7/Donahoo Road project.***

Mr. Slauch reported he was approached by Unified Government (UG) to possibly work with them regarding a capital improvement program at K-7/Donahoo Road. The City would be working with UG on a limited basis by providing funding (\$18,720) for a 2-inch overlay. In 2007, KDOT offered funding for turn lanes in this area and may still be

willing to provide a similar funding. He stated another option was to delay construction of a deceleration lane at Leavenworth Road, in lieu of constructing one at Donahoo.

Councilmember Hill stated he could personally verify it was a safety issue exiting onto K-7 and Donahoo and felt a deceleration lane would be a definite advantage.

Mayor Garcia stated it was his understanding from the K-7 Corridor Plan that this area was to be a clover leaf. Mr. Slaugh explained as development occurred; the area would change. Mayor Garcia asked what the boundary line would be. Jim Pickett, KDOT, said he thought it was the centerline.

Mr. Slaugh said over the next few months, the council would need to consider what funding would be available and if the proposed project was in Basehor's best interest.

Mr. Slaugh reported he informed UG representatives that this project would be a low priority and may not even make it to the five year plan.

## ***2. 147<sup>th</sup> Street and State Avenue access issues.***

Mr. Slaugh reported there were two main aspects still pending. Pay for acceleration and deceleration lanes at 150<sup>th</sup> and change in the full access status at 147<sup>th</sup> Street. Council needed to determine if 147<sup>th</sup> Street access be closed once 150<sup>th</sup> Street project was completed. He reminded Council they endorsed the 24/40 Corridor Plan; which would leave the highway as a high speed corridor by having signals no less than one-mile apart. There was still a question where acceleration and deceleration lanes should be placed and whether the Corridor Plan language should be amended.

Councilmember Hill stated he thought the Council left it at the last meeting where KDOT had the authority to close the 147<sup>th</sup> Street access if and when it became a safety issue. Mr. Slaugh said he would like to have discussion regarding the pros and cons of closing the 147<sup>th</sup> Street access.

Mr. Pickett reported a permit exists for acceleration and deceleration lanes at 147<sup>th</sup> Street and felt Mr. Miles was in the "driver's seat" of when a frontage road would be constructed.

Mr. Pickett reported KDOT has approved Mr. Miles application for acceleration and deceleration lanes at 147<sup>th</sup> Street and 24/40 Hwy. He thought council might want to consider placing wording in the agreement regarding what events would warrant 150<sup>th</sup> Street intersection to become fully signalized.

Mr. Slaugh reported council would have to decide if they wanted 147<sup>th</sup> Street to be a full-access road or a fully-signalized intersection. Councilmember Hill recommended changing the language in the Corridor Plan to leave the door open to allow a decision to be made at a later date as to what would benefit both the north and south side of the industrial area.

Councilmember Hill asked if it was necessary to change language in the corridor plan since KDOT had the ultimate authority to close the access.

Mr. Pickett reported there was a lot of time and money that went into the Corridor Study and spacing was one of the most important issues addressed. Mr. Pickett felt right-in/right-out lanes would serve 147<sup>th</sup> Street best. Mr. Slauch reminded council that 147<sup>th</sup> Street was removed from the corridor plan. Mr. Smith explained it was removed because it was a non-conforming intersection. Mr. Pickett noted he was confused as to what Mr. Miles was requesting at this time.

Mayor Garcia said he felt Mr. Miles wanted to make sure everything was in place and what to expect for the future of his development and how to market the land.

Mr. Slauch read from Mr. Miles correspondence that asked that 147<sup>th</sup> Street be returned to full access as it had originally been stipulated in the plan. Councilmember Washington felt if the City constructed acceleration and deceleration lanes; that would satisfy Mr. Miles.

Councilmember Hill suggested language be inserted to the effect of "147<sup>th</sup> Street would remain right-in/right-out until dynamics of the intersection changed and deemed a safety hazard by KDOT."

Mr. Scherer clarified that KDOT already approved acceleration and deceleration lanes at 147<sup>th</sup> Street, closed two existing access points, and agreed that 150<sup>th</sup> Street should be considered a full-access intersection.

Council felt they had discussed the topic and directed the city administrator to place the item on the February agenda for a formal vote.

Adjourned at 8:10 p.m.

Submitted for Council approval with/without corrections or additions this 22<sup>nd</sup> day of January, 2009.

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Mayor Chris Garcia

Attest:

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Mary A. Mogle, CMC, City Clerk

## CHECK REGISTER REPORT

Date: 01/15/2009

AS OF 01/15/09

Time: 2:18pm

City Of Basehor

Page: 1

BANK: First State Bank

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amount
16177	01/02/2009	Printed	EFTPS	EFTPS	FIT/SS/MEDI WITHHOLDING PYMT	10,977.36
16178	01/02/2009	Printed	GRIFFIN/WI	WILLIAM GRIFFIN	BANKRUPTCY WITHHOLDING PYMT	200.00
16179	01/02/2009	Printed	KS DOR WTH	KANSAS DEPARTMENT OF REVENUE	KS STATE WITHHOLDING PYMT	1,654.94
16180	01/02/2009	Printed	KANSAS PAY	KANSAS PAYMENT CENTER	CHILD SUPPORT WITHHOLDING PYMT	379.50
16181	01/02/2009	Printed	KPF EFT	KPF EFT PROGRAM	KPF RETIREMENT WITHHOLDING PYM	3,741.47
16183	01/15/2009	Printed	AT&T	AT&T	PHONE SERVICES LIFT STATION	33.16
16184	01/15/2009	Printed	ATMOS ENER	ATMOS ENERGY	UTILITIES - GAS	1,277.59
16185	01/15/2009	Printed	BASEHOR AW	BASEHOR AWARDS & TROPHIES	NAME PLATES-PLANNING COMMISSIO	17.00
16186	01/15/2009	Printed	BASEHOR CH	BASEHOR CHAMBER OF COMMERCE	2009 MEMBERSHIP FEES	100.00
16187	01/15/2009	Printed	BRANDT TRK	BRANDT TRUCKING	HAULING WINTER SAND FOR ROADS	325.14
16188	01/15/2009	Printed	CARBAU	GARY & MELISSA CARBAUGH	TEMP CONSTRUCTION EASMENT	265.19
16189	01/15/2009	Printed	CARDIAC SC	CARDIAC SCIENCE CORPORATION	AED EQUIPMENT/LIGHT KIT	1,396.55
16190	01/15/2009	Printed	CARTER WAT	CARTER WATERS CORPORATION	1 TON ASPHALT COLD PATCH	78.50
16194	01/15/2009	Printed	CASEYS	CASEY'S GENERAL STORES	GAS CITY VEHICLES DECEMBER2008	1,300.82
16195	01/15/2009	Printed	BASEHOR CI	CITY OF BASEHOR	SEWER/SOLID WASTE SERVICES	104.91
16196	01/15/2009	Printed	CONS WATER	CONS RURAL WATER DISTRICT #1	WATER SERVICES	111.54
16197	01/15/2009	Printed	DATAMAX	DATAMAX	BASE RATE/EXCESS COPIES	281.13
16198	01/15/2009	Printed	DEFFENBAUG	DEFFENBAUGH DISPOSAL SERVICE	SOLID WASTE/DUMPSTERS/SPC WAST	11,920.15
16199	01/15/2009	Printed	EFTPS	EFTPS	FIT/SS/MEDI WITHHOLDING PYMT	11,546.25
16200	01/15/2009	Printed	GALLS INCO	GALLS INCORPORATED	3 BADGES	173.94
16201	01/15/2009	Printed	GRIFFIN/WI	WILLIAM GRIFFIN	BANKRUPTCY WITHHOLDING PYMT	200.00
16202	01/15/2009	Printed	HAMPEL	HAMPEL OIL	5 GALLON MOBIL DFE 24	238.18
16203	01/15/2009	Printed	HARRINGRTO	HARRINGTON FLORAL	PLANT & DELIVERY - FLOWER	50.00
16204	01/15/2009	Printed	HEART TOW	HEARTLAND TOW INC	OIL CHANGES/TIRE ROTATIONS	146.86
16205	01/15/2009	Printed	HOLLAND CO	HOLLAND CORPORATION	2008 PAVEMENT MNGT PROJECT	14,508.72
16209	01/15/2009	Printed	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	68.45 TONS ROAD SAND PWD	568.14
16210	01/15/2009	Printed	IIMC	INT INST OF MUN CLERKS ASSO	ANNUAL MEMEBERSHIP - MOGLE	150.00
16211	01/15/2009	Printed	JOCO ENVIR	JOHNSON COUNTY ENVIRONMENTAL	SAMPLE TESTING 12/18/08	166.25
16212	01/15/2009	Printed	KS CHF POL	KANSAS ASSOC FOR CHIEF OF POL	2009 MEMBERSHIP - MARTLEY	50.00
16213	01/15/2009	Printed	KS DOR S&E	KANSAS DEPARTMENT OF REVENUE	RETAILERS SALES TAX 2008	1.14
16214	01/15/2009	Printed	KS DOR WTH	KANSAS DEPARTMENT OF REVENUE	KS STATE WITHHOLDING PYMT	1,777.72
16215	01/15/2009	Printed	KS MUNCINS	KANSAS MUNC INSURANCE TRUST	2009 DEPOSIT WORKERS COMP	24,742.00
16216	01/15/2009	Printed	KANSAS PAY	KANSAS PAYMENT CENTER	CHILD SUPPORT WITHHOLDING PYMT	379.50
16217	01/15/2009	Printed	KS TREASUR	KANSAS STATE TREASURER	STATE MANDATED COURT FEES	558.50
16218	01/15/2009	Printed	KNAPHEIDE	KNAPHEIDE TRUCK EQUIPMENT KC	HYDRAULIC RAM ASSEMBLY	81.12
16219	01/15/2009	Printed	KPF EFT	KPF EFT PROGRAM	KPF RETIREMENT WITHHOLDING PYM	4,015.31
16220	01/15/2009	Printed	LAW HOSE	LAWRENCE HOSE	3 HYDRAULIC HOSES-SNOW PLOW	80.36
16221	01/15/2009	Printed	LAWRENCE	LAWRENCE JOURNAL WORLD	LEGAL PUBLICATION NEWSPAPER	954.00
16222	01/15/2009	Printed	LEAGUE KM	LEAGUE OF KS MUNICIPALITIES	2009 ANNUAL DUES/KS GOV JOURNA	2,167.79
16223	01/15/2009	Printed	LEAV APPRA	LEAVENWORTH COUNTY APPRAISER	PROPERTY OWNER INFO ACCESS	250.00
16224	01/15/2009	Printed	LEAVENWORT	LEAVENWORTH COUNTY COURTHOUSE	RECORDING FEE EASEMENTS	96.00
16225	01/15/2009	Printed	LEINTZ	SAMUEL LEINTZ	FINES REFUND CITATION 9981	10.00
16226	01/15/2009	Printed	LEVEL 4	LEVEL 4 ENGINEERING LLC	ENGINEERING SERVICES-BTC PROJE	20,220.00
16227	01/15/2009	Printed	LOI TECH	LOI TECHNOLOGY	AVG ANTIVIRUS-J BROWN COMPUTOR	385.50
16228	01/15/2009	Printed	MAAC CLEAN	MAAC CLEANING SPECIALISTS	CLEANING CITY HALL	225.00
16229	01/15/2009	Printed	MCAFFEE HEN	MCAFFEE HENDERSON SOLUTIONS	ENGINEERING SERVICES	6,288.75
16230	01/15/2009	Printed	NEXTEL	NEXTEL COMMUNICATIONS	CELLULAR PHONE SERVICES	487.02
16231	01/15/2009	Printed	OMNI-SITE	OMNI-SITE.NET	WIRELESS SERVICES LIFT STATION	150.00
16232	01/15/2009	Printed	PARIS MACH	PARIS MACHINE & WELDING	CUTTING EDGE PLOW-KENWORTH	432.00
16233	01/15/2009	Printed	PITNEY PUR	PITNEY BOWES PURCHASE POWER	E-Z SEAL WITH FLIP TOP	113.00
16234	01/15/2009	Printed	PRAY	WILLIAM E. PRAY	MUNICIPAL JUDGE SERVICES 12/08	250.00
16235	01/15/2009	Printed	QUILL	QUILL	OFFICE SUPPLIES	250.22
16236	01/15/2009	Printed	RICHARDSO	DAVID RICHARDSON	CASH BOND REFUND CIT#9110	2,500.00
16237	01/15/2009	Printed	SIEGEL DIS	SIEGEL DISPLAY PRODUCTS	DISPLAY CASE	242.90
16238	01/15/2009	Printed	SIMMONS GU	SIMMONS GUN SPECIALTIES, INC	AMMO	291.75
16239	01/15/2009	Printed	SMALL BUSI	SMALL BUSINESS DEVELOPMENT	REGISTRATION FEE WORKSHOP	40.00
16240	01/15/2009	Printed	SMITH VET	SMITH VETRINARY CLINIC INC	BOARDING ANIMALS	69.25
16241	01/15/2009	Printed	SPECTRA	SPECTRA	EPOXY-MANHOLES/DEICER VEHICLES	1,156.40
16242	01/15/2009	Printed	SUNFLOWER	SUNFLOWER BROADBAND	CABLE/INTERNET/PHONE SERVICES	544.50
16243	01/15/2009	Printed	SUTTON-KOL	SUTTON-KOLMAN AUTOMOTIVE	WHEEL ALIGNMENTS-UNITS 08/09	107.90
16244	01/15/2009	Printed	THE RECORD	THE RECORD PUBLICATIONS	CITY OF BASEHOR LETTERHEAD	225.00
16245	01/15/2009	Printed	TOTAL ELEC	TOTAL ELECTRIC CONSTRUCTION CO	TRAFFIC SIGNA REPAIR 12/19/08	149.19
16246	01/15/2009	Printed	TUTTLE VET	TUTTLE VETERINARY CLINIC	IMPOUND CHARGES-ANIMALS	210.00
16247	01/15/2009	Printed	UNDERGRND	UNDERGROUND VAULTS & STORAGE	ANNUAL RENTAL FEE/RETRIEVE BOX	738.96
16248	01/15/2009	Printed	WESTAR GRP	WESTAR ENERGY	STREET LIGHTS/UTILITIES ELECTR	3,587.02
16249	01/15/2009	Printed	WESTLAND C	WESTLAND CONSTRUCTION	SEWER LINE REHAB/DIG WATER LIN	24,470.00

CHECK REGISTER REPORT

AS OF 01/15/09

Date: 01/15/2009

Time: 2:18pm

Page: 2

City Of Basehor

BANK: First State Bank

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amount
					Total Checks: 66	Bank Total: 160,211.09
					Total Checks: 66	Grand Total: 160,211.09

REVENUE/EXPENDITURE REPORT

City Of Basehor

For the Period: 1/1/2009 to 1/31/2009

	Original Bud.	Amended Bud.	YTD Actual	CURR MTH
Fund: 01 - GENERAL FUND				
Revenues	1,726,436.00	1,726,436.00	16,110.50	16,110.50
Expenditures	2,654,402.00	2,657,402.00	101,822.90	101,822.90
Net Effect for GENERAL FUND	-927,966.00	-930,966.00	-85,712.40	-85,712.40
Fund: 04 - SPECIAL PARK & RECREATION FUND				
Revenues	22,855.00	22,855.00	0.00	0.00
Expenditures	13,500.00	13,500.00	500.00	500.00
Net Effect for SPECIAL PARK & RECREATION FUND	9,355.00	9,355.00	-500.00	-500.00
Fund: 05 - SEWER FUND				
Revenues	6,673,694.00	6,673,694.00	328,302.16	328,302.16
Expenditures	7,297,843.00	7,297,843.00	41,721.90	41,721.90
Net Effect for SEWER FUND	-624,149.00	-624,149.00	286,580.26	286,580.26
Fund: 07 - CEDAR LAKES MAINTENANCE				
Revenues	11,170.00	11,170.00	0.00	0.00
Expenditures	17,000.00	17,000.00	0.00	0.00
Net Effect for CEDAR LAKES MAINTENANCE	-5,830.00	-5,830.00	0.00	0.00
Fund: 08 - BOND & INTEREST FUND				
Revenues	436,168.00	436,168.00	0.00	0.00
Net Effect for BOND & INTEREST FUND	436,168.00	436,168.00	0.00	0.00
Fund: 09 - SOLID WASTE FUND				
Revenues	164,641.00	164,641.00	0.00	0.00
Expenditures	167,149.00	167,149.00	2,324.50	2,324.50
Net Effect for SOLID WASTE FUND	-2,508.00	-2,508.00	-2,325.47	-2,325.47
Fund: 10 - CONSOLIDATED HIGHWAY FUND				
Revenues	630,625.00	630,625.00	0.00	0.00
Expenditures	1,127,377.00	1,127,377.00	15,990.88	15,990.88
Net Effect for CONSOLIDATED HIGHWAY FUND	-496,752.00	-496,752.00	-15,990.88	-15,990.88
Fund: 11 - MUNICIPAL EQUIP RESERVE FUND				
Revenues	167,300.00	167,300.00	0.00	0.00
Expenditures	150,000.00	150,000.00	0.00	0.00
Net Effect for MUNICIPAL EQUIP RESERVE FUND	17,300.00	17,300.00	0.00	0.00
Fund: 12 - CAPITAL IMPROVEMENT FUND				
Revenues	438,967.00	438,967.00	0.00	0.00
Expenditures	150,000.00	150,000.00	0.00	0.00
Net Effect for CAPITAL IMPROVEMENT FUND	288,967.00	288,967.00	0.00	0.00
Fund: 18 - BASEHOR TOWN CENTER PROJECT				
Expenditures	0.00	0.00	20,220.00	20,220.00
Net Effect for BASEHOR TOWN CENTER PROJECT	0.00	0.00	-20,220.00	-20,220.00

BALANCE SHEET

AS OF 01/15/09

Page: 1

1/15/2009

2:38 pm

City Of Basehor

As of: 1/31/2009

Balances

Fund: 13 - SUMMATION OF ALL FUNDS

Assets

001 FSB CHECKING ACCOUNT	51,775.89
002 FSB MONEY MARKET ACCOUNT	2,839,364.80
005 BASEHOR TOWN CENTER ACCOUNT	1,325,631.03
006 BASEHOR TOWN CENTER 90 DAY CD	1,000,000.00
007 BASEHOR TOWN CENTER 180 DAY CD	1,000,000.00
016 103-3 OVERNIGHT ACCT MIP	86,251.93
031 418000021 COMMERCE 2.8% 012009	800,000.00
045 0103-04 MIP 1.37% 021009	1,400,000.00

Total Assets

8,503,023.65

Liabilities

214 SEWER FUND MONTHLY BALANCE	368,554.22
215 SOLID WASTE MONTHLY BALANCE	75,552.00
216 GENERAL FUND MONTHLY BALANCE	611,682.52
218 MUNICIPAL EQUIP FUND MO BAL	355,972.43
219 CAPITAL IMPROVE FUND MO BAL	1,210,908.30
220 SPECIAL PARK & REC FUND MO BAL	146,259.71
221 CONS HIGHWAY FUND MONTHLY BAL	2,232,238.12
226 BOND & INTEREST MONTHLY BAL	106,182.01
230 TOWN CENTER PROJECT MO BALANCE	3,333,151.58
300 CL MAINTENANCE MONTLY BALANCE	62,522.76

Total Liabilities

8,503,023.65

Total Liabilities & Balances

8,503,023.65

City of Basehor  
2009 ANNUAL CALENDAR OF EVENTS

<b>JANUARY</b>			
<b>MONTH/DAY</b>	<b>TIME</b>	<b>EVENT</b>	<b>LOCATION</b>
1 & 2		City Hall Closed for holiday	
5	6:00 p.m.	City Council Meeting *Consider 2009 Worker's Comp. *Consider LKM Membership	City Hall Meeting Room
6	6:30 p.m.	Planning Commission Meeting	City Hall Meeting Room
13	1:00 p.m.	Municipal Court	City Hall Meeting Room
14	4:00 p.m.	Park Advisory Board Meeting-canceled	City Hall Meeting Room
15	Noon-1:00 p.m.	City to host Chamber Meeting (Mayor to give State of the City Address)	Community National Bank
16	5:30-8:30 p.m.	Retirement Party of Chief Justice Robert Davis	534 Kansas Ave., Topeka, Ks
19		City Hall Closed due to holiday (meeting moved to Jan. 22, 2009)	Martin Luther King Day
22	6:00 p.m.	City Council Meeting	City Hall Meeting Room
27	Noon 4:30 p.m.	Filing for Office closes at noon. Last day to register to vote.	City Hall or County Clerk's Office
30		Annual employee reviews and dept goals due to city administrator.	
	Working Projects:	Work on liability insurance bids Organize volunteer recognition night Engineer to compile boundary ordinance	

Next Meeting: February 2, 2009 Regular Meeting  
February 9, 2009 Cedar Lake Estates Annexation Public Hearing  
February 22, 2009 Regular Meeting

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider waiving certain fees and requirements for USD 458 for the proposed Wellness and Fitness Center.

**Department:** Administration and Public Works

**Background/Description of Item:**

USD 458 submitted a request to the City of Basehor planning department for a wellness and fitness center. The 8,000 square foot wellness and fitness center will be located between the high school football field and the high school.

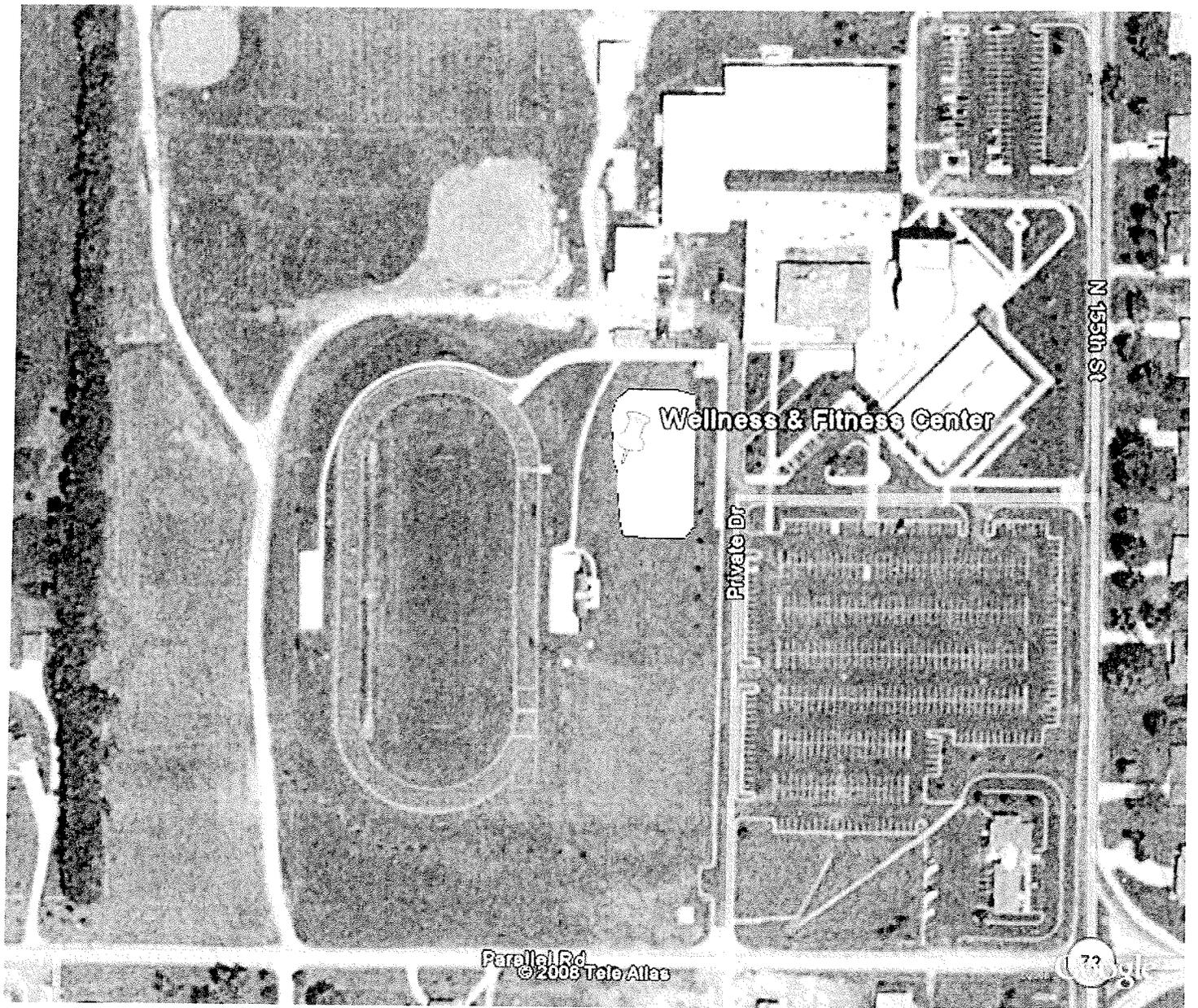
Following a pre-development meeting concerning the project the USD 458 superintendent made a request to have the proposed requirements and fees reviewed. The submittal will go through the planning commission review process, so review of some the items will be made by the planning commission and then considered by the city council. The school district may not proceed with the project due to the additional cost of the fees (sidewalk, excise tax and building permit), unless some or all of the fees are waived. The main items of concern are the following:

1. Platting requirement (item #2) – means for obtaining dedication of right of way for street and obtaining and recording utility easements. Reference Subdivision Regulations, p. 7-8.
2. Transportation Excise Tax (item #3) – city ordinance 387, 20 May 2002, requires payment of 0.09 cents per square foot. Request to waive entirely or apply only to the building construction area and not to the whole 54 acres of high school property to be platted.
3. Building Permit Fees (items 1, 13, 15) – waive building permit fees; fees have not been computed since a building site plan has not been submitted as yet
4. Public Hearing Requirement (item #5) – Zoning Regulation, section 12.06, based on the requirement for a preliminary plat and Subdivision Reg, section 2-102, para. 5 pre-plat; basically if the property is required to be platted, then a public hearing is necessary.
5. Sidewalks (additional item 1) – requirement to make a payment of \$4.60 per linear foot of frontage (PILOC) for the entire high school property or \$59,800. This is a new requirement approved by the city council. The question posed is if the requirement should apply to the entire street frontage of the school property since there are no sidewalks, even though construction does not take place on the frontage.

Following a discussion on the issue at the Jan. 12 city council work session the council consensus was to waive some of the requirements, item #2 waive excise tax and #5 accept a letter of commitment to build the sidewalks when the street is reconstructed.

**Recommendation:** Waive for USD 458 Wellness and Fitness Center items #2 excise tax and #5 PILOC for sidewalks, accepting a letter of commitment for construction of the sidewalks when the streets are reconstructed.

Prepared by: Carl E. Slaugh, City Administrator  
Council Date: January 22, 2009



Wellness & Fitness Center

Private Dr

Parallel Rd  
© 2008 Tele Atlas

N 153rd St

72



## The City of Basehor

December 4, 2008

Michael Knight  
Straub Construction  
7775 Meadow View Drive  
Shawnee, KS 66227

Re: Summary of pre-development meeting held on December 3, 2008 relating to proposed USD #458 fitness center

It was a pleasure meeting with you to discuss the addition of the fitness center to the school district property in Basehor, Kansas. Listed below are some of the key points we discussed concerning the site planning process. However, please be advised that this list may not be exhaustive and other issues may arise during the planning process.

If you have questions please contact me at (913) 724-1370 ext. 24.

Sincerely,

Dustin Smith, AICP  
Planning/Codes Director

Pc: Dr. Albers (no attachments)  
Chris Clafin (no attachments)  
Carl Slauch (no attachments)  
Ken Magaha (no attachments)  
F I L E

Attachments: noted in letter

12/5/2008

Meeting Participants: Dr. Albers, Superintendent, USD #458  
 Chris Claflin, Construction Supervisor, USD #458  
 Michael Knight, Straub Construction  
 Dustin Smith, Planning Director, City of Basehor

1. A packet of information is enclosed with this letter, which includes the following:

- a. flow charts that diagram the process of site plan, preliminary plat and final plat approval.
- b. Lists of the information required for site plans, preliminary plats and final plats.
- c. 2009 Application and Review Schedule.
- d. Application forms (use one for each application).
- e. Planning fee schedule.
- f. Building permit fee schedule.

2. All of the property owned by the school district, which appears to be approximately 54 acres, is required to be platted as part of the planning process. *planning process*  
*sub div regs p. 7*  
*p. 7 dedication of ROW, UE*

3. The transportation excise tax in the amount of .09 (nine cents) per square foot of real property, less any dedicated right-of-way, is payable to the city upon approval of the final plat, unless waived by the City Council. *related to plat*  
*387 2002*

4. All of the applications, including the site plan, preliminary plat and final plat can proceed through the review process simultaneously. The preliminary and final plats require review and approval from the Planning Commission and City Council. The site plan only requires approval by the Planning Commission. *Sub div Regs p. 18*

5. The preliminary plat will require a public hearing, which will be conducted at the Planning Commission meeting. **This is a correction to what was stated during our meeting where I indicated that no public hearings would be required.**

6. This public hearing requires notification of owners of all property lying within 200 feet of the BLHS property. After the formal application is submitted to the Planning Department, we (the city) will prepare the public hearing notice and send it to the Basehor Sentinel for publication. However, the applicant is responsible for assembling the list of property owners that will receive the notices. Please call Leavenworth County GIS (913 684-0443) to obtain the list, which may take several days to assemble. These notices must be sent certified mail, return receipt requested. The date by which these notices must be sent will be determined based on the application submittal date. The notice to be sent shall be obtained from the Planning Department.

*Site Plan*  
*Zoning Regs*  
*ART 12*  
*Plan Review*  
*Procedure*

Public Hearing Required  
 1. Change of Zoning  
 2. Preliminary Plat  
 3. Conditional Use

more ROW at intersection

Collector 80'

Additional Row

- 7. Additional right-of-way for 155 Street and Parallel Road will be acquired by the city as part of the platting process. Based on the existing right-of-way, it appears that the necessary right-of-way dedication along 155 Street will be about 10 feet; and on Parallel Road, approximately 18 feet of right-of-way is required.

- 8. Building materials for the new structure have not been selected at this time. However, the intent is for the new building to match as closely as possible to the main high school building. Budget issues may determine the types of building materials to some extent. We discussed the city's Commercial Design Guidelines that encourages the use of masonry materials and also allows the use of EIFS, stucco and similar types of materials. Corrugated metal siding is discouraged.

separate down 2004, available in-line apply to R-7 and 24-40 Corridor

- 9. The parking requirements for Senior High Schools include .2 spaces for each student and one (1) space for each staff member. If the existing parking areas meet or exceed this ratio, no additional parking will be required for the fitness center. Zoning Regs p. 135 Art. 23

0.2

traffic study

- 10. Since the fitness center will not generate an increase in traffic, we do not anticipate that a traffic study will be required. ZR p. 110 p. 46

- 11. A drainage study will be required. The city currently uses section 5600 of the KCAPWA standards for stormwater management. It was indicated that the area noted as "EX. ASPH." located north of the proposed building site has been removed, which may off-set the increase generated by the new addition. The drainage study will be subject to approval by the City Engineer. p. 110

NPDES req. any parcel over one acre

- 12. According to our landscaping requirements, street trees shall be provided for every 50 feet of street frontage, on average. Credit can be given for existing trees. Street trees are typically those located within the building setbacks of the property. p. 131

- 13. Upon approval of the site plan, preliminary plat and final plat, building construction plans are required for review by our contract engineer prior to obtaining building permits. These plans are reviewed by an outside agency, which bills the city for their services. The city then bills the applicant for reimbursement of these fees. A development fee schedule is attached for your reference. p. 47

- 14. In most cases, construction documents for on-site improvements such as parking lots, driveways, etc., are required as part of the permitting process. If there are private appurtenances, such as sidewalks on the site, these may require construction plans to be reviewed by the City Engineer.

Subdivision Regs

normally required

12/5/2008

15. A final grading plan for the specific building site shall be included with the building construction plans. The grading plan will require a separate review by the City Engineer, which will incur additional review fees that must be reimbursed to the city. *part of drainage, part of Bldg const.*
16. The applicant or representative should consult with the Fairmount Township Fire Department to determine fire/emergency related issues, such as additional fire hydrants on the site, fire department connections, key vaults, sprinkler systems, etc. The city has adopted the 2003 International Fire Code.
17. The city has adopted the 2003 versions of all building codes, with the exception of the Electrical Code, which is the 2002 version.

**Additional items not discussed at the pre-development meeting**

1. Sidewalks are not currently existing in front of the property on either 155 Street or Parallel Road, which constitutes a nonconforming situation on the property. When building permits are requested for properties with existing nonconformities, it is the city's intent to bring the nonconformity into compliance with the current codes. Therefore, sidewalks along 155 Street and Parallel Road will be required as part of this site plan approval. However, on properties adjacent to streets that may have near-future improvement projects, the city provides an option to either construct the sidewalks or pay a payment-in-lieu of construction (PILOC) equal to \$4.60 per square foot of sidewalk. Based on approximate frontage along both streets, approximately 2,600 lineal feet (5 feet wide) of sidewalk will be required. Approximate calculations are as follows:

2,600 lineal feet  
x 5 feet width  
x \$4.60 per square foot of sidewalk for PILOC  
\$59,800 owed to city if PILOC option selected

Actual construction costs may vary.

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider an interlocal agreement between the city of Basehor, Kansas, and Sewer District No. 3 (Glenwood) of Leavenworth County, Kansas, providing for the treatment of wastewater.

**Department:** Administration, Public Works

**Background/Description of Item:** The Glenwood Estates subdivision was designed with a sewage lagoon that is combined with the Glenwood Ridge Elementary School. The lagoon became overloaded, did not meet treatment standards and was creating an odor problem. The Kansas Department of Health and Environment gave notice June 6, 2005 to Leavenworth County to create a plan to connect by September 1, 2005. After complaints and another inspection April 18, 2006 KDHE gave an order to Leavenworth County, dated June 6, 2006, to connect to the City of Basehor's wastewater treatment facility and to decommission the sewer district #3 lagoon.

Leavenworth County submitted a request to the City of Basehor May 23, 2006 requesting to connect to the sanitary sewer system. Approval of the request was held up due to unresolved issues regarding finances for SD #7 Cedar Lakes. The City of Basehor approved an interlocal agreement on May 5, 2008 and sent it to Leavenworth County for consideration.

The Board of County Commissioners (BOCC) acting as the board of directors of Sewer District #3 approved Dec. 15, 2008 a revised interlocal agreement with two revisions:

1. Removed a provision regarding legal representation.
2. Added paragraph 15 - a provision to use connection fees paid to the City of Basehor to defer the cost of the project that would be assigned to vacant ground. The reimbursement of the amount would be recovered at the time the land is developed.

Following recommendations by the city council Jan. 5, 2009 the SD#3 board of directors on Jan. 12 approved changes: deletes the connection fee recapture provision (paragraph 15), changes the word "anticipated" to "expected" in paragraph 14, and adds language regarding grinder pump maintenance in paragraph 10.

The attachments or exhibits and fee schedules were left unchanged in the hopes that the City would make a concession on 2008 fees to make less of an impact on the Glenwood Estates residents.

**Funding Source:** Leavenworth County Sewer District #3

**Recommendation:** Approve the revised interlocal agreement between the City of Basehor and Sewer District #3 for decommissioning of the Glenwood Estates Lagoon.

Prepared by: Carl E. Slaugh, City Administrator  
Council Date: January 22, 2009

**AN AGREEMENT BETWEEN THE CITY OF BASEHOR, KANSAS, AND  
SEWER DISTRICT NO. 3 (GLENWOOD) OF LEAVENWORTH COUNTY,  
KANSAS, PROVIDING FOR THE TREATMENT OF WASTEWATER**

COME NOW THE PARTIES TO THIS AGREEMENT, The City of Basehor, Kansas hereafter referred to as "City", and Sewer District No. 3 (Glenwood) of Leavenworth County, Kansas, hereinafter referred to as "District", and recite the following as the terms of their agreement:

1. The District is authorized to enter into this agreement pursuant to the provisions of K.S.A. 19-27a02. The City is authorized to enter into this agreement pursuant to the provisions of K.S.A. 12-101. The District and City are jointly authorized to enter into this agreement pursuant to the provisions of K.S.A. 12-2908.
2. The purpose of this agreement is to provide for the treatment by the City, the wastewater generated from within the boundaries of the District.
3. The City hereby agrees to accept for treatment in an approved wastewater treatment facility, wastewater generated from within the boundaries of the District.
4. The District hereby accepts responsibility for notification of affected property owners, acquisition of utility easements, coordination with Glenwood Ridge Elementary School, and for organizing meetings, as needed, with affected property owners.
5. The District hereby agrees to construct such necessary and appropriate facilities as may be needed to transport wastewater generated from within the boundaries of the District to a connection point of the sewer facilities maintained by the City. New construction should be designed in accordance with City specifications, and to accommodate projected growth in the area. A general schematic diagram of the facilities to be constructed is attached hereto as "Exhibit 1" and incorporated fully herein. The District agrees to utilize construction plans prepared by a Professional Engineer in constructing the facilities generally shown in "Exhibit 1" and to allow the City to inspect and approve said construction at all phases of the project.
6. The District hereby agrees to announce the bid opening for construction to the City of Basehor so that a representative may be present.
7. The City hereby agrees to cooperate and assist with the above efforts to facilitate the timely connection of the new system.
8. Upon the completion by the District of the facilities as mutually agreed upon and generally shown in "Exhibit 1" the City agrees to accept ownership and responsibility for the maintenance of said facilities and the existing public facilities of the District, with the exception of the existing lagoon system. It shall be the responsibility of the District to cause such necessary assessments to be made within the boundaries to collect such

needed revenues to pay in full any temporary notes, bonds or loans as may be obtained by the District.

9. The District agrees to pay to the City appropriate connection fees for connection of the District to the treatment facilities of the City pursuant to this agreement as shown in "Exhibit 2". For the initial connection of the District to the wastewater treatment facilities of the City, the District shall upon receipt of such funds from the State Revolving Loan Fund (SRF), make payment to the City as detailed in "Exhibit 2".

10. The City shall be entitled to charge to each residential building, and the Glenwood Ridge Elementary School, served by the City within the District a monthly sewer use fee in an amount not to exceed 150% of the base fee charged by the City to the residents of the City of monthly sewer use. It shall be the responsibility of the City to assess and collect such monthly sewer use fees. In the event that the City annexes any area within the District, the City agrees to reduce the monthly base sewer use fee to users to 100% of the base fee charged to the residents of the City. Nothing in this agreement shall be construed as to prevent the City of Basehor from adding additional charges for the monthly sewer use fee based upon use above and beyond the amount of usage upon which the base monthly fee is calculated, for the operation of any grinder pump systems or such other assessments as may be required in order to effect the treatment of wastewater generated within the District.

11. The City of Basehor recognizes that the Basehor-Linwood School District (USD #458) wishes to start construction on an addition to the existing Glenwood Ridge Elementary school facility, with a projected completion date in the Fall of 2009, and a new Middle School, with projected completion in the fall of 2010. This new addition may not connect to the existing lagoon system and an occupancy permit is contingent upon proper operation of the new sanitary sewer system.

12. The District will enter into a standard agreement with the City for the inspection of sewer systems as outlined in the Basehor Technical Specification under the guidelines outlined by the Kansas Department of Health and Environment (KDHE).

13. The responsibility for the decommissioning of the existing lagoon system remains with the District.

14. Annexation of the Glenwood Estates Subdivision, Glenwood Ridge Elementary School and the future Basehor-Linwood Middle School property and any other property that intends to connect to the Basehor sanitary sewer system may be expected when the completed sanitary sewer system connects to the City system.

WHEREFORE IT IS SO AGREED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

FOR THE CITY: \_\_\_\_\_

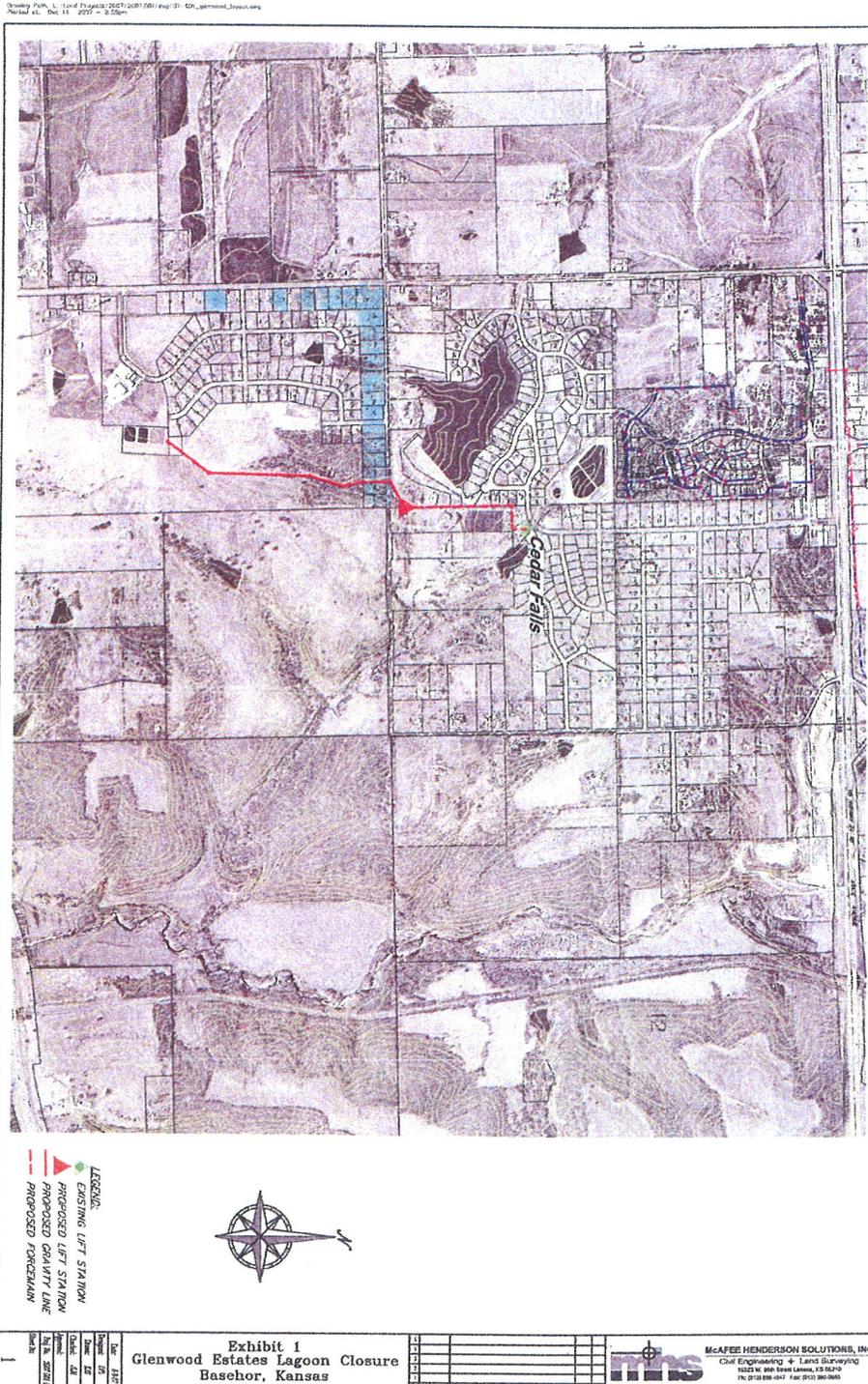
ATTEST: \_\_\_\_\_

FOR THE DISTRICT: \_\_\_\_\_

ATTEST: \_\_\_\_\_

### Exhibit 1

Map of the proposed routing of the sewer line from the existing Glenwood lagoons to the Cedar Falls lift station. Lots highlighted in blue are on septic systems.



**Exhibit 2****ESTIMATED CONSTRUCTION COSTS FOR THE CONNECTION OF SEWER DISTRICT  
NO. 3 OF LEAVENWORTH COUNTY, KANSAS, TO THE WASTEWATER TREATMENT  
FACILITIES OF THE CITY OF BASEHOR, KANSAS****Project 1 - Glenwood Estates – Sewer District No. 3**

Construction Cost	\$366,707.21
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**Project 2 – Glenwood Ridge Elementary School**

Construction Cost	\$20,170.46
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**Project 3 – Middle School**

Construction Cost	\$48,346.71
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**Project 4 – Vacant Ground**

Construction Cost	\$604,489.85
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<b>Total Construction Cost (Projects 1-4)</b>	<b>\$1,039,714.23</b>
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**Exhibit #3**

CONNECTION FEES TO BE PAID TO THE CITY OF BASEHOR AND  
 APPORTIONMENTS FOR THE CONNECTION OF SEWER DISTRICT NO. 3 OF  
 LEAVENWORTH COUNTY, KANSAS, TO THE WASTEWATER TREATMENT  
 FACILITIES OF THE CITY OF BASEHOR, KANSAS

**Project 1 - Glenwood Estates – Sewer District No. 3**

Connection Fees (97 lots @ \$4575 per lot)	\$443,775.00
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**Project 2 – Glenwood Ridge Elementary School**

Connection Fee (1 @ \$4,575)	\$4,575.00
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**Project 3 – Middle School**

Connection Fee (1 @ \$4,575.00)	\$4,575.00
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**Project 4 – Vacant Ground**

Potential connection Fees (to be paid at the time building permits are issued, if annexed 150 lots @ \$2,950/lot or \$442,500)	\$0.00
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<b>Total Connection Fees (Projects 1-4)</b>	<b>\$452,925.00</b>
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**Exhibit #4****APPORTIONMENTS FEES TO BE PAID TO THE CITY OF BASEHOR FOR UPSIZING  
THE PINEHURST LIFTSTATION TO THE WASTEWATER TREATMENT FACILITIES,  
CITY OF BASEHOR, KANSAS****Project 1 - Glenwood Estates – Sewer District No. 3**

Pinehurst Upsize Fee (97 lots @ \$370 per lot)	\$35,890.00
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**Project 2 – Glenwood Ridge Elementary School**

Pinehurst Upsizing Fee	\$1,850.00
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**Project 3 – Middle School**

Pinehurst Upsizing Fee	\$4,440.00
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**Project 4 – Vacant Ground**

Pinehurst Upsizing Fee	\$0.00
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<b>Total Upsizing Fees (Projects 1-4)</b>	<b>\$ 42,180.00</b>
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**Exhibit 5**

TOTALS FEES TO BE PAID TO THE CITY OF BASEHOR AND APPORTIONMENTS FOR  
THE CONNECTION OF SEWER DISTRICT NO. 3 OF LEAVENWORTH COUNTY,  
KANSAS, TO THE WASTEWATER TREATMENT FACILITIES OF THE CITY OF  
BASEHOR, KANSAS

**Project 1 – Design Costs**

Glenwood Estates	\$51,815.05
Glenwood Ridge Elementary School	\$ 2,850.05
Middle School	\$ 6,831.30
Vacant Ground	\$85,413.30
Total	\$146,909.70

**Project 2 – Construction Costs**

Glenwood Estates	\$366,707.21
Glenwood Ridge Elementary School	\$ 20,170.64
Middle School	\$ 48,346.71
Vacant Ground	\$604,489.85
Total	\$1,039,714.23

**Project 2 – Connection Fees**

Glenwood Estates	\$443,775.00
Glenwood Ridge Elementary School	\$4,575.00
Middle School	\$4,575.00
Vacant Ground	\$0.00
Total	\$452,928.00

**Project 3 – Upsizing Fees**

Glenwood Estates	\$35,890.00
Glenwood Ridge Elementary School	\$1,850.00
Middle School	\$4,440.00
Vacant Ground	\$0.00
Total	\$42,180.00

<b>Total Projected Loan Costs</b>	<b>\$1,681,729.00</b>
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**Exhibit 6**

RECAPP OF TOTALS FEES TO BE PAID TO THE CITY OF BASEHOR AND  
 APPORTIONMENTS FOR THE CONNECTION OF SEWER DISTRICT NO. 3 OF  
 LEAVENWORTH COUNTY, KANSAS, TO THE WASTEWATER TREATMENT  
 FACILITIES OF THE CITY OF BASEHOR, KANSAS

**Project 1 – Glenwood Estates**

Design Costs	\$51,815.05
Construction Costs	\$366,707.21
Connection Fees	\$443,775.00
Upsizing Fees	\$35,890.00
<b>Total</b>	<b>\$898,187.26</b>

**Project 2 – Glenwood Ridge Elementary School**

Design Costs	\$2,850.05
Construction Costs	\$20,170.64
Connection Fees	\$4,575.00
Upsizing Fees	\$1,850.00
<b>Total</b>	<b>\$29,445.51</b>

**Project 3– Linwood/Basehor Middle School**

Design Costs	\$6,831.30
Construction Costs	\$48,346.71
Connection Fees	\$4,575.00
Upsizing Fees	\$4,440.00
<b>Total</b>	<b>\$64,193.01</b>

**Project 4 – Vacant Ground**

Design Costs	\$85,413.30
Construction Costs	\$604,489.85
Connection Fees	\$0.00
Upsizing Fees	\$0.00
<b>Total</b>	<b>\$689,903.15</b>

**Total Projected Loan Costs** **\$1,681,728.93**

**Narrative – City Council**  
**January 22, 2009**  
**Dustin Smith, Planning Director**

**Replat of Lots 29-33 of the Pinehurst South Subdivision**

**Narrative**

The Planning Commission recommended approval of the replat at their meeting on January 6, 2009.

A staff report, reduced copies of the replat and supporting documentation are provided in agenda packet, which includes a copy of the recorded agreement between the city and the property owners of Lots 28-33.

Upon approval by the City Council, staff will have the replat signed and submit it to the Register of Deeds office for recording.

Staff will be available for discussion at the meeting.

**Recommendation**

Staff and the Planning Commission recommend approval of the replat for Lots 29-33 of the Pinehurst South Subdivision.

**Excerpt of Minutes  
Basehor Planning Commission Meeting  
January 6, 2009  
Basehor City Hall**

**E.1 Replat of Lots 29-33 of the Pinehurst South Subdivison.**

Mr. Smith reviewed the packet summary with the Commissioners. Chair Matthews asked if there was anyone who wished to speak about the item.

*Sandra Grimes-15402 Crimson St.*-Spoke on behalf of her neighbors and expressed their concerns. Mrs. Grimes also thanked the Planning Commissioners for taking the steps to get this matter taken care of.

Chair Matthews asked for any discussion, hearing none. Commissioner Bush made the motion to approve the Replat of Lots 29-33 of The Pinehurst South Subdivision. Commissioner Mc Ardle seconded. Chair Matthews asked for vote. Motion passed 6-0.

## STAFF REPORT

**Date:** January 6, 2009

**Subject:** Replat of Lots 29-33, Pinehurst South, submitted by Strick & Co at the request of the City of Basehor.

**File No:** FP-01-09

### GENERAL INFORMATION

**Applicant:** City of Basehor

**Owner:** All lots privately owned

**Address:** 2620 N. 155 Street  
Basehor, KS 66007

**Engineer/ Architect:** Strick & Co.

### SITE INFORMATION

**Location:** Pinehurst South Subdivision

**Current Zoning:** PR, Planned Residential

### STAFF ANALYSIS

#### PROJECT BACKGROUND

The Pinehurst South Subdivision was platted in 2003. In 2007, the City learned that the homes constructed on Lots 29-33 were placed within the side-yard setbacks on the north side of the lots. For the last year, the City has been working with the homeowners to resolve the situation so as not to cause future problems with the sale of any property due to non-compliance with city codes.

Strick & Company conducted the replat at the City's request. A portion of the final plat for Pinehurst South is included showing Lots 28-33. No changes in Lot 28 were necessary, so it is not involved in the replat. The changes in the platted lines between Lots 29-33 can be discerned by comparing the existing plat with the proposed replat.

The exhibit of the replat that is included shows the existing (old) lot lines and the proposed lines. The following table shows a comparison of the old lot sizes with the newly replatted lots.

Lot	Original Platted Area	New Lot Size
29-A	7,651.63	7,490
30-A	7,564.10	8,310
31-A	7,501.40	7,763
32-A	7,581.66	7,428
33-A	11,793.47	11,101

Prior to proceeding with the replat, the city drafted an agreement for the property owners to sign, which provided their consent to the replat and their agreement to comply with the requirements for signing the document so that it can be recorded. It included a statement putting each property owner on notice that they may gain or lose property due to the replat.

The replat identifies the lots as 29-A thru 33-A. Lots 30-A and 31-A had a net gain in property area; Lots 29-A, 32-A and 33-A are slightly smaller than the previous lots. Lot 28 was included in the agreement, but it wasn't necessary to include it in the replat. Therefore, it will not be necessary for the owners of Lot 28 to sign the replat.

The only other change to the plat is a reduction of the front building setback on Lots 32-A and 33-A from twenty-five (25) feet to twenty-two (22) feet due to the homes being placed slightly within those setback areas. This includes the building setback on the north side of Lot 33-A.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the replat for Lots 29-33 of the Pinehurst South Subdivision.







\* 2 0 0 8 R 0 8 5 2 8 9 \*

Doc #: 2008R08528

STACY R. DRISCOLL/REGISTER OF DEEDS  
LEAVENWORTH COUNTY

RECORDED ON  
08/27/2008 01:27PM

RECORDING FEE: 18.00

INDEBTENESS: 0.00

PAGES: 3

**Agreement for City to Replat Lots 28-33 of the Pinehurst South Subdivision  
December 4, 2007**

**Agreement between the City of Basehor, Kansas and the property owners of Lots 28-33 of the Pinehurst Subdivision pursuant to rectifying existing side-yard setback encroachments.**

**WHEREAS**, it was brought to the attention of the City of Basehor, that all of the homes located on the east side of 154<sup>th</sup> Place, between Juniper Lane and Crimson Street, were placed within the side yard setback.

**WHEREAS**, the City of Basehor was requested, and has agreed, to assist in rectifying this situation by commissioning a replat of all of the lots to relocate the affected property boundaries, thus bringing the non-complying situations into compliance with the City's regulations.

**WHEREAS**, the City must have consent of all affected property owners to proceed with the replat of the properties.

**WHEREAS**, the signature of each of the affected property owners on this document acknowledges their cooperation and allows the city to conduct the replat.

**WHEREAS**, the City has been advised that this process will cost approximately \$2,000.00, which will be borne by the City and the home builder, Chris Van Horn of Corvan Construction.

**WHEREAS**, the City and Mr. Van Horn have agreed to pay \$1,000.00 each to cover the costs of the replat.

**WHEREAS**, the City has attached the following conditions to this agreement, which are as follows:

1. The city will attempt to obtain Mr. Van Horn's share of the costs prior to proceeding with the surveys.
2. In the event the city is unable to obtain the necessary funds from Mr. Van Horn, the city reserves the right to terminate this agreement.
3. All property owners must sign this agreement and have each signature notarized prior to the City mobilizing the surveyor.
4. If any of the affected property owners fail to give their written consent by signing this document, the city reserves the right to terminate this agreement.

*Mr. D. BC  
Chicago*

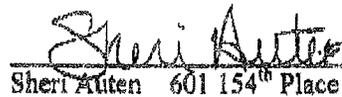
Pinehurst South Replat Agreement

2

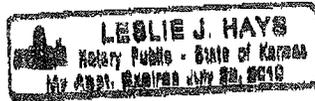
12/4/2007

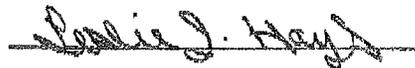
5. The signed and notarized document will be recorded with the Leavenworth County Register of Deeds.
6. By signing this agreement, each of the property owners listed below consent to signing the replat upon its completion and approval by the City. Failure to sign the approved replat will result in the City seeking reimbursement for the costs of the survey from those failing to sign the replat and the legal fees associated with recovering those costs.
7. The property owners signing this agreement acknowledge that, as a result of the replat, an increase or decrease in the total area of their lot may occur. The net property increase or decrease will be determined by the replat.
8. The relocation of fences, landscaping, accessory buildings, play equipment or any other appurtenances necessary as a result of the replat and the costs of those relocations will be the responsibility of the individual homeowners.
9. The City or representative thereof may need to enter upon said premises for purposes of surveying, marking property corners, etc.
10. The City, or representative thereof, will attempt to notify all of the property owners as to when the surveying of the properties will begin if the surveyor will need access to individual properties.
11. The City of Basehor may choose to terminate this agreement if unforeseen circumstances would cause an increase in costs above what has been quoted herein.

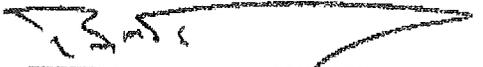
  
Garland Auten 601 154<sup>th</sup> Place

  
Sheri Auten 601 154<sup>th</sup> Place

Notary Seal

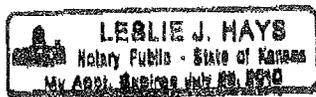


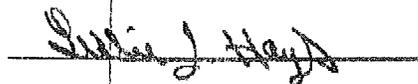


  
Brian McInerney 605 154<sup>th</sup> Place

  
Lara McInerney 605 154<sup>th</sup> Place

Notary Seal





Pinehurst South Replat Agreement  
3  
12/4/2007

*Michael Bauer*  
Michael Bauer 607 154th Place

*Chelsey Bauer*  
Chelsey Bauer 607 154th Place

Notary Seal  
~~CREDIT TO THE UNFINISHED PAYEE  
ABSENCE OF ENDORSEMENT GUARANTEED  
BANK OF AMERICA, N.A.~~

**PEGGY KRAMER**  
Notary Public - State of Kansas  
My Appl. Expires 11-7-11

*Peggy Kramer*

*Monte Washington*  
Monte Washington 609 154th Place

**DONNETTA WHEELER**  
Notary Public - State of Kansas  
My Appl. Expires 11-7-11

*Karen Washington*  
Karen Washington 609 154th Place

**PEV HURST**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Clay County  
My Commission Expires: June 12, 2008

*Ro Jean Mustain*  
Ro Jean Mustain 611 154th Place

*Chelsey Bauer*  
**PEV HURST**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Clay County  
My Commission Expires: June 12, 2008

Notary Seal

**ANGELA D. TROWBRIDGE**  
Notary Public - State of Kansas  
My Appl. Expires 8-27-2008

*Ronnie Jones*  
Ronnie Jones 615 154th Place

*Angela Trowbridge*  
Angela Trowbridge

*Sandra Jones*  
Sandra Jones 615 154th Place

Notary Seal

**CONNIE J. PARK**  
Notary Public - State of Kansas  
My Appl. Expires 08-03-2010

*Chris Garcia*  
Chris Garcia, Mayor  
City of Basehor, Kansas

*Connie J. Park*

*Patrick Reavey*  
Patrick Reavey, City Attorney  
Approved as to form

# CITY OF BASEHOR

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



# APPLICATION FORM

Project Name & Description <b>REPLAT OF LOTS 29-33, PINEHURST SOUTH</b>		Total Site Acreage <b>1.5</b>	Present Zoning <b>PR</b>
Legal Description (May be attached as separate sheet) <b>LOTS 29-33 PINEHURST SOUTH</b>		Proposed Zoning	
Project Address / General Location		Presubmittal Date	
Parcel ID Number (CAMA Number)		Floor Area Classification	
Property Owner Name	Phone	Fax	
Property Owner Address	City	State	Zip
Applicant's Name (if different from above) <b>CITY OF BASEHOR, KS</b>	Phone <b>913 724-1370 X24</b>	Fax	
Applicant's Address <b>2620 N. 155 ST.</b>	City <b>BASEHOR</b>	State <b>KS</b>	Zip <b>66007</b>
Applicant's mobile phone	Property Owner and/or Applicant's E-mail address		

### APPLICATION TYPE

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

### PROJECT INFORMATION

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

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

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

### COMPLETE THIS AREA IF SUBDIVIDING PROPERTY

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

**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.

<b>x</b>  Signature	<b>12/7/08</b> Date	<b>Office Use Only</b> <input type="checkbox"/> Filing Fee \$ <u>N/A</u> <input type="checkbox"/> Received by _____ <input checked="" type="checkbox"/> # of Plans _____ <input checked="" type="checkbox"/> Attached Legal Description <input type="checkbox"/> Property Ownership List <u>N/A</u>
---	------------------------	---

**Narrative – City Council**  
**January 22, 2009**  
**Dustin Smith, Planning Director**

**Review of Compliance with Conditional Use Permit for JED Installation located at 2722 N. 155 Street.**

**Narrative**

The conditional use permit (CUP) for JED Installation was approved in September, 2007 with several conditions that required action by the applicant to install landscaping and make improvements to the building. After 15 months of the conditional use permit being active, the outstanding items relating to the CUP are as follows:

1. the required landscaping has not been installed and the applicant has not met with city staff to discuss possible improvements despite several requests by staff to schedule a meeting to discuss options.
2. The applicant was required to provide a plan (condition #1) and make improvements to the exterior of the building to bring the exterior of the building into compliance with the city's commercial design guidelines by December 31, 2008 (condition #2). It appears that the only change to the outside of the building is that it has been painted.

Staff sent a copy of the staff report via e-mail to Mr. Mertz on Friday, January 9, 2009 inviting him to respond to the information in the staff report. As of this writing, there has been no response.

A timeline of the events and contacts associated with the CUP is provided in the staff report. A staff report, excerpt of Planning Commission minutes and supporting information is included with the agenda item.

Staff will be available for questions at the City Council meeting.

**Recommendation**

Staff has determined that the conditions of the conditional use permit have not been completed and is recommending that the City Council make an official determination if the owner has met the requirements of the conditional use permit and, if not, how to proceed to either work towards completing the conditions or rescinding the conditional use permit.

**STAFF REPORT**

**Date:** January 22, 2009

**Subject:** Review of Conditional Use Permit for the operation of JED Installation on the property at 2722 N. 155 Street (a.k.a. the Old Casey's building).

**File No:** CUP-01-07 (Review)

**GENERAL INFORMATION**

**Applicant:** Dennis Mertz  
2905 N. 155 Street  
Basehor, KS 66007

**Property Owner:** MEPA Properties, LLC.  
**Address:**

**Engineer/ Architect:** None

**SITE INFORMATION**

**Location:** 2722 N. 155 Street.  
**Current Zoning:** CP-1, Neighborhood Business

**STAFF ANALYSIS**

**Site Characteristics:** Area – .45 acres MOL.  
**Current Use** – JED Installation

**Surrounding Uses**

<u>Zoning</u>		<u>Use</u>
North	CP-1	Residential and Comm.
South	CP-1	Commercial
East	CP-1	Vacant
West	R-1	Residential

## **Project Background**

In 2007, the City approved a conditional use permit for JED Installation at the above referenced address – the site of the former Casey’s. Several conditions were placed on the conditional use permit that related to improvements to the building and the property to improve the visual character of the property and surrounding area. The specific conditions are listed in **bold type** as follows with the existing status of each respective condition listed thereafter:

**1. Approval of a building plan pursuant to compliance with the Commercial Design Guidelines.**

No building plan for the exterior of the building has been presented to the City.

**2. Improvements to the exterior of the building to bring it into compliance with the City’s adopted Commercial Design Guidelines prior to December 31, 2008.**

It appears that the only visible change to the exterior of the building is that it has been painted. Mr. Mertz provided a letter dated July 11, 2007 (attached) indicating his intentions to remove the metal siding and replace it with stucco. This never occurred and the metal siding remains. No improvements pursuant to compliance with the Commercial Design Guidelines have been made.

**3. Removal of the canopy structure and supports prior to December 31, 2007.**

The removal of the canopy structure was completed prior to December 31, 2007.

**4. A lighting plan shall be submitted to staff prior to any additional lighting being installed on the property to ensure that there will minimal glare on adjacent residential properties.**

No lighting plan has been submitted to the City and to our knowledge, no other lighting has been installed on the building.

**5. Evaluate landscaping opportunities on the site and coordinate with the Planning staff to satisfy code requirements or provide alternatives that will suffice.**

The Planning Director has made several attempts to schedule a meeting with Mr. Mertz to discuss possibilities for landscaping on the

property. The first written attempt was via a letter dated September 19, 2007, which provided the results of the Council meeting, the conditions of the approval and a request for a meeting to discuss options. The latest attempt was via e-mail sent on August 11, 2008, which was prior to the most recent planting season. Several other attempts via verbal requests or phone calls, usually coinciding with upcoming spring/fall planting seasons, have been made since the conditional use permit was approved, with no success in scheduling a meeting or obtaining the information.

Timeline of Events and Contacts Associated with the CUP

**May 23, 2007** – City Administrator, Mayor and Planning Director met with Mr. Mertz and his representative to discuss options for permitting JED Installation in the CP-1 district.

**May 24, 2007** – Received letter from Mr. Mertz requesting a “temporary use exception” for 60 days beginning June 25, 2007 and summarizing our meeting on the 23<sup>rd</sup>, which indicated his plans to:

- 1) Remove the canopy structure by the end of 2007;
- 2) Remodel the interior into offices and storage space by the end of 2007; and
- 3) Remove the metal exterior of on the building by the end of 2008.

**June 4, 2007** – JED was granted a 60-day temporary occupancy to allow them to make the move from their old location and begin the formal process of a CUP.

**July 1, 2007** – Temporary occupancy period began.

**July 3, 2007** – Application for CUP submitted to the Planning Department.

**July 11, 2007** – Received letter from Mr. Mertz for the Planning Commission indicating the following intentions:

- 1) Paint the exterior as to improve the looks. July, 2007, Done.
- 2) Remove canopy structure; Fall, 2007.
- 3) Remodel the interior into offices and storage space; Complete by the end of 2007.
- 4) Remove the metal exterior on the building and replace with stucco; Summer, 2008.

**July 24, 2007** – Staff met with Mr. Mertz and his attorney to discuss the property and the possibility of a CUP permit.

**July 25, 2007** – Letter dated to staff from Mr. Mertz' attorney thanking us for the meeting on July 24, 2007.

**August 7, 2007** – Planning Commission review of CUP.

**August 20, 2007** – City Council approved the CUP with the above referenced conditions.

**September 1, 2007** – Temporary occupancy period was to have expired, but was a moot issue due to Council approval of CUP on August 20, 2007.

**September 18, 2007** – Planning Director received e-mail from representative from the Kansas Forest Service after having met with her previously to discuss viable options for landscaping on the JED property. She made several recommendations.

**September 19, 2007** – Planning Director sent letter to Mr. Mertz outlining the conditions approved by the City Council and requesting a meeting to discuss options for landscaping and building plans.

**February 15, 2008** – E-mail from Mr. Mertz indicating the orange semi-trailer had been removed and thanking the recipients for their patience.

On at least two other occasions that are undocumented, once by phone and once in person at a City Council (or maybe a Planning Commission meeting), the Planning Director requested Mr. Mertz to contact us to schedule a meeting to discuss the CUP requirements. These attempts occurred prior to the spring and fall planting seasons in 2008.

The nature of a conditional use permit is that conditions are attached to the approval of the permit in order to mitigate impacts on surrounding neighborhoods from uses that may be incompatible. In some cases, the applicant may be given a specific time in which to complete the conditions. However, if the conditions are not completed within the specified timeframe, the conditional use permit can be recalled for the City Council to determine a course of action.

Mr. Mertz agreed to make improvements to the building/property as part of the conditional use permit, which was agreed to be mutually beneficial to have a business occupy the building, as opposed to it sitting vacant indefinitely. A permit was issued for the interior improvements to the building, which were completed and inspected, but full occupancy was never granted due to the outstanding conditions with the landscaping and the exterior improvements. Therefore, JED is still on a temporary occupancy.

The applicant also agreed to make improvements to the exterior of the building based on the city's adopted Commercial Design Guidelines, which included the removal of the metal siding from the building and replacing it with stucco. It also included the removal of the canopy structure and all vertical supports.

The schedule agreed upon for the removal of the canopy and appurtenances was December 31, 2007 and December 31, 2008 for the improvements to the building exterior. The removal of the canopy was completed on-time. The metal siding remains on the building.

A review of the September 6, 2007 City Council minutes indicates some discussion that we had with Mr. Mertz about options for landscaping. The option of providing planters on the sidewalk next to the building was ruled out because of handicapped access requirements, but no other options have been discussed with staff.

Section 11 (3) of the Zoning Ordinance states that conditional use permits may be *"withdrawn, set aside, canceled and rescinded by the Governing Body of the City of Basehor upon a majority vote of the City Council after written petition...or by a recommendation from the person designated to enforce the provisions of this regulation."*

#### **Recommendation**

Staff has determined that the conditions of the conditional use permit have not been completed and is recommending that the City Council make an official determination if the owner has met the requirements of the conditional use permit and, if not, how to proceed to either work towards completing the conditions or rescinding the conditional use permit.

# J.E.D. Installation LLC

FEIN# 48-1237850  
2722 N. 155<sup>th</sup> Street  
Basehor, KS 66007

(913) 449-7000  
billing office (913) 397-2321  
www.jedinstallation.com

Toll-free fax number (866) 212-9562

*Letter that  
was sent w/ the  
public notice*

TO: Citizens of Basehor

FROM: Dennis Mertz

SUBJECT: Planning meeting

DATE: 07-11-07

J.E.D. Installation LLC is requesting a conditional use permit to keep our office at the old Casey's building at 2722 N. 155<sup>th</sup> Street in Basehor. We are trying to follow the proper procedures and get the proper approval from the planning commission to determine if the current zoning of CP-1 will fit our business needs or if we need to have a "Conditional Use Permit".

We met with the city on Wednesday 5/23 to discuss options due to the inconsistencies in the CP-1 use definitions. We came to a conclusion that we would still go in front of the planning commission for a conditional use permit, if needed, but for now ask for a 60 day exception from the city council since this is a grey area of the zoning uses and we are risking a considerable amount of money.

We went in front of the Basehor City Council on Monday June 4<sup>th</sup>, 2007 and was granted a temporary occupancy permit by a unanimous vote after detailing our plans for the building.

Now we come before the Planning Commission and are asking citizen support in making Basehor downtown a better looking place. As you all know Casey's moved out 15 months ago and left this building a wreck. I live one block from the old store and was tired of looking at it the way it was left. My business partner (Joe Parizek) and I bought the building in hopes to make it look more presentable.

We plan on only using the building for office use and extra material (cabinets, tops, screws, ect) from jobs. We have all of our material delivered directly to the jobs and would only keep a few spare parts. An average day consist of 2-3 employees doing paperwork (payroll, general bookkeeping, review Architectural plans) at our location. There will be no construction on this site.

The building currently has been a blight to the community for a while. We plan on doing improvements in phases with the goal of making the building look better. Plans as of now are;

1. Paint the exterior as to improve the looks; July 2007, Done
2. Remove Canopy structure; Fall 2007
3. Remodel the interior into offices and storage space; Complete by the end of 2007
4. Remove the metal exterior on the building and replace with stucco; Summer 2008

Many residents want some sort of store back in the building but the fact is Casey's put in force a covenant that states that no retail sales can take place at the building for 15 years. That limits the possibilities and that is why we bought it, No one else would. I figured something here is better than nothing and a blight.

The Orange semi trailer currently at the building is a only temporary storage of our office during the remodel phase and should be removed within a couple months.

We would encourage any residents to come by and visit or give me a call if you have any suggestions as we want to be part of the community and blend in.

**Excerpt of Minutes  
Basehor City Council Meeting  
September 6, 2007  
Basehor City Hall**

*c. Consideration of Conditional Use Permit for the property located at 2722 N. 155 Street, as requested by JED Installation.*

Mr. Mertz stated he agreed with conditions 1-4 but did not feel he could meet landscape requirements stipulated in condition #5 and requested the condition be removed.

President Thomas asked the planning director if planting a couple of trees would meet the requirements. Mr. Smith stated that would meet the condition; however, Mr. Mertz stated to him, he would not agree to plant any trees. Mr. Smith stated there was also a level of practicality and suggested constructing a planter in front of the building or plant trees in the rear of the building. Mr. Mertz stated he was going to put a walkway in the rear and did not want to spend money if the trees would be removed later. Mayor Garcia reminded Mr. Mertz he had agreed in a previous meeting to construct a concrete planter in front. Mr. Mertz stated he met with the building inspector as to what met building code and according to Mr. Lee, he would not be able to block the walkway and since he allows the VFW to use his parking lot, he did not want to construct a permanent planter. Councilmember Hill suggested he set an amount he would spend for landscaping. Mr. Mertz agreed to spend \$500 to landscape a sign he plans to install in the location of the old Casey's sign. Mayor Garcia asked when the trailer would be removed. Mr. Mertz stated he thought the trailer would be removed within the next month.

Mr. Mertz also asked the time limit of the Special Use Permit be removed. Mr. Smith stated it was a State regulation that the special use permits be granted up to five years.

A motion was made by President Thomas and seconded by Councilmember Sifford to approve staff and Planning Commission recommendations as written. A roll call vote was taken with all members voting in favor. Motion passed 5-0.

# APPLICATION FORM

## CITY OF BASEHOR

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



Project Name & Description <b>J.E.D. INSTALLATION</b>		Total Site Acreage	Present Zoning <b>CP-1</b>
Legal Description (May be attached as separate sheet) <b>J.E.D. INSTALLATION LLC</b>		Proposed Zoning <b>CP-1 SPECIAL USE</b>	
Project Address / General Location <b>2722 N. 155<sup>th</sup> STREET</b>		Presubmittal Date	
Parcel ID Number (CAMA Number)		Floor Area Classification	
Property Owner Name <b>JED INSTALLATION</b>	Phone <b>913-449-7000</b>	Fax <b>866-212-9562</b>	
Property Owner Address <b>14500 PARALLEL RD STEP BASEHOR</b>	City <b>BASEHOR</b>	State <b>KS</b>	Zip <b>66007</b>
Applicant's Name (if different from above) <b>DENNIS MERTZ</b>	Phone <b>913-449-7000</b>	Fax	
Applicant's Address <b>2905 N. 155 ST</b>	City <b>BASEHOR</b>	State <b>KS</b>	Zip <b>66007</b>
Applicant's mobile phone <b>913-449-7000</b>	Property Owner and/or Applicant's E-mail address <b>dennis@jedinstallation.com</b>		

### APPLICATION TYPE

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

### PROJECT INFORMATION

Existing Use						
<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Office	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Vacant	<input type="checkbox"/> Other _____
Proposed Use						
<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input checked="" 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 <b>150' X 132'</b>	Existing Floor Area <b>2000 SQ FT</b>	Existing Building Footprint <b>36' X 54'</b>	Open Space Area
No. of Buildings <b>1</b>	Proposed Floor Area <b>SAME</b>	Proposed Building Footprint <b>SAME</b>	Pavement Coverage <b>80%</b>

### COMPLETE THIS AREA IF SUBDIVIDING PROPERTY

Proposed Number of Lots <b>N/A</b>	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.

Signature 	Date <b>7-3-07</b>	Office Use Only	# of Plans _____
		<input checked="" type="checkbox"/> Filing Fee \$ <b>150</b>	<input checked="" type="checkbox"/> Received by
		<input type="checkbox"/> Attached Legal Description	<input type="checkbox"/> Property Ownership List

## Commercial Information for 052-158-34-0-10-10-001-00-0-01

Click here for other Cards

Owner Information	Legal Description	Class	Apr Val Land	Apr Val Build	Apr Val Total	Year
052-158-34-0-10-10-001-00-0-01 MEPA PROPERTIES LLC Property Address: 2722 N 155TH ST 66007	SEC 0 TWP 0 RNG 0 Lot: 1-3 BlockNo: 5 SubDiv: BASEHOR, TOWN OF Tax Unit: 004	CU CU	\$41580 \$41580	\$96220 \$154680	\$137800 \$196260	Current Previous

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## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider the engineering and construction management procedures to be followed by the City and Benchmark Management as part of the Wolf Creek Junction street projects.

**Department:** Administration

**Background/Description of Item:**

The Kansas Department of Transportation, Corridor Management, has asked the City to put in writing the procedures that will be followed in the oversight of construction projects.

Benchmark Management in cooperation with KDOT has selected MKEC for the design of the project. The engineering firm was required to meet certain KDOT standards and has met with KDOT engineering staff to decide on procedural issues to coordinate the design.

The City will need to issue a notice to proceed on engineering design for the project.

Benchmark Management will ensure that a competitive bidding process is followed in the selection of a contractor for the construction work.

Day-to-day management of the engineering design and construction project will be the responsibility of Benchmark Management.

Payment requests from MKEC will be certified or approved by Benchmark Management and sent to the City for payment processing. The City will make payment to Benchmark and then request reimbursement from KDOT through the revolving fund loan.

Payment requests from the selected contractor will be reviewed by MKEC, certified by Benchmark Management and forwarded to the City for payment processing.

All required permits for the project will be the responsibility of Benchmark Management in coordination with MKEC.

**Funding Source:** Transportation

**Recommendation:** Approve the procedures to be followed by the City and Benchmark Management for the Wolf Creek Junction street projects.

Prepared by: Carl E. Slaugh, City Administrator  
Council Date: January 22, 2009

Procedures to be followed by the City of Basehor and Benchmark Management for the street projects at Wolf Creek Junction funded through KDOT and the Transportation Development District.

1. Benchmark Management in cooperation with KDOT has selected MKEC for the design of the project. The engineering firm was required to meet certain KDOT standards and has met with KDOT engineering staff to decide on procedural issues to coordinate the design.
2. The City will need to issue a notice to proceed on engineering design for the project.
3. Benchmark Management will ensure that a competitive bidding process is followed in the selection of a contractor for the construction work.
4. Day-to-day management of the engineering design and construction project will be the responsibility of Benchmark Management.
5. Payment requests from MKEC will be certified or approved by Benchmark Management and sent to the City for payment processing. The City will make payment to Benchmark and then request reimbursement from KDOT through the revolving fund loan.
6. Payment requests from the selected contractor will be reviewed by MKEC, certified by Benchmark Management and forwarded to the City for payment processing.
7. The City will use KDOT loan funds to make payments to MKEC and the contractor. KDOT loan payments will be made using TDD revenues and KDOT corridor management funding for the project.
8. All required permits for the project will be the responsibility of Benchmark Management in coordination with MKEC.

# Benchmark Management Service, Inc.

January 12, 2009

Mr. Carl Slauch  
City Administrator  
City of Basehor  
2620 N. 155th Street  
P. O. Box 406  
Basehor, KS 66007

**RE: Re-Alignment of 150<sup>th</sup> St  
and Wolf Creek Parkway**

Dear Carl:

Benchmark Management will act as the City of Basehor's development partner as the above referenced projects are completed. Benchmark will handle all the day-to-day management of construction of these projects and will submit to the city for their approval the monthly construction draws.

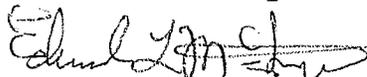
In March of 2008, we bid the construction of Wolf Creek Parkway to three qualified companies; H.E. Miller & Sons, Miles Excavating, and Linaweaver. We awarded the dirt work, concrete and asphalt to H.E. Miller and the storm and sanitary work to Miles as they had the best prices respectively. We plan to rebid the project to those companies as the scope for the project has changed.

Regarding the civil engineering, it was decided in a meeting last summer with Jerry Younger and Jim Picket of KDOT to use MKEC for the engineering.

If you have any additional questions regarding how we proceed with the construction projects, please feel free to call me.

Sincerely,

Benchmark Management



Edward L. McIntosh  
Vice President

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider approval of payment request #2 final from Holland Construction for the 2008 Street Overlay program.

**Department:** Public Works

**Background/Description of Item:**

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

Pay request #1            Nov. 17, 2008            \$130,578.53

Includes a 90% payment for the project, plus quantity overruns processed as change order #1.

The base contract amount was \$120,834.75 with two alternates of \$11,518.45 and \$9,903.05 for a total of \$142,256.25. The work included mill and overlay work on Wellington Place, Crestwood Street, Walnut Court, 155<sup>th</sup> St. Terrace and Meyer Drive.

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

Payment request #2 includes the final work for the project and the 10% retainage.

Pay request #2 final    Jan. 22, 2009            \$14,508.72

Final Project Total

Holland Corp. crews made repairs to sidewalks and completed the project in accordance with the design specifications.

The final payment request has been reviewed and approved by the city engineer.

\$120,834.75	Base Contract
\$11,518.45	Alt. #1
\$9,903.05	Alt. #2
\$142,256.25	Total Project Estimate
\$130,578.53	Payment #1
\$14,508.72	Payment #2, Final
<b>\$145,087.25</b>	<b>Total Project Cost</b>

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

**Recommendation:** Approve payment #2 final to Holland Corporation for the 2008 street maintenance project in the amount of \$14,508.72 and authorize the mayor to sign the necessary documents.

Prepared by: Carl E. Slaugh, City Administrator  
Council Date: January 22, 2009

## Street Maintenance Plan 2008

Project #	PCI	Street	From	To	Est. Construction Cost	2008 Projects
1	69	Wellington Place	155th St	East End	\$56,500	\$56,500
2	70	Meyer St	155th Ter	155th St	\$12,400	\$12,400
3	70	157th Terrace	Willow	Hickory	\$23,000	
4	71	Walnut Court	155th Ter	Cul-d-sac	\$8,000	\$8,000
5	72	Pin Oak Dr.	154th Ter Ct	East End	\$12,000	
6	73	Popular	155th	154th Ter	\$13,500	
7	73	157th Terrace	Willow	Hickory	\$23,000	
8	74	Crestwood	155th Ter	155th St	\$17,000	\$17,000
9	75	154th St	Popular	Cul-d-sac	\$27,000	
10	75	154th Ter	Popular	Pin Oak	\$24,000	
11		Elm Str	155th St	Post Office	\$30,000	\$30,000
12		155th Terrace	Iron Creek	Meyer St	\$16,000	\$16,000
				Primary	# 1,2,8,12	\$101,900
				Alternates	# 4,11	\$38,000
				<b>Total</b>		<b>\$139,900</b>
		\$120,834.75	Base Contract			
		\$11,518.45	Alt. #1			
		\$9,903.05	Alt. #2			
		\$142,256.25	Total Project Estimate			
		\$130,578.53	Payment #1			
		\$14,508.72	Payment #2, Final			
		<b>\$145,087.25</b>	<b>Total Project Cost</b>			

Pay request #1, Nov. 17, 2008 includes a 90% payment for the project, plus quantity overruns processed as change order #1. The base contract amount was \$120,834.75 with two alternates of \$11,518.45 and \$9,903.05 for a total of \$142,256.25. The work included mill and overlay work on Wellington Place, Crestwood Street, Walnut Court, 155th St. Terrace and Meyer Drive.

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

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

Payment #2, Final Jan. 22, 2009

Approve payment #2 final to Holland Corporation for the 2008 street maintenance project in the amount of \$14,508.72 and authorize the mayor to sign the necessary documents.

08-Jan-09

**Holland Corporation**

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

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

08-025

**2008 Basehor Pavement  
 Management Project  
 Pay App No. 2(Final)**

Description	Contract Amounts				Amt Complete to Date	
	Quantity	Unit	Unit Cost	Total	Quantity	Total
<b><u>Base Bid</u></b>						
Mobilization	1	LS	\$ 5,600.00	\$ 5,600.00	1	\$ 5,600.00
Traffic Control	1	LS	\$ 3,300.00	\$ 3,300.00	1	\$ 3,300.00
Edge Milling (2" for 6')	2,460	SY	\$ 2.85	\$ 7,011.00	2,460	\$ 7,011.00
Milling (Headers)	275	LF	\$ 8.00	\$ 2,200.00	171	\$ 1,368.00
Mirafi Mirapave 500	2,540	SY	\$ 2.55	\$ 6,477.00	2,540	\$ 6,477.00
Surface Course HMA Comm Grade (Class A)	916	Tons	\$ 87.00	\$ 79,692.00	930	\$ 80,910.00
Base Course HMA Comm Grade (Class A)	59	Tons	\$ 125.50	\$ 7,404.50	77	\$ 9,663.50
Surface HMA Patch	2	SY	\$ 80.00	\$ 160.00	2	\$ 160.00
Preparation For Full Depth Replacement	85	SY	\$ 34.65	\$ 2,945.25	85	\$ 2,945.25
Curb Removal & Replacement	195	LF	\$ 31.00	\$ 6,045.00	201	\$ 6,231.00
<b><u>Alternate: 155th St Terr</u></b>						
Edge Milling (2" for 6')	457	SY	\$ 2.85	\$ 1,302.45	457	\$ 1,302.45
Milling (Headers)	24	LF	\$ 8.00	\$ 192.00	24	\$ 192.00
Surface Course HMA Comm Grade (Class A)	112	Tons	\$ 89.50	\$ 10,024.00	112	\$ 10,024.00
<b><u>Alternate: Walnut Court</u></b>						
Edge Milling (2" for 6')	323	SY	\$ 2.85	\$ 920.55	323	\$ 920.55
Milling (Headers)	60	LF	\$ 8.00	\$ 480.00	60	\$ 480.00
Surface Course HMA Comm Grade (Class A)	95	Tons	\$ 89.50	\$ 8,502.50	95	\$ 8,502.50
			\$ -		\$ -	
<b>Contract Amount Totals</b>			\$	142,256.25	\$	145,087.25
			\$	-	\$	-
			\$	-	\$	-
			\$	-	\$	-
<b>Change Order Totals</b>			\$	-	\$	-
<b>Contract &amp; Change Order Totals</b>			\$	142,256.25	\$	145,087.25
				Less Retainage(10%)		0.00
				Less Previous Payment:	\$	130,578.53
<b>Total Amount Due:</b>						<b>\$ 14,508.72</b>



APPLICATION FOR PAYMENT (CONTINUED)

Accompanying Documentation:

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CONTRACTOR's Certification:

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

Dated January 9, \_\_\_\_\_, 2009

Holland Corporation  
CONTRACTOR  
By: Gary Lisowski  
Contractor (Authorized Signature)

RECOMMENDED:

By: [Signature]  
Engineer (Authorized Signature)

Date: 1/12/09

APPROVED:

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

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