

## AGENDA

### BASEHOR CITY COUNCIL

June 1, 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 Terry Hill 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. May 18, 2009 Regular Meeting
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events
- e. Approve city administrator's resignation and severance agreement

**3. Call to Public**

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

**4. Scheduled Discussion Items**

- a. LCDC Quarterly Report
- b. Honey Creek Mowing Issues
- c. Revision to meeting format
- d. Tax Rebate Program
- e. MARCIT Contract agreement
- f. Relocation of Suburban water line and City sewer force main at the junction of Wolf Creek Parkway and 150<sup>th</sup> Street.

**5. Business**

- a. Consider increase in pay for KU MPA intern
- b. Consider authorizing mayor to sign contract with LKM and authorize funds in accordance with Part III of proposed contract for city administrator search.
- c. Change of Zoning and Preliminary Development Plan for Creek Ridge, Phase IV (Tract D), as requested by Jeff Scherer.

- d. Preliminary Plat for Creek Ridge, Phase IV (Tract D), as requested by Jeff Scherer.
- e. Consider temporary agreement for interim city administrator position.

**6. Interim City Administrator Report**

**7. Mayor's Report**

**8. Council Member Reports**

**9. Executive Session**

**10. Adjournment**

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

**Minutes**

**BASEHOR CITY COUNCIL**

**May 18, 2009**

**6:00 p.m.**

**Basehor City Hall**

**Official Presiding: Mayor Terry L. Hill**

**Members Present: Pres. Jim Washington, David Breuer, Iris Dysart, Dennis Mertz,  
Bill Moyer**

**Members Absent: none**

**Staff Present: Carl Slaugh, Lloyd Martley, Mary Mogle, Gene Myracle,  
Dustin Smith, Patrick Reavey, Matt Henderson**

**Newspaper: Kaitlyn Syring, *Basehor Sentinel* (7:00 p.m.)**

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

The work session was called to order by Mayor Hill. All members were present.

**Discussion of agenda items**

***d. 150<sup>th</sup> Street, Craig Road north to Parallel Road, water line relocation expense***

Mike Fulkerson, Field Manager for Consolidated Rural Water District No. 1, was present to answer questions regarding the relocation of water line on 150<sup>th</sup> street. Mr. Fulkerson gave a history of the water line location on 150<sup>th</sup>. Right-of-way has been purchased for improvements to 150<sup>th</sup> Street and now the water line needs to be moved. The water department does not locate their water lines within the city right-of-ways and are normally located in private easements. Mr. Slaugh explained part of the cost being charged by CRWD #1 was for the water department to purchase additional easements outside the City's right-of-way.

The city attorney did not feel the city was obligated to pay for the water department to purchase additional easements. Mr. Slaugh displayed a drawing on PowerPoint of the area in question that showed where part of the water line was inside the easement. Mr. Fulkerson noted it was imperative that the water line extended 3 ft. below ground and stay as far away from other utility lines as possible to eliminate contamination noting he

had no problem staying in the City's utility easement. Mr. Slaugh reported the City did not acquire additional utility easements, only right-of-way. The north side had dedicated right of way; whereas, on the south side from chestnut to Craig Street had a dedicated utility easement already. The water district has asked for reimbursement for 77% of the engineering design. The City's share of the construction project would be \$105,812 if the existing water lines remained in existing right-of-way. If the line has to be moved again, it would be at the City's cost. Mr. Fulkerson would start working on the project immediately if approved by Council at this meeting.

The water district will be replacing the 2" and 4" water lines with an 8" water line and bear the cost of the difference in pipe size.

***c. KDOT transportation revolving fund loan for Wolf Creek Parkway and 150<sup>th</sup> /24-40 Intersection***

Mr. Slaugh reported KDOT wrote the loans in two different document; TRF-0125 and TRF-0126 with the first payment scheduled for February 2011. Wolf Creek Parkway loan was set at \$1,500,000 and \$1,200,000 for 150<sup>th</sup> Street Intersection improvements. Mr. Slaugh reported if the Council were willing to use all the sales tax from the grocery store, it would require an amendment to the TDD agreement. Mayor Hill noted this project was predicted to have a shortfall from day one and felt it was a conservative limitation based on the demographics of the area that would use the grocery store. Mr. Slaugh stated the grocery store was projected to bring in \$17,000,000 the first year. If the City escrowed the \$500,000 grant, it was anticipated to pay approximately five years of interest. Councilmember Dysart did not feel the grocery store would bring in the amount of revenue projected and felt it was a risk for the City to borrow \$2.7. She was concerned about the value to debt ratio and provided calculations. Mr. Slaugh explained past Council granted an incentive program because they felt it was important to bring a grocery store into the community. Since then, the City has approved TDD improvements and agreements with KDOT for street improvements.

Councilmember Mertz stated he had no problem with the Wolf Creek loan (TRF-0125); however, he was concerned with the 150<sup>th</sup> Street project (TRF-0126) since right-of-way had not been deeded to the City and asked what would be the last possible date of approving the loans. Mr. Reavey reported the loan states the City has 30 days to let bids after signing contracts. The project was still in design and would not meet the date requirement.

President Washington reported the population had grown since sales projections were provided in 2006 and suggested asking the principals of the Wolf Creek project if they would be willing to amend their agreement of \$500,000 noting that money could possibly be directed toward a different capital improvement project. Mr. McIntosh stated the \$500,000 had already been committed and did not feel his bank would allow him to close his loan without the guaranteed \$500,000 commitment.

Councilmember Mertz asked what happens with the \$325,000 that had already been agreed upon. Mr. McIntosh stated the \$325,000 grant was in conjunction with loan TRF-0126.

Mr. Reavey referred to an agreement where it stated the loan had to be secured before June 1, 2009 or the loan went to another project.

Five-minute recess. (7:05 p.m.)

### **REGULAR MEETING – 7:00 p.m.**

#### **ROLL CALL BY MAYOR TERRY L. HILL AND PLEDGE OF ALLEGIANCE**

The regular meeting was called to order by Mayor Hill. All members were present including the city attorney.

#### **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. May 4, 2009 Regular Meeting
  2. May 11, 2009 Work Session
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve investment recommendations
- d. Approve calendar of events
- e. Proclamation – Public Works Week, May 17 – 23, 2009

A motion was made by President Washington and seconded by Councilmember Moyer to approve the Consent Agenda as printed. Motion passed 5-0.

#### **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.**

**George Smith (14923 Parallel)** agreed with Councilmember Dysart regarding Business Item "c". He did not feel the economy could support the additional debt of \$1.2 million and would like to see the City concentrate on additional infrastructure elsewhere in the City. He also requested Council support the water line relocation funding since it affected him directly.

**Kevin Barclay (4301 N. 141<sup>st</sup> Ct)** reported the City has hashed over the issues with the grocery store on numerous occasions. Benchmark Management has gone to KDOT to find ways to make the project happen and request Council approve both loan agreements.

**Sandra Grimes (15402 Crimson)** reported she felt people from Piper would support the new grocery store and felt once the economy turns around; people will look for a grocery store when deciding to move to town.

**John Flower (15515 Cedar Lane)** reported past council members had a desire to bring in an anchor store such as the grocery store and felt once the store opened; other stores would come to help pay the debt incurred by the City. Mr. Flower pointed out not all debt goes against the City's debt limit and felt Price Chopper was making improvements to their store because they were concerned about the new store opening.

#### **SCHEDULED DISCUSSION ITEMS (none)**

#### **BUSINESS**

A motion was made by Councilmember Mertz and seconded by Councilmember Dysart to separate Business Item "c" into two items "c(1)" and "c(2)". Motion passed 5-0.

##### ***a. Appointment of City Prosecutor***

Chief Martley introduced KiAnn McBratney and supported the mayor's appointment as city prosecutor. President Washington reported he participated in the interview and was impressed with her background.

Councilmember Moyer asked Ms. McBratney what her comments were regarding first time DWI offenders. Mrs. McBratney reported there was several options afforded by law and would follow the guidelines of the City. Councilmember Moyer urged her to be as tough as possible on first time DWI offenders.

A motion was made by President Washington and seconded by Councilmember Breuer to approve the mayor's appointment of KiAnn McBratney as city prosecutor for the City of Basehor. Motion passed 5-0.

#### **Recognition:**

Chief Martley reported two of his officers received commendations at the Leavenworth County Officer's Award banquet. Officer Erik Lynnes received "Officer of the Year" for the City of Basehor and Sgt. Greg Hallgrimson received Police Officer of the Year for Leavenworth County.

##### ***b. Consider approval of concept plans for 155<sup>th</sup> and Parallel Road intersection project.***

Matt Henderson, MHS Engineers, reported they have reviewed and considered improvements to the intersection at 155<sup>th</sup> and Parallel Road intersection. Mr. Henderson described the different scenario's noting their final recommendation would be to construct a round-about on 155<sup>th</sup> Street and explained the reasoning for selecting a round-about verses a signalized intersection. Round-about's have a proven safety record as well.

President Washington asked if staff had contacted school district staff regarding the proposed changes to the intersection. Mr. Slaugh reported he met with the school district about two months ago and met with them again today to update them on the status. They did have some concerns that they would loose parking at the Board of Education building. Mr. Slaugh informed them they would loose the entrance, not parking.

Mr. Henderson reported it would also provide a landscaping addition to the downtown area. Councilmember Breuer wanted to make sure the round-about was built big enough to handle truck traffic. Mr. Henderson noted he thought this one was larger than the one located in Pinehurst development.

Mr. Slaugh reported the goal was to acquire necessary easements in an effort to be ready if grant money became available at a later date.

A motion was made by President Washington and seconded by Councilmember Dysart to approve the post design concept for the 155<sup>th</sup> and Parallel Intersection project. Motion passed 5-0.

### **EXECUTIVE SESSION**

A motion was made by President Washington and seconded by Councilmember Dysart to convene into Executive Session for up to fifteen minutes for attorney-client privilege matter. Motion passed 5-0. The city attorney and city administrator attended the session. (7:47 p.m.)

At 8:05 p.m. the regular meeting was called back to order.

#### ***c. KDOT transportation revolving fund loan for Wolf Creek Parkway and 150<sup>th</sup> /24-40 Intersection***

##### **(1) Consider KDOT Loan Agreement TRF-0125 for Wolf Creek Parkway in the amount of \$1,500,000 and approve Ordinance 554.**

A motion was made by Councilmember Breuer and seconded by Councilmember Moyer to enter into loan agreement TRF-0125 with KDOT and adopt Ordinance 554. Motion passed 3-2 with council members Washington and Dysart voting no.

***ORD 554. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF BASEHOR, KANSAS AND***

*THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS TRANSPORTATION REVOLVING FUND TO FINANCE A QUALIFIED TRANSPORTATION PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.*

**(2) Consider approval of KDOT Loan Agreement TRF-0126 for \$1,200,000 for 150<sup>th</sup> Street Intersection improvements.**

A motion was made by President Washington and seconded by Councilmember Mertz to table action and direct staff and city attorney to perform a legal analysis and de-confliction of all documents involved and direct staff to send proper communications to State for an extension for the project. Motion passed 5-0.

***d. 150<sup>th</sup> Street, Craig Road north to Parallel Road, water line relocation expense***

A motion was made by President Washington and seconded by Councilmember Mertz to approve the relocation expense for water line on 150<sup>th</sup> street not to exceed \$106,000. Motion passed 5-0.

***e. Consider Charter Ordinance repealing Charter Ordinances 6 and 18.***

A motion was made by President Washington and seconded by Councilmember Moyer to approve Charter Ordinance No. 24. Motion passed 5-0.

*CHAR. ORD. 24. A CHARTER ORDINANCE REPEALING CHARTER ORDINANCES 6 AND 18 AS THEY HAVE BEEN SUPERSEDED BY CHARTER ORDINANCE NO. 22.*

***f. Consider 3% rate increase imposed by Deffenbaugh Industries for solid waste services effective July 1, 2009.***

Mr. Slaught reported the City has a five year contract with a provision that allows Deffenbaugh to make an annual increase based on the market; however, they have not increased their rates until now. The 3% rate increase constituted a twenty-nine cent increase per household from \$9.70 to \$9.99.

Deffenbaugh representative Jim Steele was present to address questions.

A motion was made by Councilmember Washington and seconded by Councilmember Breuer to approve Ordinance 553 implementing a 3% increase for solid waste [effective July 1, 2009]. Motion passed 5-0.

***g. Consider setting public hearing date for delinquent sewer and solid waste accounts.***

City Clerk Mary Mogle reported this was the final step before assessing delinquent utility accounts to resident's property taxes. She requested Council set the hearing date for June 15 at 7:00 p.m. Notices would be mailed certified with return receipt.

A motion was made by President Washington and seconded by Councilmember Mertz to set a public hearing for June 15, 2009 at 7:00 to allow debtors to voice their concerns about their utility assessments. Motion passed 5-0.

***h. Health and dental insurance plan renewal.***

The city clerk gave a presentation regarding proposed health, dental, life, and vision insurance bids.

Councilmember Moyer suggested going with the \$25 copay VSP Vision Plan C. President Washington stated there was a difference in structuring employee benefits and suggested discussing the coverage

A motion was made by Councilmember Mertz and seconded by President Washington to separate health, dental, and life insurance as one motion referenced as Business Item h(1) and VSP vision as H(2). Motion passed 4-1 with Councilmember Moyer casting a no vote.

**(1) Consider health, dental, and life insurance bids for city employees.**

A motion was made by President Washington and seconded by Councilmember Mertz to accept the city clerk's recommendation for BlueCross BlueShield of Kansas for health, life, and dental insurance. Motion passed 5-0.

**(2) Consider Vision insurance bids for city employees.**

A motion was made by President Washington and seconded by Councilmember Moyer to add an employee benefit of Vision service Plan C with a \$25 deductible. Motion passed 5-0.

***i. Consider appointment of staff member as MARCIT representative***

A motion was made by President Washington and seconded by Councilmember Dysart to appoint the city clerk to representative. Motion passed 5-0.

***j. Appointment to planning commission to fill vacancy***

Mayor Hill reported the documentation showed May; however, appointments do not come until July so he would delay appointments until the second meeting in June.

A motion was made by President Washington and seconded by Councilmember Mertz to table the appointment of a planning commission member to the vacant position until the June meeting. Motion passed 5-0.

***k. Appointment of City Administrator***

A motion was by President Washington and seconded by Councilmember Dysart to amend the agenda and table item "k" until after item 9 [Executive Session] on the agenda. Motion passed 5-0.

**CITY ADMINISTRATOR REPORT**

Nothing to report at this time.

**MAYOR TERRY L. HILL REPORT**

Due to time constraints with council members, the mini strategic planning session will be deferred until future date.

Mayor Hill attended the VFW celebration and was fortunate enough to read a proclamation for Loyalty Day, participated in a 21 gun salute, heard testimonies from veterans, and witnessed a ceremony for a fallen soldier. He encouraged others to attend next years event.

President Washington asked Mayor Hill to update the Council on his meeting with Clausie Smith, Mayor of Bonner Springs and hoped that some repair had taken place. Mayor Hill reported he and Mayor Smith will meet for lunch in the near future to discuss K-7 Corridor issues.

**COUNCIL MEMBER REPORTS**

**Jim Washington**

President Washington reported he was working on one project and would provide a report at a later date.

**Bill Moyer**

Councilmember Moyer reported he contacted the owner of Snap Fitness and planned to meet with them in a couple of weeks to see what the City could do to welcome them and asked Mr. McIntosh to give him a tour of the Wolf Creek to help him understand plans for the development.

Councilmember Moyer wanted to make sure that employees had the opportunity to cover their families under the VSP vision plan. President Washington explained the City would pay 100% of coverage for the employee and the employee would pay the difference

between the single plan and the family plan. President Washington thought this was one of those items that should be discussed in a work session in the future.

In closing Councilmember Moyer thanked the city superintendent for getting the flag poles at Basehor Brothers memorial repaired..

### **Dennis Mertz**

Councilmember Mertz reported he met with the mayor of Bonner Springs as well and hoped the two cities worked together in the future. He also met with the city administrator today to go over Pinehurst South sidewalk issue and hoped to come to some kind of resolution to bring to council.

### **David Breuer**

Councilmember Breuer noted that council member's Dysart and Washington were unable to attend the May 11 work session and hoped they read the proposal. He felt the proposals had merit and hoped the City moved forward with the program [Tax Rebate Program]

### **Other Topics**

Mayor Hill announced over the last several weeks, the council had expressed a willingness to work together and showed enthusiasm to work on special projects.

The city attorney reported the mayor should have voted on adoption of the charter ordinance and asked that another motion be made to include the mayor's vote.

A motion was made by President Washington and seconded by Councilmember Dysart to move for reconsideration of Business Item "e". Motion passed 5-0.

A motion was made by President Washington and seconded by Councilmember Moyer to approve Charter Ordinance 24. Motion passed 6-0. (Mayor voted.)

### **EXECUTIVE SESSION**

A motion was made by President Washington and seconded by Councilmember Dysart to convene into Executive Session not to exceed twenty-five minutes for non-elected personnel and attorney client privilege. The first part of the session to include city attorney only. Motion passed 5-0. (8:47 p.m.) Note: the city administrator did not attend this session at any time.

The regular meeting was called back to order at 9:20 p.m.

A motion was made by President Washington and seconded by Councilmember Breuer to convene into Executive Session not to exceed fifteen minutes for non-elected

personnel and attorney client privilege. The first part of the session to include city attorney only. Motion passed 5-0. (9:20 p.m.) The city administrator was asked into the Executive Session at 9:30 p.m.

The regular meeting was called back to order at 9:35 p.m.

**k. Appointment of City Administrator**

No action taken due to lack of motion.

**OTHER BUSINESS**

Mr. Reavey reported his review of Mr. Treff issue was this is not the city's responsibility and it was up to the developer to make amends with Mr. Treff and wanted to make sure the Council was on board with his recommendation.

Councilmember Breuer stated it was going to be impossible for his property not to be damaged and wanted to make sure the city did not have a safety issue.

Mr. Reavey said his recommendation would be that no building permits be issued on the entire plat since he deemed the plat as defective. Mr. Myracle suggested the City require the developer use one lot for a "bulkhead" turn around similar to the same situation in Metzger Meadows Phase II.

Councilmember Dysart asked what would happen if someone drives off the end of the Road and gets hurt. Mr. Myracle stated delineators would be installed after the cul de sac was removed..

Mayor Hill directed the planning director to not issue building permits until Council addressed the issue in the future.

Mayor Hill reported non renewal of city administrator contract was important and asked that staff and council members not make statements to the newspaper. He would issue all statements.

**ADJOURNMENT**

There being no further business to discuss, a motion was made by President Washington and seconded by Councilmember Mertz to adjourn the May 18<sup>th</sup> regular meeting. Motion passed 5-0. (9:40 p.m.)

Submitted for Council approval with/without corrections or additions this 1<sup>st</sup> day of June, 2009.

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Terry L. Hill, Mayor

Attest:

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Mary A. Mogle, City Clerk

## CHECK REGISTER REPORT

AS OF 05/26/09

Date: 05/26/2009

Time: 12:56pm

Page: 1

City Of Basehor

BANK: First State Bank

Check Number	Check Date	Status	Vendor Number	Vendor Name	Check Description	Amount
16657	05/22/2009	Printed	EFTPS	EFTPS	FIT/MEDI/WITHHOLDING PYMT	12,436.29
16658	05/22/2009	Printed	GRIFFIN/WI	WILLIAM GRIFFIN	BANKRUPTCY WITHHOLDING PYMT	200.00
16659	05/22/2009	Printed	KS DOR WTH	KANSAS DEPARTMENT OF REVENUE	KS WITHHOLDING PYMT	1,984.26
16660	05/22/2009	Printed	KANSAS PAY	KANSAS PAYMENT CENTER	CHILD SUPPORT WITHHOLDING PYMT	379.50
16661	05/22/2009	Printed	KPF EFT	KPF EFT PROGRAM	KPF RETIREMENT WITHHOLDING PYM	3,712.14
16662	05/25/2009	Printed	WESTAR GRP	WESTAR ENERGY	UTILITIES - ELECTRIC	6,299.84
16663	05/26/2009	Printed	ADVANCE IN	ADVANCE INSURANCE COMPANY	EMPL LIFE & AD&D INSURANCE PYM	125.00
16664	05/26/2009	Printed	ADVANCE PE	ADVANCE PEST CONTROL	PEST CONTROL CITY HALL/PARK/WW	154.55
16665	05/26/2009	Printed	AFLAC	AFLAC	CAFETERIA PREM WITHHOLDING PYM	826.70
16666	05/26/2009	Printed	BASEHOR CH	BASEHOR CHAMBER OF COMMERCE	MEMBERSHIP LUNCH REGISTRATION	7.00
16667	05/26/2009	Printed	BLUE CROSS	BLUE CROSS & BLUE SHIELD OF KS	MEDICAL INSURANCE WITHHOLDING	12,108.30
16668	05/26/2009	Printed	BURNS & MC	BURNS & MCDONNELL	PROFESSIONAL SERVICES - BTC	23,150.18
16669	05/26/2009	Printed	CARTER WAT	CARTER WATERS CORPORATION	2 TONS ASPHAL PATCH MATERIALS	190.23
16670	05/26/2009	Printed	CAS CONSTR	CAS CONSTRUCTION LLC	WWTP EXPANSION / UPGRADE	486,120.08
16671	05/26/2009	Printed	CONS WATER	CONS RURAL WATER DISTRICT #1	WATER LINE RELOCATION-BTC	4,500.00
16672	05/26/2009	Printed	DATA ESSEN	DATA ESSENTIALS	COPY PAPER-BLUE/GREEN/WHITE	153.20
16673	05/26/2009	Printed	DIV ACCTS	DIVISION OF ACCOUNTS & REPORTS	FILE COPY 2008 AUDIT W/STATE	150.00
16674	05/26/2009	Printed	FELDMANS	FELDMANS	WHEELBARROW/RAKE	218.96
16675	05/26/2009	Printed	GRASS PAD	GRASS PAD	SEED SEWER LINE DITCH	428.00
16676	05/26/2009	Printed	HAYNES EQU	HAYNES EQUIPMENT CO	GINDER PUMP REPAIR/REPLACEMENT	6,586.00
16677	05/26/2009	Printed	ING LIFE	ING LIFE INSURANCE & ANNUITY	DEFERRED COMP WITHHOLDING PYMT	7,509.27
16678	05/26/2009	Printed	JOCO ENVIR	JOHNSON COUNTY ENVIRONMENTAL	SAMPLE TESTING 05/07/09	113.50
16679	05/26/2009	Printed	KS DOR ALC	KANSAS DEPARTMENT OF REVENUE	MALT BEVERAGE LICENSE 2009	25.00
16680	05/26/2009	Printed	LEAGUE KM	LEAGUE OF KS MUNICIPALITIES	MANUALS, BOOKLETS, TRAINING	1,342.48
16681	05/26/2009	Printed	LEAVENWORT	LEAVENWORTH COUNTY COURTHOUSE	RECORDING FEES - 150TH STREET	48.00
16682	05/26/2009	Printed	LV SHERIFF	LEAVENWORTH COUNTY SHERIFF	BOARDING PRISONERS APRIL '09	122.50
16683	05/26/2009	Printed	LEVEL 4	LEVEL 4 ENGINEERING LLC	ENGINEERING & SURVEYING BTC	23,825.00
16684	05/26/2009	Printed	LOI TECH	LOI TECHNOLOGY	COMPUTER SYSTEM/FIREWALL/ANTIV	1,132.48
16685	05/26/2009	Printed	LOWENTHAL	LOWENTHAL SINGLETON WEBB & WIL	AUDIT FINANCIAL STMTS 2008	9,700.00
16686	05/26/2009	Printed	LVCO TRANS	LVCO TRANSFER STATION	SIGN BUILDING REMOVAL PWD	104.30
16687	05/26/2009	Printed	MARCIT	MARCIT	DENTAL INSURANCE WITHHOLDING P	1,224.00
16688	05/26/2009	Printed	MCCORKENDA	MCCORKENDALE CONSTRUCTION INC	BTC-SANITARY SEWER CONSTRUCTIO	54,537.36
16689	05/26/2009	Printed	NEXTEL	NEXTEL COMMUNICATIONS	CELLULAR SERVICES 04/08-05/07	528.85
16690	05/26/2009	Printed	OREILLYSPR	O'REILLY AUTO PARTS	MISC OIL/FILTERS VEHICLES	328.97
16691	05/26/2009	Printed	OLATHE FOR	OLATHE FORD	RADIO INSTALLATION-NEW UNIT	1,242.77
16692	05/26/2009	Printed	PINE FAMIL	PINE FAMILY FARMS, LLC	SOD REPLACEMENT-CEDAR LAKES	184.00
16693	05/26/2009	Printed	QUILL	QUILL	OFFICE SUPPLIES-PAPER/FOLDERS/	571.72
16694	05/26/2009	Printed	REAVEY LAW	REAVEY LAW LLC	LEGAL SERVICES	2,265.00
16695	05/26/2009	Printed	RON WEERS	RON WEERS CONSTRUCTION, INC.	BTC - SANITARY SEWER PROJECT	47,495.70
16696	05/26/2009	Printed	SELECT IMA	SELECT IMAGING	FILEBOUND HOSTING FEE	300.00
16697	05/26/2009	Printed	SUNFLOWER	SUNFLOWER BROADBAND	PHONE SERVICES-LIFT STATION	21.00
16698	05/26/2009	Printed	WALMART MA	WALMART	PROMO ITEMS/CLEANING-CITY SUPP	425.82

Total Checks:	42	Bank Total:	712,777.95
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Total Checks:	42	Grand Total:	712,777.95
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BALANCE SHEET

AS OF 05/26/09

Page: 1

5/26/2009

1:20 pm

City Of Basehor

As of: 5/31/2009

Balances

Fund: 13 - SUMMATION OF ALL FUNDS

Assets

001 FSB CHECKING ACCOUNT	84,330.12
002 FSB MONEY MARKET ACCOUNT	2,967,492.13
005 BASEHOR TOWN CENTER ACCOUNT	992,363.23
006 BASEHOR TOWN CENTER 90 DAY CD	1,000,000.00
007 BASEHOR TOWN CENTER 180 DAY CD	1,000,000.00
031 500030 CNB 1.36% 072009	800,000.00
045 418000021 COMMERC 1.37% 081009	1,400,000.00

Total Assets

8,244,185.48

Liabilities

214 SEWER FUND MONTHLY BALANCE	396,394.00
215 SOLID WASTE MONTHLY BALANCE	76,766.04
216 GENERAL FUND MONTHLY BALANCE	736,317.62
218 MUNICIPAL EQUIP FUND MO BAL	261,445.73
219 CAPITAL IMPROVE FUND MO BAL	1,229,489.92
220 SPECIAL PARK & REC FUND MO BAL	150,224.44
221 CONS HIGHWAY FUND MONTHLY BAL	2,371,658.37
226 BOND & INTEREST MONTHLY BAL	271,563.40
230 TOWN CENTER PROJECT MO BALANCE	2,839,771.06
231 WOLF CREEK PROJECT MO BALANCE	-138,497.97
300 CL MAINTENANCE MONTLY BALANCE	49,052.87

Total Liabilities

8,244,185.48

Total Liabilities & Balances

8,244,185.48

**REVENUE/EXPENDITURE REPORT**

AS OF 05/26/09

	Original Bud.	Amended Bud.	YTD Actual	CURR MTH
Fund: 01 - GENERAL FUND				
Revenues	1,726,436.00	1,726,436.00	917,375.90	40,740.24
Expenditures	2,654,402.00	2,657,402.00	843,308.85	151,306.71
Net Effect for GENERAL FUND	-927,966.00	-930,966.00	74,067.05	-110,566.47
Fund: 04 - SPECIAL PARK & RECREATION FUND				
Revenues	22,855.00	22,855.00	4,785.45	600.00
Expenditures	13,500.00	13,500.00	820.72	320.72
Net Effect for SPECIAL PARK & RECREATION FUND	9,355.00	9,355.00	3,964.73	279.28
Fund: 05 - SEWER FUND				
Revenues	6,673,694.00	6,673,694.00	2,884,575.35	386,009.80
Expenditures	7,297,843.00	7,297,843.00	2,550,672.99	531,771.68
Net Effect for SEWER FUND	-624,149.00	-624,149.00	333,902.36	-145,761.88
Fund: 07 - CEDAR LAKES MAINTENANCE				
Revenues	11,170.00	11,170.00	292.95	0.00
Expenditures	17,000.00	17,000.00	13,762.84	8,045.68
Net Effect for CEDAR LAKES MAINTENANCE	-5,830.00	-5,830.00	-13,469.89	-8,045.68
Fund: 08 - BOND & INTEREST FUND				
Revenues	436,168.00	436,168.00	272,867.02	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	165,381.39	0.00
Fund: 09 - SOLID WASTE FUND				
Revenues	164,641.00	164,641.00	59,133.59	241.01
Expenditures	167,149.00	167,149.00	59,935.54	11,712.38
Net Effect for SOLID WASTE FUND	-2,508.00	-2,508.00	-801.95	-11,471.37
Fund: 10 - CONSOLIDATED HIGHWAY FUND				
Revenues	630,625.00	630,625.00	176,930.10	5,128.39
Expenditures	1,127,377.00	1,127,377.00	37,509.85	2,364.35
Net Effect for CONSOLIDATED HIGHWAY FUND	-496,752.00	-496,752.00	139,420.25	2,764.04
Fund: 11 - MUNICIPAL EQUIP RESERVE FUND				
Revenues	167,300.00	167,300.00	1,641.12	0.00
Expenditures	150,000.00	150,000.00	96,167.82	46,428.92
Net Effect for MUNICIPAL EQUIP RESERVE FUND	17,300.00	17,300.00	-94,526.70	-46,428.92
Fund: 12 - CAPITAL IMPROVEMENT FUND				
Revenues	438,967.00	438,967.00	103,433.62	0.00
Expenditures	150,000.00	150,000.00	84,852.00	306.00
Net Effect for CAPITAL IMPROVEMENT FUND	288,967.00	288,967.00	18,581.62	-306.00
Fund: 18 - BASEHOR TOWN CENTER PROJECT				
Revenues	0.00	0.00	17,521.71	0.00
Expenditures	0.00	0.00	510,902.23	136,619.41
Net Effect for BASEHOR TOWN CENTER PROJECT	0.00	0.00	-493,380.52	-136,619.41
Fund: 19 - WOLF CREEK PROJECT				
Expenditures	0.00	0.00	138,497.97	226.00
Net Effect for WOLF CREEK PROJECT	0.00	0.00	-138,497.97	-226.00

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

<b>JUNE</b>			
<b>MONTH/DA</b>	<b>TIME</b>	<b>EVENT</b>	<b>LOCATION</b>
1	6:00 p.m.	City Council Meeting	City Hall Meeting Room
2	6:30 p.m.	Planning Commission Meeting	City Hall Meeting Room
6	7:30 am - 4:00 pm	Dairy Days Festival	City Park
8	6:00 p.m.	City Council Work Session	City Hall Meeting Room
9	1:00 p.m.	Municipal Court	City Hall Meeting Room
10	4:00 p.m.	Park & Tree Board Meeting	City Hall Meeting Room
14	1:00 p.m.	Municipal Court	City Hall Meeting Room
15	6:00 p.m.	City Council Meeting	City Hall Meeting Room
	Projects:	Budget & capital improvement program preparation	

Next Meetings:

- July 6, 2009 Regular Meeting
- July 13, 2009 Work Session
- July 20, 2009 Regular Meeting

May 19, 2009

Dear Governing Body,

Based on the city council's decision not to renew my employment contract, I elect voluntarily to resign my position as city administrator for the City of Basehor effective at the close of business May 19, 2009.

I do this with the understanding that the city council will approve severance pay in the equivalent amount of six months pay as a statement of good will and to ease the burden of finding new employment.

I have enjoyed my opportunity to work for the City of Basehor and have tried with great diligence and effort to move to fruition the projects and improvements supported by the majority vote of the city council.

Sincerely,

A handwritten signature in cursive script that reads "Carl E. Slauch".

Carl E. Slauch  
1816 160<sup>th</sup> Circle  
Basehor, KS 66007

## SEVERANCE AND RELEASE AGREEMENT

This Severance and Release Agreement (the "Agreement") is entered into between the City of Basehor, Kansas (hereinafter "the City") and Carl Slauch, former City Administrator of Basehor, Kansas (hereinafter "Administrator").

WHEREAS, the Administrator was formerly employed as City Administrator of the City;

WHEREAS, the City declined to renew Administrator's employment contract, which contract expired on May 18, 2009;

WHEREAS, Administrator has submitted a letter of resignation to the Mayor, which has been accepted by the City;

WHEREAS, the City desires to pay Administrator severance pay as recognition of his service to the City, and to allow Administrator time to find substitute employment;

WHEREAS, the City believes it is in the best interest of the City to condition payment of such severance pay on Administrator signing this Severance and Release Agreement;

WHEREAS, the Parties seek to fully and finally settle any and all existing or potential claims, whether or not now known, arising out of the Administrator's employment with the City, the City's failure to renew Administrator's contract, Administrator's resignation, and the end of Administrator's employment, on the terms set forth herein;

NOW THEREFORE, the Parties mutually understand and agree as follows:

1. Severance Payment. Within ten business days after the City's receipt of this Agreement executed by Administrator, the City will tender to Administrator a check for \$19,170.32, which will be representative of payment for six months of the wages (but nothing else) Administrator would have received in the event the contract in effect prior to May 18, 2009 would have remained in effect for an additional six months, less all normal tax and other withholdings required by State or Federal law.
2. Consideration. Administrator acknowledges that the consideration set forth herein may exceed that to which Administrator would otherwise be entitled if the parties did not enter into this Agreement.
3. Waiver and Release. For the consideration from the City as set forth herein, the Administrator waives, releases and forever discharges the City and their current and former employees, appointed officers, and elected officials from any and all rights, causes of action, claims or demands, whether express or implied, known or unknown, which the Administrator has or may have against the City, its current or former employees, appointed officers, or elected officials, including, but not limited to, any rights, causes of action, claims, or demands that could be pursued by Administrator relating to or arising out of the following:
  - (a) all claims for discrimination or retaliation under Title VII of the Civil Rights Act of 1964, as amended, the Reconstruction Act of 1866, the Americans With Disabilities Act, the Rehabilitation Act of 1973, as amended, the Family and Medical

Leave Act (FMLA), the Age Discrimination in Employment Act, the National Labor Relations Act, or the Employee Retirement Income Security Act (ERISA) (or any other federal, state, or local law relating to employment, discrimination, or retaliation); and

(b) all claims for wages, compensation, vacation pay, sick pay, compensatory time, commissions, or benefits under ERISA, the Federal Equal Pay Act, or the Fair Labor Standards Act (FLSA) (or any other federal, state, or local wage and hour law); and

(c) all claims arising under the common law of any state which relate to or arise out of Administrator's employment or termination of employment including, but not limited to, claims relating to employment contracts (express or implied), intentional interference with contracts, wrongful discharge, retaliatory discharge, retaliation, intentional or negligent infliction of emotional distress, defamation, invasion of privacy, wrongful termination of benefits, and wrongful denial of wages and/or commissions; and

(d) all remedies of any type, including, but not limited to, damages and injunctive relief, in any action that may be brought on the Administrator's behalf against the City by any government agency or other person.

4. Attorneys Fees and Costs. The Parties agree that each will bear his/their own attorneys fees and costs incurred in connection with this Agreement and agree not to pursue the collection of any costs from one another.

5. Wage Deduction Orders. The Administrator represents and warrants that he is not subject to any wage garnishment or wage deduction order.

6. No Waiver of Vested Rights. Notwithstanding anything else in this Agreement, the Parties agree that this Agreement shall not adversely affect, alter, or extinguish any vested right that Administrator may have with respect to any pension or other retirement benefits to which the Administrator is or will be entitled by virtue of Administrator's employment with the City, and nothing in this Agreement shall prohibit Administrator from enforcing such rights.

7. No Waiver of Future Claims. Notwithstanding anything else in this Agreement, the Parties agree that this Agreement does not constitute a waiver of any rights or claims that may arise after the date on which Administrator executes this Agreement.

8. Other Claims. Administrator represents and warrants that he has filed no claims, lawsuits, charges, grievances, or causes of action of any kind that are currently pending, or that could be brought in the future, against the City, its current or former employees, appointed officers, or elected officials, and that, to the best of Administrator's knowledge, he possesses no claims (including FMLA, FLSA, and workers compensation claims), all of which are being released by this Agreement. Administrator further represents and warrants that he has received any and all overtime compensation and FMLA leave to which Administrator may have been entitled, and that Administrator is not currently aware of any facts or circumstances constituting a violation by the City of the FMLA or FLSA. Nothing herein shall be interpreted as limiting Administrator's right to maintain an action to enforce any provision of this Agreement.

9. Non-Admission of Liability. The Parties agree that nothing contained in this Agreement is to be construed as an admission of liability, fault, or improper or unlawful action on the part of either party.

10. Return of Company Property. Administrator represents and warrants that he has returned all property belonging to the City, including, but not limited to, all keys, office equipment, computers, documents, records, files, written materials, electronic information, credit cards bearing the City's name, and other property of the City (originals or copies in whatever form) in Administrator's possession or under Administrator's control.

11. Consultation With Legal Counsel. Administrator acknowledges that the City has advised Administrator to consult with an attorney prior to signing this Agreement.

12. Review Period. Administrator acknowledges that he has been given at least twenty-two (22) days to consider this Agreement from the date that it was first given to him. Administrator may accept the Agreement by executing the Agreement within the designated time period.

13. Choice of Law. This Agreement is made and entered into in Kansas and, to the extent the interpretation of this Agreement is not governed by applicable federal law, shall be interpreted and enforced under and shall be governed by the laws of that state.

14. Severability. Should any provision of this Agreement be held to be illegal, void or unenforceable, such provision shall be of no force and effect. However, the illegality or unenforceability of any such provision shall have no effect upon, and shall not impair the enforceability of, any other provision of this Agreement.

15. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

16. Binding Effect. This Agreement shall be binding upon and inure to the benefit of Administrator, the City, City employees, officers, and elected officials, and their respective representatives, predecessors, heirs, successors, and assigns.

17. Entire Agreement. This Agreement contains the complete understanding between the Parties, and no other promises or agreements shall be binding unless signed by both an authorized representative of the City and Administrator. In signing this Agreement, the Parties are not relying on any fact, statement, or assumption not set forth in this Agreement.

18. Representation and Warranty of Understanding. By signing below, Administrator represents and warrants that he: (a) has carefully read and understands the terms of this Agreement; (b) is entering into the Agreement knowingly, voluntarily and of his own free will; and (c) understands its terms and significance and intends to abide by its provisions without exception.

\_\_\_\_\_  
Carl Slaugh

STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF LEAVENWORTH    )

The undersigned hereby certifies that Carl Slaugh appeared before me on May \_\_\_\_, 2009, and voluntarily signed this document and verified that all of the representations, warranties, and other statements made by the Administrator, or to which the Administrator agreed, are true.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

City of Basehor, Kansas

BY: \_\_\_\_\_  
      Mayor Terry Hill

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney Patrick G. Reavey

## Honey Creek Mowing Issues

1. Some complaints have been made by residents of Honey Creek Farms.
2. Notices were sent out to two foreclosed properties on 5/20 that are located in the Honey Creek Farms development.
3. In the past the majority of the remaining area was used for agricultural purposes (baled for hay). This has been allowed to occur in the past
4. I received a complaint today 5/26 in regards to a sight triangle issue, that in fact the tall grass may be hindering line of sight for drivers.
5. I received bids from several contractors in regards to mowing empty/vacant/foreclosed properties in town and will be offering a contract within the week.
6. No contact has been made with the owners of the Honey Creek Development in regards to the remaining area, due to the agricultural purposes it had been used for in the past.
7. The fact of the matter is that the developers can and do receive a lower tax rate if the area is used and maintained for an agricultural purposes (hay baling) even though it is a housing development.
8. I am not condoning the tall grass but some natural grass is seen as a nice thing throughout the metro area and the nation. It is becoming more and more frequent to see 'over grown' natural grasses in very influential areas.
9. I will send the owners notice that the remaining area needs tended to although as I told one resident today (5/26) that if they come back and say they are using it for agricultural purposes I would not really push the issue.
10. I try to see both sides of the issue, if the developer can save some money on a piece of ground then they should be afforded that opportunity, but then again I have to look at it from the residents side also and I understand that they do not want to live next to these issues.

Respectfully,

*Mark J. Lee*

Mark J. Lee

Building Official

Codes Enforcement Officer

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** MARCIT Contract Agreement (Dental Insurance)

**Department:** Administration and Planning

**Background/Description of Item:**

Last week Mary Ann notified MARCIT that they were low bidder for dental insurance and that the City was going to contract with BlueCross BlueShield of Kansas for benefit year 2009-2010. She was advised that a cancellation notice had to be made ninety days (April 1) prior to actual cancellation. If that time frame was not met, there would be a 25% penalty.

Currently I am in negotiations with MARCIT to see if they will meet BSBS's rates and will notify you as soon as I receive a response. It may be necessary to stay with MARCIT until next year.

**Funding Source:** Employee Benefits

**Recommendation:** Discuss and possibly take action regarding dental provider for benefit year 2009-2010.

Prepared by: Lloyd Martley, Interim City Administrator/Police Chief  
Council Date: June 1, 2009

**Mary Mogle**

---

**From:** Joe McAfee [joe.mcafee@mhs-eng.com]  
**Sent:** Wednesday, May 27, 2009 3:41 PM  
**To:** cityclerk@cityofbasehor.org  
**Cc:** baseormayor@cityofbasehor.org  
**Subject:** RE: utility conflicts

Mayor and Mary,

I talked with the interim City Administrator Martley yesterday about this issue and I was going to discuss the issue in open discussion at Monday night's meeting, but I am not sure if we can get an action on it Monday night or not. I am still waiting on the plan from MKEC and pricing from McCorkendale on the sewer force main and Suburban Water on the waterline relocate.

Carl Slaugh and all parties were aware of the required change but the cost had not been calculated because we were unsure if Wolf Creek Parkway was going to be located on the new alignment or the old design. Long-story short when 150<sup>th</sup> gets straighten out the forcemain and watermain will be getting relocated adjacent to the new 150<sup>th</sup> Street for the entire length of the 150<sup>th</sup> Street project. Since we are constructing Wolf Creek Parkway now, and it includes a big cut across the existing water and forcemain we have to deal with this portion of the re-location at this time.

To answer the Mayor's questions,

2. Although the Mayor says that the watermain and forcemain are not in easements, I believe they actually are in an easement for the Wolf Creek Plat. They are not located in a right-of-way, which means that the relocation will be a project expense and not a utility owner expense.
3. Yes, this was considered to be part of the project scope from the start, but the cost was not determined because the final alignment of 150<sup>th</sup> Street is still in design by MKEC.
4. The project is considered a city project.
5. Consolidated Water should not be affected until the 150<sup>th</sup> Street project gets under construction. It was my understanding that they are not affected by the Wolf Creek Parkway project.
6. Yes, Gene is aware of the force main issue, as it was discussed in our project meetings with Carl, Ed, and MKEC. It will need to be lowered. I have asked Ed to have his engineer get us a drawing for the proposed lowering so we can approve the plan.
7. In my discussions with Chief Martley yesterday I told him that I would keep him involved with all coordination.

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**From:** Mary Mogle [mailto:cityclerk@cityofbasehor.org]  
**Sent:** Wednesday, May 27, 2009 2:59 PM  
**To:** 'Joe McAfee'  
**Cc:** baseormayor@cityofbasehor.org  
**Subject:** FW: utility conflicts

Joe, would you please provide a written response to Terry's concerns listed below.

**Mary A. Mogle, CMC**

**City of Basehor**

**P. O. Box 406**

5/27/2009

Basehor, Ks 66007-0406

913-724-1370 ext. 28

*Live life as if there is no tomorrow...treat your loved ones as if it were your last day together...live, laugh, and love.*

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**From:** Mayor Terry Hill [mailto:basehormayor@cityofbasehor.org]

**Sent:** Tuesday, May 26, 2009 2:54 PM

**To:** cityclerk@cityofbasehor.org

**Subject:** utility conflicts

Mary, here are my notes on a possible agenda item. Again, if it is understood that this is a city project and expense, then no need for agenda.

1. Conflict with 150<sup>th</sup> and Wolf Creek pkwy water line and force main
2. Neither utility is in easement or right of way
3. Was this considered to be part of the project scope from the start?
4. Suburban needs a letter stating that this is a city project if it is so
5. Consolidated Water also needs a letter that this is a city project, if it is so
6. Is Gene aware of the force main issue, it has to be moved/lowered
7. Chief Martley needs to be involved with coordination of project.

Terry Hill  
Mayor, City of Basehor  
2620 N. 155th Street  
PO Box 406  
Basehor, KS 66007  
913-724-1370 Office

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



Please consider your environmental responsibility before printing this e-mail

5/27/2009

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider increase in pay for KU MPA intern.

**Department:** Administration

**Background/Description of Item:**

Over the last couple of years, the City of Basehor has been fortunate to use interns from the KU MPA program. The interns provide a valuable service by working on special projects, attending meetings for the city administrator, and assist the city clerk when needed.

Interns work in cities throughout the Kansas City metro area, and often intern in several cities. Currently the City pays interns \$11.00 per hour. In an effort to make Basehor a more attractive place to work, it is suggested the pay be increased to \$13.00 per hour.

Our current intern Nickie Lee contacted KU Public Administration Department Administrative Director Ray Hummert to see what he recommended for a pay range. Mr. Hummert noted most interns are currently being offered \$10-13 per hour.

Currently six out of ten interns have applied for the position. Interviews will take place the first week in June.

Attached is a sheet to give you an idea of 2008-2010 MPA class and where they are currently interning.

**Funding Source:** Gen Government (01-003-702)

**Recommendation:** A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ to increase pay for the KU MPA intern position to \$13.00 per hour.

Prepared by: Lloyd Martley, Interim City Administrator/Police Chief  
Council Date: June 1, 2009



# THE UNIVERSITY OF KANSAS

## 2008-2010 Master of Public Administration Class



**Artur Bagiyants** Artur is a Mary Morrill-Litchfield Scholar. He attended Washburn University and the University of Kansas, graduating with a degree in Political Science. During college he had an opportunity to intern in the Kansas Legislature and the Governor's Office, gaining valuable knowledge about state government. He is currently interning in the office of the Secretary of the Kansas Department of Transportation.



**Megan Dodge** Megan, a Richard B. Chesney and Mary Morrill-Litchfield Scholar, graduated with distinction from the University of Kansas in 2007 with a Bachelor of Arts degree in Public Administration and Spanish. She is a member of the Phi Beta Kappa and Sigma Delta Pi (Spanish) honor societies. Since graduation, Megan has served in the Risk Management division in the City of Lawrence, Kansas. She also completed a broad staffing survey of 20 cities in Kansas and nationwide. Megan is currently interning with the City of Bonner Springs, Kansas.



**George Ertle** George graduated from the University of Dayton as a Dayton Civic Scholar with a degree in Political Science. As a Dayton Civic Scholar, George worked with his cohort to develop and publish a student guidebook to downtown Dayton. George's public service experience includes two years of interning in the Office of Management and Budget for the City of Dayton where he acquired experience in budgeting and program evaluation. George was awarded the Buford M. Watson, Jr. Memorial Scholarship and is currently interning in the City Administrator's Office in Leawood, Kansas.



**Joseph Frederickson** Joseph, an Ethan Allen Scholar, graduated from Brigham Young University in 2008 with a Bachelor's degree in Political Science. He served as a full time missionary for two years in the Sacramento, California area, where he became proficient in Spanish and acquired service, teaching, and leadership skills. Joseph completed a full time internship with the Utah State Legislature during its 2008 session, where he served as the only full time staff for the chair of the Transportation, Environmental Quality, and National Guard Appropriations Subcommittee.



**Ryan Harvey** Ryan, recipient of the Mark Keane and Ethan Allen Scholarships, graduated Magna Cum Laude with a Bachelor's degree in Political Science from Weber State University. He served a two year mission in Mexico City for his church before finishing his bachelor degree where he learned leadership skills and a love for people. Ryan completed an internship with South Ogden City, Utah, where he discovered his love for leadership in local government. He is a proud husband and father. He is currently working for the City of Ottawa, Kansas.



**Emily Jackson** Emily, an Ethan Allen Scholar and Clara Schneider-Perkins Scholar, graduated from the University of California- Davis in 2004 with degrees in Political Science and Sociology with an emphasis in Law. She was an intern in Washington, DC, for California Congressman Mike Thompson. Upon graduating, Emily worked for the City of East Palo Alto, California for three years as an Employee Relations Technician and Budget Analyst, gaining experience in budget preparation, labor negotiations and personnel recruitments. She is currently interning with the Douglas County Administrator's Office.



**Phil Laney** Phil, an Ethan Allen Scholar, graduated Summa Cum Laude from the University of Central Arkansas with a Bachelor of Arts degree in Political Science and a minor in Writing. He has worked with Camp Aldersgate, a camp for youth with special needs, where he was a Summer Camps Supervisor and Weekend Camps Assistant Coordinator. After graduation, he worked with a person with special needs on supportive living skills and education through Easter Seals of Arkansas. Phil is currently interning in the City Manager's Office in the City of Overland Park, Kansas.

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider contracting with League of Kansas Municipalities "Executive/Administrative Position Search Program (LEAPS) to assist in the search for a city administrator.

**Department:** Administration

### Background/Description of Item:

In 2005, the city of Basehor contracted with the League of Kansas Municipalities to assist with the hiring of a new city administrator. The process started with governing body members completing profile surveys. From these surveys, LKM was able to glean qualities council hoped to find in their next administrator. LKM staff assisted with updating the job description, performed all the advertising, background and educational checks, weeding out applicants that did not meet necessary criteria, and assisted with scheduling interviews.

Attached is a packet from LKM explaining the LEAPS program and fees.

*Extracted from LKM Contract:*

#### **Part III**

*City agrees to pay the League \$4,118.70 ("base fee") for the services to be provided under this agreement. The base fee shall be paid as follows: \$2,059.35 upon the City's receipt of notice that the League has accepted the agreement; the balance of the base fee \$2,059.35, shall be paid upon the completion of the selection and hiring process or upon the termination of this agreement, as specified in Part IV, whichever occurs first. The base fee includes League staff time and expenses for up to two trips to the City. All additional trips to the City shall be billed at the rate of \$150.0 per trip plus mileage at the rate of \$0.505 per mile from Topeka, Kansas. In addition to trip fees, the City shall be responsible for all advertising expenses. Trip fees and advertising expenses shall be billed to the City as incurred by the League, but not more frequently than monthly, and shall be due upon receipt.*

**Funding Source:** Gen Government (01-003-799)

**Recommendation:** A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ authorizing mayor to sign contract with LKM and authorize funds in accordance with Part III of said contract.

Prepared by: Lloyd Martley, Interim City Administrator/Police Chief  
Council Date: June 1, 2009



300 SW 8th Avenue  
Topeka, Kansas 66603-3912  
Phone: (785) 354-9565  
Fax: (785) 354-4186

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League of Kansas Municipalities

May 20, 2009

Mary Ann Mogle  
City of Basehor  
2620 North 155<sup>th</sup>  
P.O. Box 406  
Basehor, Kansas 66007

Dear Mary Ann:

It was nice speaking with you this afternoon. I am happy to help the City of Basehor in your search for a new city administrator, and I welcome any questions you might have regarding the process. Our executive search program has been quite successful in recent years filling senior management positions across the state, and I am optimistic we can provide a successful program for Basehor. If you chose to use the League's service, I will personally be leading the search for your new administrator.

This mailing includes an overview of the League's Executive/Administrative Position Search Program (LEAPS) for the City of Basehor. I will work with your city to design a program that meets your needs, and I think you will find the services to be both economical and beneficial.

I have also provided a price quote, followed by several pages that detail the services covered by LEAPS. I have also included two signed copies of our contract offer. If you agree to use our services, please sign and return one of the copies.

If you have any questions, please do not hesitate to contact me at 785-354-9565 or at [neberline@lkm.org](mailto:neberline@lkm.org).

Sincerely,

A handwritten signature in black ink that reads "Nathan Eberline".

Nathan Eberline - 785-215-1994 CELL  
Intergovernmental Relations Associate

Enclosure

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## LEAGUE OF KANSAS MUNICIPALITIES

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### League Executive/Administrative Position Search – LEAPS

#### Ten Reasons to Utilize LEAPS

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- 1. You Set the Standards** – The League will ask each governing body member to complete a Characteristics Profile Checklist and a Distribution of Responsibility Checklist. This establishes the most important characteristics your community desires in a new manager/administrator.
- 2. We Know Kansas** – For nearly a century, the League of Kansas Municipalities has served cities and counties in the State of Kansas. We understand the type of leaders needed in Kansas communities. We can help you find them.
- 3. We Provide a Planning Session** – A League Representative will be available to visit your community, discuss the process, provide guidance, and answer any questions.
- 4. We Personalize the Job Description** – The League will use the governing body's desired characteristics to establish a job description specifically for your community.
- 5. We Propose an Advertising Plan** – The League will create sample advertisements, suggest potential advertising locations, and provide a fee estimate, but the governing body will have the final say on the city's advertising cost.
- 6. We Communicate with the Applicants** – All applicants will send their resumes to the League. We will create a database of the candidates and closely screen each resume for compliance with the advertisement. We will also field the phone calls regarding the application process to provide you with a neutral third-party during the hiring process.
- 7. We Recommend the Top Candidates** – The League will provide a list of the top candidates along with their resumes and interview packets. We include a summary of the applicants and will discuss the advantages and potential concerns of each candidate.
- 8. We Understand Public Hiring** – We provide guidance on the area of public hiring, which includes the Kansas Open Meetings Act and Executive Sessions. We can also help you create a list of useful interview questions and help you avoid unlawful questions.
- 9. We Serve as a Clearinghouse** – You can direct all calls from candidates to our office. As a third-party, we will provide a fair and neutral hiring process. The League will also formally notify those candidates who were not successful during the interview process.
- 10. We Save You Money** – The League offers the executive search service to members for thousands less than executive recruitment firms. We also serve as a neutral advisor exclusively representing cities to assure you get the best candidate for your community.

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**LEAGUE OF KANSAS MUNICIPALITIES**  
**League Executive/Administrative Position Search – LEAPS**  
**Quote for Services – City of Basehor**

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*The quoted price includes all of these services.*

- ❖ Administer Characteristics Profile/Who's Responsible Surveys, which will build consensus and aid in reviewing the City Administrator's job description.
- ❖ Help the City create a job description, which will aid in candidate selection and build a firm foundation for the position.
- ❖ Conduct a salary survey, which will show what comparable cities are paying City Administrators.
- ❖ Assist the City in drafting an advertisement for the position based on the determined characteristics and job description. The League will place all ads in locations selected by the City and bill the City at the completion of the project for advertising costs.
- ❖ Review the resumes for compliance with the selected characteristics criteria and job description requirements.
- ❖ Recommend candidates to the City for the purpose of narrowing the interview process.
- ❖ Assist the City in arranging interviews and preparing interview questions. We provide information on those questions considered appropriate as well as questions that address the selected characteristics criteria.
- ❖ Check professional references, educational background, and previous employment of final candidate(s).
- ❖ Provide information to the City regarding criminal background checks.
- ❖ Notify all candidates after the position has been filled.
- ❖ Staff time and expenses for up to two trips to Basehor to administer this plan.

**Total Cost \$4,118.70**

# LEAPS

**League Executive/Administrative Position Search**

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## PROCESS OVERVIEW

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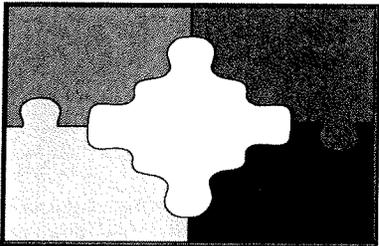
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### The Pre-Conference Session



**L**League Staff will provide the Governing Body with an overview of the entire LEAPS process. The presentation will cover roles and responsibilities, as well as a timeline for completing the search.

### Governing Body Assessment



**E**ach member of the Governing Body will complete two surveys to help shape the position and the candidate pool.

“The Who’s Responsible Profile” will further clarify the responsibilities for the position. This instrument will also help determine the position description and assist in screening applicants.

“The Characteristics Profile” will determine the specific skills and management style that governing body members would like to see in the person filling the position. This instrument will help build the position description, advertisement, and determine the criteria used for screening resumes.

### We Work for You

**A** salary and benefits survey will be conducted to provide the Governing Body with information regarding the level of City Manager compensation. This information will assist the city during contract negotiations.

LEAPS

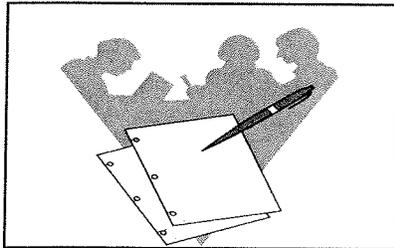
League of Kansas Municipalities • Topeka, KS • 785-354-9565

## Advertising

League Staff will create an advertisement and produce a plan to properly advertise the position. We use state, regional, and national resources to reach highly qualified municipal managers. League Staff will also create a Recruitment Profile as a way of providing additional information to potential candidates about the community and the position.



## Processing Resumes



A database of all candidates is created and all resumes are checked for completeness and compliance with the requirements set forth by the Governing Body. We will then forward our recommendations for candidates to be selected for interviews. The city will make the final determination of how many and which candidates to interview.

## Interviewing Candidates

League Staff will provide advice on scheduling interviews. We will also contact the candidates and arrange interviews at a time agreeable to the city. League Staff will also provide a selection of questions to ask candidates during the interviews. These questions will allow the Governing Body to determine the management skills, communications style, and financial knowledge of candidates.

## We Guide You Through the Entire Process

Before an offer is made League Staff will conduct reference checks and thoroughly research the professional and educational background of final candidates. We will also provide the city with information regarding criminal background checks. Once the city has made a formal offer of employment and has a signed employment contract, the League will notify all candidates that the position has been filled.

## Experience

The League has the experience of conducting more than 50 LEAPS searches since the program was started in 1998. We know Kansas Municipalities and this experience will provide a service to your city that is both economical and beneficial!

LEAPS

League of Kansas Municipalities • Topeka, KS • 785-354-9565

# “The Ideal Candidate Profile”

Please answer the following questions and send to the League of Kansas Municipalities (LKM, Attn: Nathan Eberline, 300 SW 8th Avenue Topeka, KS 66603.)

(1) How many years of professional experience should the ideal candidate have for this City Management position?

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(2) Please state the minimum educational requirement for this City Management position? (i.e. masters degree required/preferred, bachelors degree required/preferred)

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(3) Describe the ideal working relationship between yourself and the successful City Manager applicant?

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(4) Please provide a short description of the ideal candidate. Describe attributes such as management and communication styles, and any specialized skills the person filling the position will need in order to be successful.

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# Distribution of Responsibility – Who is Responsible?

	Citizens	City Commission	City Manager	City Staff	Advisory Boards	Other Groups
Hiring and firing of city personnel	<input type="checkbox"/>					
Setting goals and objectives for city programs	<input type="checkbox"/>					
Establishing local committees to evaluate programs	<input type="checkbox"/>					
Supervising city staff on a day-to-day basis	<input type="checkbox"/>					
Orienting new city commission members	<input type="checkbox"/>					
Decision on city utility service charges	<input type="checkbox"/>					
Determining basic needs of the community	<input type="checkbox"/>					
Approving city budgets	<input type="checkbox"/>					
Getting information on policy making	<input type="checkbox"/>					
Preparing agenda lists for the commission	<input type="checkbox"/>					
Developing ideas for improving the community	<input type="checkbox"/>					
Sharing information about city programs	<input type="checkbox"/>					
Encouraging citizen participation	<input type="checkbox"/>					
Coordinating activities between local agencies	<input type="checkbox"/>					
Coordinating activities between city departments	<input type="checkbox"/>					

<sup>1</sup> From ICMA's *Elected Officials Handbook*

# CONTRACT FOR LEAGUE EXECUTIVE/ ADMINISTRATIVE POSITION SEARCH

## *City of Basehor*

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This agreement is made and entered into on the later of the two dates listed below between the City of Basehor, hereinafter referred to as the "City," and the League of Kansas Municipalities, hereinafter referred to as the "League."

### **Part I**

The League agrees to assist the City in filling their position of City Administrator. In assisting with this process, the League shall provide the services described below:

- (a) The League shall administer the Characteristics Profile/Who's Responsible Surveys and Ideal Candidate Profile to be completed by the Mayor, City Commission and/or search committee.
- (b) Utilizing the data obtained from (a) as well as any applicable job descriptions, the League will review the City's current job description for the position of City Administrator and make any recommendations for proposed changes it deems appropriate.
- (c) Based on the job description and the data obtained in (a & b), League staff will assist the City in creating an advertisement. The League will place ads in those locations selected by the City and bill the City for the costs associated with advertising at the completion of the project.
- (d) The League will receive all resumes and check them for compliance with the selected characteristics criteria and job description requirements.
- (e) Based on the job description and the data obtained in (a & b), League staff will review the applicants provided to the League and recommend applicants for interviews. The City will determine the number of candidates to be interviewed and make the final determination of the applicants to be interviewed.
- (f) The League will schedule all selected candidates for interviews on a date mutually agreeable to the City.

(g) The League will assist the City in the interviewing process by preparing interview questions, providing information on those questions considered illegal and providing information on calling an executive session to interview candidates.

(h) Upon notification from the City, the League will check references of final candidate(s) after the interview process and prior to a formal offer being made.

(i) Once a formal offer has been made and accepted, the League will notify all candidates that the position has been filled.

## **Part II**

It is the League's understanding that the position for which we are assisting in the search process is the position of City Administrator.

At the completion of each step in the search process, copies of the relevant documents will be sent to the City.

## **Part III**

City agrees to pay the League \$4,118.70 ("base fee") for the services to be provided under this agreement. The base fee shall be paid as follows: \$2,059.35 upon the City's receipt of notice that the League has accepted the agreement; the balance of the base fee, \$2,059.35, shall be paid upon the completion of the selection and hiring process or upon the termination of this agreement, as specified in Part IV, whichever occurs first. The base fee includes League staff time and expenses for up to two trips to the City. All additional trips to the City shall be billed at the rate of \$150.00 per trip plus mileage at the rate of \$0.505 per mile from Topeka, Kansas. In addition to trip fees, the City shall be responsible for all advertising expenses. Trip fees and advertising expenses shall be billed to the City as incurred by the League, but not more frequently than monthly, and shall be due upon receipt.

## **Part IV**

The LEAPS program will commence upon the League's receipt of the first payment required in Part III and will be conducted on a schedule mutually agreed to by the parties; both parties agree that they will not unreasonably withhold agreement to such schedule. The process will continue until the position has been filled or January 31, 2009, whichever occurs first. By the agreement of the parties the termination date may be extended one or more times, but in no event for more for more than a total of 90 days beyond the stated date. Upon termination the balance of the base fee and all unpaid trip

and advertising expenses shall be due the League and the League's obligations hereunder shall terminate. Upon full payment all obligations and responsibilities of the City shall terminate. Additional LEAPS services will not be performed until, and unless, a new service agreement is entered into by the parties.

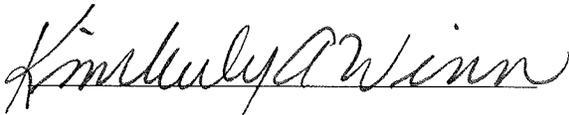
**Part V**

The City and the League agree that this constitutes the whole agreement between the parties and it may not be altered except by subsequent written agreement. The League's responsibility under this professional services agreement shall be to assist the City in its search for a new City Administrator as described herein. The City shall hold the League harmless from any liability and shall indemnify the League for any expenses, costs, or damages in connection with any complaint or proceeding with regard to filling the position of City Administrator. In the event a court of competent jurisdiction finds LKM liable for negligence in the performance of its duties under this contract, LKM will hold harmless and indemnify the City of Basehor to the extent of LKM's liability. LKM will not be liable for any hiring decision made by the City of Basehor.

The City also agrees not to reproduce the Characteristics Profile or the Who's Responsible surveys without express written consent of the League except as specifically authorized in this agreement.

**LEAGUE OF KANSAS MUNICIPALITIES**

**CITY OF BASEHOR**



**Kim Winn**  
**Director of Policy**

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**Mayor**

**ATTEST:**

\_\_\_\_\_

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Date**

**Narrative – City Council**  
**June 1, 2009**  
**Dustin Smith, Planning Director**

**Change of Zoning from R-3, Multi-Family Residential to  
PR, Planned Residential and a Preliminary Development Plan  
for Creek Ridge, Phase IV, submitted by Jeff Scherer.**

The Planning Commission considered this item at their meeting on May 5, 2009 and recommended approval of the change of zoning and preliminary development plan with the following conditions:

1. The developer shall negotiate with the city for a minimum 15ft. wide public right of way extending easterly from 158<sup>th</sup> St. to eastern plat boundary and northerly on the east plat boundary from south property line to Landauer for the purposes on constructing a trail subject to final trail alignment and grant funds.
2. A lighting plan showing the details of light poles and ft./candle measurements at the property lines shall be provided with the final development plan.
3. Details for the playground equipment shall be provided to verify the play equipment meets the standards noted in the proposed Zoning Regulations.
4. A copy of the original Notice of Intent to KDHE shall be submitted to the Planning Department, or if a NOI was never submitted, it will need to be submitted to KDHE with a copy provided to the Planning Department.
5. Landauer Street shall be constructed from the west entrance of the apartments to 158 Street. The public street shall be constructed and accepted by the City prior to issuance of any occupancy permit.
6. All sidewalks along the front end of parking stalls shall be a minimum of 6-ft wide to accommodate two-foot overhang of parked vehicles.
7. Connect the site sidewalk at the west entrance to the proposed sidewalk on the south side of Landauer Street.
8. City of Basehor policy is to construct all public streets within limits of dedicated right of way. Therefore, the plat will need to be modified to include the Landauer Street right-of-way from the west entrance to 158 Street; and exclude the Landauer Street right-of-way from the west entrance to 157 Street.

The conditions will be addressed as part of the final development plan and final plat that are required for the development. Those portions of the trail right-of-way that fall within the boundaries of the plat can be acquired as part of the final plat. Those segments that fall outside the plat boundaries can be acquired by a separate instrument that will be prepared by the applicant, reviewed and approved by the city and eventually recorded at the County.

The need for the trail right-of-way will depend on whether the city proceeds with the acquisition of the right-of-way from the Miles property; and obviously we will not need the trail right-of-way the Miles property if we acquire it as part of this development. Trail right-of-way on both sides of the creek is not necessary.

Prior to Mr. Scherer submitting his development applications, staff discussed the possibility of acquiring the right-of-way for the trail from his property on the north side of the creek. However, as part of the development plan application, if easements or right-of-way are necessary for streets or trails, the city acquires these rights-of-way as a condition of the development approval, with no monetary payment directly to the developer. The developer may also be required to construct any portion of a trail that traverses their property, but in this case, the city has been pursuing grant funding from the State for a trail that would extend from 155 Street to 158 Street. If the grant is approved, there would be no expense to the developer for construction of the trail, which is a cost savings of approximately \$400,000. Plus, having the trail as an amenity would benefit this development.

Mr. Scherer intends to request payment for the trail right-of-way, if it's acquired from his property. He also intends to request a waiver of the park fee based on the provision of a playground area within the development. The park fee is \$200.00 per dwelling unit, for a total of \$12,800.

The Planning Department would support a reduction in the amount of the park fee, but does not recommend a waiver of the entire fee. The playground is relatively small and a waiver of the entire fee with this development would suggest that the fee would be waived for any other development that provides comparable or larger play areas. The developer has also been granted a point value associated with the playground, which was used in the calculation of the housing density. Therefore, some compensation for the playground has already been provided. At the very least, the Planning Department recommends that a specific plan for the playground be provided for the Council to determine the amount of the park fee waiver (if any.)

A staff report, excerpt of minutes from the Planning Commission and supporting information is provided in the agenda packet.

Staff will be available for discussion at the meeting.

### **Staff Recommendation**

Staff and the Planning Commission recommend approval of the change of zoning and preliminary development plan with conditions 1-8, listed above.

(Creek Ridge, Tract D)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BASEHOR, KANSAS BY REZONING CERTAIN PROPERTY, AS DESCRIBED BELOW, IN THE CITY OF BASEHOR, KANSAS KNOWN AS TRACT D OF THE CREEK RIDGE SUBDIVISION FROM R-3, MULTI-FAMILY RESIDENTIAL TO PR, PLANNED RESIDENTIAL, AND A PRELIMINARY DEVELOPMENT PLAN, AS REQUESTED BY SCHERER CONSTRUCTION.**

**WHEREAS**, under the Zoning Ordinance of the City of Basehor, Kansas, the Governing Body of the City of Basehor, Kansas, is given the power to amend or change the zoning on certain property within the corporate boundaries of the City of Basehor, Kansas; and

**WHEREAS**, the Planning Commission of the City of Basehor, Kansas, in compliance with the Zoning Ordinance and the Kansas Statute, K.S.A. 12-757, held a public hearing on May 5, 2009 at 7:00 o'clock p.m. in City Hall, Basehor, Kansas, and the official date and time set out was published in the Basehor Sentinel, the official newspaper, and as a result of such hearing, recommended approval of the request to rezone the property from R-3, Multi-Family Residential to PR, Planned Residential and the Preliminary Development Plan.

**AND WHEREAS**, upon a motion made and duly seconded and adopted, the Governing Body approved the rezoning request and the preliminary development plan at its June 1, 2009 meeting.

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

**SECTION 1:** That the zoning category of PR, Planned Residential shall be applied to the following described property, to-wit:

*Commencing At The Northwest Corner of The Northwest Quarter of Fractional Section 2, Township 11 South, Range 22 East of the Sixth Principal Meridian in the City of Basehor, Leavenworth County, Kansas; thence South 00 degrees 08 minutes 28 seconds East along the West Line of the Northwest Quarter of Said Fractional Section 2, a distance of 1111.84 feet; thence North 89 degrees 34 minutes 04 seconds East, a distance of 397.70 feet to the Point of Beginning; thence continuing North 89 degrees 34 minutes 04 seconds East a distance of 272.76 feet to a point; thence North 00 degrees 26 minutes 59 seconds West a distance of 237.98 feet to a point; thence South 89 degrees 33 minutes 01 seconds West a distance of 50.00 feet to a point; thence North 00 degrees 26 minutes 59 seconds West a distance of 304.05 feet to a point; thence South 89*

*degrees 33 minutes 01 seconds West a distance of 75.00 feet to a point of curvature; thence along a curve to the left having a radius of 225.00 feet, a central angle of 44 degrees 41 minutes 29 seconds , a chord bearing of South 67 degrees 12 minutes 16 seconds West, and a length of 175.50 feet to a point; thence South 44 degrees 51 minutes 32 seconds West a distance of 351.04 feet to a point; thence South 48 degrees 57 minutes 17 seconds East a distance of 347.17 feet to a point, said point being the Point of Beginning, and containing 193,407 square feet or 4.44 acres, more or less, except any part thereof taken or used for road purposes.*

**SECTION 2:** That the Zoning District Map adopted under the Zoning Ordinance of the City of Basehor, Kansas, shall be amended to reflect the rezoning, as set forth in Section 1 above.

**SECTION 3.** That the rezoning shall take effect and be in force from and after the passage, approval, and publication of this ordinance in the official newspaper of the City of Basehor, Kansas.

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Terry Hill, Mayor

ATTEST:

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Mary Mogle, City Clerk

Approved and Passed this 1st day of June, 2009.

**Excerpt of Minutes  
Basehor Planning Commission Meeting  
May 5, 2009  
Basehor City Hall**

**E1. Public Hearing – Change of Zoning and Preliminary Development  
Plan for Creek Ridge, Phase IV (Tract D), as requested by Jeff Scherer.**

Mr. Smith reviewed the staff report and recommended approval. Chair Matthews stated that it was a public hearing and if anyone wished to speak in favor of or oppose, hearing none Chair Matthews asked if the applicant wish to speak.

*Jeff Scherer – 1706 N. 150<sup>th</sup> St.* – Mr. Scherer gave a summary of the details to the project. Mr. Scherer stated that he was not opposed to the trail plan, he was just concerned that he felt he should not give the property to the City.

Mr. Scherer also brought up the possibility in working with the City to also having the park fees waived in order to put that money back into the park equipment to the project.

*John E. Albertson – 15712 Parallel Rd.* – Mr. Albertson stated he just had concerns about the traffic flow.

Chair Matthews closed the public hearing at 7:52 p.m.

Commissioner Logsdon made the motion to propose to the developer enter into negotiation for the purpose of the trail replacing condition number one with minimum 15 ft. of grant and all staff stipulations subject to final trail alignment & grant fund. Commissioner Jones seconded. Commissioner Logsdon withdrew first motion as did Commissioner Jones to amend first motion.

Motion amended:

Commissioner Logsdon made the motion to approve with all staff approval and change condition number one to: the developer shall negotiate with the city for a minimum 15ft. wide public right of way extending easterly from 158<sup>th</sup> St. to eastern plat boundary and northerly on the east plat boundary from south property line to Landauer for the purposes of constructing a trail subject to final trail alignment and grant funds. Commissioner Jones seconded. Chair Matthews asked for a vote. Motion passed 6-0.

## STAFF REPORT

**Date:** May 5, 2009

**Subject:** Consideration for change of zoning from R-3, Multi-Family to PR, Planned Residential; Preliminary Development Plan and Preliminary Plat for Tract D of Creek Ridge, submitted by Jeff Scherer.

**File No:** Z-01-09; PDP 01-09; and PP-01-09

### GENERAL INFORMATION

**Applicant:** Gary Spehar Engineering and Planning  
14288 W. 124 Street  
Olathe, KS 66062

**Owner:** Scherer Family Living Trust

**Address:** P.O. Box 486  
Basehor, KS 66007

**Engineer/ Architect:** Gary Spehar, G.T. Spehar Engineering and Planning

### SITE INFORMATION

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

**Current Zoning:** "CP-1" Neighborhood Business

**Site Characteristics:** Area – 4.44 acres MOL.  
Current Use - Vacant

### PROJECT BACKGROUND

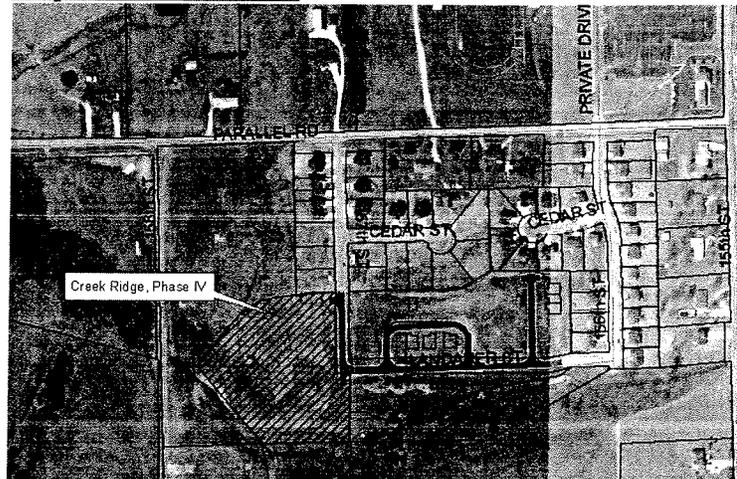
Jeff Scherer has petitioned the Planning Commission and City Council for consideration of a change of zoning from R-3, Multi-Family Residential to PR, Planned Residential, which includes a Preliminary Development Plan and Preliminary Plat for Tract D of the Creek Ridge Subdivision. Tract D is a portion of the property located in the 1700-1900 block of 158 Street.

The purpose of the rezoning is to accommodate a multi-family apartment complex, which will contain 64 residential units. The development will consist of 32 one-bedroom units and 32 two-bedroom units. Two buildings will contain 24 units and one building will contain 16 units. Each of the one-bedroom units will contain 688 square feet and the two-bedroom units will contain 990 square feet. Projected rent for a one-bedroom unit is approximately \$575 per month, with two-bedroom units renting for about \$695 per month.

The subject property consists of approximately 4.44 acres, yielding a housing density of approximately 14.5 units per acre.

The property is located west of 157 Street as shown in Map 1, below. The property is currently vacant and generally slopes toward the west. Stormwater will be discharged off-site, without detention according to an approved stormwater management plan that was approved for Creek Ridge in 2003. Due to the property's location within the drainage basin, on-site detention was not required. Stormwater calculations and final stormwater design will be required to be submitted with the Final Development Plan.

Map 1: Site Location.



This development includes the extension of Landauer Street from the west entrance to 158 Street. This segment of the street is necessary to provide sufficient access to the property based on the number of units that will be constructed. It will also ensure sufficient access to the property for emergency purposes.

The building facades will consist of three types of materials: horizontal and vertical wood siding and stone veneer. The roof is composition shingles. The height of each building is approximately 32 feet, which is substantially less than the maximum allowed (50 feet) for multi-family housing.

The development plan has several features that will require consideration under the PR, Planned Residential zoning district. These include:

1. Housing density of 14.5 units per acre.
2. Minimum apartment size of 688 square feet, where currently 750 square feet is required in the Subdivision Regulations.

As part of the planned zoning regulations, the developer can accumulate points to increase the development density by providing any number of design elements in return. Based on the amenities the developer has agreed to provide as part of the plan, the developer has accumulated approximately 34 points, which would allow a development density of 15.5 units/acre. The developer proposes 14.5 units per acre.

Design elements provided as part of the development include:

- 1. Substantial stone veneer and different wood siding patterns on all elevations of the building.....8
- 2. Swimming pool, fenced with deck.....6
- 3. Clubhouse with meeting facility.....6
- 4. Covered parking in the form of garages and carports.....5
- 5. Playground.....4
- 6. Decorative mailbox bay.....1
- 7. Decorative lighting around the inside perimeter of the parking lot.....2
- 8. Organized/Designed Entryways.....2
  
- Preliminary Point Total.....34

**FACTORS FOR CONSIDERATION**

- 1. **Character of the Immediate Area** – The character of the immediate area is largely residential with established single-family and townhome style residential uses. Much of the area adjacent to 158 Street is vacant. However, additional vacant areas of Creek Ridge have had a preliminary development plan approved, such as Tract E. Phase I, II and III of Creek Ridge are either built out or have had substantial construction completed.
  
- 2. **The Zoning and Uses of the Property Nearby** – The zoning and uses of the adjacent properties are as follows:

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

- 3. **The Suitability of the Subject Property to its Present Use** – The property is currently vacant, but is within an area of the city that has had substantial development in the last five years. The location of the property with relatively good access from Parallel Road, via 157 Street; and 158 Street, via Landauer Street, should be suitable for the high-density development.
  
- 4. **The Extent to which Removal of the Present Zoning will Detrimentially Effect Nearby Property** – The present zoning of the property is R-3, Multi-Family, which will no longer be used in the proposed Zoning Regulations. Therefore, based on the developer’s desired density, staff recommended the change of zoning to the PR district to allow flexibility with the development plan.
  
- 5. **The Length of Time the Property has Remained Vacant** – The property has never been developed for any significantly intensive purpose.

- 6. The Relative Gain to the Public Health, Safety, and General Welfare due to the Approval of the Application as Compared with the Hardship Imposed on the Landowner, if any, as a Result of Denial of the Application** – The developer has indicated that a market for multi-family apartments exists in the Basehor area, based on inquiries seeking affordable housing, other than single-family homes. The subject property (Tract D) was planned for multi-family housing on the preliminary development plan that was approved in 2003.

The apartment development will provide a wider variety of housing in the City of Basehor that will help to diversify the housing stock. With the increase in residents, it will benefit business development in Basehor by providing a larger sales tax base.

- 7. The Conformance of the Requested Rezoning Request to the Duly Adopted Comprehensive Plan** – The Future Land Use Map (FLUM) identifies this property as high density residential. Therefore, the FLUM will need to be amended to accommodate this development if the zoning is approved. Typically, the developer would be required to apply for the amendment to the FLUM, but since the City is in the process of reviewing the FLUM and likely to make changes in the near future, the map amendment can be made at that time if this rezoning is approved.

- 8. The Availability and Adequacy of Required Utilities and Services to Serve the Proposed Use –**

**Sanitary Sewer**

Each apartment building will be connected to extensions of the existing eight-inch (8”) sanitary sewer main located along the southern edge of the property. Each building is proposed to have three 6” service lines. However, the sewer tap fees are required for each unit, which will equate to \$272,000. The fee will be distributed to the three buildings and will be paid as part of the building permit fees.

**Sewer Facility Data**

$$\begin{array}{r} 64 \text{ units} \\ \times 200 \text{ gpd maximum average per unit (i.e. 100 gpd per person)} \\ \hline \mathbf{12,800 \text{ gpd}} \end{array}$$

Existing Capacity = 1.2 million gpd

Current Usage = 520,000 gpd

**Reserve Capacity = 680,000 gpd**

With the upgrade of the sewer plant that is currently under construction, the City of Basehor now has capacity to accommodate the increased demand.

### Water

#### Domestic

This development will be served by Consolidated Rural Water District #1. CRW has made comments, which have been forwarded to the developer.

#### Fire Protection

The proposed buildings are required to have internal sprinkler systems installed. A new fire hydrant will be located on-site, in front of Building B. The Fire Department will determine if more are needed.

9. **Extent of the Impact on Traffic Flow and Parking** – As part of this phase, the city requires that a portion of Landauer Street must be extended to provide at least two ways into/out of the apartment complex. The developer chose to extend the Landauer from the west entrance to 158 Street. That portion of Landauer, between the west entrance and 157 Street, will be constructed with the future development of Tract E.

Traffic in this area will increase as a direct result of this development. The land use code used to estimate the average daily trips (ADT) for this development was for “low-rise apartments”. The trip generations for this development are as follows:

6.59 ADT per unit per day  
x 64 units  
421.76 ADT

AM peak hour = 29.44 ADT  
PM peak hour = 37.12 ADT.

The total ADT in a 24 hour period is approximately 422, with 29 in the AM peak hour and approximately 37 in the PM peak hour.

The maximum capacity of a two-lane street, comparable to the existing segment of 157 Street, and the proposed segment of Landauer Street is several thousand daily trips. Therefore, the existing surrounding street system of Parallel Road, 155 Street and 158 Street has existing capacity to accommodate the new development.

A traffic study was not requested from the developer because it was not required as part of the original development application for Creek Ridge.

A transportation excise tax will apply to the property in the amount of nine cents (.09) per square foot of the total area within the subject property. None of the streets would be exempted in this case because they are not designated collector or arterial streets. However, the public right-of-way for the multi-use trail is exempt from the excise tax because it will be dedicated to the city. Therefore, the total excise tax that will apply to the development (based on 4.44 acres minus the trail right-of-way) is approximately \$15,211.15.

### Parking

The development plan indicates a total of 98 parking spaces, four (4) of which are handicapped. Eighteen of these spaces are provided in detached garages and 16 are in carports. This results in a parking ratio of 1.54 parking spaces per unit.

The Zoning Ordinance provides different parking regulations for different types of multi-family housing, as follows:

#### Multi-Family Parking Standards

Efficiency – 1.0 parking spaces per dwelling unit

One or two bedrooms – 1.5 parking spaces per dwelling unit

Three or more bedrooms – 2 parking spaces per dwelling unit.

There will be 64 units in the proposed apartment complex, 32 of which are one-bedroom and 32 two-bedroom. This requires 96 parking spaces. Therefore, the development plan meets the requirements for parking, according to the current and proposed regulations.

## 10. **Environmental Impacts**

### Stormwater Management

No stormwater detention will be provided for this development due to its location within the watershed. The developer submitted a stormwater study with the original submittal of Creek Ridge and again with this application and the City Engineer indicated that stormwater detention is not advisable with this development.

### Notice of Intent (NOI)

The applicant submitted NOI application to the Kansas Department of Health and Environment (KDHE) for the overall development when it was initially submitted. It has been amended with each new phase and will be amended with Phase IV. We have requested a copy of the original NOI and amendments thereto.

### Common Areas/Open Space

A diagram showing the amount of usable open space on the site is provided as part of the agenda item. The diagram indicates usable open space of approximately 23.5%, which includes the following general areas:

1. the area along the south property line that we are recommending be acquired for a trail easement.
2. the area containing the playground.
3. the pool area and deck
4. the center island of the parking lot behind the garages and carports.

The center island area of the parking lot is questionable as usable open space because it is simply a grass area with no practical use. However, the open space percentage does not include the areas along 157 Street and Landauer Street that are dedicated to sidewalks. If the sidewalks are included in the open space (and the center island is not included), the open space should be approximately 25% (1.1 acres)

### Landscaping

A sufficient landscaping plan has not been submitted. A condition has been added to the recommendation to require an adequate landscaping plan with the final development plan submittal.

### Lighting

A plan showing the locations and details of several light poles around the parking lot has been provided. The poles are 15 feet tall, shoe-box style with black powder-coat finish that should direct the downward, limiting glare. The light poles have been included into the preliminary point value.

### Signage

Signage will be provided at the entrances to the property and points have been added to the density calculations for the "organized and designed entryways". A diagram of the sign, and the associated accent lighting has been provided on the landscaping plan.

### Park Fees

Due to potential impact that this development could have on the city's park system, staff recommends that a park fee in the amount of \$200.00 per unit be paid by the developer into the city's park fund. Based on the number of proposed units, the park fees would be \$12,800 (\$200 x 64 units). The subdivision regulations indicate that 3% of the fair market value of the property be provided for park fees. However, the city has typically accepted \$200.00 per unit (or lot) where common park area was not being provided within new development.

Due to the fact that a playground area is being provided inside the apartment complex, the developer may request a reduction in the per unit park fee. Funds from the park fees are used for maintenance of existing parks and the purchase of land for the development of new city parks.

### **Staff Recommendation**

The Planning Department recommends approval of the change of zoning and preliminary development plan for Creek Ridge - Tract D, with the following variations and conditions:

Recommended Variations as part of the Planned zoning district:

1. Housing density of 14.5 units per acre.
2. Minimum apartment size of 688 square feet, where currently 750 square feet is required in the Subdivision Regulations.

The recommendation is subject to the following conditions:

### Conditions

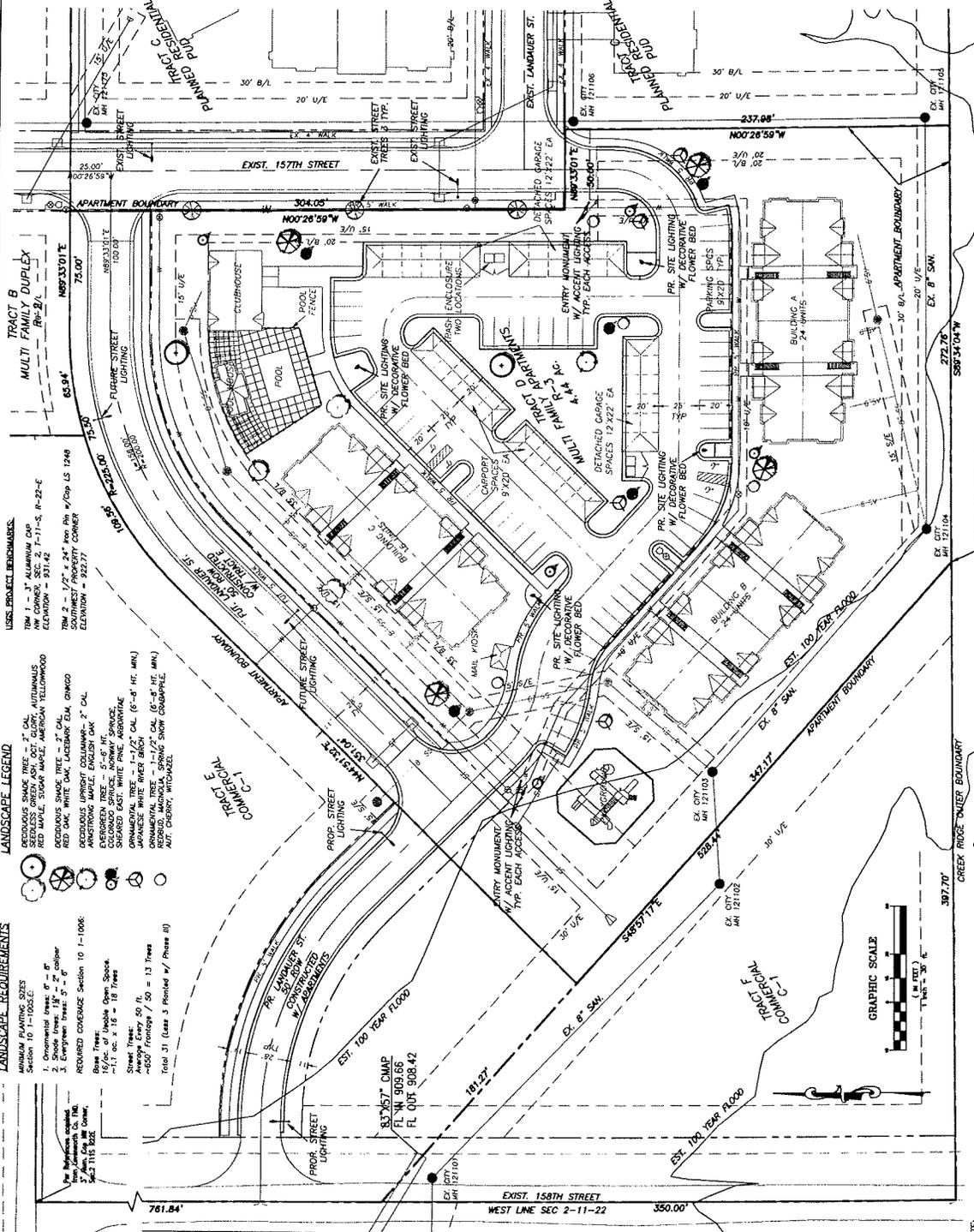
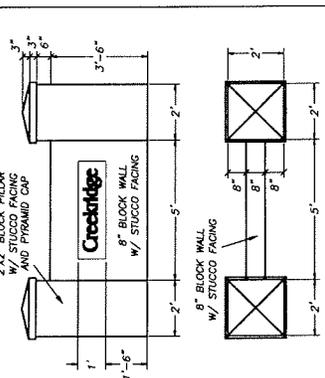
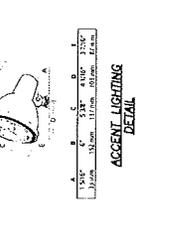
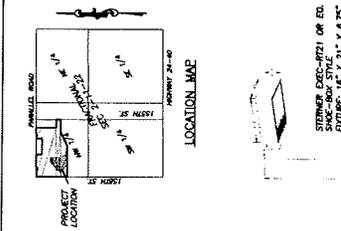
1. A 30-foot public right-of-way shall be provided along the south property line for a public, multi-use trail that will extend from 158 Street to 156 Street, which will traverse property not included in Tract D. The developer may be responsible for constructing this entire portion of the trail (10 feet wide) within the right-of-way if the city is unable to secure public funding for the trail prior to occupancy permits being issued for the first building.
2. A lighting plan showing the details of light poles and ft./candle measurements at the property lines shall be provided with the final development plan.
3. Details for the playground equipment shall be provided to verify the play equipment meets the standards noted in the proposed Zoning Regulations.
4. A copy of the original Notice of Intent to KDHE shall be submitted to the Planning Department, or if a NOI was never submitted, it will need to be submitted to KDHE with a copy provided to the Planning Department.

5. Landauer Street shall be constructed from the west entrance of the apartments to 158 Street. The public street shall be constructed and accepted by the City prior to issuance of any occupancy permit.
6. All sidewalks along the front end of parking stalls shall be a minimum of 6-ft wide to accommodate two-foot overhang of parked vehicles.
7. Connect the site sidewalk at the west entrance to the proposed sidewalk on the south side of Landauer Street.
8. City of Basehor policy is to construct all public streets within limits of dedicated right of way. Therefore, the plat will need to be modified to include the Landauer Street right-of-way from the west entrance to 158 Street; and exclude the Landauer Street right-of-way from the west entrance to 157 Street.



DATE	4-13-19	PRELIMINARY PLAN
NO.	03	TRACT D, CREEK RIDGE
BY	LS	BASEHOR, KANSAS
CHKD	03	LIGHTING PLAN
DATE	4-13-19	AND MONUMENT SIGN DETAIL

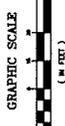
**G. T. SPEAR**  
ENGINEERING & PLANNING  
14288 W. 124TH STREET  
OLAH, KANSAS 66062  
PHONE: 816-520-7449



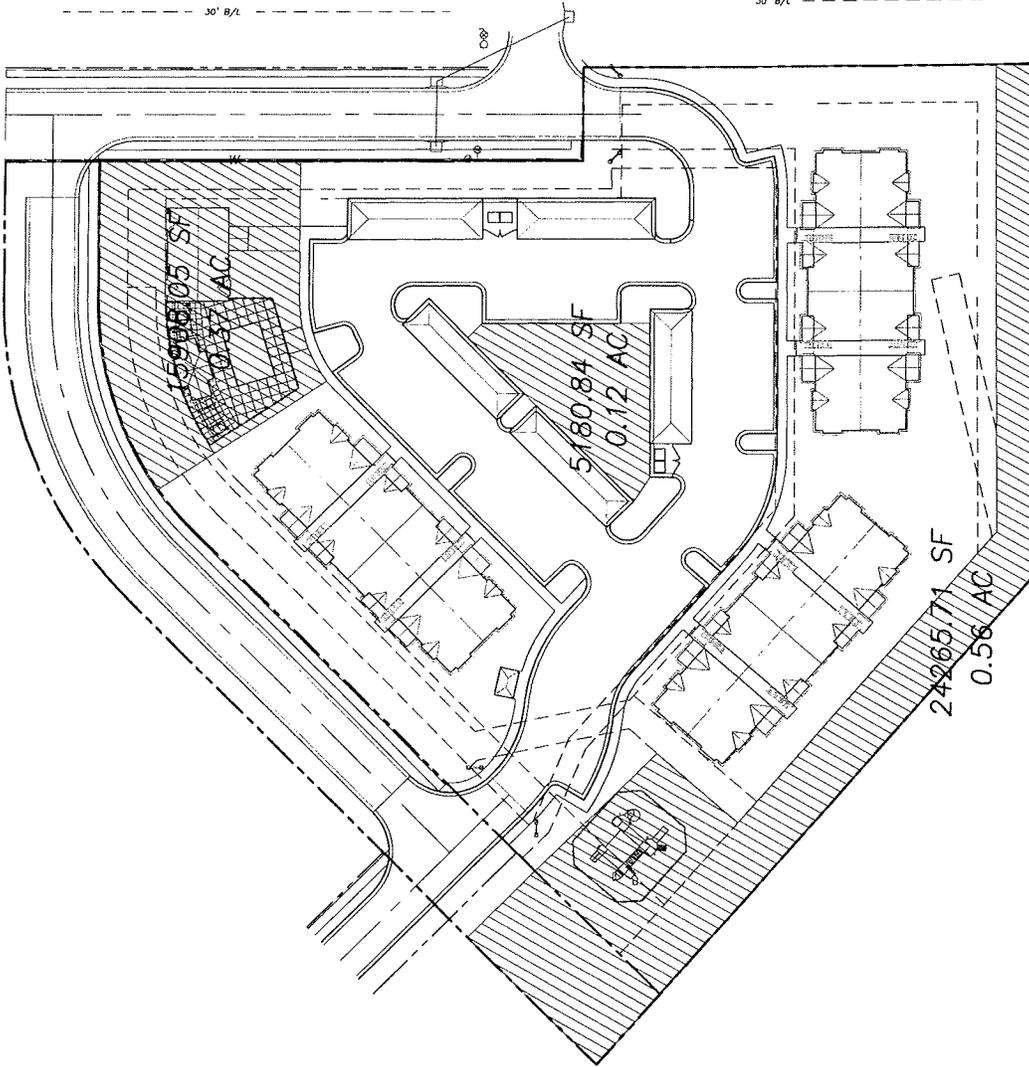
**USFS PROJECT BENCHMARKS:**  
TBM 1 = 3" ALUMINUM CAP  
NW CORNER, SEC. 2, T-11-S, R-22-E  
ELEVATION = 931.42  
TBM 2 = 1/2" x 24" WOOD PIN W/ COP LS 1249  
SOUTHWEST PROPERTY CORNER  
ELEVATION = 922.77

**LANDSCAPE LEGEND:**  
DECIDUOUS SHADE TREE - 2" CAL.  
RED MAPLE, SISKIYOU, YUCCA, YUCCA  
RED MAPLE, SISKIYOU, YUCCA, YUCCA  
DECORATIVE SHADE TREE - 2" CAL.  
RED OAK, WHITE OAK, LACINIAE, ELM, GINKGO  
ARMSTRONG MAPLE, ENGLISH OAK  
ORNAMENTAL TREE - 5'-6" HT.  
SHEARED EXOTIC, WHITE PINE, ARBOREVITAE  
ORNAMENTAL TREE - 1-1/2" CAL. (6'-8" HT. MIN.)  
AUT. CHERRY, WITCHAMHEL

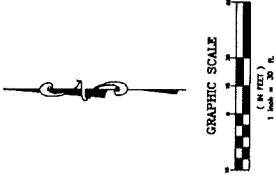
**LANDSCAPE REQUIREMENTS:**  
MINIMUM PLANTING SIZES  
Section 10 1-1000E:  
1. 2" Cal. Tree  
2. 5' x 5' Shrub  
3. 5' x 5' Tree  
REQUIRED COVERAGE Section 10 1-1000E:  
16' dia. of Immobile Open Space.  
-1.1' dia. x 18' - 18' Trees  
Street Trees:  
50 ft.  
-650' Trunks / 50' = 13 Trees  
Total 31 (Less 3 Reserved w/ Phase II)



NOTE: 100 Year Flood Limits were established in a separate study prepared by Gary T. Spear, P.E. for Scherer Construction, Inc. The limits as depicted here are based on proposed contours.



TOTAL SHADED AREA  
45354.60 SF  
1.04 AC  
23.45%



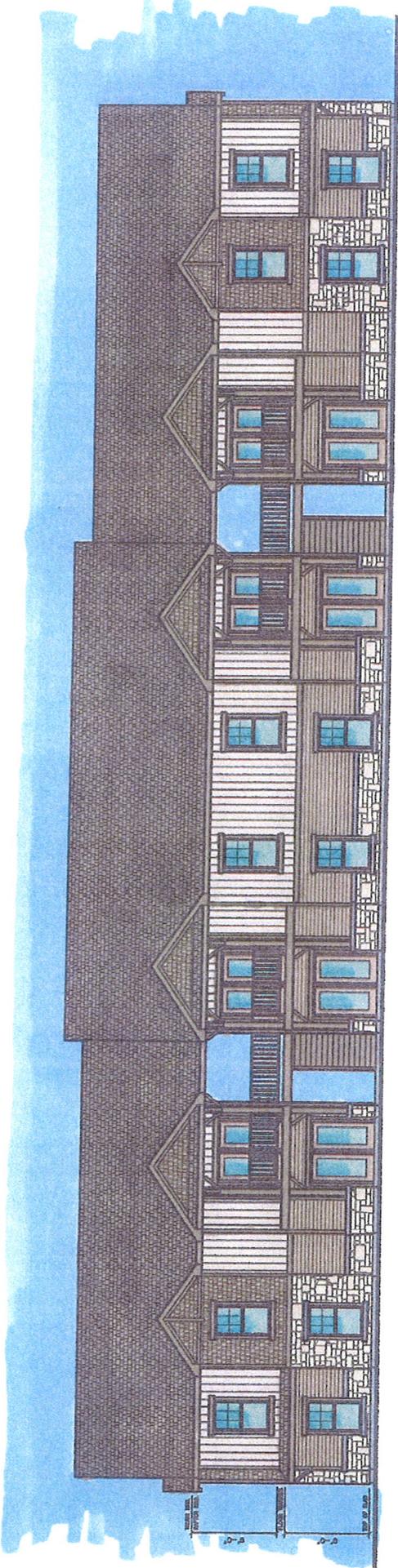
DATE	DATE

**G. T. SPEHAR**  
ENGINEERING & PLANNING  
14288 W. 124TH STREET  
OLATH, KANSAS 66062  
PHONE: 816-520-7449

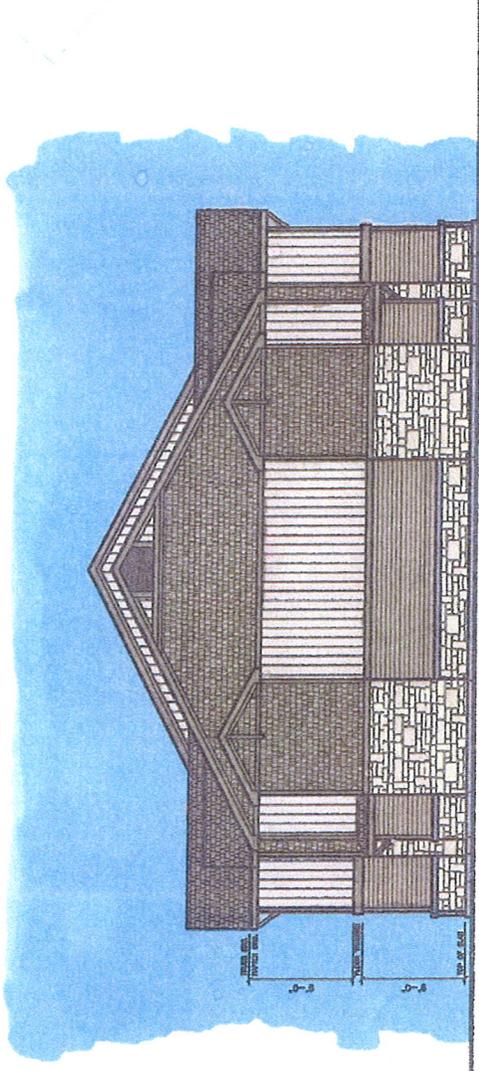
PRELIMINARY PLAN  
TRACT E, CREEK RIDGE  
BASEHOR, KANSAS  
USABLE OPEN SPACE

NO. 22-11-100  
SHEET NO. 543-76  
DATE 10/20/73

OF 1



MAR 25 2004



0'-0" 0'-0" 0'-0"

**Checklist of Information Required for  
Preliminary Development Plans  
City of Basehor, Kansas Planning Department**

1. TBD Location by common street address
2. ✓ Legal description
3. ✓ Names, addresses and phone numbers of the applicant and owner of the plan.
4. ✓ Name of firm designing the plan and professional seal of design engineer.
5. ✓ Date of the plan.
6. ✓ North arrow.
7. ✓ Existing contours at no greater than two (2) foot intervals.
8. \_\_\_\_\_ Proposed contours at no greater than two (2) foot intervals.
9. ✓ The boundary lines of the area included in the development plan to scale, including:
  - a. ✓ approximate angles
  - b. ✓ dimensions
  - c. ✓ reference to a section corner, quarter-section, or a point on a recorded plat and legal description.
10. For both the area included in the development plan and the area within two-hundred (200) feet of the boundaries:
  - a. ✓ The location, width and names of all existing or platted streets, railroad and utility rights-of-way, parks and other public open spaces and permanent easements.
  - b. ✓ The location and dimensions of permanent buildings, structures or houses and natural features, such as woodlots, streams and lakes or ponds, and any land area subject to the 100-year flood.
  - c. ✓ Locations of existing sewers, water mains, culverts and other underground facilities, indicating pipe sizes, grades, manholes and locations of record
11. ✓ Proposed size, height, location and arrangement of buildings, parking areas with proposed arrangement and dimensions of stalls, aisles, bays, angle of parking and other similar information (see Off-Street Parking Requirements).
12. General location, arrangement and dimensions of:
  - a. ✓ vehicular drives
  - b. ✓ entrances and exits
  - c. ✓ acceleration and deceleration lanes
  - d. ✓ pedestrian entrances and exits
  - e. ✓ walks and walkways.

13.  Preliminary sketches of buildings depicting the general style, size and exterior construction materials of the buildings proposed in sufficient detail to exhibit the relative compatibility of the proposed development with the character of the neighborhood.

14. General landscape plan to include the location and height of all

- a.  walls,
- b.  fences
- c.  signs
- d.  screen plantings

15. A listing of types and quantities of all:

- a.  trees
- b.  shrubs
- c.  walls
- d.  fence materials.

16. Drainage plan showing the

- a.  high and low points
- b.  drainage arrows
- c.  estimated % of street grades.

17. If the project is to be developed in phases, provide:

- a.  N/A proposed schedule
- b.  N/A sequencing and location of each development phase.

18.  Note providing for dedication of new or additional rights-of-way, if needed; such to be dedicated to the City prior to approval of the Final Development Plan.

19. A description of:

- a.  N/A any limitations to be placed on the range of permitted uses
- b.  N/A the hours of operation
- c.  the building materials to be used
- d.  other similar factors.

20. Lists, text or tables indicating:

- a.  The total floor area of buildings, the area of the site, and the percent of building coverage of the site.
- b.  The number of building sites or lots and the number of parking spaces to be provided.
- c.  Any other quantities needed to describe or quantify the proposed development or to determine compliance with the zoning regulations.

# CITY OF BASEHOR

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



# APPLICATION FORM

MAR 25 2009

Project Name & Description Creek Ridge Phase 4 - Tract D		Total Site Acreage 4.44 Ac.	Present Zoning R-3 Multi-Fam.
Legal Description (May be attached as separate sheet) See Attached		Proposed Zoning PR	
Project Address / General Location 157th St. and Landauer St.		Presubmittal Date	
Parcel ID Number (CAMA Number) 181-02-0-00-00-005.07-0		Floor Area Classification	
Property Owner Name Scherer Family Living Trust	Phone 913-724-1002	Fax 913-441-9045	
Property Owner Address P.O. Box 486	City Basehor	State KS	Zip 66007
Applicant's Name (if different from above) Jeff Scherer	Phone 913-724-1002	Fax 913-441-9045	
Applicant's Address P.O. Box 486	City Basehor	State KS	Zip 66007
Applicant's mobile phone 816-769-0354	Property Owner and/or Applicant's E-mail address 5scherer@sbcglobal.net		

### APPLICATION TYPE

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

### PROJECT INFORMATION

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

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

Total Site Area 4.440 Ac.	Existing Floor Area 0.000 Ac.	Existing Building Footprint 0.000 Ac.	Open Space Area 1.875 Ac.
No. of Buildings 4	Proposed Floor Area 2.517 Ac. (1, 2&3Stories)	Proposed Building Footprint 0.887 Ac.	Pavement Coverage 1.678 Ac. (Incl. 0.54 ROW)

### COMPLETE THIS AREA IF SUBDIVIDING PROPERTY

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

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

X [Signature] / 3/24/09  
 Signature Date

<b>Office Use Only</b>	
<input checked="" type="checkbox"/> Filing Fee \$ 150	<input checked="" type="checkbox"/> Received by <u>[Signature]</u>
<input checked="" type="checkbox"/> Attached Legal Description	<input checked="" type="checkbox"/> Property Ownership List
	<input checked="" type="checkbox"/> # of Plans 12

**CITY OF BASEHOR**

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MAR 25 2008

**Please respond to the following questions to the best of your knowledge (Attach additional sheets if needed)**

- Reason for This Request? Proposed Development of 3 Apartment Buildings and 1 Clubhouse for a total of 64 apartment units on 4.44 gross acres. The project proposes adequate off-street parking and amenities such as covered parking, detached garages, swimming pool and playground.
- What Is the Suitability of Subject Property for the Uses to Which it Has Been Restricted? As shown on the 2008 City of Basehor Zoning Map the site to be developed is currently zoned R-3 which is consistent with the proposed apartment improvements.
- To What Extent Will Removal of Restrictions Detrimentially Affect Nearby Property? Townhomes/Condominium units exist to the East and Duplex Homes to the north of the project. No development exists immediately to the west and south however this property is currently zoned as commercial. No removal of restrictions or detrimental impact to nearby property is anticipated.
- What Is the Relative Gain to the Public Health, Safety, and Welfare by the Destruction of the Value of the Petitioner's Property as Compared to the Hardship Imposed upon the Individual Landowners? No destruction of value is proposed. Improvements to the petitioner's property will create relative gain to the community by creating jobs, increasing the tax base, providing affordable rental living units and improvements to public street, storm and sanitary infrastructure.
- How Does Your Request Conform with the Comprehensive Plan? The proposed development is consistent with the Future Land Use Map (page 44) of the June, 2006 City of Basehor, Kansas Comprehensive Plan.

**If the application is for a Development Plan (Planned Residential, Planned Industrial or Mixed Use) please provide the following additional information.**

- Please provide a statement regarding why the development plan would be in the public interest. \_\_\_\_\_
- Please provide a statement with regard as to why the PUD would be consistent with the statement of Objectives for Planned Unit Development as found in Section 20-1002. \_\_\_\_\_

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# APPLICATION FORM

MAR 25 2009

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Property Owner Name <b>Scherer Family Living Trust</b>	Phone <b>913-724-1002</b>	Fax <b>913-441-9045</b>	
Property Owner Address <b>P.O. Box 486</b>	City <b>Basehor</b>	State <b>KS</b>	Zip <b>66007</b>
Applicant's Name (if different from above) <b>Jeff Scherer</b>	Phone <b>913-724-1002</b>	Fax <b>913-441-9045</b>	
Applicant's Address <b>P.O. Box 486</b>	City <b>Basehor</b>	State <b>KS</b>	Zip <b>66007</b>
Applicant's mobile phone <b>816-769-0354</b>	Property Owner and/or Applicant's E-mail address <b>5scherer@sbcglobal.net</b>		

APPLICATION TYPE	
<input type="checkbox"/> <b>Annexation</b>	<input checked="" type="checkbox"/> <b>Preliminary Development Plan (Submit Sheet A)</b>
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<input type="checkbox"/> <b>Site Plan</b>	<input type="checkbox"/> <b>Preliminary Plat</b>
<input type="checkbox"/> <b>Variance (Submit Sheet B)</b>	<input type="checkbox"/> <b>Final Plat / Replat</b>

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

COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT, AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)			
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X  / 3/24/09 Signature Date	<b>Office Use Only</b> <input checked="" type="checkbox"/> Filing Fee \$ <u>255</u> <input checked="" type="checkbox"/> Received by <input checked="" type="checkbox"/> # of Plans <u>12</u> <input checked="" type="checkbox"/> Attached Legal Description <input checked="" type="checkbox"/> Property Ownership List
--------------------------------	---

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MAR 25 2008

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PID	OWNER	OWNADD	OWNCITY	OWNST...
1583404001003000	USD 458BASEHOR RHS NO 3	PO BOX 282	BASEHOR	KS
1583404002002000	MILLER,ROBERT A; TRUST	15768 PARALLEL RD	BASEHOR	KS
1583404002003000	MILLER,ROBERT A;TRUST	15768 PARALLEL RD	BASEHOR	KS
1583404002001000	ALBERTSON,JANICE L;TRUST	15712 PARALLEL RD	BASEHOR	KS
1810200000005070	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005470	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005480	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005460	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005590	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005490	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005450	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005500	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005510	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005370	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005360	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005520	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005350	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005530	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005550	SCHERER CONST INC	PO BOX 486	BASEHOR	KS
1810200000005560	SCHERER CONST INC	PO BOX 486	BASEHOR	KS
1810200000005610	SHRADER,GARY L	15625 LANDAUER CIR	BASEHOR	KS
1810200000005050	MILES EXCAVATING INC	PO BOX 458	BASEHOR	KS
1810200000005580	SCHERER CONST INC	PO BOX 486	BASEHOR	KS
1810200000005570	SCHERER CONST INC	PO BOX 486	BASEHOR	KS
1810200000005000	MILES EXCAVATING INC	PO BOX 458	BASEHOR	KS
1820300000001020	BASEHOR HISTORICAL MUSEUM...	PO BOX 76	BASEHOR	KS
1820300000001010	BREUER,RAPHAEL & ANN E;T...	PO BOX 147	BASEHOR	KS

**Narrative – City Council  
June 1, 2009  
Dustin Smith, Planning Director**

**Preliminary Plat for Creek Ridge, Phase IV, submitted by  
Scherer Construction.**

The Planning Commission considered this item at their meeting on May 5, 2009 and recommended approval of the preliminary plat with the following conditions:

1. Minimum low openings for buildings A and B should be listed on plat.
2. The clubhouse shall be constructed prior to final occupancy on the third Building.

An excerpt of minutes from the Planning Commission and supporting information is provided in the agenda packet. The staff report for this is contained within the parent item for the change of zoning and preliminary development plan.

Staff will be available for discussion at the meeting.

**Staff Recommendation**

Staff and the Planning Commission recommend approval of the preliminary plat.

**Excerpt of Minutes  
Basehor Planning Commission Meeting  
May 5, 2009  
Basehor City Hall**

**E2. Public Hearing –Preliminary Plat for Creek Ridge, Phase IV (Tract D), as requested by Jeff Scherer.**

Mr. Smith reviewed staff report and recommend approval. Mr. Smith noted to Commissioners for clarification on the clubhouse being built in what phase. Chair Matthews asked if there was anyone wishing to speak in favor or opposing. Chair Matthews asked if applicant wish to speak. Hearing none, Chair Matthews closed the public hearing at 8:38 p.m.

Commissioner Logsdon made the motion to approve subject to two prior conditions: 1.) Minimum low openings for buildings A and B should be listed on plat.  
2.) The clubhouse shall be constructed prior to final occupancy on the third Building.

Commissioner Harrison seconded. Chair Matthews asked for a vote. Motion passed 6-0.



# CITY OF BASEHOR

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



## APPLICATION FORM

MAR 25 2009

Project Name & Description <u>Creek Ridge Phase 4 - Tract D</u>		Total Site Acreage 4.44 Ac.	Present Zoning R-3 Multi-Fam.
Legal Description (May be attached as separate sheet) <u>See Attached</u>		Proposed Zoning <u>PR</u>	
Project Address / General Location <u>157th St. and Landauer St.</u>		Presubmittal Date	
Parcel ID Number (CAMA Number) <u>181-02-0-00-00-005.07-0</u>		Floor Area Classification	
Property Owner Name <u>Scherer Family Living Trust</u>	Phone <u>913-724-1002</u>	Fax <u>913-441-9045</u>	
Property Owner Address <u>P.O. Box 486</u>	City <u>Basehor</u>	State <u>KS</u>	Zip <u>66007</u>
Applicant's Name (if different from above) <u>Jeff Scherer</u>	Phone <u>913-724-1002</u>	Fax <u>913-441-9045</u>	
Applicant's Address <u>P.O. Box 486</u>	City <u>Basehor</u>	State <u>KS</u>	Zip <u>66007</u>
Applicant's mobile phone <u>816-769-0354</u>	Property Owner and/or Applicant's E-mail address <u>5scherer@sbcglobal.net</u>		

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

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

COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT, AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)			
Total Site Area <u>4.440 Ac.</u>	Existing Floor Area <u>0.000 Ac.</u>	Existing Building Footprint <u>0.000 Ac.</u>	Open Space Area <u>1.875 Ac.</u>
No. of Buildings <u>4</u>	Proposed Floor Area <u>2.517 Ac.</u>	Proposed Building Footprint <u>0.887 Ac.</u>	Pavement Coverage <u>1.678 Ac.</u>
(1, 2&3Stories)		(Incl. 0.54 ROW)	

COMPLETE THIS AREA IF SUBDIVIDING PROPERTY			
Proposed Number of Lots	Maximum Lot Size	Minimum Lot Size	Average Lot Size

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

<u>X</u> <u>3/24/09</u> Signature Date	Office Use Only <input checked="" type="checkbox"/> Filing Fee \$ <u>255</u> <input checked="" type="checkbox"/> Received by <input checked="" type="checkbox"/> # of Plans <u>12</u> <input checked="" type="checkbox"/> Attached Legal Description <input checked="" type="checkbox"/> Property Ownership List
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PID	OWNER	OWNADD	OWNCITY	OWNST...
1583404001003000	USD 458BASEHOR RHS NO 3	PO BOX 282	BASEHOR	KS
1583404002002000	MILLER,ROBERT A; TRUST	15768 PARALLEL RD	BASEHOR	KS
1583404002003000	MILLER,ROBERT A;TRUST	15768 PARALLEL RD	BASEHOR	KS
1583404002001000	ALBERTSON,JANICE L;TRUST	15712 PARALLEL RD	BASEHOR	KS
1810200000005070	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005470	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005480	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005460	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005590	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005490	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005450	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005500	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005510	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005370	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005360	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005520	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005350	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005530	SCHERER FAMILY TRUST	1706 N 150TH ST	BASEHOR	KS
1810200000005550	SCHERER CONST INC	PO BOX 486	BASEHOR	KS
1810200000005560	SCHERER CONST INC	PO BOX 486	BASEHOR	KS
1810200000005610	SHRADER,GARY L	15625 LANDAUER CIR	BASEHOR	KS
1810200000005050	MILES EXCAVATING INC	PO BOX 458	BASEHOR	KS
1810200000005580	SCHERER CONST INC	PO BOX 486	BASEHOR	KS
1810200000005570	SCHERER CONST INC	PO BOX 486	BASEHOR	KS
1810200000005000	MILES EXCAVATING INC	PO BOX 458	BASEHOR	KS
1820300000001020	BASEHOR HISTORICAL MUSEUM...	PO BOX 76	BASEHOR	KS
1820300000001010	BREUER,RAPHAEL & ANN E;T...	PO BOX 147	BASEHOR	KS

**Narrative – City Council  
June 1, 2009  
Dustin Smith, Planning Director**

**Preliminary Plat for Creek Ridge, Phase IV, submitted by  
Scherer Construction.**

The Planning Commission considered this item at their meeting on May 5, 2009 and recommended approval of the preliminary plat with the following conditions:

1. Minimum low openings for buildings A and B should be listed on plat.
2. The clubhouse shall be constructed prior to final occupancy on the third Building.

An excerpt of minutes from the Planning Commission and supporting information is provided in the agenda packet. The staff report for this is contained within the parent item for the change of zoning and preliminary development plan.

Staff will be available for discussion at the meeting.

**Staff Recommendation**

Staff and the Planning Commission recommend approval of the preliminary plat.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION PROVIDING FOR PERFORMANCE OF CITY ADMINISTRATOR DUTIES UNTIL NEW CITY ADMINISTRATOR IS HIRED**

WHEREAS, pursuant to K.S.A. 15-301, the Mayor is the in charge of all affairs of the City; and

WHEREAS, the City for the past several years has delegated many of these duties and affairs to a City Administrator and, as a result, many of the City's ordinances, contracts, resolutions, and policies and procedures make reference to the "City Administrator"; and

WHEREAS, the City currently is without a City Administrator and it is advisable to name someone, in addition to the Mayor, to be in charge of the affairs of the City during the interim period that the City is without a City Administrator.

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

**Section 1.** To serve in the role of City Administrator until a permanent Administrator is hired, the City designates the current Police Chief Lloyd Martley to serve in such capacity, and have all the authority needed to fulfill such duties.

**Section 2.** The City and Chief Martley agree that Chief Martley's first responsibility is to continue to be in charge of, and provide leadership to, the Basehor Police Department, and that his undertaking of City Administrator duties on a temporary basis will not adversely affect the Governing Body's view of his performance as Police Chief. In this regard, the Governing Body understands and acknowledges that Chief Martley is not trained as a City Administrator and likely is unfamiliar with many of the duties performed by an Administrator. However, the Governing Body recognizes Chief Martley's leadership skills and believes such skills will be beneficial to his performance of temporary City Administrator duties. When the Governing Body hires a new City Administrator, Chief Martley will be transitioned out of the City Administrator role and will return to performing full time Police Chief duties.

**Section 3.** In recognition of Chief Martley's undertaking of the City Administrator duties, the City agrees to compensate him at a wage rate equal to an entry level City Administrator (pursuant to the 2009 Basehor Wage Scale, attached as **Exhibit A**) for such time that Chief Martley has (beginning May 19, 2009) and will serve in the capacity of City Administrator.

**Section 4.** The Governing Body recognizes that Chief Martley has a preplanned vacation scheduled for this Fall and hereby agrees that Chief Martley need not cancel or reschedule such vacation on account of his undertaking of the temporary City Administrator duties.

**Section 5.** This resolution shall become effective upon its adoption by the Governing Body and approval by the Mayor of Basehor, Kansas.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF BASEHOR, KANSAS this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF BASEHOR, KANSAS

\_\_\_\_\_  
Terry Hill, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk, Mary Ann Mogle

APPROVED AS TO FORM:

\_\_\_\_\_  
Patrick G. Reavey  
City Attorney for Basehor, Kansas

EXHIBIT "A"  
City of Rasehor  
2009 WAGE SCALE

Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	Parks Laborer	\$9.78	\$10.02	\$10.26	\$10.52	\$10.78	\$11.06	\$11.34	\$11.62	\$11.91
	Clerical	\$10.88	\$11.15	\$11.43	\$11.71	\$12.00	\$12.30	\$12.62	\$12.93	\$13.25
	Maintenance Worker 1	\$10.97	\$11.25	\$11.53	\$11.81	\$12.12	\$12.42	\$12.73	\$13.04	\$13.37
	Animal Control Officer	\$11.01	\$11.27	\$11.56	\$11.85	\$12.15	\$12.45	\$12.76	\$13.08	\$13.41
	Police Clerk	\$11.00	\$11.43	\$11.71	\$12.00	\$12.30	\$12.62	\$12.93	\$13.25	\$13.58
2	Management Intern	\$11.44	\$11.73	\$12.02	\$12.32	\$12.63	\$12.95	\$13.27	\$13.60	\$13.94
	Maintenance Worker 2	\$11.76	\$12.05	\$12.36	\$12.67	\$12.98	\$13.30	\$13.63	\$13.98	\$14.33
3	Wastewater Operator 1	\$12.80	\$13.11	\$13.45	\$13.78	\$14.12	\$14.48	\$14.84	\$15.22	\$15.59
	Court Clerk	\$13.40	\$13.74	\$14.08	\$14.42	\$14.79	\$15.16	\$15.54	\$15.92	\$16.33
	Wastewater Operator 2	\$14.01	\$14.36	\$14.72	\$15.09	\$15.46	\$15.85	\$16.24	\$16.65	\$17.07
4	Assistant City Clerk	\$14.62	\$14.99	\$15.36	\$15.75	\$16.14	\$16.55	\$16.95	\$17.38	\$17.82
	Police Officer 2	\$14.99	\$15.36	\$15.75	\$16.13	\$16.54	\$16.95	\$17.38	\$17.80	\$18.25
	Treasurer	\$15.00	\$15.37	\$15.76	\$16.14	\$16.55	\$16.96	\$17.39	\$17.83	\$18.27
	Police Officer 3	\$15.48	\$15.86	\$16.26	\$16.66	\$17.08	\$17.50	\$17.94	\$18.40	\$18.86
5	Police Corporal	\$17.26	\$17.70	\$18.14	\$18.60	\$19.05	\$19.53	\$20.02	\$20.52	\$21.04
	Police Sergeant	\$18.19	\$18.65	\$19.12	\$19.59	\$20.08	\$20.58	\$21.10	\$21.62	\$22.16
	Building/Code Inspector	\$18.29	\$18.75	\$19.22	\$19.70	\$20.19	\$20.70	\$21.22	\$21.75	\$22.29
	Planner	\$18.56	\$19.03	\$19.50	\$19.99	\$20.49	\$21.01	\$21.53	\$22.07	\$22.62
6	Lieutenant/Detective	\$20.35	\$20.86	\$21.38	\$21.92	\$22.46	\$23.03	\$23.61	\$24.19	\$24.80
	City Clerk	\$22.92	\$23.49	\$24.09	\$24.68	\$25.30	\$25.94	\$26.58	\$27.25	\$27.92
8	Chief of Police	\$25.24	\$25.86	\$26.51	\$27.18	\$27.85	\$28.55	\$29.27	\$29.99	\$30.75
	City Superintendent	\$25.80	\$26.45	\$27.11	\$27.79	\$28.49	\$29.19	\$29.92	\$30.67	\$31.44
9	Planning Director	\$28.26	\$28.96	\$29.70	\$30.43	\$31.20	\$31.97	\$32.77	\$33.59	\$34.43
	City Administrator	\$32.76	\$33.58	\$34.41	\$35.28	\$36.16	\$37.07	\$37.99	\$38.94	\$39.92
10										

Notes:

- (1) Steps are in 2.5% increments, represent two years of experience, and apply to both full and part time employees.
- (2) Ranges based on starting wage at step 1 and increase by 15%.
- (3) Non-KLETC certified officers hired at the Officer 2 level.
- (4) 2009 Wage Plan includes 4% increase.  
(Does NOT include 1% merit increase)

Approved and adopted by Council this 5th day of January, 2009.

 Date 1/5/09

Chris Garcia, Mayor