

(revised 4/17/09)

**AGENDA**

**BASEHOR CITY COUNCIL**

**April 20, 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. April 6, 2009 Regular Meeting
  2. April 13, 2009 Volunteer Recognition
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events
- e. Consider Proclamation proclaiming May 1, 2009 as Loyalty Day

**2. Recognition of Outgoing Mayor & Council Members**

**3. Oath of Office Administered to Newly Elected Mayor & Council**

**4. Appointment of council member to fill vacant position.**

**5. Election of Council President**

**6. Reception**

**7. 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).

**8. Scheduled Discussion Items - KDOT TRF Loan Options**

**9. Business**

- a. Benefit district petition for Southside Village submitted by Ed McIntosh
- b. Wolf Creek Junction Excise Tax
- c. Consider authorization for VFW to perform WWII re-enactment on May 16, proclaimed as Loyalty Day.
- d. Consider Temporary Conditional Use Permit for operation of a circus, April 27, planned location at 155<sup>th</sup> and Wolf Creek Parkway, north of Casey's.
- e. Consider recommendations from the Planning Commission to amend Chapter IV, Article 8 of the Basehor Municipal Code and adopt the proposed Sign Regulations. (Review and return to Planning Commission for revisions recommended by city attorney.)

**10. City Administrator Report**

- a. 2010 Budget Review Schedule
- b. Update on projects

**11. Mayor's Report**

**12. Council Member Reports**

**13. Executive Session**

**14. 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****April 6, 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, Mary Mogle, Gene Myracle, Lloyd Martley, Dustin  
Smith, Matt Henderson, Patrick Reavey.****Newspaper: Kaitlyn Syring, *Basehor Sentinel* (arrived for regular meeting)**

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

The work session was called to order by Mayor Garcia. All members were present. The city attorney arrived at 6:08 p.m.

***Discussion of agenda items.***

- a. ***Consider approval of pay application #5 from CAS Construction for the Wastewater Treatment plant expansion in the amount of \$590,887.57.***
- b. ***Consider approval of change order #2 for the WWTP expansion.***

Jeff Keller, Burns & McDonnell and Mike Hafling, CAS Construction gave a PowerPoint presentation regarding the wastewater treatment plant expansion progress. The project is about halfway complete and on schedule and anticipate meeting the October 30, 2009 completion date. Majority of materials and equipment are on site. They discussed the proposed change order to include the basket relocation (\$15,136.02), chemical feed deletion (\$37,793.82) and electrical changes (price pending) totaling \$52,929.84. (*Patrick Reavey arrived at 6:08 p.m.*) Resident inspector has only used 32% of the allowable hours and the project was currently under budget.

Councilmember Washington expressed concerns about changing the chemical feed since it might be needed in the near future. Mr. Keller said they looked at reducing it by half and did not constitute much of a cost savings as stipulated in his letter sent to the Council on the 17<sup>th</sup> of March regarding the proposed change order. President Dysart asked for a time frame when it would be necessary. Mr. Keller said it was impossible to answer,

could be as soon as 16-18 months or may never be needed. Councilmember Washington said it would cost more later down the road to construct. President Dysart agreed with Councilmember Washington. Mr. Slaugh explained the flow was not the concern it was the stagnant flow that would create an odor. Councilmember Hill stated initially the engineers thought it was a good idea when they designed the plant; however, since then flow calculations have changed. Councilmember Sifford stated Burns & McDonnell were the experts and he would listen to their recommendation. Councilmember McDowell asked Mr. Keller for his expert opinion. Mr. Keller said the risk was that the City would need it at some point, but did not feel the City would need it in the near future. Initially when the plant was designed, the flow was 50% greater, since then, flow has been redirected. City superintendent Gene Myracle explained his reasoning for recommending the elimination of the chemical feed equipment.

*c. Consider award of bids on the Wolf Creek Parkway street construction project.*

Mr. Slaugh reported ten companies submitted bids. It was bid in sections (1) earth work; (2) paving; (3) sanitary sewer; (4) landscape; and (5) walls. After reviewing the bids, it was decided to remove the landscaping and walls from the bid. Blacktop Paving came in as low bidder. Questions have been raised about the Transportation Revolving Loan; three agencies will need to review the application. He explained, Evelyn Fitzpatrick, KDOT loan manager, reported to date loan applications have been approved unless they were for chip and seal projects. The State has until April 20<sup>th</sup> to finalize their review and explained the KDOT process. If the loan is not approved, the developer would have to apply for a private loan. The only drawback to delaying action would be delay in construction of the road. Mr. Reavey stated because of the cash basis law, the council would need to place a contingency on the award. Mr. Slaugh stated the \$500,000 KDOT grant was not contingent on the loan. Councilmember Washington said the matter should be tabled with the developer presenting a backup plan at the next meeting. Mr. Reavey stated it could be approved at this meeting with a condition that the funding be put in place before signing the documents.

Mr. McIntosh stated the bidder did not have a problem with a contingency approval on the award. He also spoke with the State and they thought approval would be given tomorrow, April 7. The owner of Blacktop Paving was in the audience and stated he would be willing to receive the award with a contingency. President Dysart asked what happens if the next Council did not approve the KDOT loan. Mr. Reavey said the next Council could not bind future Council's to anything; however, it would be very awkward for the next council not to approve the loan. President Dysart said she was opposed to approving this item until KDOT gave approval and cautioned the current Council that the next Council may deny the loan. Mayor Garcia pointed out Council turned down two loans prior to this, and hope this was not the case again.

Five-minute break. (6:57 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 7:03 p.m. with all members present. The city attorney was in attendance.

**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. March 2, 2009 Regular Meeting
  2. March 9, 2009 Work Session
  3. March 16, 2009 Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events
- e. Proclamation recognizing Basehor-Linwood High School Boys Basketball teams for winning Class 4A Champions
- f. Proclamation recognizing Basehor-Linwood High School Girls Power Lifting Team for winning the State Championship.
- g. Proclamation recognizing Basehor-Linwood High School Boys Power Lifting Team for taking second place in the State Championship.
- h. National Library Week Proclamation, April 12 – 17, 2009
- i. National Volunteer Week Proclamation, April 25 – May 2, 2009
- j. Resolution pledging support, endorsement, and cooperation for the 2009-2010 PRIDE program.
- k. Arbor Day Proclamation, April 24, 2009

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve the Consent Agenda as presented. Discussion. President Dysart and Councilmember Washington asked that the following items be amended in the minutes of March 16<sup>th</sup>.

*Page 7, Paragraph 1 –*

A motion was made by Councilmember Sifford and seconded by Councilmember McDowell to approve the final plat as recommended by the staff and Planning Commission. President Dysart did not feel the final plat should be approved since the City did not have construction plans, Subdivision Improvements Agreement, Development Plan, and sewer drawings. ***Mr. Smith shook his head in agreement.***

*(amended 4/06/09)* She felt approval would be in conflict with the City's regulations. Mr. Smith explained *the Development Plan (amended 4/06/09)* was not required at this point and the Subdivision Improvements Agreement could not be drafted until the Council made a decision regarding the benefit district. President Dysart asked if the Planning Commission addressed the variance. Mr. Smith stated the variance was ~~not sent to~~ *reviewed by (amended 4/06/09)* the Planning Commission. He also noted, based on previous discussion, it was his understanding the final plat was to move forward. Councilmember Washington asked the city attorney *engineer (amended 4/06/09)* if the City would give away their right to approve the Subdivision Improvements Agreement if they approve the Final Plat. Mr. McAfee said MHS Engineers would agree with approval of the Final Plat as long as city staff reviewed and approved the construction drawings and that the final plat not be filed until all documents were approved by staff.

*Page 2, Paragraph 2 –*

Councilmember Washington stated he ~~did not feel that~~ *felt that (amended 4/06/09)* staff should recommend approval without changes.

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

Mayor Garcia presented proclamations to the Basehor-Linwood Boys Basketball team and Girls and Boys Powerlifting teams for placing first and second in the State Championship. He proclaimed the 6<sup>th</sup> day of April as Basehor-Linwood Bobcat Day.

Mayor Garcia presented a proclamation to library director Carla Kaiser proclaiming week of April 12-17 as National Library Week.

Mayor Garcia proclaimed April 25-May 2, 2009 as Volunteer Recognition Week.

Mayor Garcia proclaimed April 24, 2009 as National Arbor Day.

### **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).

### ***Citizen Comments regarding agenda items.***

*Ed McIntosh (15395 Briar Rd)* addressed Business item "c". He presented a letter from MKEC Engineering recommending award to Blacktop Paving. Mr. McIntosh addressed President Dysart's comments regarding the delay in submitting construction drawings. The drawings are ready and pending with the State. President Dysart asked if the sewer plans were changed after the last meeting. Mr. McIntosh stated the sewer plans are not

complete because he is still waiting to get an answer from the City before he can have sewers designed. If the City did not want to give approval, he would move forward with his own line and not worry about bringing on other properties.

**Dennis Mertz (2910 N. 155<sup>th</sup> St.)** wanted to make sure on Business item “c” that council did not jeopardize taxpayer’s money by approving this item without including a contingency as recommended by the city attorney. Mr. McIntosh has not provided the additional money required for excise taxes and exemptions could be addressed at a later date. He also asked that a time line for excise tax payment be a second contingency.

Item “d” – Prior to this meeting, Mr. Mertz asked if a maintenance bond would be provided and also suggested a 5% retainage fee be added into the motion.

**Bob Yates (15415 Crimson, Pinehurst South)** was present to comment on the abandoned foundations [Business item “i”]. He noted they are a safety hazard and devalued area properties.

**Kevin Barclay (15395 Briar Rd)** stated they have a letter dated February 4 where they requested the excise tax deferment matter be added to the agenda. The item was never placed on the agenda.

Public portion of the meeting closed.

## **SCHEDULED DISCUSSION ITEMS**

### ***a. Bob Topping, President of Kansas Sampler Steering Committee - Update regarding the Leavenworth County Kansas Sampler Festival 2010 and 2011***

Mr. Topping (2221 Arch St, Leavenworth, KS) updated Council on the Sampler Festival. To date, a steering committee had been formed, setup guidelines, selected a site, and developed a budget. He provided a brief report on the history of the Kansas Sampler festival to be held in Concordia the week of May 2, 2009. Normally, around 200 Kansas towns participate in the festival. It will be necessary to replace intern Nickie Lee on the committee since she will be leaving in May. He also asked for volunteers to man a booth at the Leavenworth County Courthouse the week of April 23<sup>rd</sup> and 24<sup>th</sup>. In the next 90 days they will be asking for corporate sponsors. On Saturday, May 2, a bus will be available for people who want to attend the festival in Concordia.

### ***b. Presentation by Kim Bomberger, Kansas State Forester, on Tree City USA program.***

Ms. Bomberger gave a PowerPoint presentation about the Tree City USA program. She explained about two years ago she conducted a tree assessment of Basehor and made some recommendations for a local tree program. She explained there are four criteria that must be met to become a Tree City USA city (1) Tree Board; (2) Community Tree Ordinance; (3) Community Forestry Budget of at least \$2 per capita, and (4) an Arbor Day Observance and mayoral proclamation. If the City met the criteria, she would

perform an inventory and write a management program. Ms. Bomberger is available for any questions and services are free and provided by the federal government.

***c. Curb repair 154<sup>th</sup> & Poplar, street resurfacing for Pin Oak Subdivision, requested by Twila A. Heinen***

***Twila Heinen (3303 N. 154<sup>th</sup> Terr)*** provided pictures of streets throughout the Pin Oak Subdivision that were in need of repair. She asked if there was money in the budget that would allow the streets to be repaired based on the program designed last year.

Mayor Garcia stated MHS Engineer was currently working on the 2009 program and would be presented in May. Mrs. Heinen reported last year some work was performed and felt the existing problems would exist and remain until the City started making repairs and hoped the street in front of her residence would be on the list. Mr. Slauch stated MHS Solutions has not started on the program so it may not be ready in May. Mr. Henderson stated he thought bid letting would occur in June and construction in July. Mr. Myracle stated he budgeted approximately \$170,000. Mrs. Heinen stated she was under the assumption that the study was going to be done earlier this year. Mr. Myracle said a list was provided last year but needs to be updated and then presented to the Council. Mr. Slauch explained the indexing process and showed the existing list. Mrs. Heinen explained in one area a ledge was occurring where the street was settling and would need to be addressed as well.

**BUSINESS**

Mayor Garcia asked the city attorney if it had been appropriate to take action on the PRIDE Proclamation in the Consent Agenda. Mr. Reavey stated it was appropriate.

***a. Consider approval of pay application #5 from CAS Construction for the Wastewater Treatment plant expansion in the amount of \$590,887.57.***

A motion was made by Councilmember Washington and seconded by Councilmember Sifford to approve pay request #5 from CAS Construction LLC in the amount of \$590,887.57 and authorize the mayor or city staff to sign the necessary documentation. A show of hands was taken with all members voting in favor. Motion passed 5-0.

***b. Consider approval of change order #2 for the WWTP expansion.***

Mr. Slauch provided a corrected change order that did not include the electrical changes, but addressed changes in the lift station screen vault remover and elimination of chemical feed.

A motion was made by Councilmember Washington and seconded by President Dysart to approve change order 2 as presented with the removal of item 4 [eliminate chemical feed system]. A show of hands was taken with members Washington and Dysart voting in favor and members Sifford, McDowell, and Hill casting a no vote. Motion failed 2-3.

A motion was made by Councilmember Hill and seconded by Councilmember McDowell to approve change order #2 for the WWTP expansion in the amount of net deduct of approximately \$53,147.45. A show of hands was taken with members Sifford, McDowell, and Hill voting in favor and members Dysart and Washington casting a no vote. Motion passed 3-2.

***c. Consider award of bids on the Wolf Creek Parkway street construction project.***

A motion was made by Councilmember Washington and seconded by President Dysart to table action until April 20 contingent on excise tax being paid. A show of hands was taken with members Dysart and Washington voting in favor and members Sifford, McDowell, and Hill casting a no vote. Motion failed 2-3.

A motion was made by Councilmember Sifford and seconded by Councilmember McDowell to approve contingent on approval from the State. Councilmember McDowell asked why the excise tax payment issue had gone on so long. Mr. Slauch reported staff did not follow up to make sure it was paid and should have been paid before the plat was filed. There were also disagreements on the amount and property that might be exempted from excise tax. The developer has thirty days to pay the amount owed or asked to be placed on the agenda requesting the exemption. Mr. Hill asked if there was a problem paying the money tomorrow. Mr. McIntosh said he could pay the excise tax; however, he was concerned that the City would not receive consideration for an exemption if he pays the money prior to Council addressing his request. He commented that other subdivision had received exemptions on detention ponds and other property that was not sellable and requested it be placed on the April 20<sup>th</sup> agenda. Councilmember Washington asked that the motion be amended. Councilmember Sifford said the motion stood as so stated and felt Mr. McIntosh would pay the excise tax. A show of hands was taken with members Sifford, McDowell, and Hill voting in favor and members Dysart and Washington casting a no vote. Motion passed 3-2.

***d. Consider approval to solicit bids for 150<sup>th</sup> Street Project, Craig Road north to Parallel.***

A motion was made by Councilmember Washington and seconded by Councilmember Hill to let the 150<sup>th</sup> Street project for bid with direction to staff to include a 5% retainage fee in the bid. A show of hands was taken with all members voting in favor with the exception of Councilmember Sifford. Motion passed 4-1.

***e. Ordinance to amend the Park Board duties to include serving as a Tree Board and appointments of two Tree Board members (Allison Theno, Douglas Conrad).***

Councilmember Washington left the meeting at 8:30 p.m.

A motion was made by Councilmember Sifford and seconded by Councilmember McDowell. To approve the appointment of Allison Theno and Douglas Conrad to the

Tree Board and an ordinance taking measures to implement a tree board. Show of hands was taken with all members voting in favor. Motion passed 4-0.

***f. Sewer rate increase proposal.***

Mr. Slauch explained this was an annual increase that was put into play several years ago and approved by KDHE. Council has followed the plan with the exception of year 2006 when an increase was not approved. He explained if growth continued with the issuance of 50 building permits per year, the City would avoid a deficit in the year 2017. The increase also includes a \$250 increase in connection fees. He did not anticipate issuing 50 building permits in year 2009. The 2.5% amounted to about \$1.00 increase to the base rate.

A motion was made by Councilmember Sifford and seconded by Councilmember McDowell to adopt an ordinance implementing the individual 2.5% monthly wastewater treatment fee increase effective May 1, 2009. Councilmember Sifford said he understood the caveat down the road; however, what future council needed to be aware of if this was not addressed there would be bigger problems down the road. He hoped that growth occurred down the road so that increases would not be necessary later. Councilmember Hill noted if the City growth remained at 25 permits per year it would be a more devastating picture but he was confident the city would continue to grow. Mayor Garcia noted the city mill levy went up from 18 to 28 mills because the City had not been putting money aside [for plant expansion]. He reminded Council that KDHE has approved the plan. Mr. Slauch pointed out the current loan is \$488,000 per year and in year 2016, the current payment would balloon. The new loan would be a flat payment. President Dysart stated the Larkin Study capped connection fees in year 2011 at \$3,500. Mr. Slauch stated what was previous approved by Council in the municipal code was not capped and Basehor was still less than surrounding cities with the exception of Tonganoxie. A show of hands was taken with all members voting in favor. Motion passed 4-0.

***g. Consider proposal for seal coating City Hall parking lot and restriping.***

Mr. Myracle reported it was necessary to seal cost the parking lot since cracks and aggregate were starting to appear. Engineers estimate is \$5,028.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve staff's proposal for seal coating City Hall parking lot and restriping as presented. A show of hands was taken with all members voting in favor. Motion passed 4-0.

***h. Purchase of four lift station communication dialers (out of capital outlay in 05 account).***

Mr. Myracle explained the dialers would be the same as the one's installed about six months ago. This would allow the city to drop four landlines. Cost - \$4,780.

A motion was made by Councilmember Sifford and seconded by Councilmember McDowell to approve the purchase of four lift station communication dialers as presented by staff. A show of hands was taken with all members voting in favor. Motion passed 4-0.

***i. Resolution on foundations, measure to deal with abandoned or uncompleted residential foundations, one resolution for each foundation.***

Building Inspector Mark Lee reported if approved, the builder would be given 45 days to build a structure on the existing foundations, fill in, or demolish the foundation.

A motion was made by Councilmember Sifford and seconded by President Dysart to approve a resolution regarding the unfinished foundation at 807 154<sup>th</sup> Terr as presented by staff. The city attorney asked that a copy of the resolutions be sent to the FDIC as well. A show of hands was taken with all members voting in favor. Motion passed 4-0.

A motion was made by Councilmember Sifford and seconded by Councilmember Hill to approve a resolution regarding the unfinished foundation at 604 154<sup>th</sup> Cir. A show of hands was taken with all members voting in favor. Motion passed 4-0.

***j. Consider authorizing staff to start collection process for delinquent utility and miscellaneous accounts.***

A motion was made by Councilmember Sifford and seconded by President Dysart to authorize administrative staff to start the collection process for delinquent utility and miscellaneous accounts. A show of hands was taken with all members voting in favor. Motion passed 4-0.

***k. Consideration to approve replacement of police in-car VHS camera system with digital system.***

Chief Martley reported last year he brought before the council to replace VHS cameras with digital systems and included the items in the 2009 budget. He explained if cameras and radios were installed at the same time, it would be a great savings to the city. The cameras have become a great defense mechanism in court. The current VHS system was also creating a storage issue.

A motion was made by Councilmember McDowell and seconded by Councilmember Sifford to approve the purchase and installation of digital cameras not to exceed \$20,000. A show of hands was taken with all members voting in favor. Motion passed 4-0.

***i. South Side Village***

Mayor Garcia requested action to add South Side Village to the Business agenda.

A motion was made by Councilmember Hill and seconded by Councilmember McDowell to add South Side Village to the agenda. A show of hands was taken with all members voting in favor. Motion passed 4-0.

Mr. McIntosh said he was requesting council consensus to create a benefit district for sewers and street improvements. He would pay for the design work up front and receive reimbursement from the benefit district. He needs to move forward with the street so the nursing home could be started in mid-summer. Mr. Slauch stated this was a preliminary step to get a feel from the Council. The next step would be to submit a petition to create the benefit district. Councilmember Sifford stated he thought previous discuss Council gave a consensus that it was a good idea to include the other properties in the benefit district.

President Dysart asked if there were four or five properties interested in the benefit district and if Mr. McIntosh was going to factor in repairing the street between his property lines. Mr. McIntosh stated there would be five properties including South Side Village and noted they are proposing the street as an option, but were looking at sanitary sewers first and then as an addition asphalt from Pinehurst Drive to where his development started. President Dysart asked to be provided with a preliminary design of Mr. McIntosh's property. Mr. Smith stated those are submitted every time. Mr. McIntosh stated the plat for Wolf Creek Junction was submitted to the Council. She noted the street alignment would be changing and that had not been provided. Mr. McIntosh stated KDOT was in the process of reviewing the street alignment and drainage of 150<sup>th</sup> Street & Wolf Creek Parkway.

### **CITY ADMINISTRATOR REPORT**

- ARRA – 155<sup>th</sup> & Parallel intersection application was not awarded due to problems with easements and not considered shovel ready.
- KDOT Supplemental Agreement 331-08 was approved by the city attorney. The agreement would be forwarded to KDOT once mayor signs.
- Governing Body Institute will be held on May 8 and 9.
- Requested a 10 minute executive session to discuss non-elected personnel and land acquisition.

### **MAYOR'S REPORT**

Mayor Garcia recommended new members attend the Governing Body Institute held in May.

### **COUNCIL MEMBER REPORTS**

#### **Iris Dysart**

President Dysart asked for an update on demolition of the property located at 2805 N. 155<sup>th</sup> St. Mr. Slauch reported a contract was ready to be signed and should be down this

week depending on the contractors schedule. Mr. Reavey reported the property owners attorney called him asking if there was a chance the Council would allow the owner to use the building for storage. Mr. Reavey stated he went out on a limb and told him no.

Mr. Reavey requested an additional five minutes in executive session regarding land acquisition.

### **EXECUTIVE SESSION**

A motion was made by Councilmember McDowell and seconded by Councilmember Sifford to convene into Executive Session not to exceed fifteen minutes to discuss non-elected personnel and land acquisition. A show of hands was taken with all members voting in favor. Motion passed 4-0. The city attorney and city administrator joined the session. (9:20 p.m.)

At 9:33 p.m. Mayor Garcia called the regular meeting back to order.

### **ADJOURNMENT**

There being no further business to discuss, a motion was made by President Dysart and seconded by Councilmember McDowell to adjourn the April 6<sup>th</sup> 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 20<sup>th</sup> day of April, 2009.

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Mayor Chris Garcia

Attest:

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Mary A. Mogle, City Clerk

Minutes  
VOLUNTEER RECOGNITION NIGHT

Basehor City Council Work Session  
April 13, 2009  
6:00 p.m.  
VFW Hall

Members Present: Mayor Garcia, President Dysart, Terry Hill, Keith Sifford, and  
Jim Washington  
David Breuer, Dennis Mertz – Incoming Council Members

Staff Present: Carl Slauch, Mary Mogle, Lloyd Martley

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1. Welcome Address by Mayor Garcia
2. Introduction of Council Members and Incoming Council Members
3. Presentation of Certificates

*Kaci Brutto, Basehor Dairy Days*  
*Emily Kiefer, Basehor Community Library*  
*Elaine Jung, Basehor-Linwood 7<sup>th</sup> & 8<sup>th</sup> Grade Youth Friends*  
*Pat Young, Dreams Come True*  
*Gisela Kennedy, Basehor-Linwood Middle School Booster Club*  
*Kevin Reed, Basehor Athletic Association*  
*Basehor PRIDE*  
*Frances Rake, Basehor Gold PRIDE*  
*Ken Massingill, Basehor Historical Museum Society*  
*Lela Wiley, Local Veterans of Foreign Wars Post 11499*  
*Adrian Forson & Annie Clark, Catholic Women's Organization*  
*Basehor Lions Club*  
*Keith Creten, Knights of Columbus*  
*Karen Herrs, Ken Mastro, Pam Spickelmier, Trinity Lutheran Church*

IV. Reception

The event ended at 8:00 p.m. No official business was conducted at this work session.

Submitted for Council approval this 20<sup>th</sup> day of April, 2009.

Attest:

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Chris Garcia, Mayor

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Mary A. Mogle, City Clerk

## CHECK REGISTER REPORT

Date: 04/14/2009

AS OF 04/13/09

Time: 12:44pm

City Of Basehor

Page: 1

BANK: First State Bank

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amount
16510	04/13/2009	Printed	ADVANCE PE	ADVANCE PEST CONTROL	PEST CONTROL CITY PARK/WWTF	96.80
16511	04/13/2009	Printed	AT&T	AT&T	PHONE SERVICES LIFT STATION	33.29
16512	04/13/2009	Printed	ATMOS ENER	ATMOS ENERGY	UTILITIES - GAS	620.66
16513	04/13/2009	Printed	BON SP FOR	BONNER SPRING FORD	VEHICLE REPAIR	539.53
16514	04/13/2009	Printed	CASEYS	CASEY'S GENERAL STORES	FUEL CITY VEHICLES 03/09	2,117.91
16515	04/13/2009	Printed	BASEHOR CI	CITY OF BASEHOR	SEWER/SOLID WASTE SERVICES	104.91
16516	04/13/2009	Printed	CONS WATER	CONS RURAL WATER DISTRICT #1	LIFT STATION RELOCATE/WATER SE	4,403.23
16517	04/13/2009	Printed	DATAMAX	DATAMAX	LEASE/BASE RATES-EXCESS COPIES	498.89
16518	04/13/2009	Printed	DEFFENBAUG	DEFFENBAUGH DISPOSAL SERVICE	SW DISPOSAL/DUMPSTERS/SPEC REM	11,485.07
16519	04/13/2009	Printed	DIV ACCTS	DIVISION OF ACCOUNTS & REPORTS	2010 BUDGET SEMINAR-ADAMS/MOGL	100.00
16520	04/13/2009	Printed	DOCKERY T	TRACI JO DOCKERY	MILEAGE REIMBURSEMENT	156.78
16521	04/13/2009	Printed	EFTPS	EFTPS	FIT/SS/MEDI WITHHOLDING PYMT	9,780.58
16522	04/13/2009	Printed	ERIN GRONE	ERIN GRONEMAN	TEMP EASEMENT/DEED DEDICATION	4,021.42
16523	04/13/2009	Printed	GEORGE &	GEORGE & CYNTHIA SMITH	TREE MOVING REIMBURSMNT	200.00
16524	04/13/2009	Printed	GRIFFIN/WI	WILLIAM GRIFFIN	BANKRUPTCY WITHHOLDING PYMT	200.00
16525	04/13/2009	Printed	HAYNES EQU	HAYNES EQUIPMENT CO	GRINDER PUMP REPAIR-CEDAR LAKE	4,233.46
16526	04/13/2009	Printed	INVENTORY	INVENTORY TRADING COMPANY	POLICE UNIFORMS	234.75
16527	04/13/2009	Printed	JADE ALARM	JADE ALARM COMPANY	ALARM SERVICES CITY HALL/WTF	134.70
16528	04/13/2009	Printed	KACM	KACM	MEMBERSHIP KS ASSOC COURT MNGT	100.00
16529	04/13/2009	Printed	KS DOR WTH	KANSAS DEPARTMENT OF REVENUE	KS STATE WITHHOLDING PYMT	1,608.83
16530	04/13/2009	Printed	KS EMPLOY	KANSAS EMPLOYMENT SECURITY FD	QTR WAGE REPORT-SUI 1ST QTR	309.75
16531	04/13/2009	Printed	KS MUNCINS	KANSAS MUNC INSURANCE TRUST	ADDITIONAL WORK COMP PREMIUM	4,325.00
16532	04/13/2009	Printed	KANSAS PAY	KANSAS PAYMENT CENTER	CHILD SUPPORT WITHHOLDING PYMT	379.50
16533	04/13/2009	Printed	KS TREASUR	KANSAS STATE TREASURER	STATE MANDATED COURT FEES	1,009.50
16534	04/13/2009	Printed	KPF EFT	KPF EFT PROGRAM	KPF RETIREMENT WITHHOLDING PYM	3,586.36
16535	04/13/2009	Printed	LAWRENCE	LAWRENCE JOURNAL WORLD	NEWSPAPER PUBLICATIONS	306.70
16536	04/13/2009	Printed	LCDC	LCDC	BOARD MEETING REGISTRATIONS	14.00
16537	04/13/2009	Printed	LEAV PROB	LEAV CTY & CO PROBATION OFFICE	PROBATION SERVICES 01-03/09	3,500.00
16538	04/13/2009	Printed	LEAVENWORT	LEAVENWORTH COUNTY COURTHOUSE	RECORDING FEES EASEMENTS/ROW	184.00
16539	04/13/2009	Printed	LV SHERIFF	LEAVENWORTH COUNTY SHERIFF	BOARDING PRISONERS 03/09	87.50
16540	04/13/2009	Printed	MAAC CLEAN	MAAC CLEANING SPECIALISTS	CLEANING CITY HALL	225.00
16541	04/13/2009	Printed	MASTERSON	MATTHEW MASTERSON	CASH BOND REFUND CIT#9850	500.00
16542	04/13/2009	Printed	MCAFFEE HEN	MCAFFEE HENDERSON SOLUTIONS	ENGINEERING SERVICES	15,185.63
16543	04/13/2009	Printed	MCCANN	MCCANN PLUMBING & HEATING	INSTALL 62 GALLON PUMP TANK	1,382.00
16544	04/13/2009	Printed	MICHAEL &	MICHAEL & SHERRY CULTER	TEMP CONST EASEMENT/DEED DEDIC	192.03
16545	04/13/2009	Printed	MPH INDUST	MPH INDUSTRIES, INC.	MIC PATROL UNIT/RADAR UNIT NEW	1,898.60
16546	04/13/2009	Printed	OMNI-SITE	OMNI-SITE.NET	WIRELESS SERVICE LIFT STATION	150.00
16547	04/13/2009	Printed	PALENSKE	BRIAN PALENSKE	CONCRETE SLAB FLOOR-NEW BLDG	31,960.00
16548	04/13/2009	Printed	PITNEY BOW	PITNEY BOWES	POSTAGE REFILL	200.00
16549	04/13/2009	Printed	PRAY	WILLIAM E. PRAY	MUNICIPAL COURT JUDGE SERVICES	250.00
16550	04/13/2009	Printed	QUILL	QUILL	COPY PAPER/BROCHURE PAPER	215.42
16551	04/13/2009	Printed	REILLY & S	REILLY & SONS, INC.	LIABILITY/AUTO INSURANCE PACKA	40,027.00
16552	04/13/2009	Printed	SELECT IMA	SELECT IMAGING	FILEBOUND HOSTING SERVICES	300.00
16553	04/13/2009	Printed	SMITH/DUST	DUSTIN SMITH	MILEAGE REIMBURSEMENT	81.90
16554	04/13/2009	Printed	SUNFLOWER	SUNFLOWER BROADBAND	CABLE/INTERNET/PHONE SERVICES	566.41
16555	04/13/2009	Printed	US POSTAL	UNITED STATES POSTAL SERVICE	REPLENISH POSTAL PERMIT #12	1,000.00
16556	04/13/2009	Printed	WESLEY & K	WESLEY & KATIE NORMAN	TEMP EASEMENT/DEED DEDICATION	298.42
16557	04/13/2009	Printed	WESTAR GRP	WESTAR ENERGY	STREET LIGHTS/UTILITIES	4,198.43
16558	04/13/2009	Printed	WOLF CREEK	WOLF CREEK VETERINARY CLINIC	POKCTET READER SCANNER	321.90
16559	04/13/2009	Printed	WORLDWIDE	WORLDWIDE STEEL BUILDINGS	NEW SHOP STEEL BUILDING	48,610.00
16560	04/14/2009	Printed	BURNS & MC	BURNS & MCDONNELL	SERVICES UPGRADE/EXPANSION WWT	15,523.28
16561	04/14/2009	Printed	OLATHE FOR	OLATHE FORD	2009 CROWN VIC VEHICLE	29,806.00

Total Checks: 52      Bank Total: 247,265.14

Total Checks: 52      Grand Total: 247,265.14

**REVENUE/EXPENDITURE REPORT**  
AS OF 04/14/09

For the Period: 1/1/2009 to 4/30/2009	Original Bud.	Amended Bud.	YTD Actual	CURR MTH
Fund: 01 - GENERAL FUND				
Revenues	1,726,436.00	1,726,436.00	825,500.86	16,293.71
Expenditures	2,654,402.00	2,657,402.00	636,423.26	117,820.74
Net Effect for GENERAL FUND	-927,966.00	-930,966.00	189,077.60	-101,527.03
Fund: 04 - SPECIAL PARK & RECREATION FUND				
Revenues	22,855.00	22,855.00	3,076.29	400.00
Expenditures	13,500.00	13,500.00	500.00	0.00
Net Effect for SPECIAL PARK & RECREATION FUND	9,355.00	9,355.00	2,576.29	400.00
Fund: 05 - SEWER FUND				
Revenues	6,673,694.00	6,673,694.00	1,835,731.51	6,400.00
Expenditures	7,297,843.00	7,297,843.00	1,649,806.38	28,223.00
Net Effect for SEWER FUND	-624,149.00	-624,149.00	185,925.13	-21,823.00
Fund: 07 - CEDAR LAKES MAINTENANCE				
Revenues	11,170.00	11,170.00	251.38	0.00
Expenditures	17,000.00	17,000.00	5,717.16	4,233.46
Net Effect for CEDAR LAKES MAINTENANCE	-5,830.00	-5,830.00	-5,465.78	-4,233.46
Fund: 08 - BOND & INTEREST FUND				
Revenues	436,168.00	436,168.00	272,669.31	0.00
Expenditures	534,971.00	534,971.00	107,485.63	0.00
Net Effect for BOND & INTEREST FUND	-98,803.00	-98,803.00	165,183.68	0.00
Fund: 09 - SOLID WASTE FUND				
Revenues	164,641.00	164,641.00	44,754.55	0.00
Expenditures	167,149.00	167,149.00	47,506.07	11,440.89
Net Effect for SOLID WASTE FUND	-2,508.00	-2,508.00	-2,751.52	-11,440.89
Fund: 10 - CONSOLIDATED HIGHWAY FUND				
Revenues	630,625.00	630,625.00	120,907.11	2,490.96
Expenditures	1,127,377.00	1,127,377.00	35,145.50	-139,531.14
Net Effect for CONSOLIDATED HIGHWAY FUND	-496,752.00	-496,752.00	85,761.61	142,022.10
Fund: 11 - MUNICIPAL EQUIP RESERVE FUND				
Revenues	167,300.00	167,300.00	1,416.98	0.00
Expenditures	150,000.00	150,000.00	49,697.00	31,573.00
Net Effect for MUNICIPAL EQUIP RESERVE FUND	17,300.00	17,300.00	-48,280.02	-31,573.00
Fund: 12 - CAPITAL IMPROVEMENT FUND				
Revenues	438,967.00	438,967.00	81,588.16	0.00
Expenditures	150,000.00	150,000.00	84,546.00	80,570.00
Net Effect for CAPITAL IMPROVEMENT FUND	288,967.00	288,967.00	-2,957.84	-80,570.00
Fund: 18 - BASEHOR TOWN CENTER PROJECT				
Revenues	0.00	0.00	17,464.18	0.00
Expenditures	0.00	0.00	374,282.82	15,972.76
Net Effect for BASEHOR TOWN CENTER PROJECT	0.00	0.00	-356,818.64	-15,972.76
Fund: 19 - WOLF CREEK PROJECT				
Expenditures	0.00	0.00	138,271.97	138,271.97
Net Effect for WOLF CREEK PROJECT	0.00	0.00	-138,271.97	-138,271.97

## BALANCE SHEET

AS OF 04/14/09

Page: 1

4/14/2009

1:03 pm

City Of Basehor

As of: 4/30/2009

Balances

## Fund: 13 - SUMMATION OF ALL FUNDS

## Assets

001 FSB CHECKING ACCOUNT	49,703.27
002 FSB MONEY MARKET ACCOUNT	2,936,300.41
005 BASEHOR TOWN CENTER ACCOUNT	992,305.70
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	86,270.21
031 500030 CNB 1.36% 072009	800,000.00
045 418000021 COMMERC 1.37% 081009	1,400,000.00

Total Assets

8,264,579.59

## Liabilities

214 SEWER FUND MONTHLY BALANCE	213,513.20
215 SOLID WASTE MONTHLY BALANCE	68,224.61
216 GENERAL FUND MONTHLY BALANCE	833,879.54
218 MUNICIPAL EQUIP FUND MO BAL	307,692.41
219 CAPITAL IMPROVE FUND MO BAL	1,207,950.46
220 SPECIAL PARK & REC FUND MO BAL	148,836.00
221 CONS HIGHWAY FUND MONTHLY BAL	2,317,999.73
226 BOND & INTEREST MONTHLY BAL	271,365.69
230 TOWN CENTER PROJECT MO BALANCE	2,976,332.94
231 WOLF CREEK PROJECT MO BALANCE	-138,271.97
300 CL MAINTENANCE MONTHLY BALANCE	57,056.98

Total Liabilities

8,264,579.59

Total Liabilities &amp; Balances

8,264,579.59

**City of Basehor  
2009 ANNUAL CALENDAR OF EVENTS**

		<b>MAY</b>	
<b>MONTH/DAY</b>	<b>TIME</b>	<b>EVENT</b>	<b>LOCATION</b>
1		New Sewer Rates go into effect.	
2	4:00-8:00 p.m.	City Appreciation Picnic	Shelter House, City Park
4	6:00 p.m.	City Council Meeting	City Hall Meeting Room
5	6:30 p.m.	Planning Commission Meeting	City Hall Meeting Room
11	6:00 p.m.	City Council Work Session *Budget	City Hall Meeting Room
12	1:00 p.m.	Municipal Court	City Hall Meeting Room
13	4:00 p.m.	Park Advisory Board meeting	City Hall or VFW Hall
14	1:00 p.m.	Municipal Court	City Hall Meeting Room
16	8:00 a.m.	Loyalty Day, VFW WWII Re-enactment	VFW Hall
18	6:00 p.m.	City Council Meeting	City Hall Meeting Room

Next Meetings:

- June 1, 2009 Regular Meeting
- June 8, 2009 Work Session
- June 15, 2009 Regular Meeting

# PROCLAMATION

## Loyalty Day

WHEREAS, the citizens of this city are extremely proud of this nation's more than 200-year heritage of freedom and are loyal to the ideals, traditions and institutions which have made our nation so great, and

WHEREAS, their obvious education to our way of life is indicative of a strong, continued desire to preserve the priceless American heritage, and

WHEREAS, they will be proud to stand and publicly declare their determination toward actively and positively safeguarding our freedoms against any foreign or domestic enemies, now

THEREFORE, I, Chris Garcia, Mayor of the City of Basehor, Kansas, do hereby call upon all my fellow citizens to take full advantage of the special occasion known as Loyalty Day, celebrated annually for over 40 years throughout the nation on the first day of May, as an incentive for every true American to reaffirm his and her love of flag and country, and I urge that all individuals, schools, churches, organizations, business establishments and homes within my official jurisdiction to display proudly the flag of the United States and participate in any public patriotic Loyalty Day activities on Loyalty Day, May 1, 2009.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Basehor to be affixed this 20th day of April in the year of our Lord two thousand and nine.

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Mayor Chris Garcia

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider a benefit district petition for Southside Village submitted by Ed McIntosh for Basehor Properties, LLC.

**Department:** Administration

**Background/Description of Item:**

Ed McIntosh has submitted a petition to form a benefit district for sanitary sewer improvements for Southside Village and surrounding area, generally south of Highway 24-40 between 155<sup>th</sup> and 153<sup>rd</sup> Streets on the extension of Pinehurst Drive.

Ed is still working on obtaining the signatures for the petition and will provide those when completed.

Following affirmative action by the city council, staff will work with the developer, bond counsel, and bond advisor to review the proposal, prepare necessary resolutions and legal documents. These documents would be brought back to the city council for approval to move ahead on the benefit district.

**Funding Source:**

**Recommendation:** Further discuss and take a formal vote on the proposal to form a benefit district for extension of sanitary sewer to Southside Village and surrounding properties.

Prepared by: Carl E. Slaugh, City Administrator

Council Date: April 20, 2009

PETITION FOR PUBLIC IMPROVEMENTS

TO: The Governing Body of the City of Basehor, Kansas:

1. The undersigned, being the owners of record of property described below, hereby petition the Governing Body of the City of Basehor, Kansas, to make the improvements described below in the manner provided by K.S.A. 12-6a01, et seq.
2. General Nature of Proposed Improvement. The general nature of the improvement requested is as follows:
  - i Sanitary sewer improvements, to include construction of ten (10) manholes, with approximately two thousand sixty-eight (2,068) lineal feet of eight inch (8") gravity sewer main, including applicable service and main connections, and miscellaneous construction as shown on the approved plans.
3. Estimated Costs. The estimated or probable cost of such improvement is Four-Hundred-and-Seventy-Thousand-Eight-Hundred-and-Fifty-One Dollars (\$407,851).  
 \*\*\* See the attached Engineer's Estimate, for information\*\*\*
4. District Boundary. The boundary of the proposed Improvement District to be assessed is shown on Exhibit A, more fully described as follows:

Property	Owner	Parcel Number	Area	
Briarwood Estates West - Lot 1	S & C Development, LLC	181-11-0-00-00-002.40-0	1.07	ac
Briarwood Estates West - Lot 2	Basehor Development CO, LLC	181-11-0-00-00-002.41-0	0.87	ac
Briarwood Estates West - Lot 54	Himpel Construction/Earl Bryant Enterprises	181-11-0-00-00-002.93-0	1.29	ac
Briarwood Estates West - Lot 55	Earl Bryant Enterprises	181-11-0-00-00-002.94-0	1.28	ac
Southside Village	Basehor Properties, LLC	181-11-0-00-00-003.00-0	9.89	ac
Briarwood Estates North - Lot 1	Heritage Land LC	181-11-0-00-00-002.39-0	2.98	ac
<b>TOTAL AREA</b>			<b>17.38</b>	<b>ac</b>

5. Method of Assessment:  
 The proposed method for assessment of the costs of the improvements apportioned to the Improvement District shall be equally per square foot against all the tracts, parcels and lots within the district. The assessments based on percentage of land within the benefit district boundary are as follows:

Owner	Area (ac)	Percentage
S & C Development, LLC	1.07	6.16
Basehor Development CO, LLC	0.87	5.01
Himpel Construction/Earl Bryant Enterprises	1.29	7.42
Earl Bryant Enterprises	1.28	7.36
Basehor Properties, LLC	9.89	56.90
Heritage Land LC	2.98	17.15

6. Apportionment of Costs. The proposed apportionment of costs between the Improvement District and the City-at-Large is:
  - A. 100% Improvement District
  - B. 0% City-at-Large
  
7. Project Engineer. MKEC Engineering Consultants, Inc. be designated as the project engineering firm.
  
8. Withdrawal. The members of the Benefit District agree to participate and pay for the design and bidding stages of the project. Members reserve the right to withdraw and not participate in the Benefit District after the design and bidding process should the final construction costs be prohibitive.
  
9. Costs. We hereby agree that all costs incurred for the preparation of plans and specifications, the preparation and publication of notices of hearing, resolutions, ordinances and other proceedings, necessary fees of consultants and interest accrued on borrowed money during the period of construction together with the cost of materials, labor and other lawful expenses incurred in the planning and construction of the improvements, administration, engineering fees, inspection fees, etc. shall be assessed against the Improvement District based upon the method of assessment and the apportionment of costs described herein. Final land owner costs to be established by final construction estimate and consulting fees.
  
10. Benefit District members who are not currently within the City of Basehor city limits agree to be annexed into the City of Basehor.

Owners:

BASEHOR PROPERTIES, LLC

EARL BRYANT ENTERPRISES

\_\_\_\_\_  
BY:

\_\_\_\_\_  
BY:

HIMPEL CONSTRUCTION

HERITAGE LAND, LC

\_\_\_\_\_  
BY:

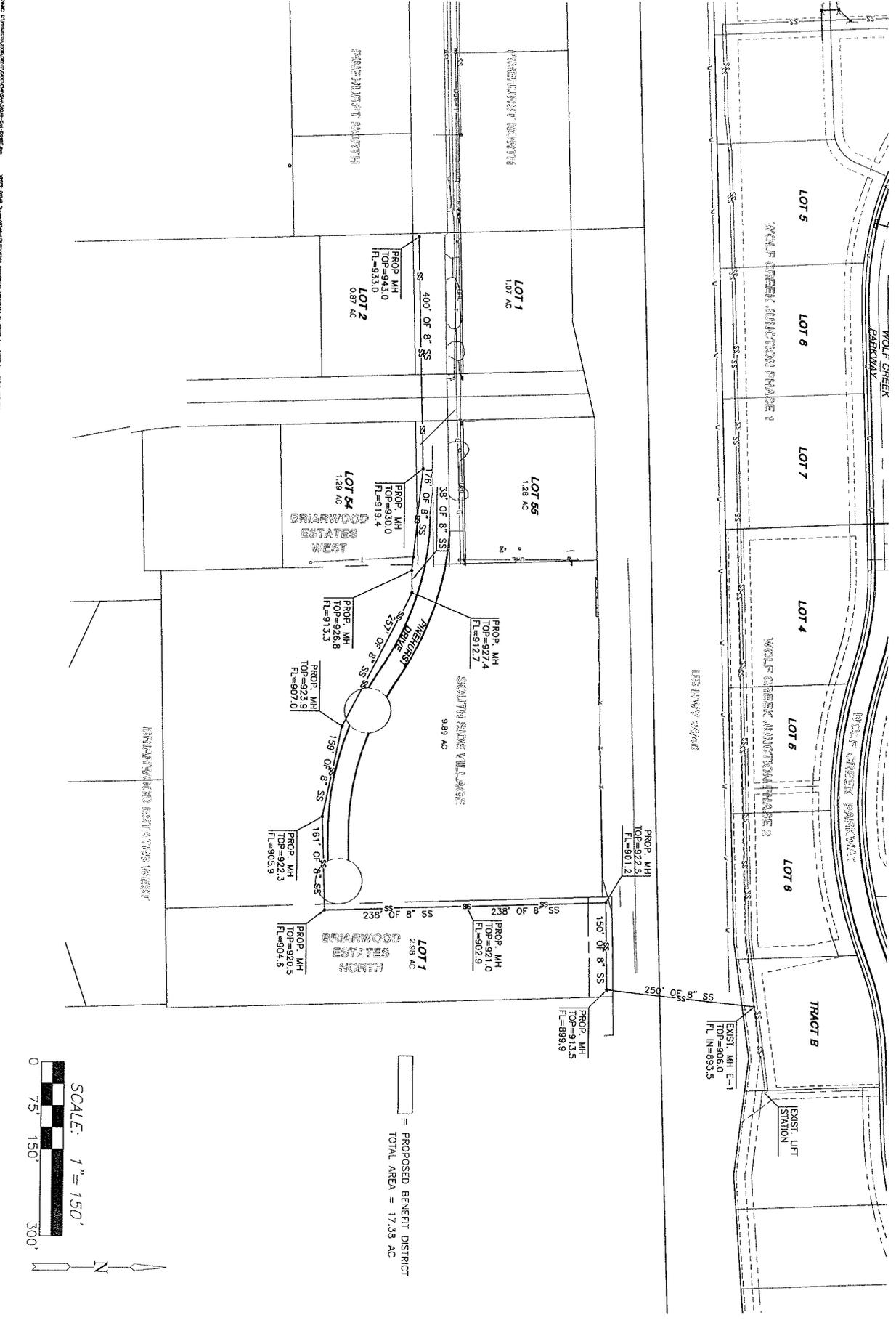
\_\_\_\_\_  
BY:

BASEHOR DEVELOPMENT CO LLC

S&C DEVELOPMENT LLC

\_\_\_\_\_  
BY:

\_\_\_\_\_  
BY:



SCALE: 1" = 150'

0 75' 150' 300'

N

= PROPOSED BENEFIT DISTRICT  
 = TOTAL AREA = 17.38 AC

SANITARY SEWER EXHIBIT  
 SHEET TITLE  
 PROJECT 08249  
 DESIGNED BY BSH  
 DRAWN BY KJK  
 CHECKED BY BSH  
 DATE 3/5/2009

REVIEWED  
 3/5/2009  
 REVISIONS

1 of 1  
 SHEET NO.

EXHIBIT A FOR  
**SANITARY BENEFIT DISTRICT**  
 CITY OF BASEHOR, KS

**MKEC**  
 ENGINEERING  
 CONSULTANTS, INC.  
 1100 N. LINCOLN ST., SUITE 200  
 BASEHOR, KS 66007  
 TEL: 785.533.1111  
 FAX: 785.533.1112

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

**PRELIMINARY COST ESTIMATE****SOUTH SIDE VILLAGE BENEFIT DISTRICT, BASEHOR, KANSAS****MKEC ENGINEERING CONSULTANTS, INC.**

3/5/2009

	Quantity		Unit Price	Total
<b>Sanitary Sewer Items</b>				
Mobilization	1.0	ls	\$10,000.00	\$10,000
8" SDR 35 Line	615.0	lf	\$50.00	\$30,750
8" SDR 26 Line	1,453.0	lf	\$55.00	\$79,915
Bore Under Hwy 24/40	250.0	lf	\$350.00	\$87,500
Connection to Existing Manhole	1.0	ea	\$2,000.00	\$2,000
Construction Staking	1.0	ls	\$4,000.00	\$4,000
Erosion Control	1.0	ls	\$5,000.00	\$5,000
Seeding	2.0	ac	\$1,000.00	\$2,000
Temporary Construction Easements	1.2	ac	\$7,500.00	\$9,000
Permanent Easements	0.6	ac	\$15,000.00	\$9,000
Rock Excavation	1,700.0	cy	\$15.00	\$25,500
Utility Adjustments	1.0	ls	\$10,000.00	\$10,000
Manhole (4' Dia.)	8.0	ea	\$2,500.00	\$20,000
Manhole (Excessive Depth)	2.0	ea	\$3,500.00	\$7,000
			<b>SUBTOTAL</b>	<b>\$301,665</b>
<b>Other Items</b>				
Engineering Design Fees				\$30,167
Contingency (10%)				\$30,167
Administration (5%)				\$15,083
Construction Inspection (5%)				\$15,083
Interest (4%)				\$15,687
			<b>TOTAL COST</b>	<b>\$407,851</b>

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider an exception to the excise tax on Wolf Creek Junction property.

**Department:** Administration

**Background/Description of Item:**

Dustin could you put this on the agenda for discussion on the next council meeting I would like to appeal the amount thanks. You might also consider having us dedicate the land to the City for a park area it will have three fairly nice ponds and with some nice trails installed around it with some good landscaping and a few benches it would make a pretty good park area. We may be willing to include the cost of some of those improvements in the project so it would serve as a detention facility as well as a usable park area. The business owners group for the subdivision would be able to at least pay a good chunk of the maintenance just a thought.

The amount of excise tax still outstanding on the Wolf Creek Junction, Phase II, area is \$15,446.46.

Total for Phase I	10.28 acres	\$40,301.71
Total for Phase II	29.71 acres	\$116,475.08
Paid to Date		\$136,117.37
<b>Balance Due</b>		<b>\$15,446.46</b>

Ed McIntosh has made a request to have the City waive the fees for Tract A (2.67 acres) and Tract B (1.14 acres), storm detention areas, which would reduce the excise tax due by \$14,936.73.

Ord. 387 allows an exception for property that is dedicated to the City. If the detention basins were dedicated to the City, then the maintenance would also become the responsibility of the City. The usefulness of a detention basin as a park is limited.

- (4) Land permanently dedicated on a final plat to the city or other public governmental body, or acts of platting or building by the City of Basehor, Kansas.

**Funding Source:**

**Recommendation:** Consider the request made by the developer.

Prepared by: Carl E. Slaugh, City Administrator  
Council Date: April 20, 2009

**Proposal to Resolve Excise Tax for Wolf Creek Junction**  
**February 4, 2009**  
**Dustin Smith, Planning Director**

**Recommended Course of Action**

Send Benchmark Management a bill for the outstanding excise tax balance of \$15,446.46.

**Supporting Information**

Prior to 08 December, 2008, when Benchmark submitted a check to the city in the amount of \$26,345.00, there was a balance due on the excise tax in the amount of \$41,791.46, which was for the easternmost 10.66 acres. This was part of the Subdivision Improvement Agreement that was approved as part of the Phase II final plat in September, 2007.

Total Plat Acreage

Wolf Creek Junction, Phase I = 11.86 acres (approved in 2005).

Wolf Creek Junction, Phase II = 33.20 acres (approved in September, 2007)

Former Cole Property

Right-of-Way area = 1.44 acres

Sellable lot area = 10.53 acres

Tract A = 1.09 acres

Tract B = 0.88 acres

In June, 2004, Basehor Plaza (the developer) paid \$109,772.37 for excise tax in association with the Phase I plat, which means that they paid excise tax on a portion of the property that had not yet been platted. Additional property (former Cole property) was purchased and added to Wolf Creek Junction, which includes the 10.66 acres that was included in the Subdivision Improvement Agreement that was approved by the City Council in September, 2007.

Prior to December 8, 2008, the unpaid balance was \$41,791.46. Ed paid \$26,345.00 on December 8, 2008. Subtract these two numbers and you come up with \$15,446.46, which is the current unpaid balance based on what was approved in the Subdivision Improvement Agreement.

**Site Data and Associated Dollar Amounts**

Wolf Creek Junction, Phase I (approved in 2005) – 11.86 acres

Excise tax 11.86 acres = 516,621.60 square feet

Exempt ROW 1.58 acres = 68,824.8 square feet

**Total for Phase I** 10.28 acres = 447,796.8 square feet x .09 = **\$40,301.71**

Wolf Creek Junction, Phase II (approved in September, 2007) – 33.20 acres

Excise tax 33.2 acres = 1,446,192 square feet  
Exempt ROW 3.49 acres = 152,024.4 square feet

**Total for Phase II** 29.71 acres = 1,294,167.6 square feet x .09 = **\$116,475.08**

Total excise tax for both phases of WCJ based on the plats = **\$156,776.79**

Paid to date = \$136,117.37  
Balance Due based on approved SIA = \$ 15,446.46  
**Total excise tax for Wolf Creek Junction = \$151,563.83\***

\*Note – This is the total amount of what has been paid-to-date plus the balance due based on the approved Subdivision Improvement Agreement.

**\$156,776.79 according to plat acreages**  
**- \$151,563.83 according to approved SIA**  
**\$ 5,212.96 (discrepancy)**

**Unpaid Balance Due**

Ed indicated to me that he intends to petition the Council to forgive the remaining balance because that would be the amount that applies to the stormwater detention facilities.

The total areas and respective excise taxes for tracts A and B are as follows:

Tract A = 2.67 acres.....\$10,467.47  
Tract B = 1.14 acres.....\$ 4,469.26  
**Total excise tax for SWD tracts \$14,936.73**

**Ordinance #387**

This is the ordinance that established the transportation excise tax and includes several exemptions. However, the ordinance does not provide an exemption for the stormwater detention areas, unless they are dedicated to the city. The detention areas in WCJ are not dedicated to the city; they are located within privately owned drainage easements. So, unless the CC waives it, Benchmark Management, LLC. owes the city \$15,446.46.

**Recent Past Practice**

Metzger Meadows

Metzger Meadows, Phase II included a stormwater tract, which was not exempted from the excise tax requirement.

### Prairie Lake Estates

Tract A, which contains the lake, was exempted from the excise tax.

### Falcon Lakes

The existing lake area is unplatted, where no excise tax has been applied. However, the 3<sup>rd</sup> Plat contained drainage easements that are included in the acreage used to calculate the excise tax.

### **Plat Approval Table**

The above referenced plats and their approval dates are provided below.

<b>Subdivision Name</b>	<b>PC Approval</b>	<b>CC Approval</b>
Metzger Meadows, Phase I	06 September, 2005	19 September, 2005
Metzger Meadows, Phase II	04 April, 2006	17 April, 2006
Prairie Lake Estates, 1 <sup>st</sup>		24 April, 2002 (record date)
Prairie Lake Estates, 2 <sup>nd</sup>		23 April, 2003 (record date)
Prairie Lake Estates, 3 <sup>rd</sup>	03 May, 2005	03 October, 2005
Falcon Lakes, 1 <sup>st</sup>	01 May, 2001	21 May, 2001
Falcon Lakes, 2 <sup>nd</sup>	07 May, 2002	26 August, 2002
Falcon Lakes, 3 <sup>rd</sup>	03 May, 2006	16 May, 2006

**Carl Slaugh**

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**From:** Basehor Planning [planning@cityofbasehor.org]

**Sent:** Wednesday, April 15, 2009 12:08 PM

**To:** Slaugh

**Subject:** RE: Basehor Properties Excise Tax on WCJ

Carl,

When I did the previous report, I couldn't remember how we came to the amount of 10.66 acres of land on the Phase II Subdivision Improvement Agreement for Wolf Creek Junction and couldn't find any indication of it in the minutes, files, etc. But, if we take the total amount of property that Ed bought from Steve Cole, which was approximately 13.94 acres, subtract off the ROW and those portions of Tracts A and B, it comes to 10.56 acres.

Former Cole Property (13.94 acres) minus the following:

Right-of-Way area = 1.44 acres

Tract A = 1.09 acres

Tract B = 0.88 acres

The Phase II SIA was for 10.66 acres (very close). So those portions of Tract A and B that were part of the 13.94 acres bought from Cole have already been exempted from the Phase II portion of WCJ. Therefore, if the CC chooses to exempt the detention ponds, they should only exempt 1.32 acres, which equates to \$5,174.93. Remember there was a discrepancy that I mentioned in the report between the platted areas and what was approved on the SIA's, which was \$5,212.96 (which is only a \$38.03 difference).

Otherwise, under the current agreements, Benchmark still owes the \$15,446.46.

Here is an excerpt of the minutes from September 17, 2007 where I had indicated that the excise tax would be based on 13.97 acres, but ultimately it was based on 10.66 acres. Therefore, the CC exempted that portion of Tracts A and B that fell within the Cole property.

*Mr. Smith went over the map that showed the different zonings of Wolfcreek Junction subdivision explaining there was some confusion as to how Wolfcreek Junction had been referenced in the past and that the plat and zoning phases do not coincide. The construction documents are nearing approval with the city engineer. The Subdivision Improvement Agreement lists the excise tax for Phase I and II. Phase I excise tax (\$109,772.86) was paid when first platted; however, Phase II would still be due based on 13.97 acres of land at .09 cents per square foot (approx. \$54,767.98). Mr. McIntosh stated he had no problem paying the excise tax; however, he opposed paying excise tax on right-of-way and flood ground and requested the same consideration be granted him as past developers. Mr. McIntosh explained the developer for Prairie Lakes did not pay excise tax on the lake area, flood area, or right-of-way. Mr. Smith reported that he found documentation in the files that indicated Basehor Plaza excluded right-of-way when calculating their excise tax.*

Let me know if you have other questions.

Dustin

4/15/2009





## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider authorization for VFW to perform WWII re-enactment on Saturday May 16, 2009, proclaimed as Loyalty Day.

**Department:** Administration

**Background/Description of Item:**

The Bob Wiley Memorial VFW Post plans to stage a WWII re-enactment as part of Loyalty Day May 16. They request permission to shoot off fireworks as part of the event. They will also be using blanks in their rifles and shooting off their canon; location east of the VFW Hall.

In accordance with Chapter 7, Article 303 allows the governing body to make an exception to allow the use of fireworks. An exception is granted in 7-302 for the use of blank cartridges for ceremonial, theatrical or athletic events.

**Funding Source:**

**Recommendation:** Grant approval for the VFW Post to use limited fireworks as part of Loyalty Day provided published precautions are taken to ensure safety of the public.

Prepared by: Carl E. Slaugh, City Administrator  
Council Date: April 20, 2009

### **Bob Wiley Memorial VFW Post**

The Bob Wiley Memorial Post is active in our community in a variety of ways. They have presented school programs about Pearl Harbor, World War II, Korean War, Vietnam War, Desert Storm and the current Iraq/Afghanistan war to help children better understand and to relate to these historical events. They hold a flag ceremony at the grade schools to teach the Pledge of Allegiance for the kindergarten classes, and for the other classes the proper way to fold a flag, and treatment of the American Flag. The Patriot Pen essays for Middle School Students and the Voice of Democracy for the High School Students are sponsored by the VFW each year, with a savings bond awarded the winner of each contest. Each year they participate in the Memorial Day Graveside Flag Ceremony with a 21 gun salute presented by the Honor Guard, the Veterans Day Parade in Leavenworth and the Eisenhower Memorial Watch. Also the Honor Guard 21 gun salute at the 4th of July ceremonies and the annual Basehor Car Show and Homecoming.

Contact Person: Fred Box 913-724-3481 or 913-724-2508  
Meeting Times: Fourth Thursday of every month at 6:30 p.m.  
Meeting Place: Bob Wiley Memorial VFW Post on 155th Street  
Mailing Address: PO Box 288, Basehor, KS, 66007

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider KDOT Transportation Revolving Loan options for Wolf Creek Junction road construction projects.

**Department:** Administration

### **Background/Description of Item:**

Nov. 17, 2008 - A motion was made by Councilmember Hill and seconded by Councilmember Sifford to approve combination of 150<sup>th</sup> Street project with the construction of Wolf Creek Parkway to be funded by the KDOT State Revolving Loan and to be paid by TDD funds contingent on amendment to TDD. The motion was approved on a 3-2 vote.

At the request of KDOT the two projects were separated and a loan application made for the 150<sup>th</sup> Intersection separate from the Wolf Creek Parkway project. The TRF application was submitted Feb. 22, 2009 to KDOT and approved by their review committee April 7, 2009.

Funding to repay the TRF loan is intended to come from projected revenue from the Transportation Development District (TDD). The revenue projections in the short term are insufficient to make the loan payments. KDOT approved use of the \$500,000 allocated to the Wolf Creek Parkway project to make interest payments.

One way proposed to make the payments is to use the projected revenues from the 1-cent sales tax from the grocery store, coupled with the 0.75-cent sales tax from the TDD. Without considering any other development that would occur in Wolf Creek Junction, revenues from the grocery store would be sufficient to make payments on the TRF loans, although it was not originally intended to use other than TDD revenue to pay off the project cost.

The main items of discussion for the TRF loan are when to begin the first payment on the loan, what impact it will have on reserve amounts in the consolidated highway fund and how much interest accrues. The first payment must be in February or August and within two years of the date of the loan agreement.

The attached proposal prepared by Benchmark Management shows Scenario 1, defer debt service payment until February 2011 and Scenario 2, commence debt service payment August 2009. Scenario 1 would leave more funds in escrow, but accrues higher interest payments.

Staff prefers an option that would build up escrow funds to make the required loan payments. Once the TDD revenues are adequate bonds will be issued to pay off the TRF loans.

### **Funding Source:**

**Recommendation:** Discuss the TRF loan, projected revenue and payback options; provide direction to staff for final preparation of loan documents.

Prepared by: Carl E. Slauch, City Administrator  
Council Date: April 20, 2009

## Susan Adams

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**From:** Evelyn Fitzpatrick [EvelynF@ksdot.org]  
**Sent:** Wednesday, April 15, 2009 3:46 PM  
**To:** Susan Adams  
**Subject:** RE: TR-0125 & TR-0126 approval letters

Susan,

You can start payments on any of these dates: 8/1/2009, 2/1/2010, 8/1/2010 or 2/1/2011. Remember that if you delay starting payments that the interest and service fee will continue to accrue. Accrued (also referred to as capitalized interest) interest and service fees are treated as if the money was drawn and that amount is added to the outstanding principal. Capitalizing interest and fees reduces the amount of principal available for the project. In other words, it costs money but sometimes there are legitimate business reasons for doing it.

Evelyn

Evelyn Fitzpatrick  
Program Manager, Transportation Revolving Fund  
Eisenhower State Office Building  
700 SW Harrison, Room 250  
Topeka, Kansas 66603-3754  
Voice: (785) 296-4782  
Fax: (785) 296-1543  
Email: [evelynf@ksdot.org](mailto:evelynf@ksdot.org)

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## Susan Adams

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**From:** Vahrenberg, Gregory (Greg) [Gregory.M.Vahrenberg@pjc.com]  
**Sent:** Wednesday, April 15, 2009 9:19 AM  
**To:** Susan Adams  
**Subject:** RE: TRF Loan

Susan,

In determining which repayment date works best for this project I would consider two key factors. The first would be cashflow. The other factor would be structuring the loan to reduce the overall cost.

In regards to cashflow, I would suggest that the City look closely at the projected revenues available to make the loan payments. The timing of when you receive the payments may have a significant impact on when you begin the payments on the TRF loan. If the grocery store opens in June, 2009, will you receive sufficient revenue to begin making the TRF loan payments. I am assuming that you intend to use sales tax revenue as a source of repayment. If so, you may not receive the first distribution of sales tax collections until after August 1, 2009 if the store does not open until June 1, 2009. Furthermore, you would want to make certain that the store will be completed and open by such date. If the project does not generate sufficient revenue, or cashflow, then the City will need to use other sources of revenue generated from city-wide sources to pay this loan.

In regards to reducing the cost of the financing, it would currently be to your advantage to begin the payments sooner on the TRF loan as opposed to putting the revenue into an escrow fund. I agree with you that 2.5% on a short-term investment is highly unlikely in the current financial markets. You could expect to receive closer to 1% on the investment of funds held in an escrow. If you are earning 1% and paying a higher interest rate on the TRF loan, then you would be better off applying such funds towards a payment on the loan rather than holding them in an escrow fund.

It seems to me that one of the primary questions will be how concerned is the City in regards to using other available funds of the City for making payments on this loan. Building up funds in an escrow may help eliminate some of the cashflow concerns and also provide a reserve for any future shortfalls in revenue collections.

I hope these thoughts are helpful. Please let me know if you have any questions.

Thanks,

Greg Vahrenberg  
Managing Director  
Piper Jaffray & Co.  
11150 Overbrook Road, Suite 310  
Leawood, Kansas 66211-2298  
Toll Free: (800) 829-5377  
Direct: (913) 345-3374  
Cell: (816) 518-7282  
Fax: (913) 345-3393

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**From:** Evelyn Fitzpatrick [mailto:EvelynF@ksdot.org]  
**Sent:** Tuesday, April 07, 2009 10:12 AM  
**To:** Carl Slaugh, Basehor  
**Cc:** Jonathan P. Small; Amber Watson  
**Subject:** TR-0125 & TR-0126 approval letters

Carl,

Congratulations on the approval of your loan. Now we have to get to work. We need following information from you before we can prepare the loan documents.

1. When do you want to make the first payment on the loan? It must be in February or **August** and within two years of the date of the loan agreement.
2. Update of the estimated draw schedule for the amortization schedule
3. Ordinance number for the TRF loan
4. Mayor's name and contact information
5. City Clerk's name and contact information including email address
6. Name of the official city newspaper
7. Dedicated funding source if other than ad valorem taxes and Special City & County Highway Funds allocation
8. Dates the next two council meetings and your preference for a loan agreement date

Interest is calculated on the actual amounts and dates of draws of loan proceeds. Loan proceeds are considered drawn on the date that the State Accounts & Reports System (STARS) writes a warrant, not the date that it is redeemed. The current interest rate is 3.99% plus 0.25% service fee for a total rate of 4.24%. The TRF interest rate changes every Monday morning. The interest rate is set on the date of the loan agreement.

Please send this information to KDOT Special Counsel Jonathan Small and his assistant, Amber Watson in addition to me. Mr. Small's email address is [jpsmall@nomb.com](mailto:jpsmall@nomb.com). Ms. Watson's email address is [awatson@nomb.com](mailto:awatson@nomb.com). Mr. Small's telephone number is (785) 234-3686.

All loan documents are sent by email if possible. Please do not delete emails from the above addresses. In the name of email security, recipients have deleted the loan document emails because they did not recognize the sender.

Thank you for considering the TRF. I look forward to working with you.

***Evelyn***

Evelyn Fitzpatrick  
Program Manager, Transportation Revolving Fund  
Eisenhower State Office Building  
700 SW Harrison, Room 250  
Topeka, Kansas 66603-3754  
Voice: (785) 296-4782  
Fax: (785) 296-1543  
Email: [evelynf@ksdot.org](mailto:evelynf@ksdot.org)

# Kansas Department of Transportation

## Transportation Revolving Fund Financial Assistance Application

*Some information on this application is required for rating agency purposes. This application is available at the KDOT web site at the hyperlink below. Call KDOT Bureau of Fiscal Services at (785) 296-4782 to receive this form in an alternative format.*

[www.ksdot.org](http://www.ksdot.org)

1. Name of governmental unit City of Basehor		2. Tax Identification Number 48-0732879	
3. Name and title of primary project contact person: (Should be an elected official or employee of the applicant) Carl Slaugh, City Administrator			
4. Address P. O. Box 406		5. City Basehor	6. State & Zip Code Kansas 66007-0406
7. Telephone Number (913) 724-1370 ext. 33	8. Fax Number (913) 724-3388		9. E-mail cityadm@cityofbasehor.org
10. Government Official & Title Carl Slaugh, City Administrator		10a. Telephone (913) 724-1370 ext. 33	10b. E-mail cityadm@cityofbasehor.org
11. Public Works Official Milton "Gene" Myracle, City Superintendent		11a. Telephone (913) 724-1370 ext. 34	11b. E-mail citysuper@cityofbasehor.org
12. Clerk/Bookkeeper/Finance Officer Susan Adams, Treasurer		12a. Telephone (913) 724-1370 ext. 34	12b. E-mail treasurer@cityofbasehor.org
13. City/County Counselor Patrick Reavey, City Attorney		13a. Telephone (816) 474-6300	13b. E-mail patrick@reaveylaw.com

14. Licensed Professional Engineer/Firm who designed or will design this project:	
Name: Aaron Hale, MKEC	
Address: 11827 W. 112th Street, Suite 200 Overland Park, KS 66210	
Telephone: (913) 317-9390	

15. Description and Location of Project — Please provide the following. Attach additional sheets as necessary.	
a. Project location Wolf Creek Parkway between 150th and 153rd Street, Basehor, KS	
b. KDOT project number(s) and estimated letting date(s) if you are applying for matching funds Partially funded with corridor matching funds, Agreement 224-08 Wolf Creek Parkway	
c. Description of any known KDOT projects that may need coordination Corridor Management Agreement #224-08 Wolf Creek Parkway	
d. Project length in feet or miles Wolf Creek Parkway - 2060 LF	
e. Project scope (description of work) Wolf Creek Parkway, new construction of two lane commercial street, asphaltic concrete, with center  turn lane, sidewalks, street lights and storm sewer	
f. Current average daily traffic volume, if available New Street, current trips to convenience market w/gas pumps 3,805	
g. Projected design year average daily traffic volume, if available (from traffic study by MKEC) Trip Generation: Phase 1 - 8,798, phase 2 - 945, phase 3 - 1,840, phase 4 - 2136, total 14,020	

30. List the dates and amounts of estimated drawdowns over the project activity period. Payout instructions will be included in the loan agreement. The total amount of drawdowns should equal the amount requested.

Date (Month/Year)	Amount		Date (Month/Year)	Amount
May-09	375,000			
June-09	375,000			
July-09	375,000			
August-09	375,000			
Total	1,500,000			

*Additional Requirements Checklist*

- ▶ Have you attached financial statements for the last three fiscal years?
- ▶ Do you plan to use the proceeds of this loan to refinance a temporary note?  
If so, please attach a letter of explanation and include the due date of the note.
- ▶ Have you attached a bond-rating letter or insurance binder, if applicable?
- ▶ Have you attached a schedule of payments on current debt obligations?
- ▶ Have you attached the following information about the project?
  - Map of the project
  - Any other additional sheets as needed
- ▶ Sent the application and all attachments to:

Kansas Department of Transportation Attn: Evelyn Fitzpatrick Eisenhower State Office Building 700 Harrison, 2 <sup>nd</sup> Floor Topeka, KS 66603-3754
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## Kansas Department of Transportation

### Transportation Revolving Fund Financial Assistance Application

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[www.ksdot.org](http://www.ksdot.org)

1. Name of governmental unit City of Basehor		2. Tax Identification Number 48-0732879	
3. Name and title of primary project contact person: (Should be an elected official or employee of the applicant) Carl Slaugh, City Administrator			
4. Address P. O. Box 406		5. City Basehor	6. State & Zip Code Kansas 66007-0406
7. Telephone Number (913) 724-1370 ext. 33	8. Fax Number (913) 724-3388	9. E-mail <a href="mailto:cityadm@cityofbasehor.org">cityadm@cityofbasehor.org</a>	
10. Government Official & Title Carl Slaugh, City Administrator		10a. Telephone (913) 724-1370 ext. 33	10b. E-mail <a href="mailto:cityadm@cityofbasehor.org">cityadm@cityofbasehor.org</a>
11. Public Works Official Milton "Gene" Myracle, City Superintendent		11a. Telephone (913) 724-1370 ext. 34	11b. E-mail <a href="mailto:citysuper@cityofbasehor.org">citysuper@cityofbasehor.org</a>
12. Clerk/Bookkeeper/Finance Officer Susan Adams, Treasurer		12a. Telephone (913) 724-1370 ext. 34	12b. E-mail <a href="mailto:treasurer@cityofbasehor.org">treasurer@cityofbasehor.org</a>
13. City/County Counselor Patrick Reavey, City Attorney		13a. Telephone (816) 474-6300	13b. E-mail <a href="mailto:patrick@reaveylaw.com">patrick@reaveylaw.com</a>

14. Licensed Professional Engineer/Firm who designed or will design this project: Name: Aaron Hale, MKEC Address: 11827 W. 112th Street, Suite 200 Overland Park, KS 66210 Telephone: (913) 317-9390
--

15. Description and Location of Project — Please provide the following. Attach additional sheets as necessary.
a. Project location 150th Intersection north of 24-40
b. KDOT project number(s) and estimated letting date(s) if you are applying for matching funds Partially funded with corridor matching funds, Agreement 225-08 150th Intersection
c. Description of any known KDOT projects that may need coordination  Corridor Management Agreement #225-08 150th Intersection
d. Project length in feet or miles 150th Intersection - 638 LF
e. Project scope (description of work) Realignment of intersection with U.S. Highway 24-40, new construction of two lane collector street,  asphaltic concrete, with turn lanes, street lights
f. Current average daily traffic volume, if available New Street, current trips to convenience market w/gas pumps 3,805
g. Projected design year average daily traffic volume, if available (from traffic study by MKEC) Trip Generation: Phase 1 - 8,798, phase 2 - 945, phase 3 - 1,840, phase 4 - 2136, total 14,020

30. List the dates and amounts of estimated drawdowns over the project activity period. Payout instructions will be included in the loan agreement. The total amount of drawdowns should equal the amount requested.

Date (Month/Year)	Amount		Date (Month/Year)	Amount
August-09	250,000			
September-09	250,000			
October-09	250,000			
November-09	250,000			
December-09	250,000			
January-10	250,000			

*Additional Requirements Checklist*

- ▶ Have you attached financial statements for the last three fiscal years?
- ▶ Do you plan to use the proceeds of this loan to refinance a temporary note?  
If so, please attach a letter of explanation and include the due date of the note.
- ▶ Have you attached a bond-rating letter or insurance binder, if applicable?
- ▶ Have you attached a schedule of payments on current debt obligations?
- ▶ Have you attached the following information about the project?
  - Map of the project
  - Any other additional sheets as needed
- ▶ Sent the application and all attachments to:

Kansas Department of Transportation  
 Attn: Evelyn Fitzpatrick  
 Eisenhower State Office Building  
 700 Harrison, 2<sup>nd</sup> Floor  
 Topeka, KS 66603-3754

# Wolf Creek Parkway and 150th St/State Ave

## Comparison of Financing Scenarios

### **Scenario 1**

Defer debt service payment commencement until February 2011.

Deposit KDOT grant into interest bearing account. Reserve TDD and Sales Tax revenue into designated debt service account. Accumulate revenue as a reserve to make future debt service payments.

Annual revenue from TDD and Sales Tax	\$	336,875
Annual debt service - both loans	\$	<u>(213,208)</u>
Net Annual Surplus to City	\$	123,667
Initial Escrow Balance at debt payment	\$	1,024,063
Total debt payments over 20 year term	\$	4,264,168

### **Scenario 2**

Commence debt service payment at end of projects, August 2009.

Deposit KDOT grant into interest bearing account. Use TDD and Sales Tax revenue to service debt immediately.

Annual revenue from TDD and Sales Tax	\$	336,875
Annual debt service - both loans	\$	<u>(200,459)</u>
Net Annual Surplus to City	\$	136,416
Initial Escrow Balance at debt payment	\$	500,000
Total debt payments over 20 year term	\$	4,009,184

NOTE: Neither Scenario takes into consideration that TDD bonds are sold to pay the loans off and refunds interest payments back to the City.



### Supermarket Sales by Department—Percent of Total Supermarket Sales

Departments	2002 Supermarket Sales	*2002 Percent of Total Sales	2007 Supermarket Sales	*2007 Percent of Total Sales
<b>Grocery</b>	<b>\$146,721.69</b>	<b>39.13</b>	<b>\$154,758.97</b>	<b>38.37</b>
Alcoholic Beverages	\$ 13,140.60	3.50	\$ 16,123.56	4.00
Dry Grocery (Food)	\$101,096.29	27.96	\$107,897.58	26.75
Dry Grocery (Non Food)	\$ 32,484.80	8.66	\$ 30,737.83	7.62
<b>GM/HBC/Pharmacy</b>	<b>\$ 37,702.03</b>	<b>10.05</b>	<b>\$ 47,987.92</b>	<b>11.90</b>
<b>Perishables</b>	<b>\$190,071.42</b>	<b>50.69</b>	<b>\$ 200,591.15</b>	<b>49.73</b>
Meat/Fish/Poultry	\$ 53,952.02	14.38	\$ 51,860.07	12.86
Service Deli	\$ 12,928.92	3.45	\$ 13,840.82	3.43
Deli/Self Service	\$ 3,826.63	1.02	\$ 5,362.41	1.33
Floral	\$ 681.63	.18	\$ 776.39	.19
Produce	\$ 37,266.68	9.94	\$ 43,617.90	10.81
Baked Goods	\$ 11,972.15	3.19	\$ 13,065.32	3.24
In-Store Bakery	\$ 8,276.78	2.21	\$ 8,265.59	2.05
Dairy	\$ 34,183.75	9.12	\$ 38,856.61	9.63
Frozen Foods	\$ 26,982.86	7.20	\$ 28,836.13	7.15
<b>Unclassified</b>	<b>\$ 504.86</b>	<b>.13</b>	<b>Not applicable</b>	
<b>Grand Total</b>	<b>\$375,000.00</b>		<b>\$403,338.04</b>	

Source: Progressive Grocer's Annual Consumer Expenditures Study (CES): 56<sup>th</sup> Annual CES, September 15, 2002, pg. 28-58; 61<sup>st</sup> Annual CES, September, 2008, pg. 58-60.

\* Note: percentages derived by FMI from category sales figures and grand total figure published by Progressive Grocer

*Key Industry Facts – Prepared by FMI Information Service, October 2008*



## Key Facts

### Median Average Store Size – Square Feet

2007	47,500
2006	48,750
2005	48,058
2004	45,561
2003	44,000
2002	44,000
2001	44,000
2000	44,600
1999	44,843
1998	40,483
1997	39,260
1996	38,600
1995	37,200
1994	35,100

Source: Food Marketing Industry Speaks 1996 - 2008

*Key Industry Facts – Prepared by FMI Information Service*  
May 2008

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Food Marketing Institute 2345 Crystal Drive, Suite 800 Arlington, VA 22202  
Phone: 202.452.8444 Fax: 202.429.4519

# Wolf Creek Parkway and 150th St/State Ave Scenario 1

## Loan Coverage

Wolf Creek Marketplace estimated Annual Sales - from FMI 2007 Sales Data <b>(see 1 below)</b>	\$ 19,250,000
TDD Tax rate	<u>0.75%</u>
Annual TDD Tax Revenue to pay loan	\$ 144,375
Annual Sales Tax Revenue @ 1.0% from grocery store sales	\$ 192,500
Loan amortization - COB on \$1.5 mil loan for 20 yrs @ 4.24% int <b>(see 2 below)</b>	\$ (118,449)
Loan amortization - COB on \$1.2 mil loan for 20 yrs @ 4.24% int <b>(see 2 below)</b>	<u>\$ (94,759)</u>
<b>Annual Surplus Over Debt Service</b>	<b><u><u>\$ 123,667</u></u></b>

## Grocery Store Sales

<b>(1)</b> Average FMI Weekly Sales - see attached	\$ 403,338
Average Store Size	<u>47,500</u>
Average Sales/Square Foot	\$ 8.49
Wolf Creek Marketplace square feet	<u>43,600</u>
Projected Average Weekly Sales	\$ 370,222
Weeks per Year	<u>52</u>
Projected Annual Sales	<b><u><u>\$ 19,251,535</u></u></b>

**(2)** Interest rate provided by Evelyn Fitzpatrick at  
KDOT (see attached)

# Wolf Creek Parkway and 150th St/State Ave

## Scenario 1

### Loan Balance

	<b><u>Loan #</u></b> <b><u>TR-0125</u></b>	<b><u>Loan #</u></b> <b><u>TR-0126</u></b>
Initial loan balance	\$ 1,500,000.00	\$ 1,200,000.00
Interest rate	<u>4.24%</u>	<u>4.24%</u>
Monthly interest on loan	\$ 5,300.00	\$ 4,240.00
Number months accruing interest	<u>18</u>	<u>18</u>
Interest added to original loan basis	\$ 95,400.00	\$ 76,320.00
Balance to amortize	\$ 1,595,400.00	\$ 1,276,320.00
Estimated date projects completed	August 1, 2009	August 1, 2009
Estimated date to begin loan pay back	February 1, 2011	February 1, 2011
Month of interest accrual	18	18

# Loan Calculation

## Scenario 1

### Wolf Creek Parkway

Loan Amount	\$ 1,595,400
Interest Rate (APR)	4.240%
Amortization Periods	240
Payment	\$9,870.76
Annual Payment	\$118,449.11

<u>Pmt #</u>	<u>Principal</u>	Fully <u>Amortized</u> <u>Payment</u>	<u>Interest</u>	Prin <u>Reduction</u>	<u>New Principal</u>
1	1,595,400	(\$9,870.76)	\$5,637.08	(\$4,233.68)	1,591,166
2	1,591,166	(\$9,870.76)	\$5,622.12	(\$4,248.64)	1,586,918
3	1,586,918	(\$9,870.76)	\$5,607.11	(\$4,263.65)	1,582,654
4	1,582,654	(\$9,870.76)	\$5,592.04	(\$4,278.71)	1,578,375
5	1,578,375	(\$9,870.76)	\$5,576.93	(\$4,293.83)	1,574,081
6	1,574,081	(\$9,870.76)	\$5,561.75	(\$4,309.00)	1,569,772
7	1,569,772	(\$9,870.76)	\$5,546.53	(\$4,324.23)	1,565,448
8	1,565,448	(\$9,870.76)	\$5,531.25	(\$4,339.51)	1,561,109
9	1,561,109	(\$9,870.76)	\$5,515.92	(\$4,354.84)	1,556,754
10	1,556,754	(\$9,870.76)	\$5,500.53	(\$4,370.23)	1,552,384
11	1,552,384	(\$9,870.76)	\$5,485.09	(\$4,385.67)	1,547,998
12	1,547,998	(\$9,870.76)	\$5,469.59	(\$4,401.17)	1,543,597

# Loan Calculation

## Scenario 1

### 150th St. Improvements

Loan Amount	\$ 1,276,320
Interest Rate (APR)	4.240%
Amortization Periods	240
Payment	\$7,896.61
Annual Payment	\$94,759.29

<u>Pmt #</u>	<u>Principal</u>	Fully Amortized		Prin	
		<u>Payment</u>	<u>Interest</u>	<u>Reduction</u>	<u>New Principal</u>
1	1,276,320	(\$7,896.61)	\$4,509.66	(\$3,386.94)	1,272,933
2	1,272,933	(\$7,896.61)	\$4,497.70	(\$3,398.91)	1,269,534
3	1,269,534	(\$7,896.61)	\$4,485.69	(\$3,410.92)	1,266,123
4	1,266,123	(\$7,896.61)	\$4,473.64	(\$3,422.97)	1,262,700
5	1,262,700	(\$7,896.61)	\$4,461.54	(\$3,435.07)	1,259,265
6	1,259,265	(\$7,896.61)	\$4,449.40	(\$3,447.20)	1,255,818
7	1,255,818	(\$7,896.61)	\$4,437.22	(\$3,459.38)	1,252,359
8	1,252,359	(\$7,896.61)	\$4,425.00	(\$3,471.61)	1,248,887
9	1,248,887	(\$7,896.61)	\$4,412.73	(\$3,483.87)	1,245,403
10	1,245,403	(\$7,896.61)	\$4,400.42	(\$3,496.18)	1,241,907
11	1,241,907	(\$7,896.61)	\$4,388.07	(\$3,508.54)	1,238,398
12	1,238,398	(\$7,896.61)	\$4,375.67	(\$3,520.93)	1,234,877

# Wolf Creek Parkway and 150th St/State Ave Scenario 1

## Cash Reserve

Initial escrow of KDOT funds		\$	500,000.00
Nominal interest rate for CD			<u>2.50%</u>
Monthly interest		\$	1,041.67
Number months accruing interest			<u>18</u>
Earned interest from KDOT funds		\$	<u>18,750.00</u>
Escrow fund balance at loan re-payment		\$	518,750.00
Annual TDD funds provided by grocery store	\$	144,375.00	
Annual sales tax revenue from grocery store	\$	<u>192,500.00</u>	
Total annual tax revenue	\$	336,875.00	
Years to reserve revenue prior to payback		<u>1.50</u>	
Total tax revenue generated from grocery store		\$	<u>505,312.50</u>
<b>Total cash reserve prior to debt payment commencement</b>		<b>\$</b>	<b><u><u>1,024,062.50</u></u></b>
<b>Total Debt Payments</b>			<b><u><u>\$4,264,167.92</u></u></b>

## Wolf Creek Parkway and 150th St/State Ave Scenario 2

### Loan Coverage

Wolf Creek Marketplace estimated Annual Sales - from FMI 2007 Sales Data <b>(see 1 below)</b>	\$ 19,250,000
TDD Tax rate	<u>0.75%</u>
Annual TDD Tax Revenue to pay loan	\$ 144,375
Annual Sales Tax Revenue @ 1.0% from grocery store sales	\$ 192,500
Loan amortization - COB on \$1.5 mil loan for 20 yrs @ 4.24% int <b>(see 2 below)</b>	\$ (111,366)
Loan amortization - COB on \$1.2 mil loan for 20 yrs @ 4.24% int <b>(see 2 below)</b>	<u>\$ (89,093)</u>
<b>Annual Surplus Over Debt Service</b>	<b><u><u>\$ 136,416</u></u></b>

### Grocery Store Sales

<b>(1)</b> Average FMI Weekly Sales - see attached	\$ 403,338
Average Store Size	<u>47,500</u>
Average Sales/Square Foot	\$ 8.49
Wolf Creek Marketplace square feet	<u>43,600</u>
Projected Average Weekly Sales	\$ 370,222
Weeks per Year	<u>52</u>
Projected Annual Sales	<b><u><u>\$ 19,251,535</u></u></b>

**(2)** Interest rate provided by Evelyn Fitzpatrick at  
KDOT (see attached)

# Wolf Creek Parkway and 150th St/State Ave

## Scenario 2

### Loan Balance

	<b><u>Loan #</u></b> <b><u>TR-0125</u></b>	<b><u>Loan #</u></b> <b><u>TR-0126</u></b>
Initial loan balance	\$ 1,500,000.00	\$ 1,200,000.00
Interest rate	<u>4.24%</u>	<u>4.24%</u>
Monthly interest on loan	\$ 5,300.00	\$ 4,240.00
Number months accruing interest	<u>0</u>	<u>0</u>
Interest added to original loan basis	\$ -	\$ -
Balance to amortize	\$ 1,500,000.00	\$ 1,200,000.00
Estimated date projects completed	August 1, 2009	August 1, 2009
Estimated date to begin loan pay back	August 1, 2009	August 1, 2009
Month of interest accrual	0	0

# Loan Calculation

## Scenario 2

### Wolf Creek Parkway

Loan Amount	\$ 1,500,000
Interest Rate (APR)	4.240%
Amortization Periods	240
Payment	\$9,280.52
Annual Payment	\$111,366.22

<u>Pmt #</u>	<u>Principal</u>	Fully <u>Amortized</u> <u>Payment</u>	<u>Interest</u>	Prin <u>Reduction</u>	<u>New Principal</u>
1	1,500,000	(\$9,280.52)	\$5,300.00	(\$3,980.52)	1,496,019
2	1,496,019	(\$9,280.52)	\$5,285.94	(\$3,994.58)	1,492,025
3	1,492,025	(\$9,280.52)	\$5,271.82	(\$4,008.70)	1,488,016
4	1,488,016	(\$9,280.52)	\$5,257.66	(\$4,022.86)	1,483,993
5	1,483,993	(\$9,280.52)	\$5,243.44	(\$4,037.07)	1,479,956
6	1,479,956	(\$9,280.52)	\$5,229.18	(\$4,051.34)	1,475,905
7	1,475,905	(\$9,280.52)	\$5,214.86	(\$4,065.65)	1,471,839
8	1,471,839	(\$9,280.52)	\$5,200.50	(\$4,080.02)	1,467,759
9	1,467,759	(\$9,280.52)	\$5,186.08	(\$4,094.44)	1,463,665
10	1,463,665	(\$9,280.52)	\$5,171.62	(\$4,108.90)	1,459,556
11	1,459,556	(\$9,280.52)	\$5,157.10	(\$4,123.42)	1,455,432
12	1,455,432	(\$9,280.52)	\$5,142.53	(\$4,137.99)	1,451,295

# Loan Calculation

## Scenario 2

### 150th St. Improvements

Loan Amount	\$ 1,200,000
Interest Rate (APR)	4.240%
Amortization Periods	240
Payment	\$7,424.41
Annual Payment	\$89,092.97

<u>Pmt #</u>	<u>Principal</u>	Fully Amortized <u>Payment</u>	<u>Interest</u>	Prin <u>Reduction</u>	<u>New Principal</u>
1	1,200,000	(\$7,424.41)	\$4,240.00	(\$3,184.41)	1,196,816
2	1,196,816	(\$7,424.41)	\$4,228.75	(\$3,195.67)	1,193,620
3	1,193,620	(\$7,424.41)	\$4,217.46	(\$3,206.96)	1,190,413
4	1,190,413	(\$7,424.41)	\$4,206.13	(\$3,218.29)	1,187,195
5	1,187,195	(\$7,424.41)	\$4,194.75	(\$3,229.66)	1,183,965
6	1,183,965	(\$7,424.41)	\$4,183.34	(\$3,241.07)	1,180,724
7	1,180,724	(\$7,424.41)	\$4,171.89	(\$3,252.52)	1,177,471
8	1,177,471	(\$7,424.41)	\$4,160.40	(\$3,264.02)	1,174,207
9	1,174,207	(\$7,424.41)	\$4,148.87	(\$3,275.55)	1,170,932
10	1,170,932	(\$7,424.41)	\$4,137.29	(\$3,287.12)	1,167,645
11	1,167,645	(\$7,424.41)	\$4,125.68	(\$3,298.74)	1,164,346
12	1,164,346	(\$7,424.41)	\$4,114.02	(\$3,310.39)	1,161,036

# Wolf Creek Parkway and 150th St/State Ave Scenario 2

## Cash Reserve

Initial escrow of KDOT funds		\$	500,000.00
Nominal interest rate for CD			<u>2.50%</u>
Monthly interest		\$	1,041.67
Number months accruing interest			<u>0</u>
Earned interest from KDOT funds		\$	<u>-</u>
Escrow fund balance at loan re-payment		\$	500,000.00

Annual TDD funds provided by grocery store	\$	144,375.00
Annual sales tax revenue from grocery store	\$	<u>192,500.00</u>
Total annual tax revenue	\$	336,875.00
Years to reserve revenue prior to payback		<u>0.00</u>
Total tax revenue generated from grocery store	\$	<u>-</u>

**Total cash reserve prior to debt payment commencement** \$ 500,000.00

**Total Debt Payments** \$4,009,183.83

**Narrative – City Council  
April 20, 2009  
Dustin Smith, Planning Director**

**Short-Term Conditional Use Permit  
for Family Fun Circus.**

**Narrative**

A staff report and supporting information for the conditional use permit is included.

The proposed dates of the circus are April 27-28, with one show each day, beginning at 7:00 p.m.

**Recommendation**

Approval.

## STAFF REPORT

**Date:** April 20, 2009  
**Subject:** Review of short-term conditional use permit for the Family Fun Circus to conduct a two-day circus event in Basehor.  
**File No:** TCUP-01-09

### GENERAL INFORMATION

**Applicant:** Rachael Bellman  
**Property Owner:** Benchmark Management, LLC.  
**Engineer/ Architect:** None

### SITE INFORMATION

**Location:** Lots 1 and 2, Wolf Creek Junction, Phase I  
**Current Zoning:** CP-1, Neighborhood Business

### STAFF ANALYSIS

**Site Characteristics:** Area – 2.62 acres MOL.  
**Current Use** – Vacant

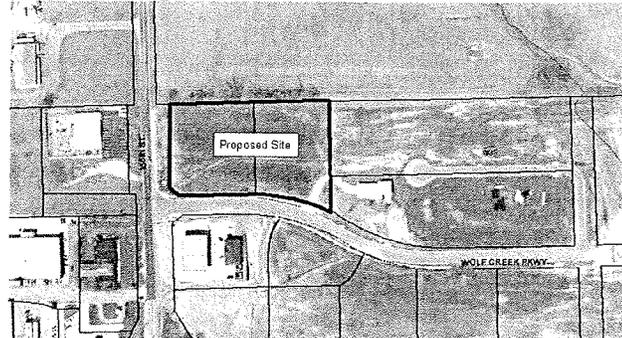
#### Surrounding Uses

<u>Zoning</u>		<u>Use</u>
North	R-O	Vacant
South	CP-1	Commercial
East	CP-1	One house
West	CP-1	Commercial

#### **Project Background**

The proposed short-term conditional use permit is for the operation of a traveling circus on April 27-28, 2009. They have received permission from Benchmark Management, LLC. to conduct the event on the property consisting of Lots 1 and 2 of Wolf Creek Junction, Phase I, which is the property just north of Casey's (shown in Map 1). Two performances will be conducted, one on each day beginning at 7:00 p.m. The tent will be open approximately one hour prior to each show.

Map 1: Proposed Event Site



The circus is operated by Family Fun Circus. There are approximately 20 performers, all of whom are family members. They have a total of twelve (12) animals, including horses, ponies, minihorses, a baby camel and a llama. A moon bounce and pony rides will also be available.

Estimated show attendance is approximately 200 spectators. An estimated 50-75 cars can be expected, which will need parking accommodations. Cars can be allowed to park along Wolf Creek Parkway and in the grass adjacent to the site for overflow purposes. No parking will be allowed on, or in the right-of-way for, 155 Street.

Cotton candy, popcorn, hotdogs and other refreshments will be available at their concession facilities.

Public water is required for the facilities. The water will be metered from a nearby fire hydrant that is owned by Consolidated Rural Water District #1 and the applicant was directed to contact the Water District. Electricity is supplied by portable generators.

The property required for the event is approximately 150' x 200' to accommodate a tent that is 100' x 130' (13,000 square feet). In addition, they have four (4) campers and two semi-trucks that haul equipment.

### **Factors for Consideration**

Section 11, Conditional Uses, of the Zoning Regulations requires a short-term conditional use permit for "short-term uses such as trade shows, street fairs, expositions, promotional ventures and entertainment, without referral to the Planning Commission, providing the following conditions are met:

- 1. The applicant shall submit in writing, a complete description of the proposed use, including estimated numbers of automobiles and persons, hours of operation, and other characteristics and effects on the neighboring property.*
- 2. The short term conditional use shall not be operated for more than ten (10) consecutive days.*

3. *Upon discontinuance of the short-term conditional use, all materials and equipment shall be promptly removed and the property restored to its normal condition.*

*If, after giving full consideration to the effect of the requested conditional use of the neighborhood and community, the Governing Body deems the conditional use reasonable, the conditional use for the short-term may be approved. Conditions of operation, provisions for surety bonds, and other safeguards may be required by the Governing Body at the time of approval."*

Due to the proposed location for the event and the short duration, no major land use conflicts are apparent. There is one house located just east of the proposed site that may realize some effects from noise, traffic congestion, etc.

No surety bonds should be necessary due to the fact that the event will occur on private property.

Tent inspections will be necessary by the city building inspector and the Fire Marshall. These should be conducted prior to public access to the tent.

The information provided to staff by the applicant is provided as part of the item. A printout of the Family Fun Circus blog site is also provided.

### **Recommendation**

The Planning Department recommends approval for the short-term conditional use permit for the period not to exceed 10 consecutive days beginning on April 26, 2009.

1. The tent shall be inspected and approved by the fire marshall and city building inspector prior to public access being granted.

## Basehor Planning

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**From:** rachael bellman [familyfuncircus@gmail.com]  
**Sent:** Tuesday, April 14, 2009 12:52 PM  
**To:** Basehor Planning  
**Subject:** Re: info request

We are doing only 2 shows. One at 7pm each day. We open the tent an hour before each show. Everyone should be gone by 9pm. Attendance is expected to be 200 people per show and approx. 50 cars. We have 20 employees that are all family members. We have a total of 12 animals. Horses, ponies minihorses a baby camel and llama. We have 4 camper trailers and 2 semis.

Please let me know if you have any other questions  
Thanks

On Tue, Apr 14, 2009 at 12:41 PM, Basehor Planning <planning@cityofbasehor.org> wrote:  
Rachel,

Here is a list of some information I need to provide as part of the short-term conditional use permit request. Please get this back as early today as possible. Thanks.

Dustin  
City of Basehor  
Planning & Zoning  
913-724-1370 ext 24  
913-724-3388 fax

--  
Rachael Bellman  
Booking Agent  
Family Fun Circus  
813.748.1879

# Family Fun Circus

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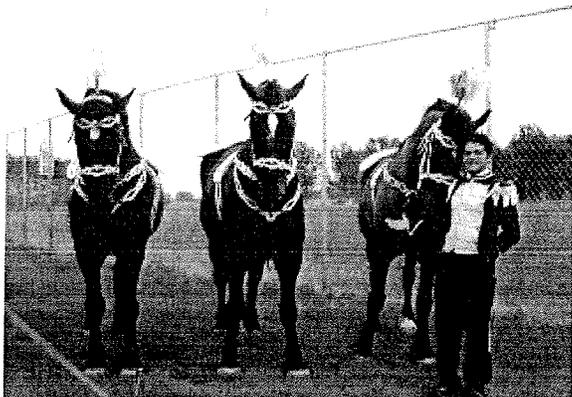
## Fun for the whole family, The Family Fun Circus is coming to town!

March 15, 2009 by familyfuncircus

**This is a one ring European Style Circus with old circus tradition.**



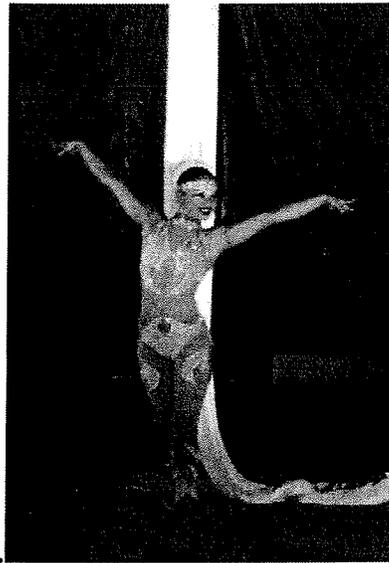
**The ring surrounded with seating so everyone is up close to the non-stop action. The show is family owned and operated. Traveling to the smaller communities throughout the United States.**



**Circus goers will be able to see Clowns, Acrobats, Aerialists, & much much more.**

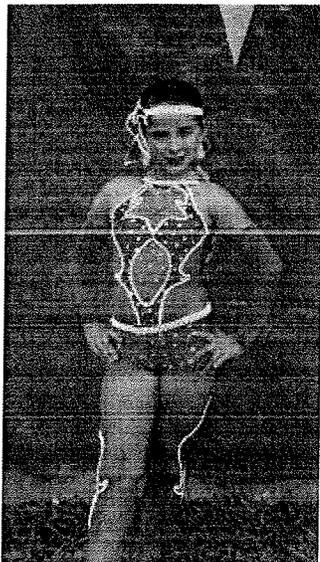
**Each show will last about an hour and a half.**

**The tent will open an hour early so you can get a good seat, jump in the moon bounce, & ride the**



ponies.

**Cotton Candy, Popcorn, Hotdogs, & much more will be available in our concessions.**



**For booking info please contact:**

*Rachael Bellman*  
813.748.1879  
*Familyfuncircus@gmail.com*

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## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider recommendations from the Planning Commission to amend Chapter IV, Article 8 of the Basehor Municipal Code and adopt the proposed Sign Regulations (pending revision of documents and confirmation by city attorney)

**Department:** Administration and Planning

**Background/Description of Item:**

The draft sign regulations were approved by the planning commission January 6, 2009 and sent on to the city council. After review by the city attorney it was determined that the terminology needed to be changed based on recent litigation. The criteria for approval of signs should be based on location rather than on particular wording on the sign.

The council should review the proposed Sign Regulations on the city web site (under Document Center, Sign Regulations (proposed 01/09)), make any proposed changes and refer back to the planning commission for incorporation of the changes requested by the council and city attorney.

<http://www.cityofbasehor.org/pda%20files/planning/Sign%20Regulations%20-%20proposed%20Jan.%202009.pdf>

**Funding Source:**

**Recommendation:** Review proposed Sign Regulations and return back to the Planning Commission for incorporation of requested changes.

Prepared by: Carl E. Slaugh, City Administrator  
Council Date: April 20, 2009