



Welcome To Your City Commission Meeting - Please turn off all cell phones during the commission meeting.
Meetings are televised everyday on Channel 2 at noon, 7 p.m. and midnight

CALL TO ORDER - Pledge of allegiance followed by silent meditation

Presentations and Proclamations:

1. Proclamations: (pg 2)
 - a. National American Indian Heritage Month
 - b. Shop Small-Small Business Saturday November 26, 2016

Amended Agenda
Added Item #10
Consideration Proposed
Business/Industrial Park
Cost

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. October 25, 2016 Regular Meeting Minutes & November 1, 2016 Special Meeting Minutes **Action:** Motion (pg 4)

Tabled items from Previous Meeting:

3. Ferguson Second Hotel Development Agreement Amendment No. 1 to Contract 2016-42 (tabled from October 11, 2016 Meeting) **Action:** Motion (pg 11)

Second Consideration Ordinances:

4. Second Consideration Ordinance No. 8017 Special Use Permit-Child Care Center 936 Osage **Action:** Roll Call Vote (pg 16)
5. Second Consideration Ordinance No. 8018 Consideration of Ordinances **Action:** Roll Call Vote (pg 18)

NEW BUSINESS:

Citizens Participation (*i.e. Items not listed on the agenda or receipt of petitions*)

General Items:

6. Quarterly Payment to Leavenworth County Development Corporation (LCDC) **Action:** Motion (pg 20)
7. Approve Tourism Grant Fund Program **Action:** Motion (pg 22)

Resolutions:

8. Resolution B-2152 Support for Low Income Housing Tax Credit Application **Action:** Motion (pg 31)
9. Resolution B-2153 Set Public Hearing for EQH Leavenworth (Downtown Hotel) CID **Action:** Motion (pg 33)
10. Consideration of Proposed Business/Industrial Park Cost **Action:** Motion (pg 48)

Consent Agenda:

Claims for October 22, 2016 through November 4, 2016 in the amount of \$1,062,026.99; Net amount for Pay #22 effective October 28, 2016 in the amount of \$305,404.25 (Including Fire & Police Pension in the amount of \$11,232.85).
Action: Motion

Other Items:

Adjourn Action: Motion



Proclamation

- Whereas,* the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and
- Whereas,* the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and
- Whereas,* their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and
- Whereas,* Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and
- Whereas,* in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned.

Now, therefore, I, Larry Dedeker, Mayor of the City of Leavenworth, Kansas, by virtue of this proclamation urge all our citizens to observe this month with appropriate programs, ceremonies and activities and do hereby proclaim November 2016 to be:

“National American Indian Heritage Month”

In Witness Whereof, I, Larry Dedeker, Mayor, have set my hand and caused the official Seal of the City of Leavenworth to be affixed this eighth day of November in the year two thousand and sixteen.

Larry Dedeker, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk



Proclamation

- Whereas,* Small Business Saturday is a shop local campaign held on the Saturday following Thanksgiving to encourage reinvestment in small business across the country; and
- Whereas,* small businesses employ over 55 percent of America's workers either owning or working for a small business; and
- Whereas,* 87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and
- Whereas,* according to research firm Civic Economics, for every \$100 spent at a local store, \$68 stays within the community while on-line shopping generates little or no benefit for the local economy; and
- Whereas,* advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and
- Whereas,* the City of Leavenworth wishes to recognize the contributions that small businesses make to our community and local economy; and
- Now, Therefore,* I, Larry Dedeke, Mayor of the City of Leavenworth, Kansas do hereby proclaim
November 26, 2016

"Small Business Saturday"

In the City of Leavenworth, and hereby urge all citizens to shop at and support our local businesses, as we celebrate the accomplishments of our small businesses and encourage the development of new small businesses.

In Witness Whereof, I have hereunto caused this seal to be affixed and set my hand this eighth day of November in the year two thousand and sixteen.

Larry Dedeke, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk



CALL TO ORDER - The Governing Body met in regular session and the following commission members were present: Mayor Larry Dedeke, Mayor Pro-Tem Nancy Bauder, Commissioners Mark Preisinger, Charles Raney and Lisa Weakley.

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Deputy Director Public Works Mike Hooper, City Planner Julie Hurley, Police Chief Pat Kitchens, Finance Director Ruby Maline, Public Information Officer Melissa Bower, City Attorney Tom Dawson, and City Clerk Carla Williamson.

Mayor Dedeke opened the meeting with the pledge of allegiance lead by Boy Scouts from Pack 3174, followed by silent meditation.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation:

Military Retiree Appreciation Day, October 29, 2016: Norman Greczyn was present to accept the Proclamation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes – Commissioner Bauder moved to approve the October 11, 2016 Regular Meeting minutes as presented. Commissioner Raney seconded the motion and was unanimously approved.

Bids for Demolition of 724-726 Pottawatomie and 728-730 Pottawatomie – Contract No 2016-15 (tabled from February 23, 2016 and September 27, 2016 meetings) – City Planner Julie Hurley presented for consideration the bids for the demolition of two 4-plex buildings. Staff recommends acceptance of the low bid by Midland Wrecking for \$20,200.00. Bids were as follows:

<u>Company</u>	<u>Bid</u>
Diversified Builders and Developers	\$38,700.00
Remco Demolition	\$21,640.00
Dale Brothers	Not Read Incomplete
Fredrick Excavating	\$38,825.00
Madget Demolition	\$34,000.00
Midland Wrecking	\$20,200.00

Commissioner Preisinger asked City Attorney Tom Dawson if all legal action is complete and ready to move forward. Mr. Dawson said that there was one action set to be dismissed by the court at any time.

Commissioner Preisinger moved to accept the bid from Midland Wrecking for \$20,200.00 for the Demolition of 724 and 726 and 728 and 730 Pottawatomie to remove this blight from the City immediately. Commissioner Raney seconded the motion and was unanimously approved.

NEW BUSINESS:

Citizen Participation:

Mike Bednarz - 2410 24th Street

- Discuss the ordinance not allowing RV and boats in a person’s own driveway

- His boat is smaller than his pickup and not feasible to store it and get it out each week
- Ask that the ordinance be repealed
- Other option to modify the ordinance
 - Allow boats to be parked in driveway or on one's personal property
 - Allow the boats to be kept on property during the summer months/boating season, March – October
- The law does not make any sense
- Has had the boat on his property for 4 years and this is the first time notified of the violation

Mayor Dedeke asked the members of the Commission if there is a consensus to bring this back to the Commission to revisit the regulation.

There is a consensus by the Commission to bring this back for further discussion

Police Chief Pat Kitchens

- The American Veterans Traveling Tribute – Vietnam Wall will be at Ray Miller Park October 27-30, 2016
- Wednesday, October 26, 2016 the Patriot Guard will escort the traveling wall to Ray Miller Park
- The tribute will be open 24 hours a day every day from noon on Thursday October 27th through Noon on Sunday October 30th
- There will be one official ceremony each day
- Home depot donated \$4,600.00 in building materials for walkways

Resolutions:

Resolution B-2151 PHA 2017 Annual Plan (Leavenworth Housing Planters II) – City Manager Paul Kramer presented for consideration a resolution adopting and submitting the 2017 PHA Annual Plan and Capital Fund Program Annual Statement/Performance and Evaluation Report for the Leavenworth Housing Authority to the US Department of Housing and Urban Development for the operation of Planters II and Section 8.

Commissioner Bauder moved to approve the 2017 PHA Annual Plan by Resolution B-2151 and authorize its submission to HUD. Commissioner Weakley seconded the motion and was unanimously approved.

Bids, Contracts and Agreements:

Consider Lease of City-Owned Property – City Manager Paul Kramer presented for consideration an agreement between the City of Leavenworth and Don and Sherry Brown owners of The Depot restaurant. The Browns approached the City earlier in the year about purchasing some City owned property adjacent to the south side of their property to be used by their tenant at The Depot restaurant for special events. Since the property is in a floodplain it is not advisable to sell the property but that a lease would be appropriate. A 5-year lease is proposed subject to mutual renewals. They would still have to come back to the City for approval. Attachment A. provided in the agenda packet was incorrect and a corrected copy of Attachment A of the Lease agreement was provided to the City Commission and replaced with the final agreement.

Comments from the Browns:

Sherry Brown

- They found the owner of the property on the west side and they agreed to sell the property to the Browns
- Not sure how many have walked that property; it is most definitely in the flood zone
- Would like to clean up the years of debris and would like to turn it into a park like setting to host community events
- Concerned about the language regarding a 5 year lease
- In 5 years there could be another commission that would not be in favor of continuing the agreement

- If allowed to purchase would allow the City access to the property as needed
- Specific items in the agreement that are concerns:
 - Paragraph 4(i) says the contour could not be changed
 - Paragraph F – no food vendor sales
- The Depot is on the historic register
- They have no plan to and would not put up a fence on the property
- Would like to put in benches and tables

Don Brown

- Clearing and excavating estimates \$12,000 -\$15,000
- Mound of asphalt more than 20 feet high on the property to remove
- Maybe \$20,000 to bring it to the level of appearance that they are looking for
- Language in the lease; City could revert the lease back to the City with 90 day notice
- Understands the risk of flooding
- Would like to purchase the land without the risk of being moved off the property
- Concerned about a different Commission having a different opinion

City Manager Kramer stated that the City's normal procedure is to purchase flood plain properties as they come available and keep them because of the risk associated with floods. The food vendor item of the contract can be removed.

Mayor Dedeke

- Since the City does not own the adjoining property doesn't know why the City would keep it
- Shorter term leases make it difficult to make improvements

Commissioner Preisinger asked about previous properties that are in the floodplains.

Public Works Director McDonald said that we have sold other properties in floodplains. If the property is sold and we have a creek project then the City is open to damages for anything the Browns have improved. Any removal of items from the creek and any plans the Browns have would need to be reviewed and approved.

Mr. Kramer stated that as a default plan, the City does not sell property in a floodplain. But it could be sold.

Attorney Tom Dawson does not believe that the City has to take bids to sell property.

Mayor Dedeke asked for a motion to table the items for further discussion.

Commissioner Weakley moved to table this item and bring it back for further discussion. Commissioner Bauder seconded the motion and was unanimously approved.

First Consideration Ordinances:

First Consideration Ordinance Special Use Permit – Child Care Center 936 Osage – City Planner Julie Hurley presented for first consideration on ordinance for a Special Use Permit at 936 Osage for a Child Care Center. The Planning Commission held a public hearing at their October 3, 2016 meeting and voted unanimously to recommend approval of the issuance of the Special Use Permit.

There was a consensus by the City Commission to place on first consideration.

First Consideration Ordinance Special Use Permit – Communications Tower Olive Street - City Planner Julie Hurley presented for first consideration on ordinance for a Special Use Permit on Olive Street for a Communications Tower.

The Planning Commission held a public hearing at their October 3, 2016 meeting and voted unanimously to recommend approval of the issuance of the Special Use Permit. Neighboring property owners spoke in opposition of the granting of the Special Use Permit at the Planning Commission meeting. The Development Regulations require a minimum 105-foot setback for a 100 foot tower. The setback would not be met if the tower is erected at the proposed site but an exception can be made.

Mayor Dedeke asked for clarification in a recent issue with the County regarding a cell tower. A federal law prevented them from stopping the action.

City Attorney Tom Dawson stated that he would need to do some further research on the federal laws regarding cell towers.

Mayor Dedeke asked for comments from the public:

Comments in Favor:

Scott Goble – applicant representing the owner of the property:

- Clarify the minutes from the PC minutes – T-Mobile is on an existing tower and that existing tower is at capacity and overcapacity; this proposed tower would offload the current density that is being experienced.
- One of the concerns is that one of the adjoining properties is on the National Historical Registry
- They have taken this under consideration and that the tower will not affect the historic property
- One of the regulatory criteria is that they must get a letter from the Kansas State Historical Preservation Office
- Tower cannot be built without the letter from the Kansas State Historical Office
- Concerns about the alley and construction
- Owner is agreeable to relocating the access to the tower site; a map handout was provided to the City Commission showing the new proposed access point
 - Could use Railroad Avenue as the access to the cell site.
- A lot of activity for about 30 days during construction after that there will be minimal traffic to the tower site

Comments Opposed:

Dr. William Allen owner of 714 S Broadway

- Property is on the National Register of History Places and it is important that approval is not just from Kansas but from the National Registry of Historic Places
- Concerned with the radiation that would come from this type of structure
- Concerned that his property could be subjected to radiation

Bernie Bristow owner of 784 Spruce Street

- Provided documents and collected signatures from other property owners in opposition
- Glad Mr. Goble has considered an alternate access to the site
- Set back is not all that is involved; Criteria item #3 also discusses the fall zone and value of other property
- This will increase the chance of co-location
- Public Right of way is in the fall zone
- Alley is used by residents to walk; all in the fall zone
- Property Values; Realtors Magazine- buyers less interested or would pay less for anything near a cell tower
- Cell tower is in revitalization area; why put at risk values of homes in the revitalization area
- County issue and cell tower; this is what got him involved; county was unable to block the cell tower
- Respectfully ask that the commission deny this permit

Mayor Dedeke asked Mr. Bristow if he would still be opposed if it met the setback and fall zone.

Mr. Bristow replied that he would still be opposed because of the property values.

Pernell Peters owner of 722 Broadway

- New to the area just bought his house
- Loves Victorian homes; paid a premium for a Victorian home in a historic neighborhood
- Does not want a cell tower that will affect the property

Commissioner Preisinger would like to see the one thing and that is the requirements for the Historical letters. Does not think we should get involved until we know if it could even happen.

Commission agreed that they want to know more about the legislation regarding cell towers.

Commissioner Preisinger moved to table the items for further information. Commissioner Bauder seconded the motion and was unanimously approved.

First Consideration Ordinance Consideration of Ordinance requiring two considerations – City Clerk Carla Williamson presented for first consideration on ordinance regarding passing of ordinances. At the October 4, 2016 Study Session there was a consensus by the City Commission to formally adopt an ordinance requiring two considerations except for emergencies. The proposed ordinances states that an emergency would be determined and declared by a majority vote of the Governing Body.

There was a consensus by the City Commission to place on first consideration.

CONSENT AGENDA:

Claims for October 8, 2016 through October 21, 2016 in the amount of \$936,561.26; Net amount for Pay #21 effective October 14, 2016 in the amount of \$299,240.09 (No Fire & Police Pension). Commissioner Raney moved to approve the consent agenda, as presented. Commissioner Preisinger seconded the motion and was unanimously approved.

Other Items: none

Adjourn – Commissioner Preisinger moved to adjourn the meeting. Commissioner Raney seconded the motion and was unanimously approved.

Time Meeting Adjourned 8:27 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC



SPECIAL MEETING: The following commission members were present: Mayor Larry Dedeke, Mayor Pro-Tem Nancy Bauder and Commissioners Mark Preisinger, Charles Raney and Lisa Weakley.

Others Present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, City Attorney Tom Dawson, Finance Director Ruby Maline, Deputy Public Works Director Mike Hooper, City Planner Julie Hurley, Public Information Officer Melissa Bower, City Clerk Carla K. Williamson, and Deputy City Clerk Cary L. Collins.

The Governing Body signed the consent for the special meeting written waiver notice.

Mayor Dedeke called for a motion to open the special meeting. Commissioner Preisinger moved to open the meeting. Commissioner Bauder seconded the motion and was unanimously approved.

Review Repairs on Unsafe and Dangerous Structures at 717 Olive Street and 800 Osage Street – On October 11, 2016, the City Commission passed Resolution B-2148 finding 10 structures to be in an unsafe or dangerous condition and directing the structures be repaired or removed. The resolution directs the owners of such structures to commence repair or removal within 10 days from the date of the publication of the resolution. The resolution was published on October 18, 2016. During that time, repair has continued on the structures located at 800 Osage Street and 717 Olive Street.

City Planner Julie Hurley stated she did not request that Mr. Lis sign the remediation paperwork because of the City Commission's vote to pass Resolution B-2148 on October 11, 2016. Prior to the November 1, 2016 Commission Meeting, Mr. Lis did tell staff that he considered that repairs to both properties were done.

City Planner Julie Hurley reviewed the status of both properties to include pictures that were taken by staff the afternoon of November 1, 2016:

800 Osage; property owner Kevin C. and Patricia A. Lis

- Roof on west side of property was replaced
- Sheet of plywood painted and placed in window opening
- East side broken window
- Part of wall was replaced
- Detached garage as far as the city is aware no work has been done
 - Holes in wall and no paint
 - Holes in siding that have not been touched

717 Olive; property owner Kelley A. Lis

- House has been painted, some repairs have been made
- Detached garage no repairs to walls or siding
- New roof and doors
- Fresh paint, but no actual repairs
- Broken window on garage

Kevin Lis, property owner of 800 Osage addressed the City Commission:

- Felt that he moved forward quite a bit, he has made repairs to both properties
- 800 Osage Street was a grocery store and a gift shop in the 1960's, would like to see it restored for historical value

Commission discussion:

800 Osage Street

- Property without a future, useful life is over
- Blight to neighborhood
- Second time to Commission, plenty of time to bring structure to code
- Currently used for storage
- Taxes have not been paid
- More effort required than paint and band aid fixes
- Needs to stay on list and be demolished

717 Olive Street

- Solid structure
- Grant extension
- More work needs to be done

Mayor Dedeke stated he drove by 717 Olive and it appears to be structurally sound. Although the taxes have not been paid, if repaired and brought up to code, it would make someone a good home. Commission agreed that more work needs to be done.

Commissioner Weakley moved to leave 800 Osage Street on the demolition list and to move 717 Olive Street from the list for demolition and grant an extension of 45 days from the date of the October 11, 2016 public hearing, to November 28, 2016 to complete repairs, Commissioner Preisinger seconded the motion and was approved 4 to 1; Mayor Dedeke voting no.

Commissioner Bauder moved to adjourn. Preisinger seconded the motion and was unanimously approved.

Meeting adjourned at 8:35 p.m.

Minutes taken by Deputy City Clerk Cary L. Collins

Policy Report
Ferguson Second Hotel Project
Request for amendment(s) to development agreement
Nov. 8, 2016

Prepared by:



Paul Kramer
City Manager

Background:

At the Oct. 11 City Commission meeting, the City Commission approved the framework of an amendment to the development agreement between the City and Ferguson Properties LLC whereby the date of authorization to pull a building permit for the second hotel project at Fourth and Metropolitan streets could be moved forward from the Oct. 1, 2017 date as is included in the existing agreement. Following the Commission meeting, Ferguson Properties LLC has requested a second amendment be included, which it is for Commission review, below.

Agreement amendment #1:

Based on staff's interpretation of the direction of the Commission's consensus, an amendment was worked out between City staff and Ferguson Properties LLC. The amendment involved: Section 2.10, Subsection D, Item iii.

Previous language:

Upon receipt by the City of evidence satisfactory to City staff that Developer has obtained a building permit for the Hotel, which shall not be sooner than October 1, 2017, and that Developer has poured the required foundations for the Hotel in preparation for vertical construction of the Hotel, City shall approve a final requisition Certificate of Project Costs for payment to Developer of \$425,000 from the Construction Fund (the "**Final Distribution**") to reimburse developer for a portion of the remaining Project Costs.

Proposed language:

Upon receipt by the City of evidence satisfactory to City staff that Developer has **completed relocation of** overhead utilities as detailed on the Site Plan and submitted **complete plans in compliance with all City and State regulations, including all land disturbance permitting and any Kansas Department of Transportation traffic report requirements**, for the issuance of a building permit for the Hotel (the "Hotel Building Permit"), City shall issue the Hotel Building Permit immediately upon such **plans being fully approved by City staff**. Notwithstanding the foregoing, such Hotel Building Permit shall not be issued sooner than March 1, 2017.

Agreement amendment #2:

In the course of finalizing the change to the start date issue, Ferguson Properties LLC included a second amendment that was not discussed at the Oct. 11 meeting. The additional amendment relates to the timing of the third and final incentive payment from the City in the amount of \$425,000, which represents 50 percent of the total incentive.

The existing agreement detailing the final payment of \$425,000 as:

...and that Developer has poured the required foundations for the Hotel in preparation for vertical construction of the Hotel, City shall approve a final requisition Certificate of Project Costs for payment to Developer of \$425,000 from the Construction Fund (the “**Final Distribution**”) to reimburse developer for a portion of the remaining Project Costs.”

The revised proposal from Ferguson Properties LLC is:

Upon receipt by the City of evidence satisfactory to City staff that Developer has received an approved site plan (the “**Site Plan**”) and has commenced construction on the underground detention, City shall approve a final requisition Certificate of Project Costs for payment to Developer of \$425,000 from the Construction Fund (the “**Final Distribution**”) to reimburse developer for a portion of the remaining Project Costs.

There is no way to accurately gauge how this would affect timing of the payment, other than that it would move it forward. City staff did review this amendment from a development plan perspective.

Action:

The Commission may approve, deny or offer an alternative proposal to both **Agreement Amendment #1 and Agreement Amendment #2.**

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (“First Amendment”) is made and entered into this ___ day of ____ 2016, by and between the **CITY OF LEAVENWORTH, KANSAS**, a municipal corporation organized according to Kansas law (the “City”) and **FERGUSON HOTEL DEVELOPMENT, LLC**, a limited liability company organized and existing according to Missouri law (the “Developer”). The City and the Developer are hereinafter collectively referred to as the “Parties” and each a “Party.”

WHEREAS, City and Developer executed a Development Agreement dated as of May 24, 2016 (the “Development Agreement”), relating to The North Gateway Redevelopment District Second Hotel Project Plan (the “Project Plan”);

WHEREAS, the City and the Developer desire to enter into this First Amendment in order to modify the Development Agreement as provided herein.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and of the mutual agreements contained herein, the parties hereto do hereby agree as follows:

1. Section 2.10D is hereby deleted in its entirety and replaced with the following:

The GO TIF Bonds Trustee shall maintain a fund to be known as the "**Construction Fund**". At closing on the GO TIF Bonds, the GO TIF Bonds Trustee shall deposit the net proceeds in the Construction Fund after provision for costs of issuance and any capitalized interest. The Developer may submit requisitions for payment of Project Costs from the Construction Fund as follows:

- i. Upon receipt by the City of evidence satisfactory to City that Developer has acquired title to the Project Area, City shall approve a requisition Certificate of Project Costs for payment to Developer of \$141,666 from the Construction Fund to reimburse developer for a portion of the costs of acquiring the Project Area.
- ii. Upon receipt by the City of evidence satisfactory to City that Developer has demolished and removed debris from the Project Area, and has rough graded all of the Project Area in preparation for construction of the Project, except for the property at 416 Pawnee Street, City shall approve a requisition Certificate of Project Costs for payment to Developer of \$283,332 from the Construction Fund to reimburse developer for a portion of the costs of such demolition and rough grading.
- iii. Upon receipt by the City of evidence satisfactory to City staff that Developer an approved site plan (the “**Site Plan**”) and has commenced

construction on the underground detention, City shall approve a final requisition Certificate of Project Costs for payment to Developer of \$425,000 from the Construction Fund (the “**Final Distribution**”) to reimburse developer for a portion of the remaining Project Costs.

- iv. Requisition Certificates of Project Costs for payment to the Developer from the Construction Fund shall not exceed \$850,000.
- v. Upon receipt by the City of evidence satisfactory to City staff that Developer has **completed relocation** of overhead utilities as detailed on the Site Plan and submitted **complete plans in compliance with all City and State regulations, including all land disturbance permitting and any Kansas Department of Transportation traffic report requirements**, for the issuance of a building permit for the Hotel (the “Hotel Building Permit”), City shall issue the Hotel Building Permit immediately upon such **plans being fully approved by City staff**. Notwithstanding the foregoing, such Hotel Building Permit shall not be issued sooner than March 1, 2017.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, this First Amendment is executed by City and Developer effective as to the day and year first above written.

CITY:

CITY OF LEAVENWORTH, KANSAS

a Kansas municipal corporation

By: _____
Larry Dedeke., Mayor

Date signed: _____

ATTEST:

Carla K. Williamson CMC, City Clerk

APPROVED AS TO FORM:

Thomas Dawson, City Attorney

DEVELOPER:

FERGUSON HOTEL DEVELOPMENT, LLC, a
Missouri limited liability company

By: _____
John Ferguson, President

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8017
SPECIAL USE PERMIT CHILD CARE CENTER
936 OSAGE STREET**

November 8, 2016

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

BACKGROUND:

At the October 25, 2016 meeting the City Commission discussed and placed on first consideration an ordinance to allow a Child Care Center at 936 Osage Street.

ACTION:

Ordinance No. 8017 is now presented for second consideration and requires a roll call vote.

ORDINANCE NO. 8017

AN ORDINANCE ALLOWING A SPECIAL USE FOR DAY CARE CENTER TO BE LOCATED AT 936 OSAGE STREET IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under the 2016 Development Regulations of the City of Leavenworth, Kansas, as amended, the Governing Body of the City of Leavenworth, Kansas was given the power to locate special uses in each zoning district by ordinance; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the ordinances of the City of Leavenworth, Kansas held a public hearing on October 3, 2016 in the Commission Chambers, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas the official date and time set out as was published in the Leavenworth Times newspaper; and

WHEREAS, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request for a child care center at 936 Osage Street, Leavenworth, Kansas.

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

Section 1. That a special use permit be issued for a childcare center on the following described property: Lots 18 and 19, Block 2, Mix's Subdivision, City of Leavenworth, Leavenworth County, Kansas more commonly known as 936 Osage Street in an R1-6 (High Density Single Family Residential) District.

Section 2. That this special use permit is subject to the following:

- a.) To operate a childcare center for up to twelve (12) children.
- b.) Five (5) days a week Monday through Friday from 7:00 a.m. to 5:00 p.m.
- c.) This property is not on an arterial street.
- d.) Site shall provide 100 square feet of open space per child and 100% enclosed by a four (4) foot fence or wall.
- e.) Site shall provide loading zone to accommodate at least one (1) automobile for discharge and pick-up of children.
- f.) Site development shall be in accordance with the proposal submitted and conform to all requirements of the State of Kansas reference childcare licensing.
- g.) No additional home occupations may be carried out at the resident.

Section 3. That this Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

Passed by the Leavenworth City Commission on this 8th day of November, 2016.

Larry Dedeke, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk

Summary Published in The Leavenworth Times
Date of Publication: November 12, 2016

POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8018
CHAPTER 2, ARTICLE II GOVERNING BODY ADDING SECTION 2-34
CONSIDERATION OF ORDINANCES AT PUBLIC MEETINGS

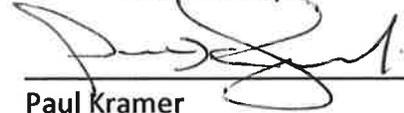
November 8, 2016

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

BACKGROUND:

At the October 25, 2016 meeting the City Commission discussed and placed on first consideration an ordinance regarding Consideration of Ordinances at Public Meetings.

ACTION:

Ordinance No. 8018 is now presented for second consideration and requires a roll call vote.

ORDINANCE NO. 8018

AN ORDINANCE AMENDING LEAVENWORTH CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE II GOVERNING BODY, ADDING SECTION 2-34 CONSIDERATION OF ORDINANCES AT PUBLIC MEETINGS, PROVIDING SUBSTITUTE PROVISIONS AND REPEALING SECTIONS IN CONFLICT.

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

Section 1. Code of Ordinances, Chapter 2, Article II. Governing Body, adding Sec. 2-34 Consideration of Ordinances at Public Meetings to read as follows:

Section 2-34. Consideration of Ordinances at Public Meetings.

Consideration of Ordinances cannot be passed on the date of introduction with exception of emergencies. The Governing Body shall determine and declare an emergency by a majority vote.

Section 2. Publication; Effective date. The ordinance shall take effect and be in full force and effect immediately following its adoption and publication as provided by law.

Passed by the City of Leavenworth City Commission on this 8th day of November, 2016.

Larry Dedeke, Mayor

ATTEST:

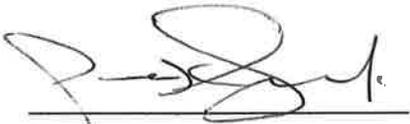
Carla K. Williamson, CMC, City Clerk

Summary Published in The Leavenworth Times
Date of Summary Publication: November 12, 2016

Policy Report
Leavenworth County Development Corporation (LCDC)
Membership dues for third quarter 2016

Nov. 8, 2016

Prepared by:



Paul Kramer
City Manager

History:

The Leavenworth City Commission at their Dec. 14, 2010 regular business meeting voted that the City of Leavenworth continue to remain a member of the Leavenworth County Development Corporation (LCDC) subject to the following conditions.

- LCDC would continue to provide quarterly progress reports; and
- the membership dues would be paid to LCDC on a quarterly basis upon the affirmative action of the City Commission each quarter.

Subject:

Steve Jack, Executive Director, LCDC, provided a quarterly progress report on LCDC's activities over the third quarter of 2016 (local economic indicators, expansion/recruitment projects, 2016 marketing initiatives, 2016 LCDC events, and the 2016 program of work scoreboard) at the Study Session of the City Commission on Tuesday, Nov. 1, 2016.

Action:

Based on the positive report delivered to the City Commission by Mr. Jack, I would recommend that the City Commission authorize payment to LCDC for the third quarter in the amount of \$11,848.50.

Attachment – Invoice for the third quarter LCDC funding

PRK/

Leavenworth County Development Corporation
 Leavenworth County Port Authority
 1294 Eisenhower Rd
 Leavenworth, KS 66048

Invoice

Phone # 9137276111 mmack@lvcountyed.org
 Fax # 913-727-5515 www.LVCountyED.org



LEAVENWORTH COUNTY

DEVELOPMENT CORP
 DEDICATED TO THE
 INDUSTRY OF INNOVATION

Invoice #	Bill Date
772	10/26/2016
Bill To	
City Of Leavenworth 100 N. 5th St. Leavenworth, KS 66048	

P.O. No.

Quantity	Description	Rate	Amount
1	Public Sector Funding - 3rd Quarter	11,848.50	11,848.50

Total	\$11,848.50
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Please make payment to:
 Leavenworth County Development Corporation
 Leavenworth County Port Authority
 1294 Eisenhower Road
 Leavenworth, KS 66048

POLICY REPORT
Tourism Grant Fund
November 8, 2016

Prepared By:



Taylor Tedder
Assistant City Manager

Reviewed By:



Paul Kramer
City Manager

BACKGROUND:

Staff presented the proposed Tourism Grant Program at the October 18, 2016 Study Session. The proposed program was distributed to area attractions, non-profit organizations, and posted on the City's website to allow stakeholders to provide input. Initial feedback was positive with a couple organizations eager to submit an application when it comes available.

The CVB Tourism Grant Program is proposed to enhance the economic impact of tourism in our community. The proposed grant program should support events that:

- Demonstrate a measurable community or economic benefit,
- Enhance Leavenworth's character and reputation for tourist activities;
- Attract new events or strengthen existing events marketing abilities;
- Generate additional transient guest tax and sales tax for the community.

Tourism Grants would be available to any organization marketing their project/event to attract visitors to Leavenworth. Qualifying projects would need to meet the following criteria:

- Grant applications must be received before the end of the business day of each granting cycle. Proposed dates include February 1 and August 1.
- Maximum grant award shall not exceed \$5,000. Organizations are limited to one grant per award cycle.
- Preference will be given to marketing that is geared towards overnight room stays.

Eligible projects for funding include graphic design or printing of promotional materials, advertisements that market to visitors, brochures, event expenses for hosting a destination event, and other tourism related activities. A grant completion report would be mandatory for grantees to complete to gauge performance of distributed grants.

BUDGET IMPACT:

Staff recommends program funding of \$20,000. Transient Guest Tax funds will be available to accommodate the expenditure.

ACTION:

Adopt the Tourism Grant Fund Program, with \$20,000 in funding provided by the 2017 Transient Guest Tax, as presented.

ATTACHMENT:

Tourism Grant Fund Application Packet



1. ABOUT THE PROGRAM

The CVB Tourism Grant Program was established to enhance the economic impact of tourism in our community. The grant is a reimbursement grant and not designed to cover the entire cost of a project. The program is designed to assist an organization in their event or marketing program. Priority will be given to distinctive and creative projects or events that support the goals and mission of the CVB. Applications will be reviewed in two grant award cycles. The deadline for the first granting cycle will be February 1, and the second August 1.

2. MISSION AND GOALS

The mission of the City of Leavenworth Convention and Visitors Bureau is to attract visitors, tour groups, and meeting and convention business to the Leavenworth community.

These funds should support events that:

- o Demonstrate a measurable community or economic benefit,*
- o Enhance Leavenworth's character and reputation for tourist activities;*
- o Attract new events or strengthen existing events marketing abilities;*
- o Generate additional transient guest tax and sales tax for the community.*

3. POLICIES AND PROCEDURES

Tourism Grants are available to any organization marketing their project/event to attract visitors to Leavenworth. Qualifying projects must meet the following criteria:

- a. Grant applications must be received before the end of the business day of each granting cycle. February 1 and August 1.*
- b. Maximum grant award shall not exceed \$5,000. Organizations are limited to one grant per award cycle.*
- c. Preference will be given to marketing that is geared towards overnight room stays.*
- d. Applicant will be notified of grant award via letter or email.*

4. APPLICATION PROCESS

Applications will be reviewed in two granting cycles. The deadline for the first granting cycle is February 1, 2017 and the second, August 1, 2017. The application must be completed in full. If more space is needed, please attach additional pages or documents to the application. All applications must be mailed or delivered to:

Kristi Lee, CVB Manager
Leavenworth Convention and Visitor's Bureau
100 N. 5th St. Leavenworth, KS 66048
cvb@firstcity.org

The Convention and Visitors Bureau will review applications and determine eligibility. All awards are subject to scoring criteria and available funding. Notifications will be made by March 1st or September 1st.

5. PROJECT DEVELOPMENT

The CVB must be notified in writing as soon as possible if the applicant does not plan to use their approved funds. Grant funds must be used for the project for which they are requested.

The recipient of the grant is responsible for any and all liability issues evolving from the activities of this project.

6. PROJECT COMPLETION REPORT

Projects must be completed within one year. A mandatory follow-up report is due within 30 days of completion of your project. Funds will be dispersed after acceptance of the report.

7. ELIGIBLE PROJECTS FOR FUNDING

Fundable Items (including but not limited to):

- Graphic Design and/or Printing of Promotional Materials.
- Advertisements that market to visitors spending the night in Leavenworth.
- Brochure and Guide Distribution.
- Hats, shirts, banners, flags, and other promotional items will be considered if they are part of the marketing plan for distribution outside of the community, and/or as a part of advertising for an event or attraction prior to the event.
- Event expenses for hosting a destination event drawing attendees from outside the region and other states.
- The Grant may fund regional brochure or guide distribution through a professional distribution company. The distribution schedule shall be included in the application.
- A detailed description and of the promotional materials design work and advertisement examples shall be included in the application.
- Other tourism related projects/activities.

Non-fundable items (including but not limited to):

- Marketing of local community events that promotes mostly to local citizens and is attended predominantly by local citizens.
- Association Memberships.
- Salaries and Wages.
- Entertainment and Honorariums.
- Program booklets, stationery, and membership solicitation literature.
- Private parties, functions and events not open to the general public.

8. QUESTIONS

- For assistance contact the Leavenworth CVB at 913-758-2948 or cvb@firstcity.org.

Final determination of fundable and non-fundable items is solely at the discretion of the CVB and City of Leavenworth.

Leavenworth CVB Grant Application

Please review the Grant Guidelines before completing this form.

1. Business Information

Organization Name _____

Project Manager Name _____ Title _____

Address _____ City _____ State _____ Zip _____

Telephone (____) _____ E-mail Address _____

Organization's Web Site _____

Mission of the Organization and Examples of Programing or Activities _____

Admission/Attendance Figures for Related Event (if applicable) _____

Current Marketing Plan for this Organization _____

2. Project Information

a. Attach a copy of the Design/Project/Event

b. Project Name _____

Description of the Grant Project Overview (project description with plan of fund use)

3. Project Estimated Begin Date _____ Estimated Completion Date _____

Please include any other dates related to the project _____

Estimated project cost (include copies of professional service bids such as creative design, print, enhancements, photography, and so on, as available. (Please include information on local vendor services, if applicable.) _____

Include the distribution/marketing plan for your project, include the quantity of promotional pieces to be printed, distributed, and/or mailed, if applicable.

4. Funding Information

The costs should be estimated as closely as possible.

Total Project Cost \$ _____

Grant Funds Requested \$ _____

Applicant Match \$ _____

What other funding sources have you applied for or considered, to support the grant project?

Will you be able to complete this project if we are unable to fund your request?

Have you or any of the applicant partners previously received a Grant from the CVB?

Yes ____ No ____ If yes, when: _____

5. Required Information

Do you expect an increase in overnight stays in Leavenworth as a result of this marketing activity? What is the number of hotel rooms expected to be used?

Will this project create or sustain tourism related jobs?

Are new partnerships being formed to support the grant activities?

What do you expect the economic impact or other benefits will be to the Leavenworth region as a result of this marketing activity? Are there other ways this project will impact the community?

How will this project be tracked? Once the project is completed, will you be willing to provide a one page report to the CVB on the results and the measurement of the return on investment?

Please include any other supporting documents.

- a. Letter(s) of Support
- b. Listing of the Applicant's Board of Directors or Organizational Structure

6. Mail, hand deliver, or email the original of the completed application to:

Kristi Lee, CVB Manager
Leavenworth Convention and Visitor's Bureau
100 N. 5th St. Leavenworth, KS 66048
cvb@firstcity.org

7. Authorized Signatures

I have read the grant guidelines and have accurately completed this application. I understand that this is a competitive grant process and that I must meet the eligibility requirements outlined in the grant guidelines in order to be considered for a grant. I acknowledge that I have the authority to submit this application and commit the matching funds.

I understand that it is a criminal violation under Kansas Law to engage in deception and knowingly make or cause to be made, directly or indirectly, a false statement in writing for the purpose of procuring economic development assistance from government funds.

About the Project

This grant is funded by the transient guest tax paid by visitors who spend the night in hotels in the city limits of Leavenworth. It is collected by the hotels, and administered by the State of Kansas to the City of Leavenworth. The Convention and Visitors Bureau is a division of the City of Leavenworth.



Tourism Grant Completion Report

CONVENTION AND VISITORS BUREAU

The Completion Report must be submitted to the CVB within **30 days** of project/event completion. Grant awardees must complete this form fully. Funding will occur after form processing and acceptance by the CVB.

Project/Event Name _____

Project Location _____

Documentation (list attached items; such as printed materials, ad copy, event program, etc.)

Final cost of project (attach paid invoice or receipts) _____

Admission/Attendance Figures for Related Event (if applicable) _____

Number of out-of-town attendees _____

Number of lodging rooms used per day _____

Additional information _____

Return completed form to:

Kristi Lee, CVB Manager
Leavenworth Convention and Visitor's Bureau
100 N. 5th St. Leavenworth, KS 66048
cvb@firstcity.org • 913-758-2948

Make check payable to:

Address: _____ **City** _____ **Zip** _____

The above completion report is an accurate representation of the project.

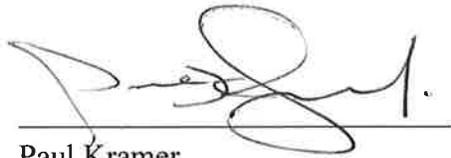
Signature _____ **Date** _____

Policy Report

Resolution of Support – Cornerstone Associates LLC

Nov. 8, 2016

Prepared by:



Paul Kramer
City Manager

Issue:

Cornerstone Associates LLC recently approached the Leavenworth Public Housing Authority in regards to a letter of support for their application to the Kansas Housing Resources Corp., for Low Income Housing Tax Credits. Cornerstone is working with the City of Leavenworth for an independent living senior facility in the city.

Action:

It is recommended that the City Commission, acting as the Leavenworth Public Housing Authority Board, approve a resolution of support for the Cornerstone Associates LLC for Low Income Housing Tax Credits from the Kansas Housing Resources Corp. (The resolution will be walked in to the City Commission meeting.) The recommendation is based on the outline of the project, provided by Cornerstone Associates LLC.

ATTACHMENTS: Resolution

RESOLUTION NO. B-2152

WHEREAS, the City of Leavenworth, Kansas has been informed by Cornerstone Associates LLC that Low Income Housing Tax Credits from the Kansas Housing Resources Corporation are necessary to move forward with a planned housing development for senior housing in Leavenworth, Kansas; and

WHEREAS, this housing project, The Legacy Senior Residences, will contains 48 units; and

WHEREAS, the units will be targeted to seniors 55 or better; and

WHEREAS, the individual units will have Energy Star rated appliances, stove/oven, built-in microwaves, washer/dryer, refrigerator/freezer, dishwasher, garbage disposal, walk-in showers, ceiling fans with light fixtures, wall to wall carpet and vinyl throughout apartment, window coverings, internet and cable hookups in each room, and an emergency call system; and

WHEREAS, the property will have the following amenities: library/social room, dining area with serving kitchen, controlled access entry, onsite management and maintenance, exterior covered porch and seating areas for outdoor enjoyment, landscaping and green space to compliment neighborhood, garages and ample off-street parking, free computer/internet access, age appropriate exercise equipment, interior lobby mailboxes, and organized social events.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Commission, City of Leavenworth, that we support and approve the development of the aforesaid housing in our community, subject to City ordinances and the building permit process. This resolution is effective November 8, 2016. In the event that any of the characteristics mentioned above should change prior to the issuance of a building permit, this resolution is null and void.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR
this 8th day of November, 2016.

Larry Dedeke, Mayor

ATTEST:

Carla K. Williamson CMC, City Clerk

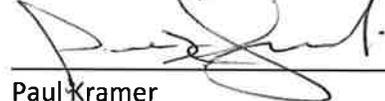
**POLICY REPORT
RESOLUTION B-2153 NOTICE OF PUBLIC HEARING
CREATION OF A COMMUNITY IMPROVEMENT DISTRICT
DOWNTOWN HOTEL IMPROVEMENT DISTRICT**

November 8, 2016

Prepared By:


Carla K. Williamson, CMC
City Clerk

Reviewed By:


Paul Kramer
City Manager

ISSUE:

The issue before the City Commission is to consider a resolution to set a public hearing on Tuesday December 13, 2016 for the creation of a Community Improvement District (CID) within the City and declaring the intent of the City to levy a CID sales tax pursuant to K.S.A. 12-6a26 ET SEQ.

BACKGROUND:

- On October 5, 2016 a petition was filed and signed by EQH-Leavenworth, LLC with the City Clerk proposing the creation of a Community Improvement District (the Downtown Hotel Improvement District).
- The Downtown Hotel Improvement District is located at 101 S 3rd Street.
- The petition requests that the City levy a CID sales tax with the Downtown Hotel Improvement District. The CID sales tax would be imposed on the selling of tangible personal property at retail or rendering or furnishing services within the CID in any increment of .10% or .25% not to exceed 2.0%.
- The resolution will be published once each week for two consecutive weeks on November 25, 2016 and December 2, 2016.
- Copies of the resolution will be mailed by United States certified mail return receipt requested at least 10 days prior to December 13, 2016 to each owner of land with the proposed Community Improvement District.
- At the public hearing on December 13, 2016 the Development Agreement will be presented to the City Commission and all interested persons shall be given the opportunity to be heard.
- Following the public hearing the City Commission may approve the CID by Ordinance (first reading) and Development Agreement. Second Consideration (second reading) will follow in December 27, 2016 to adopt by majority vote the ordinance.

ACTION REQUIRED:

Approve Resolution B-2153 to set the public hearing for December 13, 2016

ATTACHMENTS:

1. Resolution B-2153
2. Petition for the Creation of a Community Improvement District filed by EQH-Leavenworth LLC

RESOLUTION NO. B-2153

A RESOLUTION OF THE CITY OF LEAVENWORTH, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING CONCERNING THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY AND DECLARING THE INTENT OF THE CITY TO LEVY A COMMUNITY IMPROVEMENT DISTRICT SALES TAX PURSUANT TO K.S.A. 12-6a26 ET SEQ., AS AMENDED (DOWNTOWN HOTEL IMPROVEMENT DISTRICT).

WHEREAS, pursuant to K.S.A. 12-6a26 et seq., as amended (the “**Act**”), the City of Leavenworth, Kansas (the “**City**”), is authorized to create a community improvement district for the purpose of financing any project, as that term is defined by the Act (the “**Project**”); and

WHEREAS, the Act further authorizes the City, in order to finance the costs (as that term is defined by the Act) of such Project, to impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing services within a community improvement district in any increment of .10% or .25% not to exceed 2.0% and to issue special obligation bonds payable from such community improvement district sales tax or to reimburse the cost of the Project pursuant to pay-as-you-go financing, as that term is defined by the Act; and

WHEREAS, a petition (the “**Petition**”) has been filed with the City Clerk of the City on October 5, 2016, proposing the creation of a community improvement district (the “**Downtown Hotel Improvement District**”), the making of the Project relating thereto and the imposition of a community improvement district sales tax in order to finance the costs of such Project; and

WHEREAS, the Petition was signed by EQH-Leavenworth, LLC, the owner of record, whether resident or not, of all of the land area within the proposed Downtown Hotel Improvement District; and

WHEREAS, the proposed Downtown Hotel Improvement District is located at 101 S. Third Street in Leavenworth; and

WHEREAS, the Petition requests that the City levy a community improvement district sales tax within the Downtown Hotel Improvement District in an amount not to exceed 2.0%; and

WHEREAS, the Act provides that prior to creating any community improvement district, the City shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district, the approval of such Project therein and the levy of a community improvement district sales tax within such district and shall give notice of said public hearing in accordance with the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, AS FOLLOWS:

1. Notice is hereby given that a public hearing to consider the advisability of the creation by the City of the Downtown Hotel Improvement District, the approval of the Project and the levying by the City of a community improvement district sales tax within the Downtown Hotel Improvement District in an amount not to exceed 2.0% shall be held at the Leavenworth City Hall, 100 North 5th Street, Leavenworth, KS 66048, on Tuesday, December 13, 2016, beginning at 7:00 p.m.

2. A legal description of the proposed Downtown Hotel Improvement District is set forth in **Exhibit B** attached hereto and incorporated herein by reference. A map generally outlining the boundaries of the proposed Downtown Hotel Improvement District is attached hereto as **Exhibit B** and incorporated herein by reference.

3. The general nature of the proposed Project within the proposed Downtown Hotel Improvement District is the development, construction and management of a hotel consisting of approximately 100+ rooms, and other retail development, by providing community improvement district financing in accordance with this Petition and with the Act to finance a portion of the construction of such improvements within the Downtown Hotel Improvement District.

4. The estimated cost of the new hotel is \$14,200,000, as described on the attached **Exhibit A**, the estimated cost of the retail development is unknown at this time.

5. The Project within the proposed Downtown Hotel Improvement District will be financed through a combination of private equity, private debt and pay-as-you-go financing, and/or through the issuance of special obligation bonds or notes, and such pay-as-you-go financing, special obligation bonds or special obligation notes shall be payable from revenues received from the imposition of a community improvement district sales tax in an amount not to exceed 2.0% on the selling of tangible personal property at retail or rendering or furnishing of taxable services taxable pursuant to the provisions of the Kansas retailer's sales tax act within the proposed Downtown Hotel Improvement District.

6. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

(a) A copy of this resolution shall be mailed by United States certified mail, return receipt requested, at least 10 days prior to December 13, 2016, to each owner of land within the proposed community improvement district.

(b) This resolution, specifically including **Exhibits A and B** attached hereto, shall be published in the *Legal Record*, twice, on November 25, 2016 and December 2, 2016.

7. The Mayor, City Manager, City Clerk, Special Council to the City and other officials and employees of the City, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this resolution.

8. This resolution shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas.

ADOPTED by the City Commission of the City of Leavenworth, Kansas on November 8, 2016.

Larry Dedeke, Mayor

SEAL

Attest:

Carla Williamson CMC, City Clerk

Lender: Midland States Bank
Borrower: EQH- Leavenworth LLC
Project: Home2 Leavenworth
Number of Keys: 107
Date: **9/30/2016**
Closing Draw

EXHIBIT A

Item No.	Description	Original Budget	\$ Per Key	Current Adjust	Total Adjust	Revised Budget	Completed to date *	%	Balance to Complete
Construction Cost									
1	General Conditions	461,174	\$ 4,310	0	0	461,174	10,000.00	2%	451,174
2	Site Construction	304,753	\$ 2,848	0	0	304,753	0.00	0%	304,753
3	Concrete	509,910	\$ 4,766	0	0	509,910	0.00	0%	509,910
4	Masonry	269,203	\$ 2,516	0	0	269,203	0.00	0%	269,203
5	Metals	120,988	\$ 1,131	0	0	120,988	0.00	0%	120,988
6	Wood & Plastics	1,283,894	\$ 11,999	0	0	1,283,894	0.00	0%	1,283,894
7	Thermal & Moisture Protection	242,066	\$ 2,262	0	0	242,066	0.00	0%	242,066
8	Doors & Windows	426,260	\$ 3,984	0	0	426,260	0.00	0%	426,260
9	Finishes	1,020,778	\$ 9,540	0	0	1,020,778	0.00	0%	1,020,778
10	Specialties	74,860	\$ 700	0	0	74,860	0.00	0%	74,860
12	Furnishings	10,356	\$ 97	0	0	10,356	0.00	0%	10,356
13	Special Conditions	58,654	\$ 548	0	0	58,654	0.00	0%	58,654
14	Conveying Systems	197,300	\$ 1,844	0	0	197,300	0.00	0%	197,300
15	Mechanical	1,661,949	\$ 15,532	0	0	1,661,949	40,000.00	2%	1,621,949
16	Electrical	816,625	\$ 7,632	0	0	816,625	20,000.00	2%	796,625
17	GC Overhead & Insurance	90,916	\$ 850	0	0	90,916	0.00	0%	90,916
18	GC Bond	60,000	\$ 561	(10,371)	(10,371)	49,629	49,629.00	100%	0
19	GC Fee	377,484	\$ 3,528	0	0	377,484	0.00	0%	377,484
20	Building Permit	24,827	\$ 232	0	0	24,827	21,156.55	85%	3,670
21	CM General Conditions	18,850	\$ 176	0	0	18,850	0.00	0%	18,850
22	Field Testing	15,000	\$ 140	0	0	15,000	0.00	0%	15,000
Development/Owner Cost									
23	Land Lease During Construction	125,007	\$ 1,168	0	0	125,007	60,666.62	49%	64,340
24	Owner's Project Management Fee/Dev Fee	536,311	\$ 5,012	0	0	536,311	34,277.23	6%	502,034
25	Owner's General Contingency	675,197	\$ 6,310	(35,402)	(35,402)	639,795	0.00	0%	639,795
26	Construction Management Fee	214,524	\$ 2,005	0	0	214,524	40,000.00	19%	174,524
Uniform Project Cost									
A1	Real Estate Taxes	40,000	\$ 374	0	0	40,000	22,050.00	55%	17,950
A2	Insurance/Builder's Risk Policy	33,099	\$ 309	843	843	33,942	33,942.00	100%	0
B1	Interest Reserve	300,000	\$ 2,804	0	0	300,000	0.00	0%	300,000
B2	Equity Syndication Costs	520,667	\$ 4,866	0	0	520,667	520,667.00	100%	0
C1	Lender	90,950	\$ 850	0	0	90,950	90,950.00	100%	0
D1	Equis Hotels	100,000	\$ 935	0	0	100,000	0.00	0%	100,000
E1	Environmental/Phase I Study/Soils Test	15,000	\$ 140	0	0	15,000	8,070.37	54%	6,930
E2	Appraisal-Hotel	6,250	\$ 58	0	0	6,250	6,000.00	96%	250
E3	Equity Legal	45,000	\$ 421	5,000	5,000	50,000	50,000.00	100%	0
E4	Legal-Borrower	25,000	\$ 234	5,000	5,000	30,000	30,000.00	100%	0
E5	Legal/IDD-Lender	45,000	\$ 421	30,431	30,431	75,431	75,430.75	100%	0
E6	CHD Legal (C & R)	10,000	\$ 93	0	0	10,000	0.00	0%	10,000
E7	Zoning	10,000	\$ 93	0	0	10,000	0.00	0%	10,000
E8	Title Policy	10,000	\$ 93	4,499	4,499	14,499	14,499.00	100%	0
F1	Pre-Opening Publicity/Marketing	20,000	\$ 187	0	0	20,000	0.00	0%	20,000

EXHIBIT A PAGE TWO (2)

G2	GM School	3,500	\$ 33	0	0	3,500	0.00	0%	3,500	
G4	Sales Manager Training (Edge Training)	3,000	\$ 28	0	0	3,000	0.00	0%	3,000	
G6	Travel for ALL Training	1,500	\$ 14	0	0	1,500	0.00	0%	1,500	
G7	Lodging for ALL Training	1,500	\$ 14	0	0	1,500	0.00	0%	1,500	
G8	Meal for Training	1,200	\$ 11	0	0	1,200	0.00	0%	1,200	
H1	Front Desk/Night Audit	20,000	\$ 187	0	0	20,000	0.00	0%	20,000	
H2	Housekeeping	29,000	\$ 271	0	0	29,000	0.00	0%	29,000	
H3	Engineering	10,000	\$ 93	0	0	10,000	0.00	0%	10,000	
H4	General Manager	36,000	\$ 336	0	0	36,000	0.00	0%	36,000	
H6	Front Office Manager	7,500	\$ 70	0	0	7,500	0.00	0%	7,500	
H7	Sales Manager	20,000	\$ 187	0	0	20,000	0.00	0%	20,000	
H8	Benefit Estimate	16,000	\$ 150	0	0	16,000	0.00	0%	16,000	
I2	Recruitment	7,000	\$ 65	0	0	7,000	0.00	0%	7,000	
I3	Pre-Opening Party	30,000	\$ 280	0	0	30,000	0.00	0%	30,000	
I4	Liquor License	225	\$ 2	0	0	225	0.00	0%	225	
I5	Security	5,000	\$ 47	0	0	5,000	0.00	0%	5,000	
I6	Initial Food/Beverage Supplies	45,000	\$ 421	0	0	45,000	0.00	0%	45,000	
I7	Pre-Opening Office	18,000	\$ 168	0	0	18,000	0.00	0%	18,000	
I8	Water Meter Deposit/Utilities	10,000	\$ 93	0	0	10,000	0.00	0%	10,000	
I9	General Contingency	20,000	\$ 187	0	0	20,000	0.00	0%	20,000	
I10	Security Camera & Install	4,500	\$ 42	0	0	4,500	3,643.00	81%	857	
I11	24/7 Monitoring System	2,500	\$ 23	0	0	2,500	2,041.20	82%	459	
Site Specific Costs										
J1	Laundry Equipment	38,993	\$ 364	0	0	38,993	0.00	0%	38,993	
J2	OCV/Satellite Equip & Wiring	7,850	\$ 73	0	0	7,850	0.00	0%	7,850	
J3	Background Music	6,591	\$ 62	0	0	6,591	0.00	0%	6,591	
J4	Observation System/CCTV/Security	11,816	\$ 110	0	0	11,816	0.00	0%	11,816	
J5	Prep Room Equipment	59,891	\$ 560	0	0	59,891	0.00	0%	59,891	
J7	PTAC	95,348	\$ 891	0	0	95,348	0.00	0%	95,348	
J8	E- Locks	41,948	\$ 392	0	0	41,948	0.00	0%	41,948	
J9	Guestroom Appliances	131,087	\$ 1,225	0	0	131,087	0.00	0%	131,087	
J10	Firepit	6,000	\$ 56	0	0	6,000	0.00	0%	6,000	
J11	BBQ Pits (2)	4,000	\$ 37	0	0	4,000	0.00	0%	4,000	
L1	Civil Engineering	41,400	\$ 387	0	0	41,400	35,700.00	86%	5,700	
L2	Structural Engineer	35,000	\$ 327	0	0	35,000	25,000.00	71%	10,000	
L3	Architect	130,000	\$ 1,215	0	0	130,000	117,521.25	90%	12,479	
L4	Consulting Services	15,000	\$ 140	0	0	15,000	0.00	0%	15,000	
L5	Inspecting Architect	30,000	\$ 280	0	0	30,000	0.00	0%	30,000	
L6	Plans/Blueprints/Copies	15,000	\$ 140	0	0	15,000	3,255.40	22%	11,745	
L7	Interior Design	15,000	\$ 140	0	0	15,000	8,000.00	53%	7,000	
M2	Exterior Sign Package	24,270	\$ 227	0	0	24,270	0.00	0%	24,270	
M3	Interior Sign Package (In Supplies?)	15,805	\$ 148	0	0	15,805	0.00	0%	15,805	
N1	Computer Equipment & Installation	45,000	\$ 421	0	0	45,000	0.00	0%	45,000	
N2	Low Voltage Wiring	3,000	\$ 28	0	0	3,000	0.00	0%	3,000	
O1	Telephone Equipment	33,645	\$ 314	0	0	33,645	0.00	0%	33,645	
O2	HISA Equipment	31,000	\$ 290	0	0	31,000	0.00	0%	31,000	
O3	Cable Installation	15,000	\$ 140	0	0	15,000	0.00	0%	15,000	
P1	F,F, & E / TVs/ Installation	1,885,130	\$ 17,618	0	0	1,885,130	2,450.00	0%	1,882,680	
P2	F,F, & E Dumpster	10,000	\$ 93	0	0	10,000	0.00	0%	10,000	
Q1	Opening Supplies/ SSU Package/Int Signage	214,000	\$ 2,000	0	0	214,000	0.00	0%	214,000	
R1	Franchise Fee	50,000	\$ 467	0	0	50,000	50,000.00	100%	0	
TOTAL	Total Costs	14,171,052	132,440	0	0	14,171,052	1,374,949.37	9.70%	12,796,102	
	Bank Loan Interest						0.00			
	Total CIP						1,374,949.37			

EXHIBIT B

Proposed Legal Description

All of Block 23 "LEAVENWORTH CITY PROPER" in Section 25, Township 8 North, Range 22 East in the City of Leavenworth, Leavenworth County, Kansas, more particularly described as follows:

Beginning at the Southeast corner of Lot 1, Block 23, "LEAVENWORTH CITY PROPER", said point also being the existing Northwest intersection of Second Street and Delaware Street; thence S78°34'30"W, along the North line of Delaware Street and the South line of Lots 1 through 16, 384' to the Southwest corner of Lot 16, said point also being the existing Northeast intersection of Third Street and Delaware Street; thence N11°25'30"W, along the East line of Third Street and the West line of Lots 16, 17 and the vacated 14' alleyway, 264' to the Northwest corner of Lot 17, said point also being the existing Southeast intersection of Third Street and Shawnee Street; thence N78°34'30"E, along the South line of Shawnee Street and the North line of Lots 17 through 32, 384' to the Northeast corner of Lot 32, said point also being the Southwest intersection of Second Street and Shawnee Street; thence S11°25'30"E, along the West line of Second Street and the East line of Lots 32 and 1 and the vacated 14' alleyway, 264' to the Southeast corner of Lot 1, said point also being the Point of Beginning.

Described Parcel contains 101,376.00 square feet or 2.33 acres ±.

Petition for the Creation of a
Community Improvement District

To: The Governing Body of the City of Leavenworth, Kansas

The undersigned (“Petitioner”), being the owner of record, whether resident or not, of the following: (1) more than fifty-five (55%) of the land area constituting the proposed community improvement district (“District”); and (2) more than fifty-five percent of the assessed value of the land constituting the proposed District does hereby petition the City of Leavenworth, Kansas (the “City”) to create a community improvement district and authorize the proposed project, described further herein, so as to fund in part the services and improvements described herein as provided for under the Community Improvement District Act, KSA 12-6a26 et seq.(the “Act”). In furtherance of its request, Petitioner states:

1. General Nature of the Project:

Generally the proposed development project (the “Project”) to be funded in part by the District is the development, construction and management of a hotel consisting of approximately 100+ rooms at 101 S. Third Street in downtown Leavenworth. In addition to the hotel, the Project may also include other retail development.

2. Estimated Cost:

The estimated cost of the hotel project is approximately \$14,200,000. The estimated cost for any additional retail development is not known at this time. Attached to this Petition as Exhibit A is a detailed budget for the hotel Project. Additionally, ongoing costs associated with the operation and maintenance of the property within the District shall be eligible for reimbursement as allowed under the Act once the eligible costs detailed in Exhibit A have been reimbursed.

3. Proposed Method of Financing:

It is intended that the proposed District projects will be financed on a pay-as-you-go basis paid initially by private financing secured by the Petitioner/Developer and subsequently reimbursed by CID revenues as they become available through sales of taxable goods and services in the District and/or through the issuance of special obligation bonds/notes.

4. Proposed Amount of Sales Tax:

Petitioner is seeking a CID sales tax rate of 2.0% (“District Sales Tax”) and that the District Sales Tax be imposed for a period of twenty-years from the date the director of revenue first begins collecting it as authorized by the Act.

5. Proposed Amount of Special Assessments:

The District shall not be empowered to issue special assessments.

6. Legal Description and District Map:

Attached to this Petition as Exhibit B is a combined legal description and map of the proposed District’s boundaries.

7. Request to Establish District:

By execution and submission of this Petition, Petitioner respectfully requests that the governing body establish the 101 South Third Street Community Improvement District.

By executing this Petition, the undersigned represents and warrants that he or she is a legally authorized representative of the property owner empowered to execute this Petition on behalf of the property owner. **The undersigned also acknowledges that he or she has been advised that the signature on this Petition may not be withdrawn: (1) after the governing body commences consideration of this petition or (2) seven days after its submission to the City Clerk whichever occurs first.**

[Remainder of this page intentionally left blank]

IN WITNESS WHEREOF, the undersigned Petitioner has executed the above and foregoing Petition to create the District.

EQH-Leavenworth, LLC

By: 

Name: Michael C. Mullenix

Title: Manager

STATE OF MISSOURI)
) ss
COUNTY OF SAINT LOUIS)

BE IT REMEMBERED, that on this 4 day of October, 2016 before me, the undersigned Notary Public in and for said County and State, came Michael Mullenix to me personally known, who being duly sworn did say that he is Manager of EQH-Leavenworth, LLC, and that the within instrument was signed and sealed on behalf of EQH-Leavenworth, LLC, by the authority thereof, and acknowledged said instrument to be the free act and deed of said EQH-Leavenworth, LLC.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official the day and year last above written.



CONOR PANDL
My Commission Expires
March 24, 2017
St. Louis County
Commission #13764391


Notary Public

My Commission Expires: 3-24-2017

Lender: Midland States Bank
Borrower: EQH- Leavenworth LLC
Project: Home2 Leavenworth
Number of Keys: 107
Date: 9/30/2016
Closing Draw

Item No.	Description	Original Budget	\$ Per Key	Current Adjust	Total Adjust	Revised Budget	Completed to date *	%	Balance to Complete
Construction Cost									
1	General Conditions	461,174	\$ 4,310	0	0	461,174	10,000.00	2%	451,174
2	Site Construction	304,753	\$ 2,848	0	0	304,753	0.00	0%	304,753
3	Concrete	509,910	\$ 4,766	0	0	509,910	0.00	0%	509,910
4	Masonry	269,203	\$ 2,516	0	0	269,203	0.00	0%	269,203
5	Metals	120,988	\$ 1,131	0	0	120,988	0.00	0%	120,988
6	Wood & Plastics	1,283,894	\$ 11,999	0	0	1,283,894	0.00	0%	1,283,894
7	Thermal & Moisture Protection	242,066	\$ 2,262	0	0	242,066	0.00	0%	242,066
8	Doors & Windows	426,260	\$ 3,984	0	0	426,260	0.00	0%	426,260
9	Finishes	1,020,778	\$ 9,540	0	0	1,020,778	0.00	0%	1,020,778
10	Specialties	74,860	\$ 700	0	0	74,860	0.00	0%	74,860
12	Furnishings	10,356	\$ 97	0	0	10,356	0.00	0%	10,356
13	Special Conditions	58,654	\$ 548	0	0	58,654	0.00	0%	58,654
14	Conveying Systems	197,300	\$ 1,844	0	0	197,300	0.00	0%	197,300
15	Mechanical	1,661,949	\$ 15,532	0	0	1,661,949	40,000.00	2%	1,621,949
16	Electrical	816,625	\$ 7,632	0	0	816,625	20,000.00	2%	796,625
17	GC Overhead & Insurance	90,916	\$ 850	0	0	90,916	0.00	0%	90,916
18	GC Bond	60,000	\$ 561	(10,371)	(10,371)	49,629	49,629.00	100%	0
19	GC Fee	377,484	\$ 3,528	0	0	377,484	0.00	0%	377,484
20	Building Permit	24,827	\$ 232	0	0	24,827	21,156.55	85%	3,670
21	CM General Conditions	18,850	\$ 176	0	0	18,850	0.00	0%	18,850
22	Field Testing	15,000	\$ 140	0	0	15,000	0.00	0%	15,000
Development/Owner Cost									
23	Land Lease During Construction	125,007	\$ 1,168	0	0	125,007	60,666.62	49%	64,340
24	Owner's Project Management Fee/Dev Fee	536,311	\$ 5,012	0	0	536,311	34,277.23	6%	502,034
25	Owner's General Contingency	675,197	\$ 6,310	(35,402)	(35,402)	639,795	0.00	0%	639,795
26	Construction Management Fee	214,524	\$ 2,005	0	0	214,524	40,000.00	19%	174,524
Uniform Project Cost									
A1	Real Estate Taxes	40,000	\$ 374	0	0	40,000	22,050.00	55%	17,950
A2	Insurance/Builder's Risk Policy	33,099	\$ 309	843	843	33,942	33,942.00	100%	0
B1	Interest Reserve	300,000	\$ 2,804	0	0	300,000	0.00	0%	300,000
B2	Equity Syndication Costs	520,667	\$ 4,866	0	0	520,667	520,667.00	100%	0
C1	Lender	90,950	\$ 850	0	0	90,950	90,950.00	100%	0
D1	Equis Hotels	100,000	\$ 935	0	0	100,000	0.00	0%	100,000
E1	Environmental/Phase 1 Study/Soils Test	15,000	\$ 140	0	0	15,000	8,070.37	54%	6,930
E2	Appraisal-1 Hotel	6,250	\$ 58	0	0	6,250	6,000.00	96%	250
E3	Equity Legal	45,000	\$ 421	5,000	5,000	50,000	50,000.00	100%	0
E4	Legal-Borrower	25,000	\$ 234	5,000	5,000	30,000	30,000.00	100%	0
E5	Legal/DD-Lender	45,000	\$ 421	30,431	30,431	75,431	75,430.75	100%	0
E6	CID Legal (C & R)	10,000	\$ 93	0	0	10,000	0.00	0%	10,000
E7	Zoning	10,000	\$ 93	0	0	10,000	0.00	0%	10,000
E8	Title Policy	10,000	\$ 93	4,499	4,499	14,499	14,499.00	100%	0
F1	Pre-Opening Publicity/Marketing	20,000	\$ 187	0	0	20,000	0.00	0%	20,000

G2	GM School	3,500	\$ 33	0	0	3,500	0.00	0%	3,500	
G4	Sales Manager Training (Edge Training)	3,000	\$ 28	0	0	3,000	0.00	0%	3,000	
G6	Travel for A.I.I. Training	1,500	\$ 14	0	0	1,500	0.00	0%	1,500	
G7	Lodging for A.I.I. Training	1,500	\$ 14	0	0	1,500	0.00	0%	1,500	
G8	Meal for Training	1,200	\$ 11	0	0	1,200	0.00	0%	1,200	
H1	Front Desk/Night Audit	20,000	\$ 187	0	0	20,000	0.00	0%	20,000	
H2	Housekeeping	29,000	\$ 271	0	0	29,000	0.00	0%	29,000	
H3	Engineering	10,000	\$ 93	0	0	10,000	0.00	0%	10,000	
H4	General Manager	36,000	\$ 336	0	0	36,000	0.00	0%	36,000	
H6	Front Office Manager	7,500	\$ 70	0	0	7,500	0.00	0%	7,500	
H7	Sales Manager	20,000	\$ 187	0	0	20,000	0.00	0%	20,000	
H8	Benefit Estimate	16,000	\$ 150	0	0	16,000	0.00	0%	16,000	
I2	Recruitment	7,000	\$ 65	0	0	7,000	0.00	0%	7,000	
I3	Pre-Opening Party	30,000	\$ 280	0	0	30,000	0.00	0%	30,000	
I4	Liquor License	225	\$ 2	0	0	225	0.00	0%	225	
I5	Security	5,000	\$ 47	0	0	5,000	0.00	0%	5,000	
I6	Initial Food/Beverage Supplies	45,000	\$ 421	0	0	45,000	0.00	0%	45,000	
I7	Pre-Opening Office	18,000	\$ 168	0	0	18,000	0.00	0%	18,000	
I8	Water Meter Deposit/Utilities	10,000	\$ 93	0	0	10,000	0.00	0%	10,000	
I9	General Contingency	20,000	\$ 187	0	0	20,000	0.00	0%	20,000	
I10	Security Camera & Install	4,500	\$ 42	0	0	4,500	3,643.00	81%	857	
I11	24/7 Monitoring System	2,500	\$ 23	0	0	2,500	2,041.20	82%	459	
Site Specific Costs										
J1	Laundry Equipment	38,993	\$ 364	0	0	38,993	0.00	0%	38,993	
J2	OCV/Satellite Equip & Wiring	7,850	\$ 73	0	0	7,850	0.00	0%	7,850	
J3	Background Music	6,591	\$ 62	0	0	6,591	0.00	0%	6,591	
J4	Observation System/CCTV/Security	11,816	\$ 110	0	0	11,816	0.00	0%	11,816	
J5	Prep Room Equipment	59,891	\$ 560	0	0	59,891	0.00	0%	59,891	
J7	PTAC	95,348	\$ 891	0	0	95,348	0.00	0%	95,348	
J8	E- Locks	41,948	\$ 392	0	0	41,948	0.00	0%	41,948	
J9	Guestroom Appliances	131,087	\$ 1,225	0	0	131,087	0.00	0%	131,087	
J10	Firepit	6,000	\$ 56	0	0	6,000	0.00	0%	6,000	
J11	BBQ Pits (2)	4,000	\$ 37	0	0	4,000	0.00	0%	4,000	
L1	Civil Engineering	41,400	\$ 387	0	0	41,400	35,700.00	86%	5,700	
L2	Structural Engineer	35,000	\$ 327	0	0	35,000	25,000.00	71%	10,000	
L3	Architect	130,000	\$ 1,215	0	0	130,000	117,521.25	90%	12,479	
L4	Consulting Services	15,000	\$ 140	0	0	15,000	0.00	0%	15,000	
L5	Inspecting Architect	30,000	\$ 280	0	0	30,000	0.00	0%	30,000	
L6	Plans/Blueprints/Copies	15,000	\$ 140	0	0	15,000	3,255.40	22%	11,745	
L7	Interior Design	15,000	\$ 140	0	0	15,000	8,000.00	53%	7,000	
M2	Exterior Sign Package	24,270	\$ 227	0	0	24,270	0.00	0%	24,270	
M3	Interior Sign Package (In Supplies?)	15,805	\$ 148	0	0	15,805	0.00	0%	15,805	
N1	Computer Equipment & Installation	45,000	\$ 421	0	0	45,000	0.00	0%	45,000	
N2	Low Voltage Wiring	3,000	\$ 28	0	0	3,000	0.00	0%	3,000	
O1	Telephone Equipment	33,645	\$ 314	0	0	33,645	0.00	0%	33,645	
O2	HSA Equipment	31,000	\$ 290	0	0	31,000	0.00	0%	31,000	
O3	Cable Installation	15,000	\$ 140	0	0	15,000	0.00	0%	15,000	
P1	F.F. & F. / TV's/ Installation	1,885,130	\$ 17,618	0	0	1,885,130	2,450.00	0%	1,882,680	
P2	F.F. & F. Dumpster	10,000	\$ 93	0	0	10,000	0.00	0%	10,000	
Q1	Opening Supplies/ SSU Package/Int Signage	214,000	\$ 2,000	0	0	214,000	0.00	0%	214,000	
R1	Franchise Fee	50,000	\$ 467	0	0	50,000	50,000.00	100%	0	
TOTAL		Total Costs	14,171,052	132,440	0	0	14,171,052	1,374,949.37	9.70%	12,796,102
		Bank Loan Interest					0.00			
		Total CIP					1,374,949.37			

Proposed Legal Description

All of Block 23 "LEAVENWORTH CITY PROPER" in Section 25, Township 8 North, Range 22 East in the City of Leavenworth, Leavenworth County, Kansas, more particularly described as follows:

Beginning at the Southeast corner of Lot 1, Block 23, "LEAVENWORTH CITY PROPER", said point also being the existing Northwest intersection of Second Street and Delaware Street; thence S78°34'30"W, along the North line of Delaware Street and the South line of Lots 1 through 16, 384' to the Southwest corner of Lot 16, said point also being the existing Northeast intersection of Third Street and Delaware Street; thence N11°25'30"W, along the East line of Third Street and the West line of Lots 16, 17 and the vacated 14' alleyway, 264' to the Northwest corner of Lot 17, said point also being the existing Southeast intersection of Third Street and Shawnee Street; thence N78°34'30"E, along the South line of Shawnee Street and the North line of Lots 17 through 32, 384' to the Northeast corner of Lot 32, said point also being the Southwest intersection of Second Street and Shawnee Street; thence S11°25'30"E, along the West line of Second Street and the East line of Lots 32 and 1 and the vacated 14' alleyway, 264' to the Southeast corner of Lot 1, said point also being the Point of Beginning.

Described Parcel contains 101,376.00 square feet or 2.33 acres ±.



Final Plat of
HOME 2 SUITES
 Section 25, Township 8, Range 22
 City of Leavenworth, Leavenworth County, Kansas

Proposed Legal Description

All of Block 23 "LEAVENWORTH CITY PROPER" in Section 25, Township 8 North, Range 22 East in the City of Leavenworth, Leavenworth County, Kansas, more particularly described as follows:

Beginning at the Southeast corner of Lot 1, Block 23, "LEAVENWORTH CITY PROPER", and said point also being the westerly northeast intersection of Second Street and Delaware Street; thence S78°34'30"W, along the South line of Delaware Street and the South line of Lots 1 through 18, 184' to the Southeast corner of Lot 18, said point also being the westerly northeast intersection of Third Street and Delaware Street; thence N77°22'30"W, along the East line of Third Street and the West line of Lots 16, 17 and the westerly 1/2 interest, 284' to the Northeast corner of Lot 17, said point also being the westerly Southeast intersection of Third Street and Delaware Street; thence N33°34'30"E, along the South line of Delaware Street and the North line of Lots 13 through 25, 384' to the Northeast corner of Second Street and Delaware Street; thence S17°25'30"E, along the West line of Second Street and the East line of Lots 22 and 1, and the westerly 1/2 interest, 284' to the Southwest corner of Lot 1, said point also being the Point of Beginning.

Detailed Parcel contains 101,375.00 square feet or 2.33 acres ±.

Existing Legal Description

Lots 1 through 25 inclusive, Block 23, LEAVENWORTH CITY PROPER, together with the westerly alley adjoining thence, City of Leavenworth, Leavenworth County, Kansas.

Dedication

The undivided portion(s) of the above described land if and how shown on this plat to be dedicated to the public use in the manner shown on the accompanying subdivision, which shall be hereafter known as "HOME 2 SUITES".

Easements

An easement or license is hereby granted to the City of Leavenworth, Leavenworth County, Kansas, and all public utility companies duly licensed to do business in the City of Leavenworth, Leavenworth County, Kansas, to enter upon, pass and maintain water mains, wires, telephone, electric, gas, sewer, storm and other pipes across, under and over the above described area outlined and designated on this plat as "Utility Easement" or "U/E".

Surveyor's General Notes

- The survey is based upon the following information provided by the client or obtained by the surveyor:
 - 1.1. Chicago Title Insurance Company
 File Number: 100000077
 Certificate: August 17, 2015, 8:00 am
 - 1.2. Surveyed ALTA/ACSM Land Title Survey
 Job Number: K-14-388
- The surveyor has made no investigation or independent search for encumbrances of record, unrecorded, restrictive covenants, easements, title matters, or any other facts not reflected in the above referenced documents for this tract.
- The subject property surveyed lies within a Flood Zone Designated Zone (D) per FEMA Map Community Panel No. 050000018E, also revised July 16, 2006.
- Zone (D) - Areas determined to be outside the DZE annual chance floodplain.
- Findings and boundaries shown herein were developed from GPS measurements based on the Kansas State Plane Coordinate System of 1983, North Zone.

Execution

In testimony whereof, the undersigned proprietor has caused these presents to be signed this ____ day of _____, 20__.

By: MCO-Leavenworth Land, L.L.C. a Missouri Limited Liability Company

Certifications

I, the undersigned, do hereby certify that on this ____ day of _____, 20__ before me, a notary public in and for said County and State, came _____

executed the foregoing instrument of writing and duly acknowledged the execution of same in my presence and I have hereunto set my hand and affixed my notarial seal this ____ day and year above written.

Notary Public: _____
 My Commission Expires: _____

This plat of _____ has been admitted to and approved by the Leavenworth Planning Commission this ____ day of 20__,
 Chairman: _____
 Secretary: _____
 City Clerk: _____
 (Attest)

State of Kansas }
 County of Leavenworth } ss

This is to certify that this instrument was filed for record in the Register of Deeds office on this ____ day of _____, 20__ in _____
 Book _____
 Page _____
 Register of Deeds: _____

Legend

- Found Survey Monument (as noted)
- Set Survey Monument (from box with Cap. Blanked or C.L. or D)
- U/E Utility Easement
- ST/C Secondary Sewer Easement
- A/E Access Easement
- R/W Right of Way

Surveyor's Certification

I hereby certify on this ____ day of _____, 20__ that this survey was made by me or under my direct supervision and that I am duly qualified to practice the profession of Surveying in the State of Kansas and I am duly licensed to practice the profession of Surveying in the State of Kansas and I am duly licensed to practice the profession of Surveying in the State of Kansas and I am duly licensed to practice the profession of Surveying in the State of Kansas.

David F. Schover, R.S. 13, 1233
 Civil, Field & Survey Engineers
 Corporate Authority of KS 05 00
 dcschover@ksne.com



Proposed Legal Description

Existing Legal Description

Dedication

Easements

Surveyor's General Notes

Execution

Certifications

Notary Public:

This plat of _____ has been admitted to and approved by the Leavenworth Planning Commission this ____ day of 20__,

Chairman: _____

Secretary: _____

City Clerk: _____

(Attest)

State of Kansas }
 County of Leavenworth } ss

This is to certify that this instrument was filed for record in the Register of Deeds office on this ____ day of _____, 20__ in _____

Book _____

Page _____

Register of Deeds: _____

D&K ENGINEERS

Policy Report
Consideration of proposed business/industrial park cost
Nov. 8, 2016

Prepared by:



Paul Kramer
City Manager

Background:

The Leavenworth City Commission at its Nov. 1 Study Session reviewed and provided consensus on the layout and cost breakdown of a new business and technology park. Following that meeting, the proposal was made to the Leavenworth County Commission, which has subsequently approved the same layout and cost breakdown.

Subject:

The layout and total cost will appear as Appendices in the interlocal agreement between the City, County and Leavenworth Port Authority. It has been requested that the site layout and cost breakdown attached herein be voted on a regular meeting. Both attachments will ultimately come back to the City when the interlocal agreement is presented.

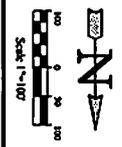
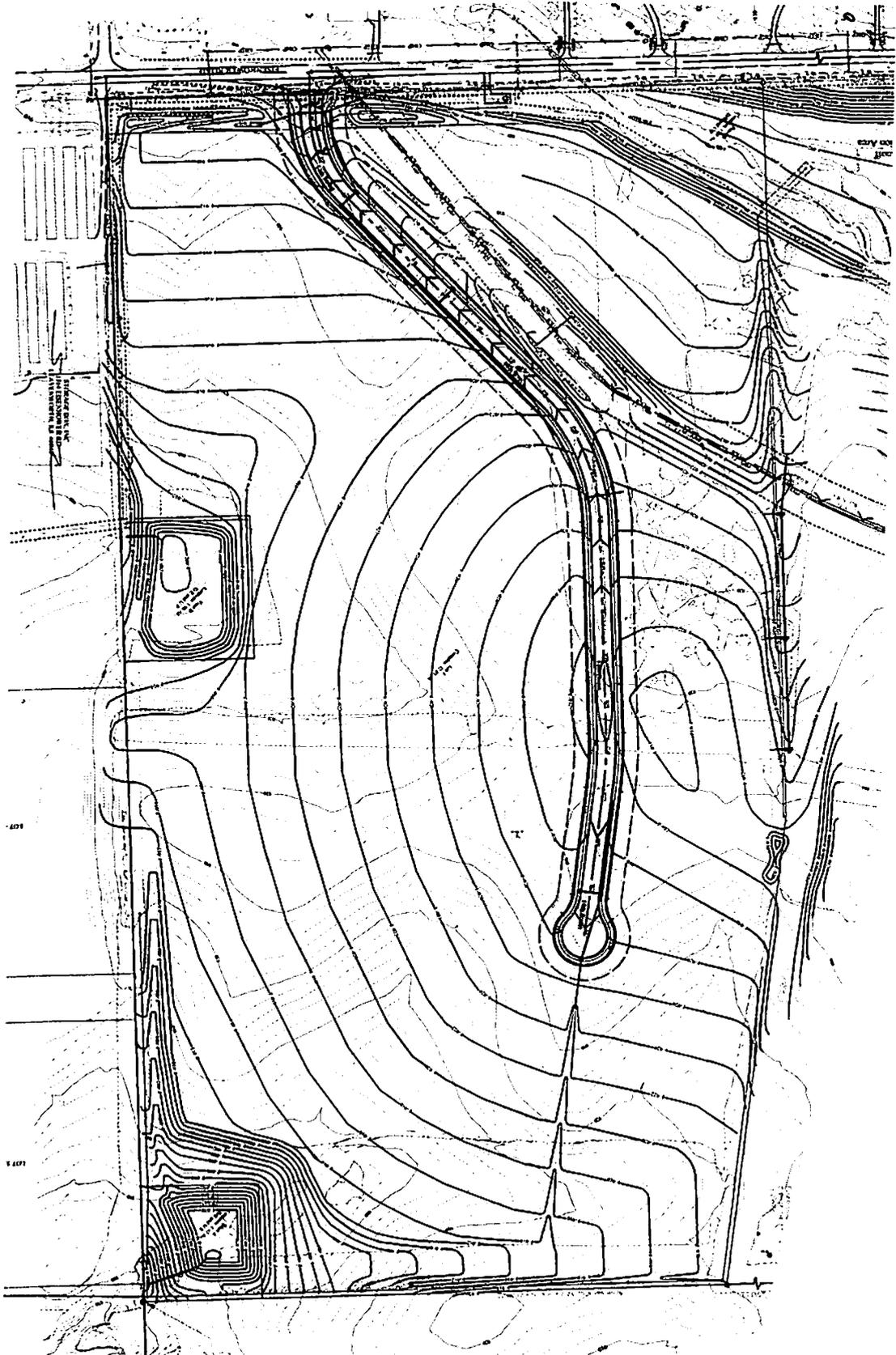
Action:

Approve or disapprove the site layout and a 50 percent (plus bond issuance costs) share of the total business park cost, with all optional upgrades, as is indicated. All approvals are contingent upon a fully executed and approved interlocal agreement among the City, County and Port Authority.

Attachments –

Site layout

Cost breakdown



NO.	DATE	DESCRIPTION	BY

Date of Preparation:
October 7, 2016
By: [Signature]

NAPIER
ENGINEERING, LLC

2017 S. 36th Street
Leavenworth, KS 66048
Phone: 913.682.1234
http://www.napierengineering.com

Prepared For:
JMK PARTNERS, LLC
C/O MRE REALTY
P.O. Box 0
LEAVENWORTH, KS 66048
PHONE: 913.682.1234

2016-21
Leavenworth Business
& Technology Park
Final Development Plans

Grading Plan
Sheet - C8

Leavenworth Business /Technology Park

Proposed Estimate of Costs

Land Acquisition	Unit	GBA QTY.	GBA Unit Price	GBA Total	JMK QTY.	JMK Unit Price	JMK Total
Appraised Value	Acres	81.91	\$ 15,000.00	\$ 1,228,650	81.91	\$ 15,000.00	\$ 1,228,650
Demo/Mobilization							
Mobilization	L.S.	1	\$ 205,000.00	\$ 205,000	1	\$ 155,000.00	\$ 155,000
Clearing and Grubbing Trees	Acres	10	\$ 5,000.00	\$ 50,000	31.5	\$ 4,800.00	\$ 151,200
Clearing and Grubbing Farmground	Acres	70	\$ 1,000.00	\$ 70,000	48.5	\$ 750.00	\$ 36,375
Grading							
Topsoil Stripping/Stockpile	C.Y.	64,500	\$ 1.50	\$ 96,750	67,855	\$ 3.25	\$ 220,529
Compaction	C.Y.	505,000	\$ 2.50	\$ 1,262,500	500,000	\$ 1.60	\$ 800,000
General Excavation	C.Y.	505,000	\$ 6.00	\$ 3,030,000	500,000	\$ 4.50	\$ 2,250,000
Silt Fence/Erosion Control	Acres	80	\$ 1,250.00	\$ 100,000	80	\$ 4,675.00	\$ 374,000
Site Improvements							
Storm Sewer Curb Inlets	Each	15	\$ 3,500.00	\$ 52,500	10	\$ 3,630.00	\$ 36,300
Storm Sewer Piping (Average 36" RCP)	L.F.	2,400	\$ 150.00	\$ 360,000	2,967	\$ 78.00	\$ 231,426
Storm Sewer Area Inlets	Each				4	\$ 3,000.00	\$ 12,000
Flared End-Sections with rip rap	Each	3	\$ 7,500.00	\$ 22,500	5	\$ 1,995.00	\$ 9,975
Sanitary Sewer Manholes	Each	10	\$ 3,500.00	\$ 35,000	20	\$ 3,900.00	\$ 78,000
Sanitary Sewer - 8" PVC Pipe (includes service line)	L.F.	3,000	\$ 50.00	\$ 150,000	8,205	\$ 49.50	\$ 406,148
Storage Box Sanitary Sewer/Fence	L.F.				800	\$ 35.00	\$ 28,000
8" water main (PVC)	L.F.	3,000	\$ 50.00	\$ 150,000	0	\$ -	\$ -
8" DIP Waterline Street Crossings	L.F.				320	\$ 80.00	\$ 25,600
Fire Hydrants	Each	6	\$ 5,000.00	\$ 30,000	0	\$ -	\$ -
Detention outflow/spillway/weir structure	L.S.	2	\$ 20,000.00	\$ 40,000	3	\$ 30,000.00	\$ 90,000
36' wide (back of curb to curb) - 10" asphalt section	L.F.	2,600	\$ 225.00	\$ 585,000	2,150	\$ 212.00	\$ 455,800
Electric Service - Westar -Basic Installation	L.S.	1	\$ 82,000.00	\$ 82,000	1	\$ 125,000.00	\$ 125,000
Electric Service - Trenching, 4' conduit & backfill	L.F.	4,300	\$ 28.00	\$ 120,400	4,400	\$ 15.57	\$ 68,508
Gas Service (per KS Gas)	L.F.	2,700	\$ 32.00	\$ 86,400	2,400	\$ 48.67	\$ 116,808
Pavement Markings/Street Signs	L.S.				1	\$ 5,000.00	\$ 5,000
Off-Site Improvements							
Off-Site Sanitary Sewer Extension	L.F.	800	\$ 100.00	\$ 80,000	780	\$ 49.50	\$ 38,610
Sanitary Sewer Manholes	Each	3	\$ 3,500.00	\$ 10,500	3	\$ 3,900.00	\$ 11,700
Landscaping							
Seeding & Mulch	Acres	80	\$ 3,500.00	\$ 280,000	80	\$ 2,000.00	\$ 160,000
Irrigate / Establish Turf	L.S.	1	\$ 75,000.00	\$ 75,000	0	\$ -	\$ -
Design/Management/Testing							
Design Engineering (Incl. Geo-tech and Surveying)	L.S.	1	\$ 697,500.00	\$ 697,500	1	\$ 395,000.00	\$ 395,000
Construction Management /Staking	L.S.	1	\$ 488,500.00	\$ 488,500	1	\$ 255,000.00	\$ 255,000
Contingency (20%)	%		20%	\$ 1,631,910			\$ -
Legal	L.S.				1	\$ 30,000.00	\$ 30,000
Subtotal				\$11,020,110			\$7,794,628
LCPA, LCDC, City of LV Add-Ons and Options							
42" wide (back of curb to curb) - 12" asphalt section, 6" of KDOT ab-3, Tensar Geogrid	L.F.				2,150	\$ 118.00	\$ 253,700
8' foot wide concrete trail - both sides of street	L.F.				5,125	\$ 39.00	\$ 199,875
Street Lights	L.S.				1	\$ 20,000.00	\$ 20,000
AT&T - Phone/Fiber	L.F.				4,400	\$ 12.06	\$ 53,064
TW Cable - cable/fiber	L.F.				4,400	\$ 12.06	\$ 53,064
Electric Service - Westar - Upgraded	L.F.				1	\$ 90,611.00	\$ 90,611
Electric Service - Trenching - Upgrade	L.F.				4,400	\$ 11.29	\$ 49,676
Gas - Shrine Park/Muncie to new park	L.F.				7,780	\$ 89.88	\$ 699,266
Bond & City Inspections/131% Grading, Sewer, Street Cost	%				1	\$ 258,000.00	\$ 258,000
Construction Testing/QC	L.S.				1	\$ 132,000.00	\$ 132,000
Monument Signage	L.S.				1	\$ 10,000.00	\$ 10,000
Landscaping/Irrigation	L.S.				1	\$ 30,000.00	\$ 30,000
Grand Total							\$9,643,885