



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 Awards:

1. Presentation of Service Awards (pg 2)
2. New Employee Welcome (pg 4)

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

3. November 8, 2016 Regular Meeting Minutes **Action:** Motion (pg 6)

Tabled items from Previous Meeting:

4. Consider Agreement on Retaining Wall 3713 Lakeview (tabled October 11, 2016) **Action:** Motion (pg 10)

Amended Agenda
• Item 7 Protest Petition (document added to end of packet – pg 106)
• Revised Bids, Contracts and Agreements to Resolutions
• Items 10 Resolution B-2154 (document added to end of packet – pg 110)
• Item 12 Presentation letter (added to end of packet – pg 112)

NEW BUSINESS:

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

General Items:

5. New Massage Establishment License – 2920 S 4th Street **Action:** Motion (pg 13)
6. Ferguson – First City Hotel Final Plat and Alley Vacation **Action:** Motion (pg 14)
7. Leavenworth Business and Technology Park:
 - a. Approve Final Plat **Action:** Motion (pg 21)
 - b. First Consideration Ordinance Rezoning to Light Industrial (L-1) **Action:** Consensus (pg 27)
8. Cancellation of Outstanding Checks **Action:** Motion (pg 41)
9. Presentation of the State Legislative Agenda for 2017 **Action:** Consensus (pg 47)

Resolutions:

10. Resolution B-2154 Inter-local Agreement for Leavenworth Business/Technology Park **Action:** Motion (pg 68)

First Consideration Ordinances:

11. First Consideration Ordinance Rezoning of 1623 Spruce to R1-6 Single Family **Action:** Consensus (pg 94)

Other Items:

12. Presentation of the 2017-2021 Capital Improvements Plan – **Action:** Consensus (pg 104)
13. Executive Session – Consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship (K.S.A. 75-4319 (b) 2). (pg 105)

Consent Agenda:

Claims for November 5, 2016 through November 18, 2016 in the amount of \$521,195.32; Net amount for Pay #23 effective November 10, 2016 in the amount of \$297,206.99 (No Fire & Police Pension). **Action:** Motion

Adjourn Action: Motion

**POLICY REPORT 16-08
Employee Service Awards
November 22, 2016**

Prepared by:



Lona M. Lanter
HR Director

Reviewed by:



Paul Kramer
City Manager

Issue:

In 2016, seven (7) employees reached a milestone in their career with the City of Leavenworth. These employees are being recognized for their faithful, dedicated, loyal and continuous service to the City. In turn, they are being recognized on the local level at a City Commission meeting and are presented their chosen awards and certificates by the Mayor or his designee.

In addition to recognizing the 10 and 25 year awards, we are also recognizing those employees who have continued loyal service to the City and/or local government. A list of those obtaining 15 and 20 years of service will be at the end of this policy report.

Background:

In 1926, the League of Kansas Municipalities began the practice of recognizing city employees for faithful, continuous service. Loyal and dedicated officials and employees form the foundation of every city with strong, progressive government. The pride and devotion shown by these men and women in their jobs is an important factor in making Kansas communities a better place to live. The following City of Leavenworth employees are being honored at this time:

Ten Year Awards

**Wendy Cook, Police Sergeant
Eric Heim, Fire Driver/Operator
Shelly Kiehl, Records Clerk
Mark Matzeder, Brush Site Operator
Jeff Porter, Fire Driver/Operator
Nick Verbenec, Firefighter**

Twenty-five Year Awards

Kevin Valencia, Fire Driver/Operator

Ten Year Awards

Wendy Cook – Wendy was hired on October 2, 2006, as a Police Officer, and earned her reclassification to Police Officer II on October 10, 2013. She was promoted to Police Sergeant on October 6, 2016, the position she holds today.

Eric Heim – Eric was hired on February 2, 2006, as a Firefighter. He was promoted to Driver/Operator on May 12, 2011, the position he holds today.

Shelly Kiehl – Shelly was hired on February 23, 2006, as a Records Clerk, the position she holds today.

Mark Matzeder – Mark was hired on June 1, 2006, as an Engineering Technician. He was transferred to Brush Site Operator on July 22, 2010, the position he holds today.

Jeff Porter – Jeff was hired on June 15, 2006, as a Firefighter. He was promoted to Driver/Operator on May 19, 2016, the position he holds today.

Nick Verbenec – Nick was hired on February 2, 2006, as a Firefighter, the position he holds today.

Twenty-Five Year Awards

Kevin Valencia – Kevin was hired as a Firefighter on February 8, 1991. He was promoted to Driver/Operator on March 26, 1999, the position he holds today.

We would also like to recognize the following individuals for their milestone achievements as listed below:

15 Years of Service

Hal Burdette, Chief Building Inspector
Lee Burleson, Zoning & Code Administrator
Cory Langford, (Retired) Police Officer II
Kevin Metzgar, Police Officer III
Tammy Metzgar, Community Center Manager
Neil Vogel, Police Sergeant I

20 Years of Service

Scott Bastian, Court Bailiff I
Kevin Crim, Police Lieutenant
Debbi Gillespie, Senior Court Clerk
Mark Jacobson, Fire Captain
Dan Nicodemus, Deputy Police Chief
Bob Pennington, Park Mechanic
Mike Shore, Deputy Fire Chief
Eric Sundblom, Fire Driver/Operator
Chris Wolters, Fire Battalion Chief

POLICY REPORT 16-09
New Employee Welcome Ceremony
November 22, 2016

Prepared by:



Lona Lanter
HR Director

Reviewed by:



Paul Kramer
City Manager

ISSUE: To welcome newly hired regular full time and part time City of Leavenworth employees.

BACKGROUND: The City has established a program of welcoming new employees to the City Team. As part of this program, each new employee is asked to attend a regular meeting of the Leavenworth City Commission. At the meeting each employee will be introduced by the Mayor or the Mayor Pro Tem and will be presented with a City of Leavenworth pin. Brief background information of each employee listed below is attached.

EMPLOYEES TO BE WELCOMED:

Robert Scoda

Harry (Mike) Hercules

Zachary Farr

Loyd Yonts

Jacqueline Cormier

Kaleb Ketchum

Darrel Koch

Drake Butler

Police Officer

WPC Operator I

Solid Waste Collector

Solid Waste Collector

Police Officer

WPC Operator I

Streets Equipment Operator I

Park Technician I

Robert Scoda – Robert was hired on August 25, 2016 as a Police Officer. He graduated from Grace Christian Academy in Fayetteville, North Carolina. Robert previously worked as a machinist and also served as a youth pastor and volunteer with his church.

Mike Hercules – Mike was hired on September 22, 2016, as a WPC Operator I. He attended Center Senior High in Kansas City, Missouri and studied the construction trade through Vo-Tech. Mike previously worked for city governments in Texas and Missouri as an equipment operator.

Zachary Farr – Zach was hired on October 6, 2016, as a Solid Waste Collector. He graduated from Jefferson High School. Zachary previously worked as a back-end mechanic at Crown Lanes and a store manager.

Loyd Yonts – Loyd was originally hired as a Temporary Park Laborer on July 22, 2016, and was selected for the regular, full-time position of Solid Waste Collector on October 6, 2016. He is a graduate of Leavenworth High School. Loyd previously worked for his family business, Yonts Lawn Care.

Jacqueline Cormier – Jacqueline was hired on October 27, 2016, as a Police Officer. She is a graduate of the American High School in Kaiserslautern, Germany and studied elementary education at Florida Gulf Coast University and Fort Hays State University. She previously worked in various customer service positions.

Kaleb Ketchum – Kaleb was hired on November 3, 2016, as a WPC Operator I. He graduated from Lansing High School. Kaleb previously was an assistant store manager with 7-Eleven.

Darrel Koch – Darrel was hired on November 3, 2016, as a Streets Equipment Operator I. He is a graduate of Hiawatha High School. Darrel most recently worked as a heavy haul truck driver in North Dakota. He also served 11 years with the Kansas Army National Guard.

Drake Butler – Drake was hired on November 10, 2016, as a Park Technician I. He is a graduate of Chesterfield Community High School in Chester, VA. Drake most recently worked as a driver and currier. Prior to that, he served almost 4 years in the United States Marine Corp.



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, 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 followed by silent meditation.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation:

National American Indian Heritage Month: Janell DeFreeze was present to accept the Proclamation.

Shop Small-Small Business Saturday: Wendy Scheidt, Director of Main Street was present to accept the Proclamation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes – Commissioner Bauder moved to approve the October 25, 2016 Regular Meeting minutes and November 1, 2016 Special Meeting Minutes. Commissioner Raney seconded the motion and was unanimously approved.

Tabled Items from Previous Meeting:

Ferguson Second Hotel Development Agreement Amendment No. 1 to Contract 2016-42 (tabled from October 11, 2016 Meeting): City Manager Paul Kramer presented for consideration a request from John Ferguson of Ferguson Hotel Development, LLC an amendment to the development agreement. At the October 11, 2016 meeting the City Commission approved the framework of an amendment whereby the date of authorization to pull a building permit for the second hotel project at 4th and Metropolitan could be moved forward from the October 1, 2017 date per the existing agreement. The Developer was to work with City Staff and bring a proposed revised development agreement back for approval by the City Commission. Mr. Ferguson has proposed a change to the timing of the final payment as well for the Commission to consider.

- **Proposed Agreement Amendment #1 :** Mr. Kramer discussed the motion that was made by the City Commission on October 11, 2016 and that motion that was approved stated “ Commissioner Preisinger moved to amend the agreement with Ferguson Properties to be able to pull a building permit 30 days after all site prep work is complete but no sooner than March 1, 2017”. The proposed changes states “City shall issue the Hotel Building Permit *immediately* upon such plans being fully approved by the City Staff”.

The Commission discussed and there were fine with the language as presented with the wording of *immediate* rather than *after 30 days* per their motion on October 11, 2016.

Commissioner Preisinger moved to approve Agreement Amendment 1 proposed changes to the Development Agreement with Ferguson Hotel Development. Commissioner Raney seconded the motion and was unanimously approved.

- **Proposed Agreement Amendment #2:** City Manager Kramer presented the second proposed change which would move up the final payment to the developer upon receipt by the City of evidence satisfactory to City Staff that developer has received an approved site plan and has commenced construction on the underground detention.

Mr. Ferguson addressed the City Commission said that he would be putting several hundreds of thousands of dollars into the project and would like to substitute one expenditure for another to get the property free and clear. He would like to have this amendment for his bankers.

Mayor Dedeke and Commissioner Raney – have no problem with the request.

Commissioner Preisinger

- The original agreement guarantees once footings were in that a hotel would go up.
- A contract is a mutual agreement of both parties
- No benefit to the city to move this payment up
- Could be loss of interest to the City
- Bankers know this is good money based on the agreement
- Thinks we should stick to the agreement
- Responsibility to the taxpayers

Commissioner Weakley moved that we do not approve the agreement amendment 2 as proposed. Commissioner Bauder seconded and motion passed 3 -2; Mayor Dedeke and Commissioner Raney voting no.

Second Consideration Ordinance No 8017 Special Use Permit –Child Care Center 936 Osage: City Manager Paul Kramer stated that there were no changes to the ordinance since the October 25, 2016 meeting.

Mayor Dedeke called for the roll call vote and Ordinance No. 8017 was unanimously approved.

Second Consideration Ordinance No 8018 Consideration of Ordinances: City Clerk Carla Williamson stated that there were no changes to the ordinance since the October 25, 2016 meeting.

Mayor Dedeke called for the roll call vote and Ordinance No. 8018 was unanimously approved.

NEW BUSINESS:

Citizen Participation:

Aimee Phillips addressed the City Commission regarding late fees on recreation programs specifically the basketball program. She is speaking on behalf of concerned citizens of the parents of Leavenworth County.

- Ask to lower the late fee penalties
- The mission statement of the parks and recreation department was read
- The City of Leavenworth charges fees that are higher than those charged by Lansing
- Has signatures of other parents that agree
- Military families do not get the courtesy to be given information about signing up for activities if the children attend schools on Fort Leavenworth
- Website does not have adequate information and no online pay option
- Please lower the late fees

The topic will be brought to a study session for future discussion.

General Items:

Quarterly Payment to Leavenworth County Development Corporation (LCDC) - City Manager Paul Kramer presented for consideration the quarterly payment to LCDC in the amount of \$11,848.50 following their quarterly report to the City Commission on November 1, 2016.

Commissioner Weakley moved to authorize payment to LCDC for the third quarter in the amount not to exceed \$11,848.50. Commissioner Bauder seconded the motion and was unanimously approved.

Tourism Grant Fund Program – Assistant City Manager Taylour Tedder presented for consideration the City's Tourism Grant Fund Program. The proposed program was reviewed at the October 18, 2016 Study Session. The 2017 Program would have \$20,000 in funding provided by the Transient Guest Tax.

Commissioner Bauder moved to adopt the Tourism Grant Fund Program with \$20,000 in funding provided by the 2017 Transient Guest Tax. Commissioner Weakley seconded the motion and was unanimously approved.

Resolutions:

Resolution B-2152 Support for Low Income Housing Tax Credit Application – City Manager Paul Kramer presented for consideration a resolution of support for Cornerstone Associates LLC for their application to the Kansas Housing Resources Corporation for Low Income Housing Tax Credits for an independent living senior facility in the city. The City Commission is acting as the Leavenworth Public Housing Authority Board.

Bobbi Lucas President of the Cornerstone Associates LLC addressed the Commission to discuss the project. Cornerstone Associates did the same project in Basehor a couple of years ago. They are still looking for a site in Leavenworth. They are looking for a 4 acre space.

Commissioner Preisinger moved to approve Resolution B-2152 resolution of support for the Cornerstone Associates LLC for Low Income Housing Tax Credits for the Kansas Housing Resources Corporation. Commissioner Bauder seconded the motion and was unanimously approved.

Resolution B-2153 Notice of Public Hearing for Creation of a Community Improvement District (CID) in the Downtown Hotel Improvement District – City Clerk Carla Williamson presented for consideration a resolution to set a public hearing for December 13, 2016 to consider a CID for the Downtown Hotel Improvement District located at 101 S 3rd Street.

Commissioner Weakley moved to approve Resolution B-2153 to set the public hearing for at CID for the Leavenworth Downtown Hotel for December 13, 2016. Commissioner Raney seconded the motion and was unanimously approved.

Consideration of Proposed Business/Industrial Park Costs – City Manager Paul Kramer presented for consideration the site layout and costs of the business park with optional upgrades. At the November 1, 2016 Study Session the Commission reviewed the plans and costs and provided a consensus on the layout and costs. The Leavenworth County Commission has subsequently approved the same layout and cost breakdown. 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 by the County that the site plan and costs be voted on at a regular meeting of the City Commission. Both attachments will ultimately come back to the City when the Interlocal Agreement is presented. Grand total of the Estimate of Costs with all optional add-ons is \$9,643,885.00. The City would share in 50% of the total cost plus bond issuance costs. Approvals are contingent upon a fully executed and approved Interlocal agreement among the City, County and Port Authority.

Commissioner Weakley moved to approve the proposed Industrial Park costs in the amount presented at \$9,643,885.00 to date. Commissioner Raney seconded the motion and was unanimously approved.

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). Commissioner Raney moved to approve the consent agenda, as presented. Commissioner Preisinger seconded the motion and was unanimously approved.

Other Items:

Commissioner Preisinger wished everyone a happy Veterans Day. The parade is Friday and is the largest Veterans Day parade one west of Mississippi.

Some polls have close hopes that winners are gracious and losers are gracious.

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

Time Meeting Adjourned 7:43 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

POLICY REPORT NO. 16-72

CONSIDER APPROVAL OF AGREEMENT RELATED TO
RETAINING WALL BUILT ON PUBLIC PROPERTY
AT 3713 LAKEVIEW

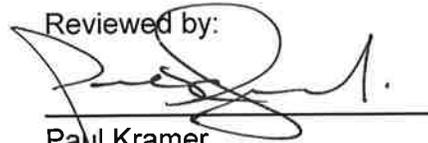
November 22, 2016

Prepared by:



Michael G. McDonald, P.E.,
Public Works Director

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Consider approval of agreement document regarding retaining wall built on public property at 3713 Lakeview.

RECOMMENDATION:

Staff recommends that the City Commission approve the agreement related to the retaining wall at 3713 Lakeview.

BACKGROUND:

October 11, 2016 the City Commission reviewed the construction of a retaining wall at 3713 Lakeview that was observed being constructed on City right-of-way. There was no permit for the wall and it was essentially complete. Staff was directed to seek an agreement with the property owner related to responsibility for future costs that may be associated with the wall being constructed on City property.

Mrs. Henderson of 3713 Lakeview has had an attorney prepare an agreement related to this matter. The agreement protects the City and utility companies, and will become part of the deed to the property. City Staff and City Attorney have reviewed and find this agreement acceptable.

A copy of the agreement is attached to this policy report.

MEMORANDUM OF AGREEMENT

3713 LAKEVIEW DR, LEAVENWORTH, KANSAS 66048, more specifically described as:

Lot 3, LAKEVIEW ESTATES EAST, a Replat of the West 135 feet of Block 9, Pleasant Ridge Addition, in the City of Leavenworth, according to the recorded plat thereof, in Leavenworth County, Kansas.

This Memorandum of Agreement (MOA) is made and entered into on this ___ day of November, 2016, by and between:

Pamela K. Henderson, a single person, who resides at 3713 Lakeview Drive, Leavenworth, Kansas 66048 (Owner); and

The City of Leavenworth, Kansas (The City).

1. PURPOSE & SCOPE

The purpose of this Agreement is to set forth the rights, responsibilities, and liabilities of the parties of said Agreement in relation to the use of certain land owned by Owner which is subject to The City's right of way.

2. BACKGROUND

On or about summer of 2016, Owner, in an effort to beautify their real property as described above, built or had built two small retaining walls on their property. Said small retaining walls were unknowingly built on property subject to The City's right of way. The parties have agreed that the retaining walls help to beautify the property but that the property owner must remain responsible for the cost of any repair which may become necessary to said walls, and said owner must remain liable for injury which results directly from or is related to said walls being located on The City's right of way, said responsibilities to run with the land and any subsequent owner(s).

3. TERMS OF THE AGREEMENT: RESPONSIBILITIES OF THE PARTIES

The parties agree and contract that each shall perform their responsibilities as set forth below:

Owner: shall maintain and repair the wall(s) as may be necessary to keep the same in good condition; shall be solely responsible for the repair or replacement of said wall(s) should it be necessary for The City to remove, damage, cut, or in any way alter said wall(s) so that The City, or its agent(s) and all other companies with rights to right of way access including all utilities may exercise access to The City's right of way for the stated purposes of said right of way; shall assume all liability relating to any injury (excluding workman's compensation for any employee/agent of The City or employee/agent of The City's agent) including all other persons that may be caused directly or indirectly by the wall(s) location on The City's right of way.

The City: shall use best efforts to avoid removing, damaging, cutting, or in any way altering the aforementioned wall(s); shall remove, damage, cut, or alter the aforementioned wall(s) in such a manner as is reasonably calculated to cause as little damage to said wall(s) as may be necessary to access, fix, or otherwise use The City's right of way for its intended purpose. This provision shall apply equally to the agents of The City. The term "reasonable" is defined by Kansas Law and applies to all such agreements whether stated or not. Any litigation shall be resolved in Kansas Courts. The utility companies and others with access to the right of way are not parties to this agreement.

4. EFFECTIVE DATE AND SIGNATURE

This Agreement shall be effective upon the date of the last party to sign this Agreement below. The parties affirmatively state and agree to the terms, conditions, and restrictions, and validity of this Agreement by signing below.

Pamela K. Henderson

For the City of Leavenworth

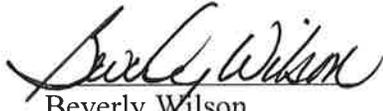
This instrument was acknowledged before me on this ____ day of November, 2016, by Pamela K. Henderson and _____ for the City of Leavenworth.

Notary Public

My appointment expires:

Policy Report
Request for Massage Establishments
Business License
November 22, 2016

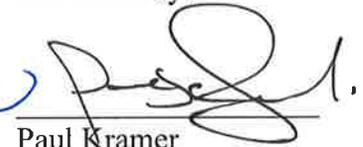
Prepared by:


Beverly Wilson
Rec/Lic Coord

Reviewed by:


Carla K. Williamson, CMC
City Clerk

Reviewed by:


Paul Kramer
City Manager

Issue:

Hua Lin has submitted an application requesting approval of a Massage Establishment Business License for Oriental Massage. This new business is located on the west side of 4th Street; east of Hughes Road, in a professional building between Applebee's and China Buffet. The property address is 2920 S 4th St., Leavenworth, Kansas.

Staff Recommendation

The Police Department and Sanitation Officer have approved the issuance of this license. Staff recommends the Governing Body authorize the issuance of the Massage Establishment Business License as presented.

Action:

To approve the Massage Establishment Business License for Oriental Massage, 2920 S 4th St. effective November 22, 2016.

**POLICY REPORT
LEAVENWORTH CITY COMMISSION
FINAL PLAT
2016-16-SUB
FIRST CITY HOTEL – SECOND PLAT**

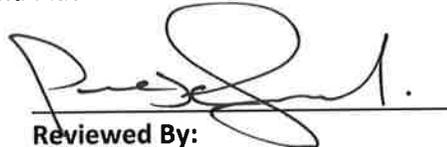
NOVEMBER 22, 2016

SUBJECT:

A request for a final plat of First City Hotel – Second Plat.



Prepared By:
Julie Hurley
City Planner



Reviewed By:
Paul Kramer
City Manager

ANALYSIS:

The subject property is owned by Ferguson Hotel Development, LLC, plat prepared by Olsson Associates, Inc. The applicant is requesting approval of a two lot final plat for the First City Hotel development. Lot 1 of the proposed plat is currently developed with the Fairfield Inn, Lot 2 will be developed with a second hotel. The recording of the plat will vacate an existing 14' alley, present in Lot 2 of the proposed plat. Four residential structures have been demolished on the site to make way for development of the hotel, with one residential structure remaining to be demolished.

The Development Review Committee reviewed the plat at their September 15, 2016 meeting. Items noted at that time included specific requirements regarding utilities and easements. No concerns were identified with the plat. The Planning Commission considered the plat at the November 7, 2016 Planning Commission meeting and unanimously recommended approval of the plat.

ACTION:

Approve the final plat of First City Hotel – Second Plat

Attachments:

- Location map
- Application materials
- Excerpt from minutes of November 7, 2016 Planning Commission meeting



11/7/16 PC. #1218

Fee: \$0.00 (Non-Refundable)	
Pd. _____	Ck. # _____
Project No. _____	

**FINAL PLAT APPLICATION
CITY OF LEAVENWORTH**

NAME OF SUBDIVISION/PROJECT: FIRST CITY HOTEL – SECOND PLAT

NAME OF PROPERTY OWNER: (If Corporation, include name and address of Director or President)

NAME: FERGUSON HOTEL DEVELOPMENT, LLC (JOHN FERGUSON)

STREET ADDRESS: One Victory Drive, Suite 200

CITY: Liberty **STATE:** MO **ZIP:** 64068

PHONE: 816.781.2520 **FAX:** _____ **EMAIL:** fergy65@gmail.com

NAME OF DEVELOPER: (If Corporation, include name and address of Director or President)

NAME: s/a owner

STREET ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

NAME OF ATTORNEY OR AGENT:

NAME: _____

STREET ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

NAME OF SURVEYOR PREPARING PLAT: Jed A.M. Baughman, PLS

COMPANY: Olsson Associates, Inc. **ADDRESS:** 1301 Burlington, Suite 100

CITY: North Kansas City **STATE:** MO **ZIP:** 64116

PHONE: 816.587.4320 **FAX:** 816.587.1393 **EMAIL:** jbaughman@olssonassociates.com

PARCEL NO: 0772502003015000 **SEC.TWP.RNG.** 25-08-22

ZONING OF SUBJECT PROPERTY: R1-6 **CURRENT LAND USE:** residential/commerical

TOTAL ACREAGE: 4.27 Acres **NUMBER OF LOTS:** 2

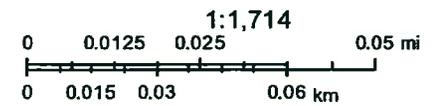
DATE OF PRELIMINARY PLAT APPROVAL: N/A

First City Hotel Plat

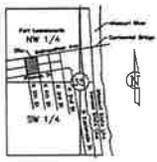


November 2, 2016

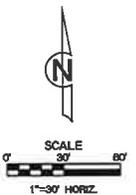
- | | | | |
|---|-----------------------------------|---|---------------|
|  | Parcels |  | Red: Band_1 |
| | centerline.DBO.Leavenworth |  | Green: Band_2 |
| | hydro.DBO.GIS_East_of_River_Blank |  | Blue: Band_3 |



LV GIS Dept 09/23/2016
Dave Griffith, 2013



LOCATION MAP
Frac Sec. 25, Twp. 08 S., Rge. 22 E.
(N.T.S.)



PLAN LEGEND

- SETBACKS**
B.L. BUILDING SETBACK
C/L CENTERLINE
- SURVEY MARKERS**
G FOUND PROPERTY CORNER (MONUMENTATION AS NOTED)
● SET 1/2" IRON BAR WITH PLASTIC CAP TO BE SET UPON COMPLETION OF CONSTRUCTION. (1/2" BARS WITH CAPS WILL ALSO BE SET ON ALL LOT AND TRACT CORNERS)

PLANNING COMMISSION OF LEAVENWORTH, KANSAS
This plat of FIRST CITY HOTEL - SECOND PLAT has been submitted to and approved by the Leavenworth Planning Commission this _____ day of _____ 2016.

Chairman _____ Secretary _____

CITY COMMISSION OF LEAVENWORTH, KANSAS
This plat approved by the City Commission of Leavenworth, Kansas, this _____ day of _____ 2016.

Mayor _____ Attest _____

Director of Public Works _____

City Clerk _____

City Attorney _____

RECORDER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS
This is to certify that this instrument was filed for record in the Register of Deeds office on the _____ day of _____ 2016, in Book _____ Page _____

Registrar of Deeds _____

COUNTY SURVEYOR OF LEAVENWORTH COUNTY, KANSAS
I hereby certify that this plat meets the requirements of KSA-58-2001 through 58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for surveying information only.

Wayne Malinoff, PLS
Leavenworth County Surveyor

DEVELOPER:
Ferguson Properties, Inc.
One Victory Drive, Suite 200
Liberty, MO 64068
816-781-2520

**FINAL PLAT OF
FIRST CITY HOTEL - SECOND PLAT
REPLAT OF LOT 1, FIRST CITY HOTEL SUBDIVISION &
LOTS 2 THRU 16, BLOCK 69, PLAT OF LEAVENWORTH K.T.
LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS**



PROPERTY DESCRIPTION:
All of Lot 1, FIRST CITY HOTEL SUBDIVISION and all of Lots 2 thru 16, Block 69, and the platted 14' alley immediately north thereof, PLAT OF LEAVENWORTH K.T. subdivisions in the City of Leavenworth, Leavenworth County, Kansas, being bounded and described as follows: Beginning at the Northwest corner of said Lot 1; thence North 84°58'21" East, along the North line of said Lot 1, 340.63 feet to the Northwest corner of said Lot 1; thence South 57°12'37" East, along the East line of said Lot 1, 53.09 feet; thence South 11°26'10" East, continuing along said East line, 312.52 feet to the Southeast corner of said Lot 1; thence South 78°53'10" West, along the South line of said Lot 1, 3.34 feet; thence South 11°26'10" East, along the East line of said Lot 2 and the Northerly prolongation thereof, 132.00 feet to the Southeast corner of said Lot 2; thence South 78°53'10" West, along the South line of said Lots 2 thru 16, 360.00 feet to the Southwest corner of said Lot 16; thence North 11°26'10" West, along the West line of said Lot 16 and the Northerly prolongation thereof, and the West line of said Lot 1, 534.38 feet to the Point of Beginning, Containing 186,107 square feet or 4.27 acres, more or less.

PLAT DEDICATION:
The undersigned owners of the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as:

FIRST CITY HOTEL - SECOND PLAT

BUILDING LINES:
Building lines or setback lines are hereby established as shown on the accompanying plat and no buildings or portion thereof shall be built between this line and the street line.

UTILITY EASEMENTS:
Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other forms of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U.E.).

FLOODPLAIN:
According to "Flood Insurance Rate Map" Community Plan No. 20100001350, effective date July 16, 2015, as published by the Federal Emergency Management Agency, this property lies within Flood Zone "X" (Areas determined to be outside the 0.2% annual chance floodplain).

IN WITNESS WHEREOF:
LEAVENWORTH HOTEL PARTNERS, LP has caused these presents to be executed this _____ day of _____ 2016.

John Ferguson Managing Member

STATE OF _____ SS.
COUNTY OF _____

Be it remembered that on this _____ day of _____ 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came John Ferguson to me personally known, who being by me duly sworn, did say that he is Managing Member of LEAVENWORTH HOTEL PARTNERS, LP and that said instrument was signed in behalf of said limited partnership, and that said John Ferguson, acknowledged said instrument to be the free act and deed of said limited partnership.

IN WITNESS WHEREOF:
I have hereunto set my hand and affixed my Notarial Seal in the date herein last above written.

My Commission Expires: _____

Notary Public _____

IN WITNESS WHEREOF:
FERGUSON HOTEL DEVELOPMENT, LLC has caused these presents to be executed this _____ day of _____ 2016.

John Ferguson Managing Member

STATE OF _____ SS.
COUNTY OF _____

Be it remembered that on this _____ day of _____ 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came John Ferguson to me personally known, who being by me duly sworn, did say that he is Managing Member of FERGUSON HOTEL DEVELOPMENT, LLC and that said instrument was signed in behalf of said limited liability company, and that said John Ferguson, acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF:
I have hereunto set my hand and affixed my Notarial Seal in the date herein last above written.

My Commission Expires: _____

Notary Public _____

This plat and survey of FIRST CITY HOTEL - SECOND PLAT were executed by Lutjen, Inc., a division of Olsson Associates, Inc., 1301 Burlington Street #100, North Kansas City, Missouri 64116.

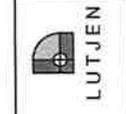
I HEREBY CERTIFY: that the Plat of FIRST CITY HOTEL - SECOND PLAT subdivision is based on an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current Kansas Minimum Standards for Property Boundary Surveys as established by the Kansas Board of Technical Professions. I further certify that I have complied with all statutes, ordinances, and regulations governing the practice of surveying and stating of subdivisions to the best of my professional knowledge and belief.



Joann S. Roudsburh, PLS 1415
September 14, 2016
Roudsburh@olssonassociates.com

Date of Survey:	
09-16-16	
Reviewed By:	JFR
11-07-16	

Surveyed By:	JFR
Reviewed By:	JFR
Drafted By:	JAMB
Project No.:	016-1424



Sheet No.:
1 of 1



Development Review Committee

Thursday, October 20, 2016

Committee members present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, City Planner Julie Hurley, Public Works Direct Mike McDonald, City Clerk Carla Williamson, Police Chief Pat Kitchens, Chief Inspector Hal Burdette, and Division Chief/Fire Marshall Mark Demaranville.

1. **2016-16 SUB – First City Hotel – Second Plat**

Jeff Sharp, VP of Ferguson Properties, and Shannon Buster, Engineer at Olsson Associates, were present for the meeting.

Issues/concerns discussed/noted:

- Issues with utility easements, particularly with the alley that is being vacated
- AT&T objects to the plat vacating all the easements because they have a line there
- Shannon is checking to see if Waterworks has an easement
- KDOT needs a traffic study
- Scheduled to go before the Planning Commission November 7th

2. **Zeck Ford parking lot**

Brett Napier and Derek Zeck were present for the meeting.

Issues/concerns discussed/noted:

- Basically the original plan with the area to the east added
- Parking lot is for 646 parking stalls
- Sidewalk needs to be 6'
- There is a cable based security fence around the entire parking lot
- Lights will be LED
- Need operating manual for the detention basin
- Staff suggested no parking on the south side of Commercial St
- Signed set of plans have been submitted to Building Inspections
- Need plan for grading permit
- Need details for the landscaping permit

Meeting adjourned at 1:51 pm.

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, November 7, 2016
7:00 PM

CALL TO ORDER:

Commissioners Present

Jay Byrne
Mike Burke
John Karrasch
Linda Bohnsack
Claude Wiedower
Frank Wenzel
Pat McGlinn

Commissioners Absent

City Staff Present

Julie Hurley
Michelle Baragary

Chairman Byrne called the meeting to order and noted a quorum was present.

Approval of Minutes: October 3, 2016

Chairman Byrne asked for comments or a motion on the minutes presented for approval: October 3, 2016. Mr. Karrasch moved to accept the minutes as presented, seconded by Ms. Bohnsack. The minutes were approved by a unanimous vote of 7-0.

Chairman Byrne stated the order of the agenda changed. The first item will be 2016-16 SUB – First City Hotel-Second Plat followed by 2016-11 REZ – Leavenworth Business & Technology Park, which will be heard in conjunction with 2016-14 SUB – Leavenworth Business & Technology Park Preliminary Plat and 2016-15 SUB – Leavenworth Business & Technology Park Final Plat. The final agenda item will be 2016-17 REZ – 1623 Spruce Street.

NEW BUSINESS:

1. 2016-16 SUB – FIRST CITY HOTEL-SECOND PLAT

Consider a two lot final plat for the First City Hotel development, located at Metropolitan Ave & 4th Street.

Chairman Byrne called for the staff report. City Planner Julie Hurley stated this request is for a two lot plat for the First City Hotel-Second Plat located at 4th Street and Metropolitan Avenue. Lot 1 of the proposed plat is currently developed with the Fairfield Inn, Lot 2 will be developed with a second hotel. The recording of the plat will vacate an existing 14' alley, present in Lot 2 of the proposed plat. Four residential structures have been demolished on the site to make way for development of the hotel, with one residential structure remaining to be demolished.

The Development Review Committee reviewed the plat at their September 15, 2016 meeting. Items noted at that time included specific requirements regarding utilities and easements. No concerns were identified with the plat.

Chairman Byrne asked for questions for the staff. Mr. McGlenn asked if there have been any complaints about the request. Ms. Hurley responded by stating she has not received any feedback on the request.

Mr. Karrasch asked how the current plat differs from the first plat. Ms. Hurley stated the first plat was for the lot 1, the portion north of the alley where the existing hotel is developed. Lot 2 is platting over the smaller residential lots where the homes were to combine it into two large lots.

With no further discussion Chairman Byrne called for a motion. Mr. Karrasch moves to accept the second plat as presented; seconded by Mr. Wiedower and approved by a unanimous vote 7-0.

2. 2016-11 REZ – LEAVENWORTH BUSINESS & TECHNOLOGY PARK

Conduct a public hearing for Case No. 2016-11 REZ, Eisenhower & 14th Street. The petitioner, JMK Partners LLC, is requesting consideration for rezoning from its present classification of R-MF Multiple Family Residential District and R1-6 High Density Single Family Residential District to I-1 Light Industrial District.

Chairman Byrne called for the staff report. City Planner Julie Hurley stated she will be discussing the rezoning, preliminary plat and final plat together since it is one project. The rezoning is the only item which requires a public hearing. After the public hearing is closed, the board can take action on all three items.

Ms. Hurley reviewed the policy report for the rezoning stating the applicant, JMK Partners LLC, is requesting a rezoning of their property located at Eisenhower Road and the proposed 14th Street from R1-6, High Density Single Family Residential District and R-MF, Multiple Family Residential District to I-1, Light Industrial District. The property is 81.91 acres in size and is currently undeveloped. The site lies directly to the west of the Gary Carlson Business Park and the Storage Box self-storage center. A preliminary and final plat for the subject property are also on this agenda.

The rezoning is being requested to allow for development of a new business park for light industrial uses, similar in nature to the existing Gary Carlson Business Park. There is little available space remaining within the Gary Carlson Business Park for use by prospective tenants, and this project is being proposed in order to market the Leavenworth area to new businesses looking to relocate or expand their operations. The Leavenworth Business & Technology Park is being developed in partnership with the City of Leavenworth, Leavenworth County, and the Leavenworth County Development Corporation (LCDC)

The site is currently agricultural in nature. The properties to the east are zoned I-1 and developed with the Gary Carlson Business Center and Storage Box self-storage facility. The property to the north is zoned R1-25, Low Density Single Family Residential District and is developed with a single family home and associated agricultural use. The property to the west is zoned R1-25, R1-6, and GBD, General Business District and is developed with a single family home and associated agricultural use. The property to the south is primarily in the City of Lansing.

CONDITIONS OF DETERMINATION

**POLICY REPORT
LEAVENWORTH CITY COMMISSION
FINAL PLAT
2016-15-SUB
LEAVENWORTH BUSINESS & TECHNOLOGY PARK**

NOVEMBER 22, 2016

SUBJECT:

A request for a final plat of Leavenworth Business & Technology Park.

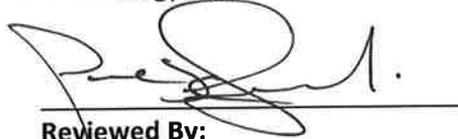
Prepared By:

Julie Hurley
City Planner



Reviewed By:

Paul Kramer
City Manager



ANALYSIS:

The subject property is owned by JMK Partners, LLC, plat prepared by Napier Engineering. The applicant is requesting approval of a one lot final plat for the Leavenworth Business & Technology Park. The property is currently vacant, and is zoned R1-6, High Density Single Family Residential, and R-MF, Multiple Family Residential.

The subject property is 81.91 acres in size, and is currently undeveloped. The site lies directly to the west of the Gary Carlson Business Park and the Storage Box self-storage center. The plat consists of one lot and associated utility easements, as well as right-of-way for the new 14th Street to be constructed. The property is being platted as one lot at this time to allow for construction of site improvements while providing maximum flexibility for future tenants in terms of lot size and configuration to meet specific needs. It is anticipated that the property will be replatted accordingly as tenants are identified.

The Development Review Committee reviewed the plat at their September 15, 2016 meeting. Items noted at that time included specific requirements regarding the construction of utilities and easements. No concerns were identified with the plat. The Planning Commission discussed the plat at the October 3, 2016 Planning Commission meeting and voted at that time to table the item so that it may be considered in conjunction with the proposed rezoning for the subject property. The Planning Commission again considered the plat at the November 7, 2016 Planning Commission meeting and voted unanimously to approve the final plat.

ACTION:

Approve the final plat of Leavenworth Business & Technology Park

Attachments:

Location map
Application materials
Excerpt from minutes of November 7, 2016 Planning Commission meeting



Development Review Committee

Thursday, September 15, 2016

Committee members present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, City Planner Julie Hurley, Public Works Direct Mike McDonald, Deputy Public Works Director Mike Hooper, City Clerk Carla Williamson, Police Major Dan Nicodemus, Chief Inspector Hal Burdette, Health & Safety Officer Shawn Kell, and Administrative Assistant Michelle Baragary.

1. 2016-13 SUP – Olive Street – Telecommunications Tower

Scott Goble was present for the meeting

Issues/concerns discussed/noted:

- Does not meet the required setback for cell towers. Will request a variance for height setback requirement through the Planning Commission

2. 2016-14 SUB – 14th & Eisenhower – Preliminary Plat and Final Plat

Mike Reilly and Brett Napier were present for the meeting.

Issues/concerns discussed/noted:

- Sewer
- Drainage
- Water quality requirements
- Public utilities
- Bond before construction of street and set of plans
- Plat needs to reflect easement
- Will need sewer plans and bond
- Rezoning was not discussed

3. Church of the Open Door

Issues/concerns discussed/noted:

- **Engineering:** Current private sanitary system (septic tank and lateral field) must be evaluated to ensure it will meet the needs after expansion. Review should consider size of the existing system, soil conditions (perc test, etc.), number of current and future users, activity schedule and similar items. This evaluation must be performed by State Licensed Engineer qualified in this field. It is appropriate to evaluate the benefits of extension
- **Water Quantity and Water Quality:** In March 2015 the City Commission approved that increases in impervious area in excess of 5% of existing impervious area must have an overall water quality plan:
 - **Expansions of commercial and industrial facilities (buildings, drives, parking lots, etc.)**
The City has determined that any increase of impervious area in excess of 5% of the existing impervious area will require that a permit be submitted for review of the water quality and

With no further discussion, Chairman Byrne called for a motion on the rezoning. Mr. Wenzel moved to recommend to the City Commission approval of the request to rezone the property located at 14th Street and Eisenhower Road from R-MF Multiple Family Residential and R1-6 High Density Single Family Residential to I-1 Light Industrial. Mr. McGlenn seconded the motion and approved by a unanimous vote 7-0.

OLD BUSINESS:

1. 2016-14 SUB – LEAVENWORTH BUSINESS & TECHNOLOGY PARK PRELIMINARY PLAT

Consider a request for a preliminary plat for the Leavenworth Business & Technology Park, located at Eisenhower Road & 14th Street.

Chairman Byrne called for the next item. City Planner Julie Hurley reiterated the preliminary and final plats are for a one lot three track subdivision. The three tracks will be for detention and water quality purposes. Also included, the 14th Street right-of-way will be dedicated.

Chairman Byrne asked for any discussions. Mr. Karrasch asked if the landscape buffer could be increased from 25'. Mr. Reilly responded saying there is flexibility and it can be increased to a height that the commission would be satisfied with.

With no further discussion, Chairman Byrne called for a motion. Mr. Karrasch moves to accept the preliminary plat as presented with the amendment that the landscape easement be increased from 25' to 40' in width; seconded by Ms. Bohnsack and approved by a unanimous vote 7-0.

2. 2016-15 SUB – LEAVENWORTH BUSINESS & TECHNOLOGY PARK FINAL PLAT

Consider a request for a final plat for the Leavenworth Business & Technology Park, located at Eisenhower Road & 14th Street.

Chairman Byrne called for the next item. City Planner Julie Hurley reiterated the preliminary and final plats are for a one lot three track subdivision. The three tracks will be for detention and water quality purposes. Also included, the 14th Street right-of-way will be dedicated.

Chairman Byrne asked if there were any differences between the preliminary plat and final plat. Ms. Hurley responded there were no differences. Ms. Hurley recommends Mr. Karrasch's stipulation on the preliminary plat be carried over to the final plat as well.

Chairman Byrne called for a motion. Mr. Burke moves to accept the preliminary plat as presented with the stipulation that the landscape easement be increased from 25' to 40' in width; seconded by Mr. Wenzel and approved by a unanimous vote 7-0.

NEW BUSINESS:

3. 2016-17 REZ – 1623 SPRUCE STREET

**POLICY REPORT
LEAVENWORTH CITY COMMISSION
FIRST CONSIDERATION ORDINANCE
2016-11-REZ
LEAVENWORTH BUSINESS & TECHNOLOGY PARK**

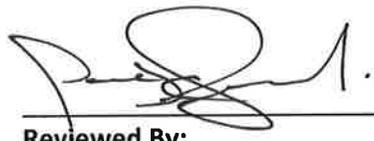
NOVEMBER 22, 2016

SUBJECT:

A request to rezone the property located Eisenhower Road and 14th Street from R1-6, High Density Single Family Residential, R-MF, Multiple Family Residential and GBD, General Business District to I-1, Light Industrial. Property owned by JMK Partners, LLC.



Prepared By:
Julie Hurley
City Planner



Reviewed By:
Paul Kramer
City Manager

ANALYSIS:

The applicant is requesting a rezoning of their property located at Eisenhower Road and the proposed 14th Street from R1-6, High Density Single Family Residential District, R-MF, Multiple Family Residential District and GBD, General Business District to I-1, Light Industrial District. The property is 81.91 acres in size and is currently undeveloped. The site lies directly to the west of the Gary Carlson Business Park and the Storage Box self-storage center.

The rezoning is being requested to allow for development of a new business park for light industrial uses, similar in nature to the existing Gary Carlson Business Park. There is little available space remaining within the Gary Carlson Business Park for use by prospective tenants, and this project is being proposed in order to market the Leavenworth area to new businesses looking to relocate or expand their operations. The Leavenworth Business & Technology Park is being developed in partnership with the City of Leavenworth, Leavenworth County, and the Leavenworth County Development Corporation (LCDC)

The site is currently agricultural in nature. The properties to the east are zoned I-1 and developed with the Gary Carlson Business Center and Storage Box self-storage facility. The property to the north is zoned R1-25, Low Density Single Family Residential District and is developed with a single family home and associated agricultural use. The property to the west is zoned R1-25, R1-6, and GBD, General Business District and is developed with a single family home and associated agricultural use.

The Planning Commission considered this rezoning request at the November 7, 2016 Planning Commission meeting and voted unanimously to recommend approval of the request. Several neighboring property owners spoke in opposition to the request at the Planning Commission meeting.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

The subject property is currently agricultural in nature. The properties to the east are developed with the Gary Carlson Business Center and the Storage Box self-storage facility. The properties to the north and west are developed with large lot single family homes and associated agricultural use. The property lies along Eisenhower Road, a primary arterial corridor. Eisenhower Road is a key transportation corridor in Leavenworth, providing efficient access for a number of existing industrial uses including the Gary Carlson Business Center tenants and Hallmark Cards. Funds have been designated to widening and improving Eisenhower Road from the point in front of the Storage Box west to County Road 5. Design is currently underway for the project, with construction expected to take place in 2019. The area directly to the west of the subject property is expected to be developed with commercial and residential uses in the future, with commercial uses focused near the intersection of 20th Street and Eisenhower Road.

- b) The zoning and use of properties nearby;

The properties to the east are zoned I-1 and developed with the Gary Carlson Business Center and Storage Box self-storage facility. The property to the north is zoned R1-25, Low Density Single Family Residential District and is developed with a single family home and associated agricultural use. The property to the west is zoned R1-25, R1-6, and GBD, General Business District and is developed with a single family home and associated agricultural use. The property to the south of Eisenhower Road lies within the City Limits of Lansing and is currently zoned A-1, Agricultural, and developed with large lot single-family homes.

- c) The suitability of the subject property for the uses to which it has been restricted;

As the subject property is currently undeveloped, no physical restrictions exist which would limit its' use in regard to existing zoning.

- d) The extent to which removal of the restrictions will detrimentally affect nearby property;

The proposed rezoning should have little detrimental effect upon surrounding properties. The property is accessed by an existing major thoroughfare designed to handle traffic levels generated by the proposed use, and there are existing comparable uses immediately adjacent to the subject site. Additionally, the developer intends to install significant landscaping throughout the portion of the property abutting Eisenhower Road, with existing dense vegetation around the perimeter of the property that can be preserved to minimize visual impact from surrounding properties.

- e) The length of time the subject property has remained vacant as zoned;

The subject property has never been developed with any non-agricultural use.

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

The proposed rezoning will have a positive impact on economic development within the Leavenworth community by way of increased tax base and the potential for future jobs as tenants locate within the business park. Additionally, initial site work to be completed on the land to make it "vertical ready" for future tenants through grading and construction of infrastructure and utilities, is anticipated to be completed in large part by local contractors, having an immediate positive impact.

- g) The recommendations of permanent or professional staff;

Staff recommends approval of the rezoning request.

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The subject area is identified as appropriate for commercial use on the southern portion of the property adjacent to Eisenhower Road, and low-density residential use on the northern portion of the property. However, the property lies directly adjacent to an existing business park which is identified as industrial in the Future Land Use plan. Additionally, the property directly to the south of the existing Gary Carlson Business Park is identified as being appropriate for industrial uses in the Future Land Use plan. The subject property is similar in size and nature to the property identified as appropriate for industrial use, and accomplishes the goal of locating industrial uses near one another, allowing for a consolidation of resources and minimizing impact on surrounding properties and infrastructure systems. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive Plan.

- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.

A preliminary for the subject property was approved by the Planning Commission on November 7, 2016, and a final plat was considered and unanimously recommended for approval. Said final plat and an inter-local agreement for the subject property are also on this agenda for consideration.

REZONING ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the rezoning request from R1-6, R-MF and GBD to I-1
- Deny the rezoning request from R1-6, R-MF and GBD

Attachments:

Application materials

2010 Future Land Use Map

Current Zoning Map

Excerpt from minutes of November 7, 2016 Planning Commission meeting

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE 2016 DEVELOPMENT REGULATIONS OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING A TRACT OF LAND LOCATED NORTH OF EISENHOWER ROAD MORE COMMONLY REFERRED TO AS LEAVENWORTH BUSINESS AND TECHNOLOGY PARK TO I-1 LIGHT INDUSTRIAL DISTRICT

WHEREAS, under the 2016 Development Regulations of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; 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 the 7th day of November, 2016 in the Commission Room, 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 roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to rezone the property described herein.

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

Section 1: That the following described property, to-wit:

A tract of land in the Northeast Quarter of Section 15, Township 09 South, Range 22 East, of the 6th P.M. in the City of Leavenworth, Leavenworth County, Kansas being more particularly described as follows: Beginning at the Northeast corner of said Northeast Quarter; thence South 01°44'39" East along the east line of said Northeast Quarter a distance of 2587.96 feet to the North right of way line of Eisenhower Road as said right of way now exist; thence South 88°29'09" West along said north right of way line a distance of 1399.58 feet; thence North 01°30'51" West a distance of 56.81 feet; thence North 88°29'09" West a distance of 66.41; feet thence North 01°49'14" West a distance of 1590.82 feet; thence North 07°06'39" East a distance of 1020.45 feet to a point on the north line of said Northeast Quarter; thence North 88°06'55" East along said north line a distance of 1244.61 feet to the Point of Beginning, City of Leavenworth, Leavenworth County, Kansas, more commonly referred to as **Leavenworth Business and Technology Park**, Leavenworth, Kansas, be and the same area is hereby rezoned from Multiple Family Residential District (R-MF) AND High Density Single-Family Residential District (R1-6) to Light Industrial District I-1.

Section 2: That the "Zoning District Map" adopted under the 2016 Development Regulations of the City of Leavenworth, Kansas shall be and the same is hereby corrected to conform to the rezoning as set forth in Section 1 above.

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 13th day of December, 2016.

Larry Dedeke, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk
Summary Published in The Leavenworth Times
Date of Publication: December 16, 2016



2014-11 REZ Acct'g. 202
 Fee \$350.00
 Filing Date 8/15/2016
 Fee Date Paid 8/15/2016
 Notice of Hearing 9/8/2016
 Hearing Date 10/03/2016

**APPLICATION FOR REZONING
 CITY OF LEAVENWORTH, KANSAS**

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Located at: Eisenhower & 14th from its present classification of R-MF & R1-6
 district to I-1 district.

Use additional sheets if necessary:

Briefly describe the present use and character of the property and of the surrounding area: Present use of property is farmland. Character of the area is Industrial (I-1), Commercial planned and R1-6/R-MF planned

Briefly describe the intended use and character of the property:

Intended use is for a new industrial park

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property:

I-1 is the most appropriate due to the current industrial park located on the east side of this property.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts:

This will not be detrimental to the area as the area is largely industrial & farmland. We however plan to begin the west property line for future development protection.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions: None

AFFIDAVIT

State of Kansas County of Leavenworth

I, Michael Reilly being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Signed: [Signature] for JMK Partners, LLC

Address: 608 Delaware, Leavenworth KS 66048

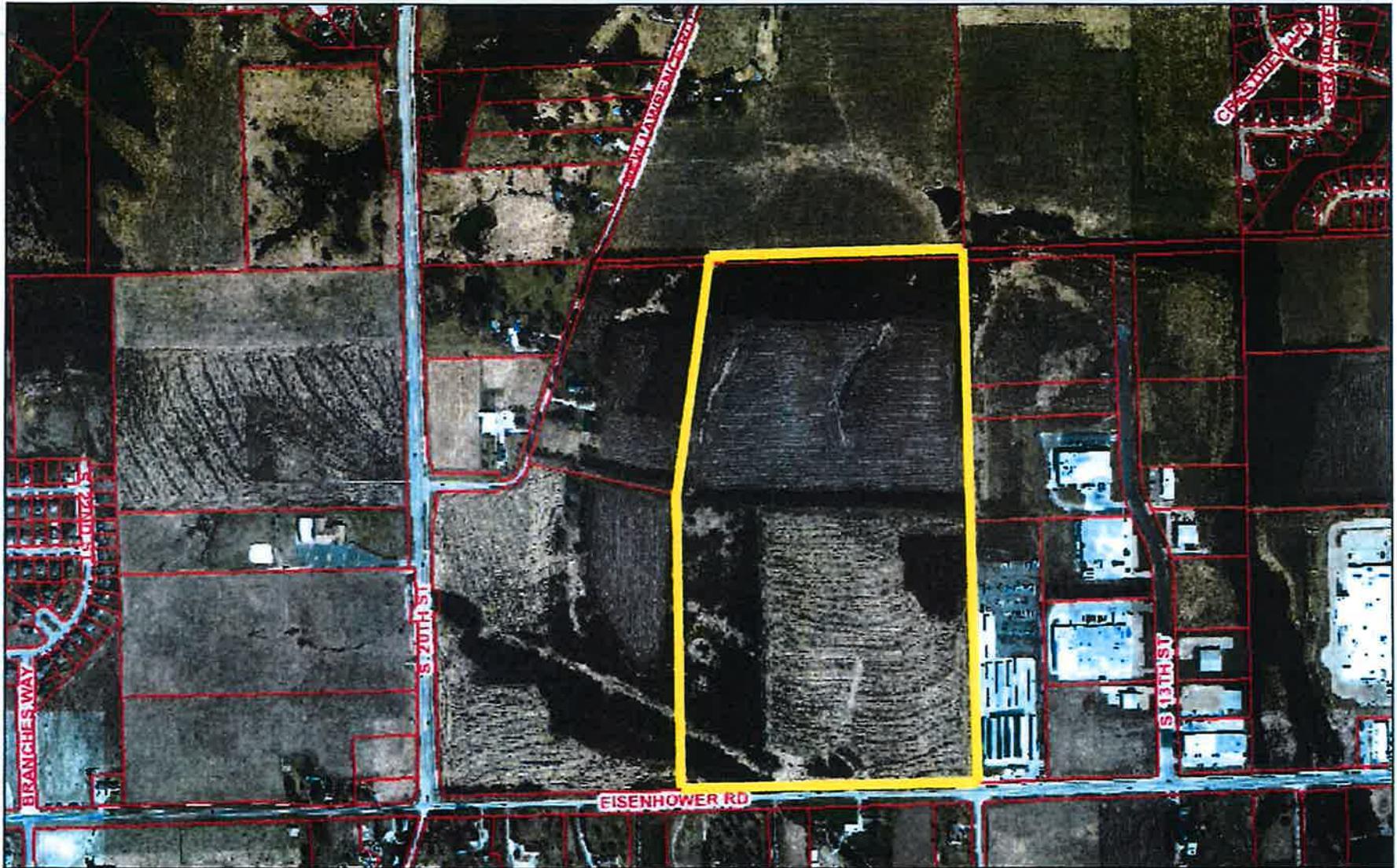
Phone: 913-682-1234

Subscribed and sworn before me this 12th day of August, 2016

Notary Public [Signature] My commission expires 3-25-2020

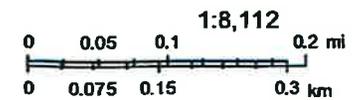


Leavenworth Business & Technology Park



September 28, 2016

- Parcels
- Parcels



Fort Leavenworth

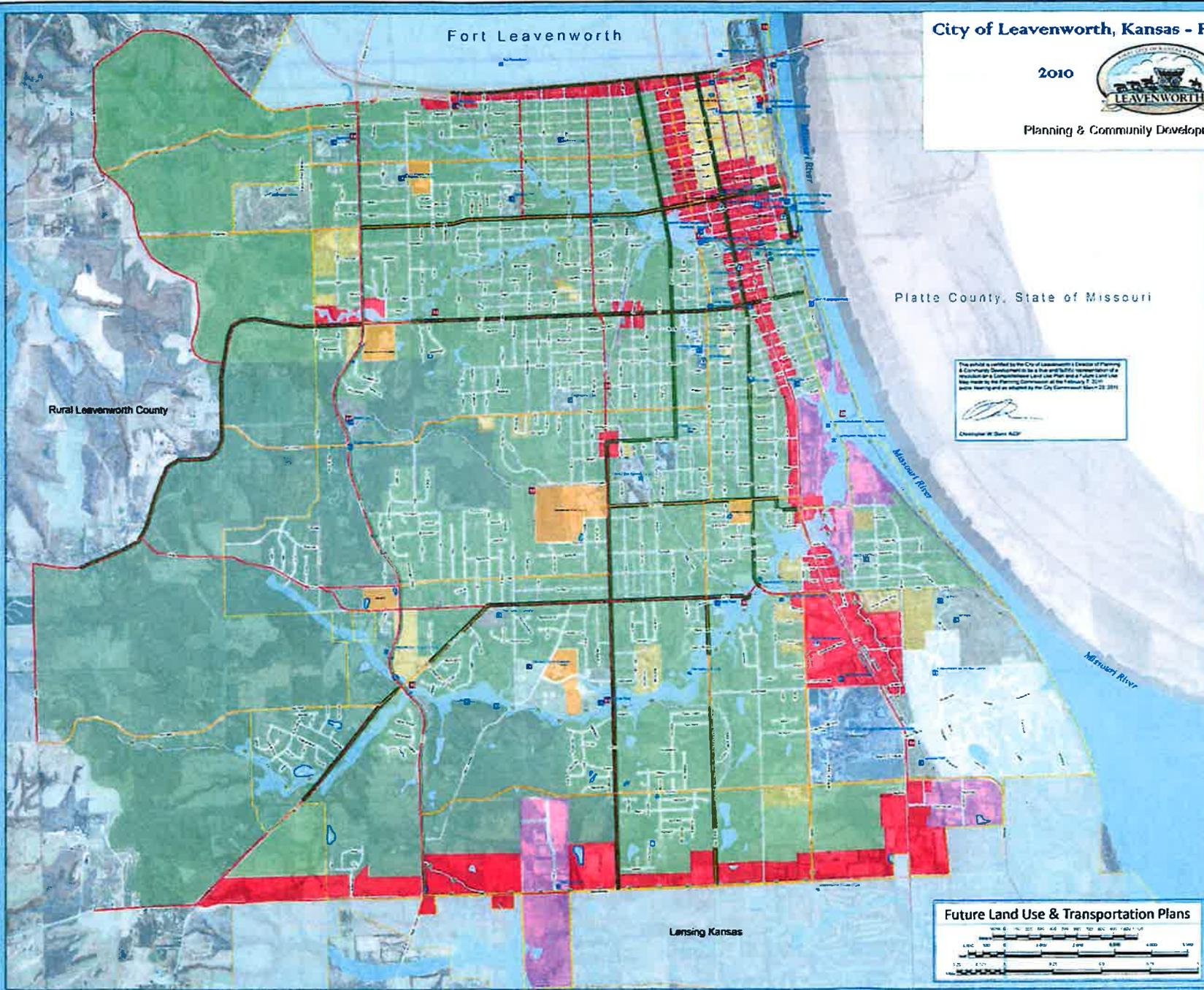
City of Leavenworth, Kansas - Future Land Use Map

2010



2030

Planning & Community Development Department



Legend

- Future Land Use**
- Commercial
 - Industrial
 - Urban Residential 2400 - 6000 sq ft
 - Medium Density 6000-9000 sq ft
 - Low Density Residential 7500 - 14,000 sq ft
 - Multi-Family
 - Parks
 - Schools
 - University of Saint Mary
 - Federal Property
 - Institutional
 - 2010 Public and Private Schools

Future Road Classifications

- CLASSIFICATION**
- Arterial
 - Collector
 - Truck Route

Points of Interest

- Government
- Golf Course
- Hospital
- Library
- Museum
- Park
- Theater
- Trail
- Utility

2010 Trails Plan

- EXISTING MULTI-USE
- PLANNED LOOP MULTI-USE
- PLANNED NATURE TRAIL
- PLANNED ON-STREET (SHARROW)
- PLANNED METRO GREEN ROUTE
- PLANNED BIU TRAIL
- PLANNED TRAIL ADJACENT TO ROAD
- PLANNED UNPAVED TRAIL
- Planned Trailhead

- Leavenworth City Limits
- Fort Leavenworth Boundary
- Lansing City Limits
- Flood Zone "A" (100 year)
- Ponds
- Water Courses

This plan is certified to the City of Leavenworth's Director of Planning & Community Development to be a true and faithful representation of a resolution and Commission action and that said Future Land Use Map was made by the Planning Commission at the February 7, 2010 public hearing and is adopted by the City Commission March 23, 2010.

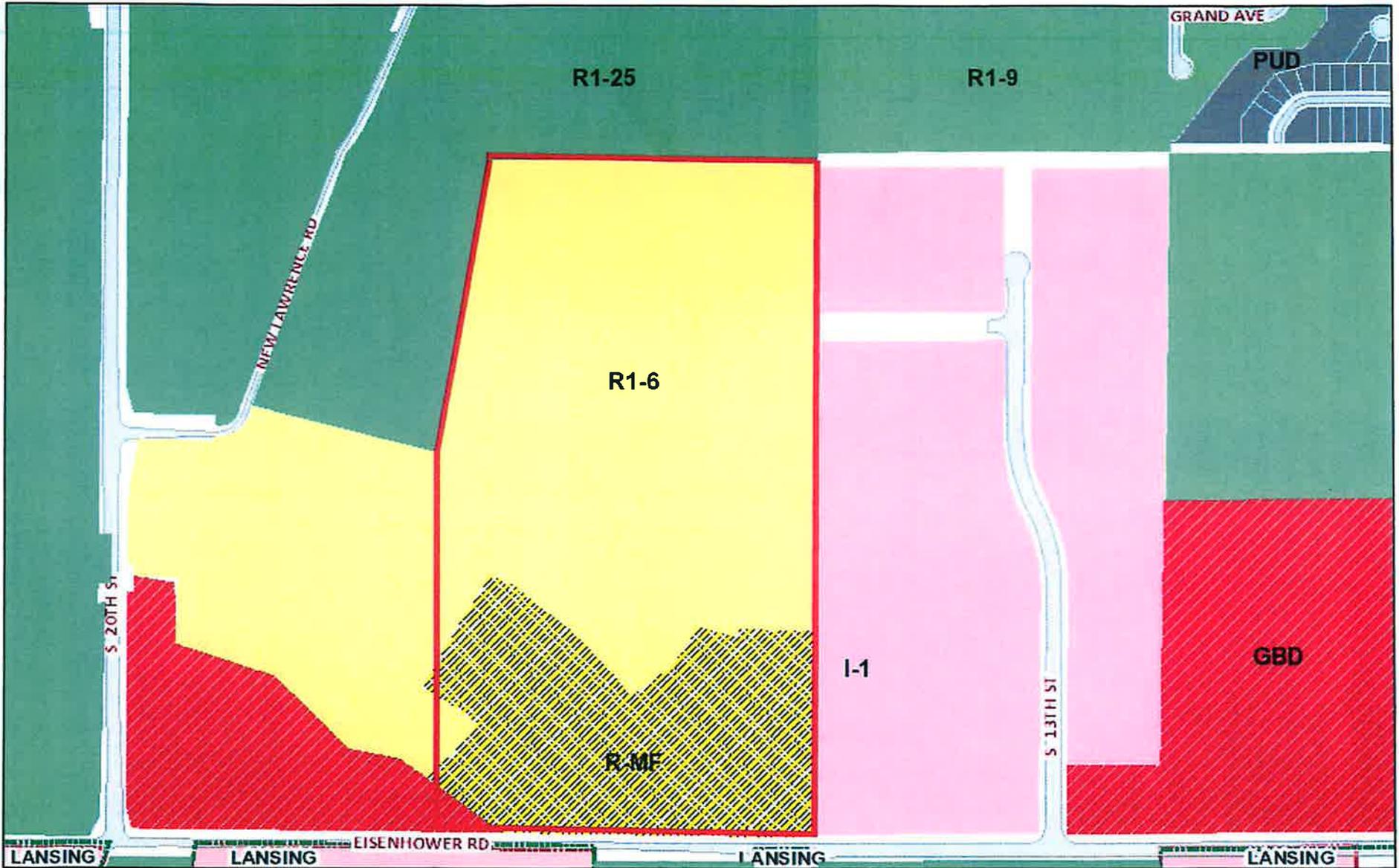
[Signature]
Christopher W. Stone, Mayor

Future Land Use & Transportation Plans



This map is a product of the City of Leavenworth, Kansas. It is not intended to be used for any other purpose. The City of Leavenworth, Kansas, is not responsible for any errors or omissions in this map. The City of Leavenworth, Kansas, is not responsible for any damages or losses resulting from the use of this map. The City of Leavenworth, Kansas, is not responsible for any claims or liabilities resulting from the use of this map. The City of Leavenworth, Kansas, is not responsible for any claims or liabilities resulting from the use of this map.

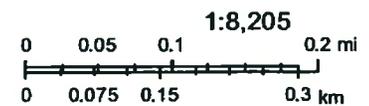
Leavenworth Business & Technology Park



November 2, 2016

Zoning (Current)

	CBD		I-1		NBD		R-MF		R1-9
	GBD		I-2		OBD		R1-25		R4-16
	MP		PUD		R1-6		Unzoned		



LV GIS Dept 09/23/2016
Dave Gilfill, 2013

The Development Review Committee reviewed the plat at their September 15, 2016 meeting. Items noted at that time included specific requirements regarding utilities and easements. No concerns were identified with the plat.

Chairman Byrne asked for questions for the staff. Mr. McGlenn asked if there have been any complaints about the request. Ms. Hurley responded by stating she has not received any feedback on the request.

Mr. Karrasch asked how the current plat differs from the first plat. Ms. Hurley stated the first plat was for the lot 1, the portion north of the alley where the existing hotel is developed. Lot 2 is platting over the smaller residential lots where the homes were to combine it into two large lots.

With no further discussion Chairman Byrne called for a motion. Mr. Karrasch moves to accept the second plat as presented; seconded by Mr. Wiedower and approved by a unanimous vote 7-0.

2. 2016-11 REZ – LEAVENWORTH BUSINESS & TECHNOLOGY PARK

Conduct a public hearing for Case No. 2016-11 REZ, Eisenhower & 14th Street. The petitioner, JMK Partners LLC, is requesting consideration for rezoning from its present classification of R-MF Multiple Family Residential District and R1-6 High Density Single Family Residential District to I-1 Light Industrial District.

Chairman Byrne called for the staff report. City Planner Julie Hurley stated she will be discussing the rezoning, preliminary plat and final plat together since it is one project. The rezoning is the only item which requires a public hearing. After the public hearing is closed, the board can take action on all three items.

Ms. Hurley reviewed the policy report for the rezoning stating the applicant, JMK Partners LLC, is requesting a rezoning of their property located at Eisenhower Road and the proposed 14th Street from R1-6, High Density Single Family Residential District and R-MF, Multiple Family Residential District to I-1, Light Industrial District. The property is 81.91 acres in size and is currently undeveloped. The site lies directly to the west of the Gary Carlson Business Park and the Storage Box self-storage center. A preliminary and final plat for the subject property are also on this agenda.

The rezoning is being requested to allow for development of a new business park for light industrial uses, similar in nature to the existing Gary Carlson Business Park. There is little available space remaining within the Gary Carlson Business Park for use by prospective tenants, and this project is being proposed in order to market the Leavenworth area to new businesses looking to relocate or expand their operations. The Leavenworth Business & Technology Park is being developed in partnership with the City of Leavenworth, Leavenworth County, and the Leavenworth County Development Corporation (LCDC)

The site is currently agricultural in nature. The properties to the east are zoned I-1 and developed with the Gary Carlson Business Center and Storage Box self-storage facility. The property to the north is zoned R1-25, Low Density Single Family Residential District and is developed with a single family home and associated agricultural use. The property to the west is zoned R1-25, R1-6, and GBD, General Business District and is developed with a single family home and associated agricultural use. The property to the south is primarily in the City of Lansing.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

a) The character of the neighborhood;

The subject property is currently agricultural in nature. The properties to the east are developed with the Gary Carlson Business Center and the Storage Box self-storage facility. The properties to the north and west are developed with large lot single family homes and associated agricultural use. The property lies along Eisenhower Road, a primary arterial corridor. Eisenhower Road is a key transportation corridor in Leavenworth, providing efficient access for a number of existing industrial uses including the Gary Carlson Business Center tenants and Hallmark Cards. Funds have been designated to widening and improving Eisenhower Road from the point in front of the Storage Box west to County Road 5. Design is currently underway for the project, with construction expected to take place in 2019. The area directly to the west of the subject property is expected to be developed with commercial and residential uses in the future, with commercial uses focused near the intersection of 20th Street and Eisenhower Road.

b) The zoning and use of properties nearby;

The properties to the east are zoned I-1 and developed with the Gary Carlson Business Center and Storage Box self-storage facility. The property to the north is zoned R1-25, Low Density Single Family Residential District and is developed with a single family home and associated agricultural use. The property to the west is zoned R1-25, R1-6, and GBD, General Business District and is developed with a single family home and associated agricultural use. The property to the south of Eisenhower Road lies within the City Limits of Lansing and is currently zoned A-1, Agricultural, and developed with large lot single-family homes.

c) The suitability of the subject property for the uses to which it has been restricted;

As the subject property is currently undeveloped, no physical restrictions exist which would limit its' use in regard to existing zoning.

d) The extent to which removal of the restrictions will detrimentally affect nearby property;

The proposed rezoning should have little detrimental effect upon surrounding properties. The property is accessed by an existing major thoroughfare designed to handle traffic levels generated by the proposed use, and there are existing comparable uses immediately adjacent to the subject site. Additionally, the developer intends to install significant landscaping throughout the portion of the property abutting Eisenhower Road, with existing dense vegetation around the perimeter of the property that can be preserved to minimize visual impact from surrounding properties.

e) The length of time the subject property has remained vacant as zoned;

The subject property has never been developed with any non-agricultural use.

f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

The proposed rezoning will have a positive impact on economic development within the Leavenworth community by way of increased tax base and the potential for future jobs as tenants locate within the business park. Additionally, initial site work to be completed on the land to make it "vertical ready" for future tenants through grading and construction of infrastructure and utilities, is anticipated to be completed in large part by local contractors, having an immediate positive impact.

g) The recommendations of permanent or professional staff;
Staff recommends approval of the rezoning request.

h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

The subject area is identified as appropriate for commercial use on the southern portion of the property adjacent to Eisenhower Road, and low-density residential use on the northern portion of the property. However, the property lies directly adjacent to an existing business park which is identified as industrial in the Future Land Use plan. Additionally, the property directly to the south of the existing Gary Carlson Business Park is identified as being appropriate for industrial uses in the Future Land Use plan. The subject property is similar in size and nature to the property identified as appropriate for industrial use, and accomplishes the goal of locating industrial uses near one another, allowing for a consolidation of resources and minimizing impact on surrounding properties and infrastructure systems. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive Plan.

i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.

A preliminary and final plat for the subject property are presented for consideration in conjunction with the proposed rezoning.

Chairman Byrne called for questions for staff. Mr. Wenzel asked about the landscaping along the frontage of Eisenhower Road. Ms. Hurley stated Mike Reilly would be better suited to answer this question. Mr. Reilly approached the board.

Mr. Reilly is with JMK Partners, LLC. Mr. Reilly began by giving a brief history of the property. He further stated the Leavenworth County Port Authority Site Selection Committee identified the subject property in 2015 as the primary site for future industrial park growth in the City of Leavenworth. Mr. Reilly's discussion of the project is attached as Exhibit A. Mr. Reilly concluded by stating there is an urgency to the project as there are two local businesses currently in the market which cannot be served from a lot size perspective; therefore, the businesses are forced to look outside the City of Leavenworth for lots that can serve their needs.

Chairman Byrne asked for questions. Mr. Karrasch asked how many people are currently employed in the Gary Carlson Park. Mr. Reilly stated approximately 500 employees.

Mr. Wiedower asked about the residential impact of the people living on Eisenhower and how they plan on minimizing the impact. Mr. Reilly stated a landscape tract is included in the project, which will be a buffer to the neighbors located to the south of the subject property.

Mr. Karrasch asked for a more detailed description on the expansion of Eisenhower Road and if a stop light will be installed. Mr. Reilly stated it is his understanding that Eisenhower Road, at 155th Street, will be expanded to a full 4-lane road out to Tonganoxie Road; a turning lane is not in the plans. There have been no discussions about a stop light at the entrance of the industrial park; however, there are discussions about a stop light at 20th Street and Eisenhower, which should give the necessary breakage in time to allow full access into the industrial park.

Mr. Karrasch asked City Manager Paul Kramer for a little more background on the reasoning why Eisenhower Road is being used to access the industrial park instead of Muncie Road. Mr. Kramer stated widening Eisenhower Road is a county project and funded by the county. He further stated the county was looking at projects that would impact Leavenworth County as a whole not just the City of Leavenworth. Muncie Road was not considered because it would only impact the City of Leavenworth, not Leavenworth County. Furthermore, the City of Leavenworth has no room for growth to the North, South or East; therefore, everything is being pushed to the west. Additionally, the cost to expand/widen Muncie Road would be much greater than to widen Eisenhower Road. There would be considerable land acquisition costs, a lot of large homesteads would be disrupted, there's a pipeline which goes west of 10th Street, and the entire cost would be picked up by the city.

Chairman Byrne opened the public hearing.

Ed Bristow approached the board. Mr. Bristow owns the property located at 15639 Eisenhower Road. Mr. Bristow asked if there would be any restrictions on the permitted uses in addition to the restrictions currently in the Development Regulations for light industrial since the property would be a Business and Technology Park. Ms. Hurley stated that has not been proposed.

Mr. Bristow asked if there has been other assessments of the property besides the Phase I assessment. Mr. Byrne stating additional assessments are only required if Phase I indicates further assessment of the property is necessary.

Mr. Bristow asked until there are tenants, who is responsible for maintaining the property. Mr. Kramer responded by stating once the project is done, the property is turned over to the City of Leavenworth, Leavenworth County and the management arm, which is the Leavenworth County Port Authority (LCPA). The LCPA becomes the landowner.

Mr. Bristow speaks in opposition of the proposed rezoning of 14th Street and Eisenhower Road. His discussion is attached as Exhibit B.

Kathryn Goetz approached the board. Ms. Goetz owns the property located at 15583 Eisenhower Road. Ms. Goetz speaks in opposition of the proposed rezoning of 14th Street and Eisenhower Road. Ms. Goetz has great concern about the proposed entrance to the business park being across her driveway. Ms. Goetz believes that using this land for commercial use is an ongoing ghettoization by the City of Leavenworth and Leavenworth County. She further stated a thriving community will be destroyed because Leavenworth does not have a solid urban planning, which should be focused on established commercial areas such as 4th Street and downtown Leavenworth.

Mr. Karrasch asked Ms. Goetz if she would agree that diversity is a great thing and that most civilizations thrive on or needs diversity. Ms. Goetz responded by saying diversity has many contextual meanings. She further stated this proposed project is not a diversification of community because the city is willing to dissolve everything around it to push the project forward. Mr. Karrasch stated by looking at the city and not just one neighborhood, the city is limited in its industrial base due to the city's topography.

Randy Goetz, Kathryn Goetz's husband, approached the board to speak in opposition of the proposed rezoning of 14th Street and Eisenhower Road. Mr. Goetz stated the industrial park should be in the north end of Leavenworth, especially since it provides access to three highways. Furthermore, Eisenhower Road is already too congested. The subject property is within close proximity to an elementary school, middle school and high school. Because of this, Mr. Goetz believes a better use of the subject property is residential use. Like Ms. Goetz, Mr. Goetz also feels the City of Leavenworth does not have a long-term plan. He voiced concern about Eisenhower Road becoming more congested and traffic safety issues.

Dion Depaolis, located at 15675 Eisenhower Road, approached the board to speak in opposition. He does not believe a 25' landscape buffer will help. Mr. Depaolis also mentioned concern about increased noise, lighting, and traffic. Mr. Depaolis further stated his property as well as neighboring property's land value will decrease if the industrial park is approved.

With no further comments, Chairman Byrne closed the public hearing and opened discussion for the commissioners.

Mr. Wiedower asked Mr. Reilly if there are other options for the entrance to the industrial park than directly across from residential property. Mr. Reilly clarified stated they reviewed 3 to 5 iterations of this project. The difficulty they were having was with the Magellan pipeline.

Mr. Wiedower asked if it is still the intent for JMK Partners to put residential housing in this area in the future. Mr. Reilly confirmed their intention is to build approximately 90 single family homes to the west of the industrial park.

Mr. McGlenn asked how close the landscape track will be to Eisenhower Road. Mr. Reilly stated the landscape track would be right outside of the right-of-way for Eisenhower Road. The landscape buffer will be along the frontage. It will be a 25' berm with landscaping plantings placed on top, irrigated and sodded with a monument sign at the entrance.

Mr. Kramer wanted to clarify that this project is not a Reilly business park but rather the owners of the industrial park are the City of Leavenworth, Leavenworth County and the Port Authority, and as such, nothing will be allowed in the industrial park without their approval. No private entity has a say on who the tenants of the industrial park will be. Furthermore, this area is framed to be a business and technology park; not heavy manufacturing and the city if very conscience about what they will allow to go there.

Ms. Bohnsack stated the plat does not reference any kind of restrictions about building standards and the neighboring properties of the subject property may need reassurances that specific standards will be upheld. Ms. Hurley stated the current Development Regulations regulate building appearance, design, materials, etc. and any user coming in to this area would be subject to our current design standards and building regulations. This would be handled at the time of site development, not with a plat.

Mr. Wenzel stated that we are all members of the community, and as such, want the best for economic growth of the city. The proposed project fits into the vision of what the city commission has expressed for the growth of the city and county of Leavenworth.

With no further discussion, Chairman Byrne called for a motion on the rezoning. Mr. Wenzel moved to recommend to the City Commission approval of the request to rezone the property located at 14th Street and Eisenhower Road from R-MF Multiple Family Residential and R1-6 High Density Single Family Residential to I-1 Light Industrial. Mr. McGlenn seconded the motion and approved by a unanimous vote 7-0.

OLD BUSINESS:

1. 2016-14 SUB – LEAVENWORTH BUSINESS & TECHNOLOGY PARK PRELIMINARY PLAT

Consider a request for a preliminary plat for the Leavenworth Business & Technology Park, located at Eisenhower Road & 14th Street.

Chairman Byrne called for the next item. City Planner Julie Hurley reiterated the preliminary and final plats are for a one lot three track subdivision. The three tracks will be for detention and water quality purposes. Also included, the 14th Street right-of-way will be dedicated.

Chairman Byrne asked for any discussions. Mr. Karrasch asked if the landscape buffer could be increased from 25'. Mr. Reilly responded saying there is flexibility and it can be increased to a height that the commission would be satisfied with.

With no further discussion, Chairman Byrne called for a motion. Mr. Karrasch moves to accept the preliminary plat as presented with the amendment that the landscape easement be increased from 25' to 40' in width; seconded by Ms. Bohnsack and approved by a unanimous vote 7-0.

2. 2016-15 SUB – LEAVENWORTH BUSINESS & TECHNOLOGY PARK FINAL PLAT

Consider a request for a final plat for the Leavenworth Business & Technology Park, located at Eisenhower Road & 14th Street.

Chairman Byrne called for the next item. City Planner Julie Hurley reiterated the preliminary and final plats are for a one lot three track subdivision. The three tracks will be for detention and water quality purposes. Also included, the 14th Street right-of-way will be dedicated.

Chairman Byrne asked if there were any differences between the preliminary plat and final plat. Ms. Hurley responded there were no differences. Ms. Hurley recommends Mr. Karrasch's stipulation on the preliminary plat be carried over to the final plat as well.

Chairman Byrne called for a motion. Mr. Burke moves to accept the preliminary plat as presented with the stipulation that the landscape easement be increased from 25' to 40' in width; seconded by Mr. Wenzel and approved by a unanimous vote 7-0.

NEW BUSINESS:

3. 2016-17 REZ – 1623 SPRUCE STREET

**Policy Report No. FIN-16-05
Cancellation of Outstanding City Checks**

November 22, 2016

Prepared By:



Ruby Maline
Finance Director

Approved By:



Paul Kramer
City Manager

Issue:

According to KSA 10-816a, checks that remain outstanding after a period of two years of issuance may be canceled by the City Commission. The City has a total of 19 checks in the amount of \$378.10 that remain outstanding after two years of issuance (see attached listing).

Recommendation:

It is recommended that the City Commission cancel checks that remain outstanding after two years of issuance and that these balances – in accordance with KSA 10-816c- revert back to the City Fund upon which such checks were drawn.

Background:

It is appropriate to cancel outstanding checks after two years. After cancellation by the City Commission, if a check is presented for payment, the Finance Department would honor the obligation and issue a new check.

The funds revert back to the original City Fund upon which they were drawn.

Public Notice

According to Kansas statute, checks issued by the City of Leavenworth that remain outstanding after a period of two (2) years may be canceled. The City Commission will take formal action at the November 22, 2016 Commission meeting to cancel such checks. Checks issued to the following payees were canceled: Vanessa Johnston, Cindy Degraw-Dressler, Jena S Goebel, April Farley, Estelle Rodgers, Nancy Baker, Alexandria R Bolewski, Elijah T Dossey, Steve Hearrold, Eryn Tucker, and Nicole Colon. Please call the City of Leavenworth Finance department at 913-684-0354 to request a replacement check. A detailed listing of the checks being canceled can be found under Documents at www.lvks.org.

City of Leavenworth
Cancellation of
Outstanding AP and PR Checks

Issue Date	Check #	Payee	Amount	Fund	Program
03/12/14	354048	AP Vanessa Johnston	20.00	01	01350
09/05/14	357221	AP Cindy Degraw-Dressler	38.83	01	01350
			58.83		
12/27/13	91333	PR Jena S Goebel	94.42	02	02770
05/16/14	355258	AP April Farley	5.00	02	02730
05/16/14	355262	AP Estelle Rodgers	45.00	02	02730
05/16/14	91814	PR Jena S Goebel	94.04	02	02770
06/03/14	355552	AP Nancy Baker	10.00	02	02740
06/27/14	91985	PR Alexandria R Bolewski	8.13	02	02770
07/11/14	92045	PR Alexandria R Bolewski	8.13	02	02770
08/08/14	92173	PR Elijah T Dossey	15.42	02	02770
08/22/14	92229	PR Alexandria R Bolewski	8.13	02	02770
			288.27		
06/26/14	355919	AP Steve Hearrold	20.00	60	60620
05/05/14	355031	AP Eryn Tucker	1.00	62	62640
06/03/14	355497	AP Eryn Tucker	1.00	62	62640
07/24/14	356083	AP Eryn Tucker	1.00	62	62640
08/01/14	356594	AP Eryn Tucker	1.00	62	62640
09/02/14	357124	AP Eryn Tucker	1.00	62	62640
10/03/14	357677	AP Eryn Tucker	1.00	62	62640
10/03/14	357695	AP Nicole Colon	5.00	62	62650
			11.00		
			378.10		

fund	
01	58.83
02	288.27
60	20.00
62	11.00

Accounts Payable

REPORT: RECONCILE

GENERATED: 02 DEC 13 15:53

RUN: MONDAY MAR212016 11:21

PAGE 1

FOR: 01/01/01 - 02/29/16

CITY OF LEAVENWORTH, KANSAS

CHECK RECONCILIATION

OUTSTANDING CHECKS

BANK	CHECK #	CHECK AMOUNT	CHECK DATE	CHECK STATUS	PAYMENT TYPE	RECONCILE DATE	VENDOR #	NAME
1	354048	20.00	03/12/14	OUTSTANDING	SYSTEM		10203	VANESSA JOHNSTON 01350
1	355031	1.00	05/05/14	OUTSTANDING	SYSTEM		09190	ERYN TUCKER 62640
1	355258	5.00	05/16/14	OUTSTANDING	SYSTEM		10325	APRIL FARLEY 02730
1	355262	45.00	05/16/14	OUTSTANDING	SYSTEM		10329	ESTELLE RODGERS 02730
1	355497	1.00	06/03/14	OUTSTANDING	SYSTEM		09190	ERYN TUCKER 62640
1	355552	10.00	06/03/14	OUTSTANDING	SYSTEM		09729	NANCY BAKER 02740
1	355919	20.00	06/26/14	OUTSTANDING	SYSTEM		10414	STEVE HEARROLD 60620
1	356083	1.00	07/02/14	OUTSTANDING	SYSTEM		09190	ERYN TUCKER 62640
1	356594	1.00	08/01/14	OUTSTANDING	SYSTEM		09190	ERYN TUCKER 62640
1	357124	1.00	09/02/14	OUTSTANDING	SYSTEM		09190	ERYN TUCKER 62640
1	357221	38.83	09/05/14	OUTSTANDING	SYSTEM		01171	CINDY DEGRAW-DRESSLER 01350
1	357677	1.00	10/03/14	OUTSTANDING	SYSTEM		09190	ERYN TUCKER 62640
1	357695	5.00	10/03/14	OUTSTANDING	SYSTEM		09980	NICOLE COLON 62650
1	358193	20.00	11/04/14	OUTSTANDING	SYSTEM		06186	MARILYN KAY PARSONS
1	358402	10.00	11/14/14	OUTSTANDING	SYSTEM		10604	AMY JOHNSON
1	358520	20.00	11/25/14	OUTSTANDING	SYSTEM		08952	TERINA A JOHNSON
1	358522	20.00	11/25/14	OUTSTANDING	SYSTEM		09198	ROCHELLE HILL
1	358854	5.00	12/11/14	OUTSTANDING	SYSTEM		10660	MICHAEL NOLAN
1	358855	5.00	12/11/14	OUTSTANDING	SYSTEM		10661	BAMBI KLINE
1	358862	5.00	12/11/14	OUTSTANDING	SYSTEM		10668	MACHELLE COLLINS
1	358864	5.00	12/11/14	OUTSTANDING	SYSTEM		10670	TAMMY BOGART
1	358966	20.00	12/18/14	OUTSTANDING	SYSTEM		10682	BRENT PENMAN
1	359065	90.00	12/26/14	OUTSTANDING	SYSTEM		10688	KINDER CARE
1	359733	67.00	02/06/15	OUTSTANDING	SYSTEM		00464	OLYMPIC CAR WASH OF LEAVENWORTH INC
1	359958	880.00	02/20/15	OUTSTANDING	SYSTEM		00752	ALLIANCE HOUSING CORP
1	360079	3537.00	03/02/15	OUTSTANDING	SYSTEM		02050	CODY PLAZA

CITY OF LEAVENWORTH, KANSAS
 CHECK RECONCILIATION
 OUTSTANDING CHECKS

FOR: 01/01/01 - 02/29/16

BANK	CHECK #	CHECK AMOUNT	CHECK DATE	CHECK STATUS	PAYMENT TYPE	RECONCILE DATE	VENDOR #	NAME
1	360202	24.64	03/04/15	OUTSTANDING	SYSTEM		04443	RICHARD JONES
1	360241	319.00	03/06/15	OUTSTANDING	SYSTEM		02050	CODY PLAZA
1	360527	50.00	03/27/15	OUTSTANDING	SYSTEM		10827	JOHN B HEIM
1	361165	100.00	05/01/15	OUTSTANDING	SYSTEM		06922	ANNA BERGEN
1	361405	100.00	05/14/15	OUTSTANDING	SYSTEM		10902	KNOWLEDGE UNIVERSE EDUCATION
1	361712	861.25	06/02/15	OUTSTANDING	SYSTEM		01371	ALLIANCE AGAINST FAMILY VIOLENCE
1	361739	300.00	06/02/15	OUTSTANDING	SYSTEM		10926	ALICIA CHMIDLING
1	361809	25.00	06/05/15	OUTSTANDING	SYSTEM		10569	ANNE MARIE SHERIDAN
1	361824	25.00	06/08/15	OUTSTANDING	SYSTEM		01034	LISA LUTZ

TOTAL # OF CHECKS: 35 FOR A TOTAL AMOUNT OF: \$6638.72/

TOTAL # OF ACH CHECKS: 0 FOR A TOTAL AMOUNT OF:

Payroll

FEB 2016

CITY OF LEAVENWORTH
Check Reconciliation

Bank #	Check #	Check Amount	Check Date	Clear Date	Check Status	Employee Name
00001	91333	\$94.42	12/27/13	00/00/00	OUTSTANDING	GOBBEL, JENA S 02770
00001	91814	\$94.04	05/16/14	00/00/00	OUTSTANDING	GOBBEL, JENA S 02770
00001	91985	\$8.13	06/27/14	00/00/00	OUTSTANDING	BOLEWSKI, ALEXANDRIA R 02770
00001	92045	\$8.13	07/11/14	00/00/00	OUTSTANDING	BOLEWSKI, ALEXANDRIA R 02770
00001	92173	\$15.42	08/08/14	00/00/00	OUTSTANDING	DOSSEY, ELIJAH T 02770
00001	92229	\$8.13	08/22/14	00/00/00	OUTSTANDING	BOLEWSKI, ALEXANDRIA R 02770
00001	92679	\$7.71	01/23/15	00/00/00	OUTSTANDING	BATES, JAMES M
00001	93351	\$53.69	09/18/15	00/00/00	OUTSTANDING	TODD-NICHOL, JACKSON T
00001	93498	\$28.52 ✓	11/27/15	00/00/00	OUTSTANDING	ROEMER, COLTON L ✓ Nov 2016
00001	93517	\$171.27	12/04/15	00/00/00	OUTSTANDING	MURPHY, TERESA D

Total # of Checks 10 for a Grand Total of \$489.46 ✓

3/2016
OS

489.46+
28.52-
460.94*

Policy Report
Presentation of the State Legislative Agenda for 2017

Nov. 22, 2016

Prepared by:



Paul Kramer
City Manager

Subject:

The Kansas Legislature begins the 2017 legislative session on January 9. Prior to the session, the League of Kansas Municipalities has released its Statement of Municipal Policy, which provides an overview of topics that could affect Kansas cities in 2017.

During the session, City staff will: 1) monitor bills and issues that move forward in the house and senate; 2) bring those bills that have a positive or negative impact on the City to the City Commission for support/opposition; 3) per the City Commission's goals, staff will make every effort to bring requests for letters of support or opposition to City Commission meetings as specific agenda items.

City staff has taken the League's entire Statement of Policy (of more than 100 items) and identified 25 issues we feel are particularly relevant to the City or that have seen legislative action over the past few sessions. That does not mean the other issues are not important and will not become priority items during the session. The Commission may choose to add or remove "priority" items as it deems appropriate.

Following, a copy of the City's endorsed agenda will be sent to members of the City's legislative delegation.

Attachment – 2017 Statement of Municipal Policy with City items highlighted.

PRK/

-2017-

Statement of Municipal Policy



2016-2017 GOVERNING BODY



President
Kim Thomas
Mayor, Stockton



Vice President
Jeff Longwell
Mayor, Wichita

Immediate Past President

Larry Wolgast, Mayor, Topeka

Past Presidents

Mike Boehm, Mayor, Lenexa
Brenda Chance, City Clerk, Phillipsburg
John Deardoff, City Manager, Hutchinson
Carl Gerlach, Mayor, Overland Park
Terry Somers, Mayor, Mount Hope

Directors

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Jack Bower, Mayor, Atchison
Joe Denoyer, Mayor, Liberal
Kendal Francis, City Manager, Coffeyville
Daron Hall, City Manager, Pittsburg
Mark Holland, Mayor, Kansas City
Kelli Hansen, Mayor, Plainville
Jerry Lovett-Sperling, City Clerk, Lindsborg
John McTaggart, Mayor, Edwardsville
James Toews, Mayor, Inman
Joyce Warshaw, Commissioner, Dodge City
J. Michael Wilkes, City Manager, Olathe

Executive Director

Erik Sartorius



2017 ACTION AGENDA

The prosperity of the State of Kansas is absolutely dependent upon the prosperity of our cities. Over 82% of Kansans live in an incorporated city. In an effort to promote healthy and sustainable communities, the elected and appointed city officials of Kansas hereby establish the following as our action agenda for 2017:

- **Home Rule.** Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters in 1960, we support local elected officials making decisions for their communities, particularly local tax and revenue decisions.
- **City Elections.** City elections should remain non-partisan and separate from state and national elections.
- **Tax Lid Election Process.** We support replacing the current election process for the tax lid law with a protest petition. The election process does not coordinate with municipal budget timelines, and the cost of elections will be excessive for cities.
- **Abandoned and Blighted Structures.** We support legislation that streamlines and expedites the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance, and foreclosed housing, and commercial structures to protect the rights and property values of surrounding property owners.
- **Internet Sales Tax Collections.** The inability of governments to collect local option sales or compensating use tax on remote sales continues to erode a viable and fair revenue source. The League supports state legislation establishing a program to help the state collect state and local sales and compensating use taxes due from in-state purchasers. Remitted taxes should be distributed using existing methods/formulas for the state and local governments.
- **Service Territory.** We support the current state electric utility service territory law. Municipalities must retain the authority to purchase, construct, or extend the infrastructure necessary to supply the cities and their inhabitants with public utilities, including electric services. We support the current statutory framework allowing city's jurisdictional limits to change over time due to the annexation of land, including land located within the service territory of another utility provider.
- **Weapons and Firearms.** We support the ability of local governments to set policies regarding the carrying of weapons and firearms by municipal employees while they are engaged in their work. Absent repeal of the current concealed carry law, cities should be provided civil and criminal immunity from the action of employees not required to carry a weapon but who choose to carry a concealed weapon.

- EMS/Hospital Funding.** Municipal hospitals and emergency medical services (EMS) are challenged in meeting their communities' needs. Between 2009 and 2014, city and county tax revenue budgeted for hospitals has increased 33.3% to meet these needs. We support the expansion of Medicaid in Kansas to allow such entities access to federal funding, helping cities maintain and provide critical services for their citizens.
- Streamlined Sales Tax.** We urge Congress to implement the mandatory collection of sales and use taxes on remote sales. The legislation should not preempt state and local sales and use tax authority. Should federal legislation allow for the state imposition of such taxes, we support the distribution of those funds to cities and counties using existing statutory formulas. Kansas should continue to participate in the Streamlined Sales Tax Project.

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FINANCE & TAXATION

An adequate source of revenue is necessary to fund the essential services of city government. Each city is unique in both services provided and the ability to pay for such services. Maximum flexibility should be granted to local governing bodies to determine the amount and source of funding for city services.

•**Tax Lid Election Process.** We support replacing the current election process for the tax lid law with a protest petition. The election process does not coordinate with municipal budget timelines, and the cost of elections will be excessive for cities.

•**Internet Sales Tax Collections.** The inability of governments to collect local option sales or compensating use tax on remote sales continues to erode a viable and fair revenue source. The League supports state legislation establishing a program to help the state collect state and local sales and compensating use taxes due from in-state purchasers. Remitted taxes should be distributed using existing methods/formulas for the state and local governments.

•**EMS/Hospital Funding.** Municipal hospitals and emergency medical services (EMS) are challenged in meeting their communities' needs. Between 2009 and 2014, city and county tax revenue budgeted for hospitals has increased 33.3% to meet these needs. We support the expansion of Medicaid in Kansas to allow such entities access to federal funding, helping cities maintain and provide critical services for their citizens.

•**Tax Policy.** The League urges the Legislature to reconsider the imbalance in the Kansas tax system by returning to the long-established philosophy of balancing revenue from income, sales and property taxes. The income tax cuts approved by the Kansas Legislature in 2012 impacted the fiscal ability of the state and local governments to provide the services citizens want and need. Changes to tax policies should not be undertaken without a full understanding of the overall impact upon all taxpayers, taxing entities and the sources and amounts of tax revenues to be generated or eliminated by such policy changes.

FINANCE & TAXATION

- **Tax/Spending Lid.** Local spending and taxing decisions are best left to the local officials representing the citizens that elected them. We strongly oppose any state-imposed limits on the taxing and spending authority of cities and support the repeal of the property tax lid.
- **Kansas Tax System.** Cities are important partners in creating jobs, reviving the economy, delivering vital services, and providing quality of life. The Governor and Kansas Legislature should include city leaders in discussions about restructuring the Kansas tax system and any changes should fully assess the resulting financial burden on local taxpayers.
- **Property Tax Exemptions.** We support a broad tax base, and believe the existing property tax base should be protected. We encourage the Legislature to resist any proposal to further exempt any specific property classification from taxation, including industry-specific exemptions. We support the current statutory definition of machinery and equipment and the exemption should not be expanded. The Legislature should actively review existing exemptions to determine if they should continue or be repealed.
- **Sales Tax Exemptions.** Given the current and future budget challenges facing state and local governments, we oppose the continued erosion of the state and local sales tax base by the passage of new exemptions. Should the state establish any sales tax holidays, the law should allow an opt-out for local governments. The Legislature should actively review existing exemptions to determine if they should continue or be repealed.
- **Unfunded Mandates.** We oppose unfunded mandates. If the state or federal governments seek to promote particular policy objectives, such mandates should be accompanied by an appropriate level of funding.
- **Alcoholic Liquor Taxes.** We support the current statutory framework with regard to the collection and distribution of alcoholic liquor taxes. Changes in the way alcoholic liquors are classified or where they can be sold should be revenue neutral to avoid a detrimental impact on local taxpayers.
- **Property Valuation.** To maintain fair and equal taxation, we support appraisals based on fair market value. We oppose caps in property valuations as unconstitutional and inequitable.
- **LAVTR.** The State Legislature, as required by Kansas statute, should help to relieve the burden on property taxpayers by funding the Local Ad Valorem Tax Reduction (LAVTR) program. This should include keeping the promises made with reference to the machinery and equipment mitigation legislation, future gaming revenues, and the existing statutory formula.
- **City and County Revenue Sharing.** The Legislature should fund existing city and county revenue sharing programs as required by Kansas statutes.
- **Alternative Revenue Sources.** Cities should be authorized to approve alternative revenue sources in order to maintain appropriate levels of funding for the health, safety, and welfare of our citizens.

FINANCE & TAXATION

- **Municipal Bonds.** We support the removal or modification of overly burdensome and costly restrictions affecting the issuance of municipal bonds. Further, we support the continued tax-exempt status for municipal bonds.
- **Telecommunications Taxes.** We oppose restrictions on the ability of cities to impose and collect taxes and fees on telecommunications providers.
- **Local Sales Taxes.** We support the existing statutory authority for all cities to impose local sales taxes and seat taxes and the existing statutory distribution for all sales taxes.
- **Banking and Investment Restrictions.** We support maximum banking and investment choices for local government. At a minimum, all cities, counties, and school districts should have the same banking and investment authority the State has granted to itself.
- **Unclaimed Checks.** We support legislation reducing the administrative burden and costs of processing unclaimed checks.
- **Tax credits.** We support the continued availability of tax credits as a tool for economic development.
- **Summary Publication of Resolutions.** We support legislation allowing cities to publish a summary of a resolution, with the full text of any resolution posted on the city's official website, in lieu of publication of the full resolution.



PUBLIC SAFETY

Cities play a critical role in the protection of the health and safety of the citizens of Kansas. Because mandated programs are costlier and less efficient, government at all levels should cooperate in the development of health and safety programs.

•**Asset Forfeiture.** We support the current Kansas Standard Asset Seizure and Forfeiture Act as a component in reducing financial gains from criminal acts. All assets forfeited, or the proceeds of the sale of the same, should remain with the local government that seizes the property.

•**Municipal Court Bonds.** Municipal courts serve a vital role protecting an individual's right to equal protection under the law following arrest or detainment. In order to continue to serve in this capacity, municipal courts must not be limited or restricted in bonding decisions used in their operations.

•**Municipal Courts.** We support the local control of and judicial authority of municipal courts and the appointment of municipal judges. All assessed court funds under a municipal court order, other than restitution collected and payable to a third party and state assessments paid under K.S.A. 12-4117, should be retained by the local municipality.

•**Law Enforcement and Public Safety.** We believe cooperative efforts, rather than state and federal mandated requirements, are vital to the efficient and effective development of local law enforcement and public safety programs.

•**Emergency 911 Services.** Cities and counties should maintain local control of the 911 system and the 911 tax should continue to include both wireline and wireless communications. We support legislation providing flexibility for local governments to utilize these funds to provide emergency services.

•**Emergency Management.** We request the Adjutant General and the State of Kansas review the role of cities in the state emergency management plan. Because cities play a crucial role in effective emergency management, implementation strategies must promote cooperative efforts between federal, state, and local governments.

•**Alcohol and CMB Regulation.** We support the authority of cities to license and regulate alcoholic liquor and cereal malt beverage retailers and establishments.

•**Firearms and Weapons.** We support the local regulation of firearms and weapons.

•**Homeland Security.** First responders at the local level serve as the front line defense in the prevention and response to terrorism and other security risks. Local governments should be granted maximum flexibility and discretion over implementation of monies and strategies regarding homeland security.



INFRASTRUCTURE

Cities construct, manage, operate and maintain numerous infrastructure components that provide a high quality of life. Infrastructure involving transportation, municipal utilities, energy services, and water and environmental structures are all dependent on the ability of local officials to self-determine what's appropriate for their own communities. This self-governance relies on the expectation of cooperation from the state government and full funding as required by law under current statutory programs from both the state and federal governments.

Transportation

- **Comprehensive Transportation Program.** We support full funding of the Kansas T-Works comprehensive transportation program. We oppose any use of these funds to balance the State's general fund budget. Any reduction in T-Works funding jeopardizes existing programs.
- **City-County Highway Fund.** The City-County Highway Fund is essential to maintaining local roads and bridges and should be fully funded and not be diverted for other purposes. Such funding should include the transfer of fees from the registration of out-of-state commercial vehicles, as directed by K.S.A. 9-3425i.
- **Transportation Safety.** The State should work in cooperation with local governments to continue to provide safe roads and bridges within Kansas.
- **Development Infrastructure.** Because transportation infrastructure is critical to state and local development activities, we support the continued maintenance and expansion of the transportation infrastructure in Kansas.
- **Airport Funding.** We support the continued use of state economic development dollars (EDIF funds) to enhance airport facilities and services.
- **Transportation Development Districts.** We support the continued ability of cities to establish transportation development districts to meet the economic development and transportation infrastructure needs in the community.
- **Recreational Trails.** We support the development of recreational trails, including rails-to-trails, aquatic trails, and hike-and-bike on levee trails projects, and oppose any legislation that would make such development more burdensome or costly.
- **Connecting Links.** The State should increase KDOT's funding for connecting link programs to contract with cities to provide for the maintenance of state highways within city limits. The last increase in the connecting link program was in 1999. We support full funding of the KLINK and Geometric Improvement programs.
- **Cooperation with KDOT.** We support the continued efforts of the Kansas Department of Transportation to work with cities on cooperative programs, including the transportation revolving loan fund and various economic development projects.
- **Rail Service.** We support existing and enhanced passenger and freight rail service in Kansas and seek a strong partnership with the state and federal government to achieve this.

INFRASTRUCTURE

Municipal Utilities

- **Service Territory.** We support the current state electric utility service territory law. Municipalities must retain the authority to purchase, construct, or extend the infrastructure necessary to supply the cities and their inhabitants with public utilities, including electric services. We support the current statutory framework allowing city's jurisdictional limits to change over time due to the annexation of land, including land located within the service territory of another utility provider.
- **Municipal Operation.** We support the ability of cities to operate municipal gas, water, electric, sewer, telecommunications, broadband, solid waste, stormwater, or other utility services. We further support the ability of cities to set and control the rates for locally owned and operated utilities, and support the current defined service territory statutes.
- **Right of First Refusal.** We support municipal utilities having the ability to invest in new electric/transmission projects in order to provide reliable, affordable service to local customers. We oppose efforts to prohibit competition for transmission projects in Kansas.
- **Franchise Authority.** We oppose any legislation restricting the current franchise authority for cities, including limits on franchise fees.
- **Mandates.** We oppose unfunded federal and state mandates regulating the operation of municipal gas, water, electric, sewer, telecommunications, solid waste, stormwater utilities, or other utility services. Any mandates passed down to cities should not be imposed without a cost/benefit analysis and should be accompanied by appropriate funding. In addition, regulations should provide for a reasonable implementation schedule.
- **One-Call.** We support a state one-call system that recognizes the diversity of cities in Kansas and provides reasonable options for cities of different sizes. The one-call notification center and board of directors should remain subject to the Kansas Open Meetings Act and the Kansas Open Records Act.
- **Broadband.** The League recognizes the importance of affordable broadband services, as defined by the Federal Communications Commission, for all citizens in Kansas.

Energy

- **Statewide Energy Policy.** We support the development of a coordinated and comprehensive energy policy, including the use of renewables, developed with strong input from cities. We encourage the State to adopt legislation providing the mechanism and staff support for the development of such policy.
- **Energy Efficiency.** We support public and private incentives to encourage energy efficiency by local governments and citizens. We support the promotion of energy efficiency in local government and municipal utilities' operations through programs that recognize the diversity of utility structures serving local governments.

INFRASTRUCTURE

Water and Environment

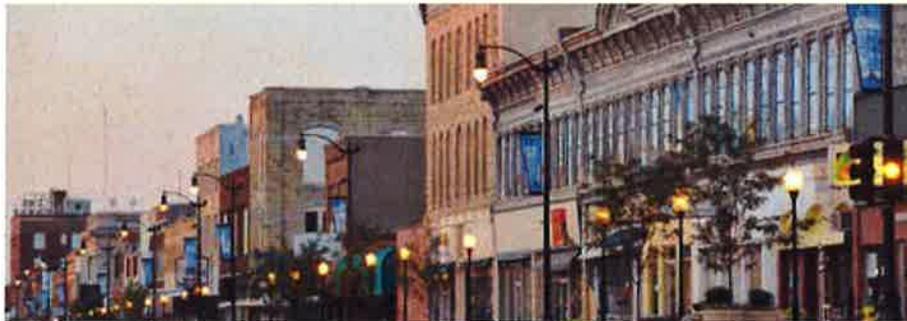
- **Water Quality.** We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse regional and cooperative solutions to water quality challenges that address point and non-point source pollution while balancing municipal cost concerns.
- **Water Quantity.** Government at all levels should aggressively pursue the conservation, protection, and development of current and future municipal water supplies. We support cost-effective efforts to extend the life of reservoirs and to expand reservoir storage for use by municipal water suppliers. We support immediate state action, in consultation with municipal providers, to address over appropriated surface and groundwater resources.
- **Water Planning.** We support increased municipal representation on the Kansas Water Authority; broad-based revenue sources and distribution for the state water plan fund; and a reevaluation of the process for adopting the annual state water plan fund budget.
- **Infrastructure Funding.** We support increased federal and state funding to assist local communities with their water, wastewater, stormwater, levee, and dam infrastructure and associated security needs.
- **Stormwater Management.** We endorse regional and cooperative solutions to stormwater quality and quantity challenges that address point and non-point source pollution.
- **Solid Waste.** The home rule powers of cities to dispose of and manage municipal solid waste should not be restricted.
- **Hazardous Waste.** We support a comprehensive state-local approach to provide assistance in identifying hazardous wastes and to develop programs to monitor and dispose of such wastes. We encourage state agencies to work cooperatively with local governments in the development and approval of programs to identify, monitor and dispose of hazardous waste. Further, appropriate education and training should be provided prior to the implementation of such programs.
- **Clean Air.** We support air quality controls and a state developed air quality plan that protects the health and safety of Kansans while balancing municipal cost concerns.



PERSONNEL

City employees are the foundation of effective city government. City governing bodies must have the authority to develop local personnel policies to attract and maintain a high quality public workforce.

- **Weapons and Firearms.** We support the ability of local governments to set policies regarding the carrying of weapons and firearms by municipal employees while they are engaged in their work. Absent repeal of the current concealed carry law, cities should be provided civil and criminal immunity from the action of employees not required to carry a weapon but who choose to carry a concealed weapon.
- **KPERS.** We support the full funding of the KPERS retirement system and honoring all commitments that have been made by KPERS. The local KPERS system should remain separate from the state and school retirement system. Changes to the KPERS system should not impact a city's ability to hire and retain qualified public employees, including any undue burden on hiring KPERS retirees.
- **PEERA/Collective Bargaining.** We oppose any federal or state mandate requiring collective bargaining at the local level.
- **KP&F.** We support the current statutory framework regarding KP&F. We believe the retirement system for police and fire should remain fully funded.
- **Personnel Mandates.** We oppose state and federal mandates involving public personnel.
- **Workers' Compensation.** We support reasonable and just benefits for employees injured within the course and scope of their public employment and effective enforcement of the workers' compensation act to eliminate payment of unjustified benefits.
- **Prevailing Wage.** We oppose federal and state mandates requiring or prohibiting the payment of prevailing wage.
- **Health Care & Other Benefits.** We support cooperation and active study of ways to relieve the financial burden of securing employee health care coverage, including the continued option for cities to participate in the state health care program.
- **Unemployment.** We support reasonable and just benefits for employees who are qualified individuals under the Kansas Employment Security Law. We oppose the finding that volunteers who are paid a nominal stipend are considered a qualified individual. We support legislation to define "volunteer" in Kansas employment law, such that it is consistent with federal law.



GOVERNMENT POLICIES & PROCEDURES

Abiding by the longstanding constitutional home rule authority of Kansas cities, there is a need to ensure local governments maintain autonomy and the authority of self-governance to create a safe and sustainable quality of life for residents. In an effort to construct appropriate policies for their community, such as economic and community development initiatives, cities should be committed to implementing procedures which ensure ethical and transparent governance from their officials.

Home Rule

- **Home Rule.** Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters in 1960, we support local elected officials making decisions for their communities, particularly local tax and revenue decisions.
- **City Elections.** City elections should remain non-partisan and separate from state and national elections.
- **Annexation.** The ability of cities to grow is inherent in the economic growth and development of the state. Therefore, we oppose any change that limits the authority of cities' orderly growth through annexation.
- **Sign Regulation.** We support the authority of local government to regulate signs in compliance with federal law.
- **Eminent Domain.** Eminent domain is a fundamental municipal power. The authority to acquire property through condemnation proceedings is critical for public improvement projects. We support increased flexibility for local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.
- **Interlocal Cooperation.** We support the principle of voluntary cooperation among all levels of government.
- **Governmental Immunity.** We support continued immunity for cities from tort liability.
- **Police Powers.** We support the authority of cities to regulate in order to protect the health, safety, and welfare of the public.
- **Public Property & Rights-of-Way.** We support the ability of cities to control and manage public property and rights-of-way and to impose franchise or use fees on those entities that utilize the rights-of-way.
- **Consolidation.** We support processes for local consolidation without undue statutory barriers. We further believe the issue of consolidation is an inherently local one and the voters should be allowed to determine whether consolidation with another unit of government occurs.

Community Development

- **Abandoned and Blighted Structures.** We support legislation that streamlines and expedites the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance, and foreclosed housing, and commercial structures to protect the rights and property values of surrounding property owners.

GOVERNMENT POLICIES & PROCEDURES

- Economic Development Partnerships.** State and regional partnerships are vital to the sustained growth of the state and should be supported by policy and with adequate funding.
- Tax Abatements.** We support the authority of cities to offer tax abatements to encourage business investment in their communities.
- Tax Increment Financing (TIF).** We support the continued use of TIF to promote economic development. TIF laws should allow maximum flexibility and allow for efficient use by communities.
- Revitalization Tools.** We support the continued use of the Neighborhood Revitalization Act, the Downtown Redevelopment Act, the Transportation Development District Act, and the Community Improvement District Act to promote local neighborhood development.
- Tourism.** We support cooperative ventures between the state and local government in Kansas to promote tourism as an industry that is vital to growth and development all across the state. The State of Kansas should commit more resources to the promotion of tourism.
- STAR Bonds.** We support the ability of cities to utilize STAR bonds to promote economic development in their communities.
- Land Use and Zoning.** We support the ability of local officials to make land use and zoning decisions within their community, including decisions about the location, placement, size, appearance, and siting of transmission and receiving facilities and any other communications facilities.
- Moderate Income Housing Program.** We support the continued funding of the Moderate Income Housing Program to promote affordable housing options. Accessibility to such housing stock is important to job growth and economic success in communities.
- Exports.** We support the Kansas Department of Commerce providing assistance to Kansas businesses who may become Kansas exporters, whether by direct provision of services or through outsourcing.
- Urban Opportunity Zones.** We support the creation of urban opportunity zones as a tool to build and revitalize urban neighborhoods in specific census tracts.

Government Ethics

- Open Meetings.** All levels of government should be subject to the same open meetings requirements. These laws should not be unduly burdensome.
- Open Records.** All levels of government should be subject to the same open records requirements. State laws governing open records should balance the public's right of access with the necessity of protecting the privacy of individual citizens and the ability of public agencies to conduct their essential business functions.
- Local Ethics Policies.** We support the establishment of local ethics policies by locally elected officials. We oppose legislation restricting the ability of city governing bodies to adopt local ethics policies for elected and appointed city officials.

GOVERNMENT POLICIES & PROCEDURES

•**Intergovernmental Dialogue.** Communication between all levels of government is critical to the successful delivery of public services to the citizens of Kansas. Representatives from cities provide facts and information crucial to intergovernmental relations, and as such, should have the same rights and responsibilities as private interest lobbyists. We support current law regarding the use of state and local public moneys to provide information and advocate on behalf of our cities and citizens. Any reporting system should not increase the administrative burden on local governments.

FEDERAL ISSUES

Local officials welcome the opportunity to work together with federal and state officials on policies impacting local communities. Federal agencies should research and understand the fiscal impact on local units of government when implementing new guidelines or laws. Cities manage their finances, infrastructure, and personnel more effectively without unfunded federal mandates.

- Streamlined Sales Tax.** We urge Congress to take action to implement the mandatory collection of sales and use taxes on remote sales. The legislation should not preempt state and local sales and use tax authority. Should federal legislation allow for the state imposition of such taxes, we support the distribution of those funds to cities and counties using existing statutory formulas. Kansas should continue to participate in the Streamlined Sales Tax Project.
- Municipal Bonds.** We support the continued tax-exempt status for municipal bonds. Further, we support the removal or modification of overly burdensome and costly restrictions affecting the issuance of municipal bonds.
- Overtime Rule.** We support the Department of Labor reconsidering the new rule on overtime.
- Immigration Reform.** We support a federal solution to immigration reform. Any immigration policy should not negatively impact local governments with additional law enforcement or administrative burdens. We support Congress continuing assistance to under-served areas with large immigrant populations, who are attempting to remain in compliance with the United States Citizenship and Immigration Services.
- Transportation.** We support funding the Fixing America's Surface Transportation Act (FAST ACT), which allows investment in critical infrastructure.
- Stormwater.** We support simple and flexible federal regulations of municipal stormwater run-off that allow for orderly and cost-effective development. The federal government should appropriate funds for research and for the development of pilot projects on stormwater management.
- Collective Bargaining.** We oppose any federal mandate that would require collective bargaining at the local level.

FEDERAL ISSUES

- **Water Quality.** We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse federal investments and cooperative solutions that address water quality challenges and take into account municipal cost concerns.
- **Hazardous Waste.** We urge federal agencies to work cooperatively with state and local governments in the development and approval of programs to identify, monitor and dispose of hazardous waste. Appropriate education and training should be provided prior to the implementation of such programs.
- **Telecommunications Data.** We support the continued ability of public safety officials to access data from telecommunications companies in times of emergencies to assist investigations.
- **Rail Service.** We support existing and enhanced passenger and freight rail service in Kansas.
- **Railroad Quiet Zones.** We urge Congress to reexamine the Train Horn Rule with the Federal Railroad Administration. Rules for implementing quiet zones should be less burdensome and allow for differences in community circumstances while continuing to protect public safety. We also request Congress provide federal funds for the purpose of establishing quiet zones and consider new technology which may enhance the safety of quiet zones while minimizing or eliminating train horn noise.



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ABOUT THE LEAGUE

Established by municipal officials in 1910, the League of Kansas Municipalities is a voluntary, nonpartisan organization of over 590 Kansas cities. It operates as a public agency and is defined by state law as an instrumentality of its member cities. The powers and duties of the League are prescribed by state law and in bylaws adopted by the voting delegates of its member cities.

The League Advocates for Cities

The League fields a legislative staff of six to represent cities at the statehouse in Topeka and, when appropriate, in Washington, D.C. The League promotes Home Rule, effective public policy, and the value of local control.

The League Offers Guidance

Through guidance on new laws and administrative rules, research activities, publications, and personnel and contract services, the League provides insight and guidance to cities.

The League Provides Training and Education

The League provides training and education for elected city officials and city staff through conferences, the Municipal Training Institute, webinars and workshops.

The League Keeps Cities Informed

The League publishes a multitude of publications, provides numerous webinars on hot topics, and answers thousands of legal calls each year for cities to provide up-to-date information and keep members aware of the changing municipal environment.



MISSION STATEMENT

The mission of the League shall be to strengthen and advocate for the interests of the cities of Kansas to advance the general welfare and promote the quality of life of the people who live within our cities.

POLICY DEVELOPMENT

This *Statement of Municipal Policy (SMP)* defines the core principles of the organization. It was developed by city officials through the League's policy committees. There are three policy committees that are focused in specific areas: Finance & Taxation, Public Officers & Employees, and Utilities & Environment. The fourth committee, the Legislative Policy Committee, reviews the entire *SMP* and the recommendations of the three specific committees. The *SMP* is then submitted to the Governing Body and is ultimately adopted by the Convention of Voting Delegates at the League's Annual Conference. For more information about the League policy committees or process, check out the League's website at www.lkm.org or contact us at (785) 354-9565.





THE
LEAGUE
OF KANSAS MUNICIPALITIES

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[@LeagueKSMunis](https://twitter.com/LeagueKSMunis)



[@LeagueofKansasMunicipalities](https://www.facebook.com/LeagueofKansasMunicipalities)

Policy Report

Consideration Interlocal Agreement for Leavenworth Business/Technology park
Nov. 22, 2016

Prepared by:



Paul Kramer
City Manager

Subject:

The governing bodies of the City of Leavenworth and Leavenworth County have unanimously approved identical site layout and total cost allocations for a joint business and technology park to be built on Eisenhower Road in the City of Leavenworth.

The next step in the process is to formalize an interlocal agreement among the City, the County and the Leavenworth County Port Authority.

The Leavenworth County Commission approved the interlocal agreement on Nov. 17, and the agreement will go to the Port Authority on Nov. 30.

Action:

Approve or disapprove the interlocal agreement. If the Commission approves the interlocal agreement, it should be contingent upon:

- 1) A favorable Attorney General opinion on the legality of the interlocal agreement.
- 2) The deposit of City funds into an escrow account at the same time or after the County has made deposit of the entirety of its funding obligation into escrow.

Attachments – Interlocal agreement.

RESOLUTION NO. 2014-41

A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT AMONG THE CITY OF LEAVENWORTH, KANSAS, LEAVENWORTH COUNTY, KANSAS, AND THE LEAVENWORTH COUNTY PORT AUTHORITY RELATED TO DEVELOPMENT OF AN INDUSTRIAL PARK IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, K.S.A. 12-2901 *et seq.* (the "Act") provides that in order for local governmental units to make the most efficient use of their powers, such local governments may cooperate with other localities, persons, associations and corporations on a basis of mutual advantage to provide services and facilities in a manner that will best accord with geographic, economic and other factors influencing the needs and development of local communities; and

WHEREAS, the Act authorizes public agencies to enter into cooperation agreements with one or more other public or private agencies for joint or cooperative action pursuant to the provisions of the Act; and

WHEREAS, Leavenworth County, Kansas (the "County") is a "public agency" within the State of Kansas (the "State"), and pursuant to the Act it is necessary and advisable to enter into a cooperation agreement with the City of Leavenworth, Kansas (the "City") and the Leavenworth County Port Authority (the "Port Authority"), both also public agencies, in order to collectively provide for the development of an industrial park within the City, as more fully set forth in the cooperation agreement.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LEAVENWORTH COUNTY, KANSAS:

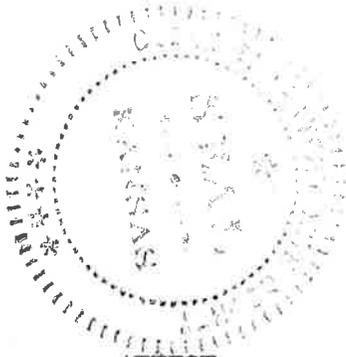
SECTION 1. The County is hereby authorized to enter into the "Interlocal Agreement" among the City, the County, and the Port Authority related to the development of an industrial park within the City (the "Agreement"), as more fully set forth in the Agreement. The form of the Agreement presented to the governing body of the County this date is hereby approved in substantially the form presented, and the Chairman and Clerk are hereby authorized to execute the Agreement in that form, with such changes as may be approved by the Chairman and the County Counselor, and the Chairman's execution of the Agreement shall evidence any such approval.

SECTION 2. This Resolution shall take effect and be in full force from and after its passage by the governing body of the County.

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ADOPTED by the governing body of the County on November 17, 2016.

(SEAL)



ATTEST:

Jane Klamack
Clerk

Robert W. Holland
Chairman

Charles Brown
Commissioner

Don P. Pugh
Commissioner

(Signature Page to County Resolution)

EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
LEAVENWORTH COUNTY, KANSAS
HELD ON NOVEMBER 17, 2016

The governing body met in regular session at the usual meeting place in the County, at 11:29
a.m., the following members being present and participating, to-wit:

Chairman Robert Holland; Commissioner Clyde Graeber; Commissioner Dennis Bixby

Absent: n/a

The Chairman declared that a quorum was present and called the meeting to order.

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

**AN RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE
EXECUTION OF AN INTERLOCAL AGREEMENT AMONG THE CITY OF
LEAVENWORTH, KANSAS, LEAVENWORTH COUNTY, KANSAS, AND THE
LEAVENWORTH COUNTY PORT AUTHORITY RELATED TO
DEVELOPMENT OF AN INDUSTRIAL PARK IN THE CITY OF
LEAVENWORTH, KANSAS.**

Thereupon, Commissioner Dennis Bixby moved that said Resolution be approved. The motion was seconded by Commissioner Clyde Graeber. Said Resolution was duly read and considered, and upon being put, the motion for approval was carried by the vote of the governing body, the vote being as follows:

Aye: 3-0

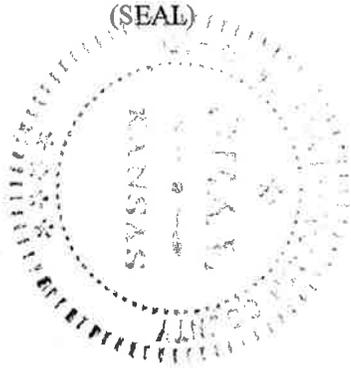
Nay: _____

(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of Leavenworth County, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.



Janet Klasmink
County Clerk

(Signature Page to Excerpt of Minutes)

INTERLOCAL AGREEMENT

Dated as of _____, 2016

Grantor:	City of Leavenworth 100 N. 5 th Street Leavenworth, Kansas 66048 Leavenworth County, Kansas 300 Walnut Street, Suite 225 Leavenworth, Kansas 66048 Leavenworth County Port Authority 1294 Eisenhower Road Leavenworth, Kansas 66048
Grantees:	City of Leavenworth 100 N. 5 th Street Leavenworth, Kansas 66048 Leavenworth County, Kansas 300 Walnut Street, Suite 225 Leavenworth, Kansas 66048 Leavenworth County Port Authority 1294 Eisenhower Road Leavenworth, Kansas 66048
Real Property Legal Description:	

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (the "Agreement"), dated as of NOV 17, 2016, is made by and among the COUNTY OF LEAVENWORTH, KANSAS ("County"), the CITY OF LEAVENWORTH, KANSAS ("City") and the LEAVENWORTH COUNTY PORT AUTHORITY ("Port Authority"). Capitalized terms not defined elsewhere in this Agreement shall have the meaning set forth in **Section 1.01** hereof.

WHEREAS, the purpose of this Agreement is to incentivize economic development within the City and the County through mutual cooperation between the parties, and cause the development of an industrial/commercial park within the City on real property legally described as shown on the attached **Exhibit A** (the "Property"), and to provide for the construction of certain improvements to the Property, to include, but not be limited to, streets, public water supply, sewerage, utility services and site preparation (the "Improvements," and collectively with the Property, the "Project") and the parties agree to take such necessary steps as are set forth herein, and as permitted by law to undertake the Project as necessary to attract new business and achieve this purpose;

WHEREAS, each of the parties to this Agreement covenant that they have the legal authority by the provisions of K.S.A. 12-2901, et seq. to enter into this Agreement and that the execution of this Agreement has been legally authorized by their respective governing bodies and that all necessary acts have been performed to authorize the execution of this Agreement;

WHEREAS, it is the intent of the parties that this Agreement be construed as a contract and be legally enforceable as such as between the parties;

WHEREAS, it is the express intent of the parties that this Agreement does not create a separate governmental entity with the power to assess and collect taxes; and

WHEREAS, notwithstanding any provision contained herein, the parties to this Agreement shall be obligated to only make such payments and expenditures which may be lawfully made from funds budgeted and appropriated for the Project on a year to year basis and in compliance with cash basis law of the state of Kansas.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

ARTICLE I

DEFINITIONS AND RULES OF INTERPRETATION

Section 1.01. Definitions. In addition to the terms defined in the Recitals to this Agreement and elsewhere herein, as used in this Agreement the following terms shall have the following meanings:

"**Budget**" shall mean the budget for the Improvements as set forth in **Exhibit C**.

"**City Code**" shall mean the Code of the City of Leavenworth, Kansas.

"**City Council**" shall mean the governing body of the City.

“**Construction Contract**” shall mean that certain Real Estate Sale and Development Agreement executed as of _____, 2016, between the Port Authority and JMK Partners, LLC.

“**Deposit Date**” shall have the meaning set forth in Section 5.01(b).

“**Disbursement**” shall have the meaning set forth in Section 5.03(b).

“**Escrow Account**” shall have the meaning set forth in Section 5.01.

“**Escrow Agent**” shall have the meaning set forth in Section 5.02.

“**Event of Default**” shall have the meaning set forth in Section 7.01.

“**Excusable Delays**” means delays due to acts of terrorism, acts of war or civil insurrection, strikes, riots, floods, earthquakes, fires, tornadoes, casualties, acts of God, labor disputes, governmental restrictions or priorities, embargoes, national or regional material shortages, failure to obtain regulatory approval from any Federal or State regulatory body, unforeseen site conditions, material litigation by parties other than the Parties and not caused by the Parties’ failure to perform, or any other condition or circumstances beyond their reasonable or foreseeable control. Excusable Delays shall extend the time of performance for the period of such excusable delay

“**General Contractor**” shall mean JMK Partners, LLC.

“**Improvements**” shall mean the public and private improvements described in Section 3.02 and Exhibit B.

“**Land Use Approvals**” shall have the meaning set forth in Section 2.03(a).

“**Plans**” shall have the meaning set forth in Section 4.03.

“**Prime Rate**” shall have the meaning set forth in Section 7.03(h).

“**Property**” shall have the meaning set forth in the recitals above, and legally described on Exhibit A.

“**Schedule of Events**” shall mean the schedule of events described in Section 3.02 and Exhibit D.

“**Site Plan**” shall have the meaning set forth in the recitals above.

Section 1.02. Rules of Interpretation.

(a) The terms defined in this Agreement which refer to a particular agreement, instrument or document also refer to and include all renewals, extensions, modifications, amendments and restatements of such agreement, instrument or document.

(b) The words “hereof”, “herein” and “hereunder” and words of similar import when used in this Agreement shall refer to this Agreement as a whole and not to any particular provision of this Agreement.

(c) Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neutral genders. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing person shall include individuals, corporations, partnerships, joint ventures, associations, joint stock companies, trusts, unincorporated organizations and governments and any agency or political subdivision thereof.

ARTICLE II

PROVISIONS GENERALLY APPLICABLE TO THE PROPERTY

Section 2.01. Purchase of the Property by the Port Authority. The Port Authority shall purchase the Property pursuant to the Construction Contract. The City and the County will fund or finance the purchase of the Property in accordance with Article V from proceeds of general obligation bonds to be issued by the City and the County.

Section 2.02. Zoning and Development of the Property.

(a) The Parties agree that the Property will be developed only for industrial or commercial uses, and the City's Land Use Approvals shall provide for and implement such restrictions.

(b) As used in the Agreement, the term "Land Use Approvals" means those approvals required pursuant to the City's ordinances (such as rezoning, development plan approval and plat approval) to develop the Property. Subject to the development restriction set forth in Section 2.02(a), the Property will be considered for Land Use Approvals by the City, subject to the legislative discretion of the City Council, in accordance with proper applications made by the Port Authority under the City's ordinances. The City may require that the owner of Property, in connection with a request for Land Use Approvals, construct or pay for certain public improvements, in accordance with the City's ordinances, which are deemed necessary by the City to serve the proposed development on such parcels of the Property and which are not funded by the City or the County through this Agreement. The City agrees that such zoning conditions cannot require the landowner to construct or fund the Improvements that are funded by the City and the County through this Agreement.

(c) The Port Authority or its successors and assigns in any of the Property, or the designated representative of any such owner, may request or make application with the City for public incentives to develop such property, and the City will consider such request in accordance with all applicable laws. Nothing in this Agreement shall obligate the City to approve any request for public incentives, and any request which requires City legislation is subject to the legislative discretion of the City Council and the Parties agree that the City Council cannot be legally bound to future legislative action.

(d) Development on the Property may be connected to City utilities in accordance with all applicable City Code provisions and City regulations and requirements.

Section 2.03. Property Tax Abatement. The Parties agree that only the City shall have the power to grant any property tax abatement for any of the Property; neither the Port Authority nor the County shall take any action to abate ad valorem property taxes for the Property while this Agreement is in effect.

Section 2.04. Proceeds from the Sale of Property. The Port Authority, in selling or conveying any of the Property shall comply with all applicable laws and shall endeavor to obtain the best price and advantage of any such sale or conveyance. Proceeds of the sale of any portion of the Property

(the "Proceeds") shall be utilized by the Port Authority solely for additional developments within the Project or other economic development projects within the City. The Port Authority, in consultation with the City, shall identify opportunities for use of the Proceeds within the City for economic development purposes.

ARTICLE III

THE SITE PLAN; IMPROVEMENTS

Section 3.01. Development Plan. The Improvements (as defined below) to be funded by the City and the County in accordance with this Agreement are intended primarily to serve and allow for the development planned for the Property.

Section 3.02. The Improvements. The preliminary site plan for the improvements that are projected to be needed to serve the industrial park is shown on the map attached as Exhibit B and the preliminary budget for such improvements is attached as Exhibit C (the "Improvements"). The Port Authority shall have primary responsibility for constructing the Improvements and the City shall have the ability to undertake such construction if the Port Authority fails to commence or complete construction in accordance with the agreed schedule. In accordance with the schedule of events set forth in Exhibit D (the "Schedule of Events"), the Port Authority shall commence work on the Improvements, and shall diligently work to complete the Improvements. The Port Authority will cause the design, engineering and construction of the Improvements in accordance with the requirements set forth in Article IV. The financing of the Improvements shall occur in accordance with Article V. Disbursements for payment of costs incurred for the design, engineering, and construction of the Improvements shall be made in accordance with the requirements of Article V. In the event the Port Authority does not commence design and construction activities within the time period required by the Schedule of Events, the City may commence construction of the Improvements using the escrowed funds designated for such purpose.

Section 3.03. Plan of Financing and Reimbursement. The City and the County will fund or finance the Improvements in accordance with Article V from one or more sources of funds to be identified by the City and the County. To the extent that the City undertakes construction of any of the Improvements, the City will be fully reimbursed, with interest, for all costs incurred by the City in connection with its funding or financing of the design, engineering and construction of the Improvements in accordance with Article V.

ARTICLE IV

DESIGN AND CONSTRUCTION OF THE IMPROVEMENTS

Section 4.01. Requirement to Design, Engineer and Construct. Subject to the provisions of Article V below, the Port Authority agrees to design, engineer and construct, or provide for the design, engineering, and construction of, the Improvements in accordance with the Schedule of Events attached as Exhibit D.

Section 4.02. Applicable Standards and Approvals.

(a) The Improvements shall be designed, engineered, constructed, placed into service and dedicated to the City in accordance with the ordinances of the City, including, but not limited to, the City Code and the Design and Construction Manual then in effect at the time the Improvements are constructed, and any other applicable rules, requirements and standards established by the City.

(b) Port Authority shall be responsible for obtaining approval for any portion of the Improvements that require approval of another jurisdiction, including, but not limited to, the County and the State of Kansas. The City and the County agree to cooperate in good faith with the Port Authority in obtaining said required approvals from other jurisdictions for the Improvements.

Section 4.03. Design Phase. The Port Authority shall meet with City staff regarding preliminary design of the Improvements to be constructed by, or on behalf of, the Port Authority pursuant to this Agreement and shall submit all preliminary design documents to the City for approval before proceeding with the construction of the Improvements. The City will provide initial comments on the preliminary design documents within thirty (30) days of submittal and the City will approve or reject the preliminary design documents within sixty (60) days of submittal, or the preliminary design documents shall be deemed approved. On the basis of such approved preliminary design documents, the Port Authority shall:

(a) Prepare detailed drawings, plans, design data, estimates, and technical specifications to show the character and scope of the work to be performed by contractors for the Improvements (the "Plans").

(b) Furnish to the City sufficient copies of such Plans and other documents and design data as may be required to secure approval of such governmental authorities as may have jurisdiction over design criteria applicable to the Improvements.

(c) Furnish the number of approval copies of the final Plans for the Improvements as the City may require.

(d) Ensure that the Plans conform to federal and state laws and City ordinances.

Section 4.04. Construction. The Port Authority will construct, or provide for the construction of, all the Improvements according to the approved Plans. Any costs, expenses or fees that the City or the County would not incur and pay if the City or the County were designing, engineering and constructing the Improvements shall not be paid from the Escrow Account or by the City or the County.

Section 4.05. Right of Way Acquisition.

(a) The Port Authority shall be responsible for providing for the acquisition of, or negotiation for the donation of, all right-of-way or easements that are needed to construct the Improvements, including any necessary temporary construction easements.

(b) In the event that the Port Authority is unable, after good faith negotiations, to acquire some or all of the right-of-way or easements necessary for those Improvements over which the City or County will exercise jurisdiction, the City and County agree, at their sole discretion, to enter into good faith negotiations or exercise its power of eminent domain to acquire the right-of-way or easements necessary for Improvements over which the City or the County will exercise jurisdiction. All costs and

expenses incurred by the City or County to obtain rights-of-way or easements for the Improvements shall be paid from funds in the Escrow Account.

Section 4.06. Utility Relocation. The parties agree that all costs associated with relocating any existing utilities from any existing public or private easement shall be paid from the Escrow Account in accordance with Article V.

Section 4.07. Inspections and Change Orders. The Port Authority agrees to permit the City, or its designees, to inspect, observe, and oversee the construction of all Improvements in order to ascertain and determine that the standards of the City have been met, as ordinarily required for public improvements to be dedicated to the City. The Port Authority shall obtain the City's approval of all change orders materially altering the design or specifications of the Improvements, which approval shall not be unreasonably withheld or delayed.

Section 4.08. Dedication. Upon completion, inspection and approval of the Improvements by the City, the Port Authority will dedicate to the City that portion of the Improvements that are intended to be within the City's jurisdiction and control, for its use, operation and maintenance. The City shall be under no obligation to accept the dedication or conveyance of any Improvements constructed pursuant to this Agreement until it has been inspected and approved to the satisfaction of the City. Upon notice of the inspection and approval by the City, the Port Authority agrees to convey the applicable portion of the Improvements to the City free and clear of all liens and encumbrances.

Section 4.09. Certificate of Completion. The completion of the Improvements shall be evidenced by a Certificate of Completion delivered by the Port Authority, and acknowledged by the City's Public Works department, which shall be standard certificates of completion for (1) public infrastructure and (2) private improvements

Section 4.10. Bonds. The Port Authority shall, or shall ensure that its contractors shall, provide for the following bonds for the Improvements that are constructed by the Port Authority and dedicated to the City.

(a) Performance Bond and Payment Bond. Prior to commencement of construction and ending upon acceptance of the Improvements by the City, the Port Authority shall, or shall ensure that its contractors shall, maintain a performance and payment bond in a form approved by the City Attorney, in an amount equal to the cost of the Improvements covered by such bond, as determined by the City, conditioned upon the faithful performance of the provisions, terms and conditions of the construction contract. The performance and payment bond shall name the City as an obligee and copies of certificates of such bond shall be delivered to the City.

(b) Maintenance Bonds. Prior to acceptance and dedication of the Improvements, the Port Authority shall, or shall ensure that its contractors shall, provide a maintenance bond in a form approved by the City Attorney, in an amount equal to the full cost of the Improvements as approved by the City, which shall be in effect for a term of one (1) year from the date that the City, issues a Certificate of Substantial Completion for such Improvements covered by the bond, conditioned upon the faithful performance of the provisions, terms and conditions of the construction contract. The maintenance bond shall name the City as an obligee and copies of certificates of such bond shall be delivered to the City. With respect to maintenance issues which may arise after dedication of the Improvements to the City, the City shall first make any claim which arises related to the Improvements for which a bond claim may be made against the bonding company, and shall make reasonable efforts to pursue the claim, prior to making demand upon the Port Authority to satisfy the claim.

(c) Indemnity for Failure to Provide Bonds. The Port Authority shall, or shall ensure that its contractors shall, indemnify the City and the County and its officers and employees for any damage resulting to the City and the County, its officers or employees from failure of the Port Authority to provide the bonds set forth in this Section.

ARTICLE V

FINANCING OF PUBLIC IMPROVEMENTS; ESCROW ACCOUNT

Section 5.01. Escrow of Funds for the Improvements.

(a) The City, the County and the Port Authority will establish with a bank located in the State of Kansas, an escrow account with two separate funds held therein (the “**Escrow Account – City Funds**” and the “**Escrow Account – County Funds**,” and collectively, the “**Escrow Account**”) in accordance with such assurances and guarantees as necessary to satisfy the Parties as to the safe-keeping and proper authorized use of the funds contributed by the City and County to fund the Project. The Escrow Account shall be a separate, segregated and irrevocable escrow account that shall be maintained at all times from and after the date hereof until the earlier of (1) termination of this Agreement upon an Event of Default by the Port Authority, or (2) completion of the Improvements, as evidenced by a Certificate of Completion delivered by the Port Authority in accordance with Section 4.09 or (3) the expenditure of all the funds in the Escrow Account.

(b) No later than 15 days from the date when all of the following conditions are satisfied, (the “**Deposit Date**”), the City and the County will each deposit **\$4,821,942.50** in the respective funds within the Escrow Account:

1. The Port Authority shall have delivered to the City and the County an executed copy of the Construction Contract.
2. The Port Authority and JMK Partners, LLC shall have delivered to the City and the County letters confirming that all conditions precedent to the Closing have been satisfied.
3. The Port Authority has delivered to the City and County written notice that it is prepared to issue a notice to proceed under the Construction Contract immediately following the Deposit Date.
4. The City issues its taxable general obligation bonds, the proceeds of which will be used to make the deposit required by this paragraph.
5. The County issues its taxable general obligation sales tax bonds, the proceeds of which will be used to make the deposit required by this paragraph.

The City and the County will use their best efforts to issue general obligation bonds to fund the Project. To the extent practicable, the City and County will coordinate to cause the sale and issuance of such bonds to occur on a similar schedule. However, neither the County nor the City shall have any obligation to fund the Project unless and until both the City and the County fully fund their respective deposits to the Escrow Account, and any funds deposited by the City or the County in their respective Escrow Accounts shall be fully revocable until such time as both Escrow Accounts are fully funded.

(b) The funds deposited in the Escrow Account will be used to fund the design, engineering and construction of the Improvements, and shall be disbursed in accordance with the requirements of this Article V. Each draw from the Escrow Account shall be split 50% from the Escrow Account – City Funds and 50% from the Escrow Account – County Funds.

Section 5.02. Disbursements. The Port Authority shall be responsible for the disbursement of funds for the Improvements, and to diligently and accurately account for such disbursements. The Port Authority agrees to provide the City and County an accounting of such disbursements, and to provide the City and County timely reports on the disbursements for the Improvements.

Section 5.03 Maximum Amount of Disbursements. The Port Authority shall be responsible for payment of any costs associated with the design, engineering, and construction of the Improvements in excess of the amount deposited into the Escrow Account by the City and the County in accordance with Section 5.01.

ARTICLE VI

INDEMNITY AND INSURANCE

Section 6.01. Indemnification.

(a) The Port Authority shall indemnify, release, defend, be responsible for and forever hold harmless the City and the County, their officers, agents, employees, elected officials, and attorneys, each in their official and individual capacities, from and against all lawsuits, suits, actions, costs, claims, demands, damages, disability, losses, expenses, including reasonable attorney's fees and other defense costs or liabilities of any character and from any cause whatsoever, brought because of bodily injury or death received or sustained, or loss or damage received or sustained, by any person, persons, or property arising out of or resulting from any act, error, omission, or intentional act of the Port Authority or its agents, employees, or contractors, to the extent such loss or injury occurs during the construction of the Improvements expressly authorized herein; provided, however, that the Port Authority need not save harmless the City or the County from claims, demands, losses and expenses arising out or to the extent caused by the sole negligence of the City or the County, or their employees or agents.

(b) The indemnity required hereunder shall not be limited by reason of the specification of any particular insurance coverage in this Agreement, or by a limitation of the amount or type of damages or compensation payable by or for the Port Authority under Workers' Compensation, disability or other employee benefit acts, acceptance of insurance certificates required under this Agreement, or the terms, applicability or limitation of any insurance held by the Port Authority. The City and the County do not, and shall not, waive any rights against the Port Authority which it may have by reason of this indemnification, because of the acceptance by the City and the County, or the deposit with the City and the County by the Port Authority, of any of the insurance policies described in this Agreement. In addition, the parties agree that this indemnification by the Port Authority shall not be limited by reason of whether or not such insurance policies shall have been determined to be applicable to any such damages or claims for damages.

(c) With respect to any claims which are subject to indemnity hereunder, the Port Authority shall immediately notify the City and the County of any and all claims filed against the Port Authority or the Port Authority and the City or the County jointly, and shall provide the City and the County with a copy of the same.

(d) The fact that the Port Authority carries out any activities under this Agreement through independent contractors shall not constitute an avoidance of, or defense to, the Port Authority's duty of defense and indemnification under this section.

Section 6.02. Insurance.

(a) Prior to commencing construction of the Improvements, the Port Authority shall file, or shall cause its contractor(s) to file, with the City and the County evidence of liability insurance that is consistent with this Agreement and the requirements of the City's requirements for construction of public improvements and in the amounts set forth below.

(b) Bodily Injury and Property Damage, Commercial General Liability Coverage – Occurrence Form unless otherwise agreed by the City and the County:

(i) Commercial General Liability: Minimum \$1,000,000 each occurrence limit for bodily injury and property damage; \$1,000,000 policy aggregate; \$1,000,000 products and completed operations aggregate.

(ii) Automobile Liability: Minimum \$1,000,000 combined single limit for bodily injury and property damage; applicable to owned, non-owned and hired automobiles.

(iii) Workers' Compensation: As required by state statute; if exempt, must submit letter stating the exemption; employer's liability \$1,000,000 each occurrence.

The following endorsements shall attach to the policy:

(i) The policy shall cover personal injury as well as bodily injury.

(ii) The policy shall cover blanket contractual liability subject to the standard universal exclusions of contractual liability included in the carrier's standard endorsement as to bodily injuries, personal injuries and property damage.

(iii) Broad form property damage liability shall be afforded.

(iv) The City and the County shall be listed as additional insureds.

(v) Standard form of cross-liability shall be afforded.

(vi) The policy shall not be cancelled, or materially modified so as to be out of compliance with the requirements of this section, or not renewed without thirty (30) days advance written notice of such event being given to the City and the County.

The limits of liability for each policy coverage amount stated above shall be automatically adjusted upward as necessary to remain at all times not less than the maximum amount of liability applicable to political subdivisions pursuant to Kansas statutes; provided that nothing herein or in any such policy shall be deemed to waive the City's or the County's sovereign immunity.

(c) The Port Authority shall not permit any contractor to commence or continue work until they shall have obtained or caused to be obtained all insurance required under this Section. Said insurance shall be maintained in full force and effect until the completion of construction of the Improvements, and issuance of a Certificate of Substantial Completion by the City.

(d) The Port Authority shall ensure that all contractors performing work for the Port Authority obtain and maintain Workers' Compensation Insurance for all employees, and in case any work is sublet, the Port Authority shall require any subcontractors to provide Workers' Compensation insurance for all subcontractor's employees, in compliance with State laws, and to fully protect the City

and the County from any and all claims arising out of occurrences during construction of the Improvements. The Port Authority hereby indemnifies the City and the County for any damage resulting to it from failure of either the Port Authority or any contractor or subcontractor to obtain and maintain such insurance. The Port Authority further waives its rights to subrogation with respect to any claim against the City and the County for injury arising out of performance under this Agreement. The Port Authority shall provide the City and the County with a certificate of insurance indicating Workers' Compensation coverage prior to commencing construction of the Improvements.

ARTICLE VII

DEFAULTS AND REMEDIES

Section 7.01. Default and Remedies.

(a) The failure by any Party in the performance of any covenant, agreement or obligation imposed or created by this Agreement and the continuance of such failure for fifteen (15) days after another Party has given written notice to such Party specifying such failure shall constitute an Event of Default under this Agreement.

(b) If any Event of Default has occurred and is continuing, then a non-defaulting party may, upon its election or at any time after its election while such default continues, by mandamus or other suit, action or proceeding at law or in equity, enforce its rights against the defaulting party and its officers, agents and employees, and require and compel duties and obligations required by the provisions of this Agreement.

Section 7.02. Rights and Remedies Cumulative. The rights and remedies of each Party under this Agreement and those provided by law shall be construed as cumulative and continuing. No one of them shall be exhausted by the exercise thereof on one or more occasions. All Parties shall be entitled to specific performance and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding availability of an adequate remedy at law, and the Parties hereby waive the right to raise such defense in any proceeding in equity.

Section 7.03. Waiver of Breach. No waiver of any breach of any covenant or agreement contained in this Agreement shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement, and in case of an Event of Default, a non-defaulting Party may nevertheless accept from the defaulting Party, any payment or payments without in any way waiving the non-defaulting Party's right to exercise any of its rights and remedies as provided herein with respect to any such default or defaults in existence at the time when such payment or payments were accepted by the non-defaulting Party.

Section 7.04. Excusable Delays. No Party shall be deemed to be in default of this Agreement because of Excusable Delays. Excusable Delays shall extend the time of performance for the period of such Excusable Delay.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 8.01. City and County Requirements and Prior Approval. The Port Authority agrees to comply with all applicable laws and County resolutions and City ordinances, including, but not

limited to, the City Code, the Design and Construction Manual, and all planning or infrastructure requirements related to the design, engineering, and construction of the Improvements. The Parties agree that execution of this Agreement in no way constitutes a waiver of any requirements of applicable County resolutions, City ordinances or policies with which the Project and the Port Authority must comply and does not in any way constitute prior approval of any future proposal for development.

Section 8.02. Recording and Binding Effect. The Port Authority shall file a copy of this Agreement or a memorandum of this Agreement in the office of the Register of Deeds for Leavenworth County, Kansas and shall provide proof of recording to the City and the County. This Agreement shall be binding on and inure to the benefit of the parties and their respective legal representatives, successors and assigns.

Section 8.03. Representations. Each Party represents and warrants that it (a) has made due and diligent inquiry into the facts and matters which are the subject matter of this Agreement; (b) fully understands the legal effect of this Agreement; and (c) is duly authorized and empowered to execute, deliver and perform this Agreement according to its terms and conditions.

Section 8.04. Entire Agreement; Amendment. This Agreement constitutes the entire agreement between the Parties with respect to the matters herein and no other agreements or representations other than those contained in this Agreement have been made by the Parties. It supersedes all prior written or oral understandings with respect thereto. This Agreement shall be amended only in writing and effective when signed by the authorized agents of the Parties.

Section 8.05. Assignment. This Agreement shall be binding on and shall inure to the benefit of the Parties and their respective successors and assigns. Nothing in this Agreement will prevent or prohibit the sale, transfer or other alienation of the Property by the Port Authority or any subsequent owner, provided that all of the duties and obligations imposed upon the Port Authority by this Agreement shall remain in full force and effect.

Section 8.06. Severability. Any provision of this Agreement which is not enforceable according to law will be severed herefrom, and the remaining provisions shall be enforced to the fullest extent permitted by law.

Section 8.07. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.

Section 8.08. Governing Law. This Agreement shall be governed exclusively by and be construed in accordance with the applicable laws of the State of Kansas.

Section 8.09. Headings. Headings of articles and sections are inserted only for convenience and are in no way to be construed as a limitation or expansion on the scope of the particular articles, sections or subsections to which they refer.

Section 8.10. Notices. All notices required or permitted to be delivered hereunder shall be delivered by registered or certified mail, or by personal delivery, to the following addresses:

If to the City:

City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048
Attn: _____

With a copy to: _____

If to the County: Leavenworth County, Kansas
300 Walnut Street, Suite 225
Leavenworth, Kansas 66048
Attn: _____

With a copy to: _____

If to the Port Authority: Leavenworth County Port Authority
1294 Eisenhower Road
Leavenworth, Kansas 66048
Attn: _____

With a copy to: _____

Section 8.11. Electronic Transactions. This Agreement and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 8.12. Effective Date; Duration and Termination. This Agreement shall become effective upon the date when the Agreement is signed by all Parties hereto. This Agreement shall terminate when the Port Authority has delivered to the County and the City the final accounting for and disbursement of funds held in the Escrow Account; except provided that the terms of Section 2.03 and 2.04 of this Agreement shall survive termination of this Agreement.

Section 8.13. Administration. The Port Authority shall be responsible for administering the joint and cooperative undertaking between the parties as set forth in this Agreement. If the Port Authority shall be in default under this Agreement, the City shall be responsible for administering the joint and cooperative undertaking between the parties as set forth in this Agreement.

[Remainder of page intentionally blank.]

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates set forth below.

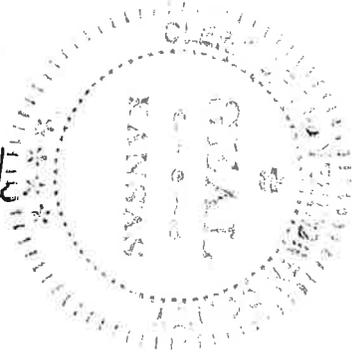
LEAVENWORTH COUNTY, KANSAS

November 17, 2016

By: Robert W. Holland
Chairman

ATTEST:

Jamie Klaxmuth
County Clerk



CITY OF LEAVENWORTH, KANSAS

_____, 2016

By: _____
_____, Mayor

ATTEST:

City Clerk

LEAVENWORTH COUNTY PORT AUTHORITY

By: _____

Notary for County

STATE OF KANSAS)
)
COUNTY OF LEAVENWORTH) ss.

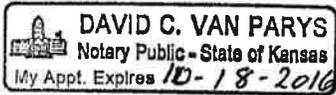
BE IT REMEMBERED, that on this 17 day of November, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Robert Holland the Chairman of Leavenworth County, Kansas, a political subdivision duly incorporated and existing under and by virtue of the laws of the State of Kansas, who is personally known to me to be the same person who executed, as such official, the within instrument on behalf of and with the authority of said County, and such person duly acknowledged the execution of the same to be the act and deed of said County.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

David C. Van Parys
NOTARY PUBLIC

My Commission Expires:

[SEAL]



Notary for City

STATE OF KANSAS)
)
COUNTY OF LEAVENWORTH) ss.

BE IT REMEMBERED, that on this ____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came _____, the Mayor of the City of Leavenworth, Kansas, a political subdivision duly incorporated and existing under and by virtue of the laws of the State of Kansas, who is personally known to me to be the same person who executed, as such official, the within instrument on behalf of and with the authority of said City, and such person duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

NOTARY PUBLIC

My Commission Expires:

[SEAL]

Notary for Port Authority

STATE OF KANSAS)
)
COUNTY OF LEAVENWORTH) ss.

BE IT REMEMBERED, that on this ____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came _____, the _____ of Leavenworth County Port Authority, a political subdivision duly incorporated and existing under and by virtue of the laws of the State of Kansas, who is personally known to me to be the same person who executed, as such official, the within instrument on behalf of and with the authority of said Port Authority, and such person duly acknowledged the execution of the same to be the act and deed of said Port Authority.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

NOTARY PUBLIC

My Commission Expires:

[SEAL]

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT B
PRELIMINARY SITE PLAN AND MAP OF THE IMPROVEMENTS

EXHIBIT C

BUDGET

EXHIBIT D
SCHEDULE OF EVENTS

**POLICY REPORT
LEAVENWORTH CITY COMMISSION
FIRST CONSIDERATION ORDINANCE
2016-17-REZ
1623 SPRUCE STREET**

NOVEMBER 22, 2016

SUBJECT:

A request to rezone the property located 1623 Spruce Street from R-MF, Multiple Family Residential District to R1-6, High Density Single-Family Residential District



Prepared By:
Julie Hurley
City Planner



Reviewed By:
Paul Kramer
City Manager

ANALYSIS:

The applicant is requesting a rezoning of their property located at 1623 Spruce Street from R-MF to R1-6. The property is 4.8 acres in size and is currently developed with a free-standing garage. A single family home was previously located on the site and was demolished a number of years ago. The Development Regulations do not allow for the construction of a single family home on property zoned R-MF, and the owner is requesting the rezoning for the purpose of constructing a single family home for his personal use. The existing detached garage will remain. The owner has indicated that he intends to construct the house towards the rear of the property. Access will be provided via a paved driveway from Spruce Street.

The Planning Commission considered this request at the November 7, 2016 Planning Commission meeting and voted unanimously to recommend approval.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;
The neighborhood is residential in nature, with single family homes of varying lot sizes to the north, east, south and west.
- b) The zoning and use of properties nearby;
The properties to the east are zoned R-MF R1-9 to the south, R1-6 to the west, and R1-9 to the north.
- c) The suitability of the subject property for the uses to which it has been restricted;
The subject property is zoned for multiple family residential. It is surrounded by single-family residential, and is identified as appropriate for single-family residential on the Future Land Use Map, making it an undesirable location for multi-family development.

- d) The extent to which removal of the restrictions will detrimentally affect nearby property;
The proposed rezoning should have little to no detrimental effect on nearby property. The construction of a single-family home will not create any significant impact upon services or land use.
- e) The length of time the subject property has remained vacant as zoned;
The subject property was previously developed with a single family home and has remained vacant since the demolition of that home approximately 15 years ago.
- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;
The proposed rezoning will have a negligible impact upon economic development, except for the increase in property value created by the construction of a home.
- g) The recommendations of permanent or professional staff;
Staff recommends approval of the rezoning request.
- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;
The subject area is identified as appropriate for medium density single family residential. The R1-6, high density single family residential, zoning designation is being requested for purposes of continuity. Crown Estates is located directly to the west and is zoned R1-6, as are all other existing residential homes along Spruce Street further to the east of the subject property. Therefore, staff finds the proposed request to be in conformance with the Comprehensive Plan
- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.
No other factors.

REZONING ACTION/OPTIONS:

- Place an ordinance on first consideration to approve the rezoning request from R-MF to R1-6
- Deny the rezoning request from R-MF to R1-6

Attachments:

Application materials

2010 Future Land Use Map

Current Zoning Map

Excerpt from minutes of November 7, 2016 Planning Commission meeting

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE 2016 DEVELOPMENT REGULATIONS OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 1623 SPRUCE STREET TO R1-6 HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

WHEREAS, under the 2016 Development Regulations of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; 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 the 7th day of November, 2016 in the Commission Room, 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 roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to rezone the property described herein.

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

Section 1: That the following described property, to-wit:

Lots 11, 12 and 13 in HYDE'S SUBDIVISION, in the City of Leavenworth, according to the recorded plat thereof, AND ALSO The West ½ of lot 8, all of Lots 9 through 22 inclusive and the West ½ of Lot 23, Block 4, SCHEER'S SUBDIVISION, in the City of Leavenworth, according to the recorded plat thereof, in Leavenworth County, Kansas, more commonly referred to as 1623 Spruce Street, Leavenworth, Kansas, be and the same area is hereby rezoned from Multiple Family Residential District (R-MF) to High Density Single-Family Residential District (R1-6).

Section 2: That the "Zoning District Map" adopted under the 2016 Development Regulations of the City of Leavenworth, Kansas shall be and the same is hereby corrected to conform to the rezoning as set forth in Section 1 above.

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 13th day of December, 2016.

Larry Dedeke, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk

Summary Published in The Leavenworth Times
Date of Publication: December 16, 2016



#1221
2016-17 REZ Acct'g. Z02
Fee, \$350.00
Filing Date 09/22/2016
Fee Date Paid 09/22/2016
Notice of Hearing 10/11/2016
Hearing Date 11/7/2016

**APPLICATION FOR REZONING
CITY OF LEAVENWORTH, KANSAS**

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

Located at: 1623 Spruce St from its present classification of R-MF Multi-Family district to R1-L Single Family district.

Use additional sheets if necessary:

Briefly describe the present use and character of the property and of the surrounding area: land with a 2 car garage surrounded by single family homes

Briefly describe the intended use and character of the property:

Build a single family home

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property:

There was a single family home on the property when I purchased it. It is surrounded by single family homes

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts:

Building a single family home on the property which is surrounded by single family homes will not adversely affect the neighborhood.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions: No

AFFIDAVIT

State of Kansas County of Leavenworth

I, Brent L. Motley being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

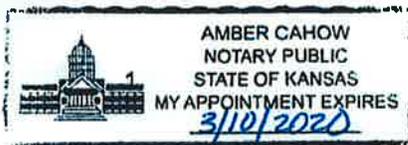
Signed: Brent L. Motley

Address: 1408 Columbia Ave

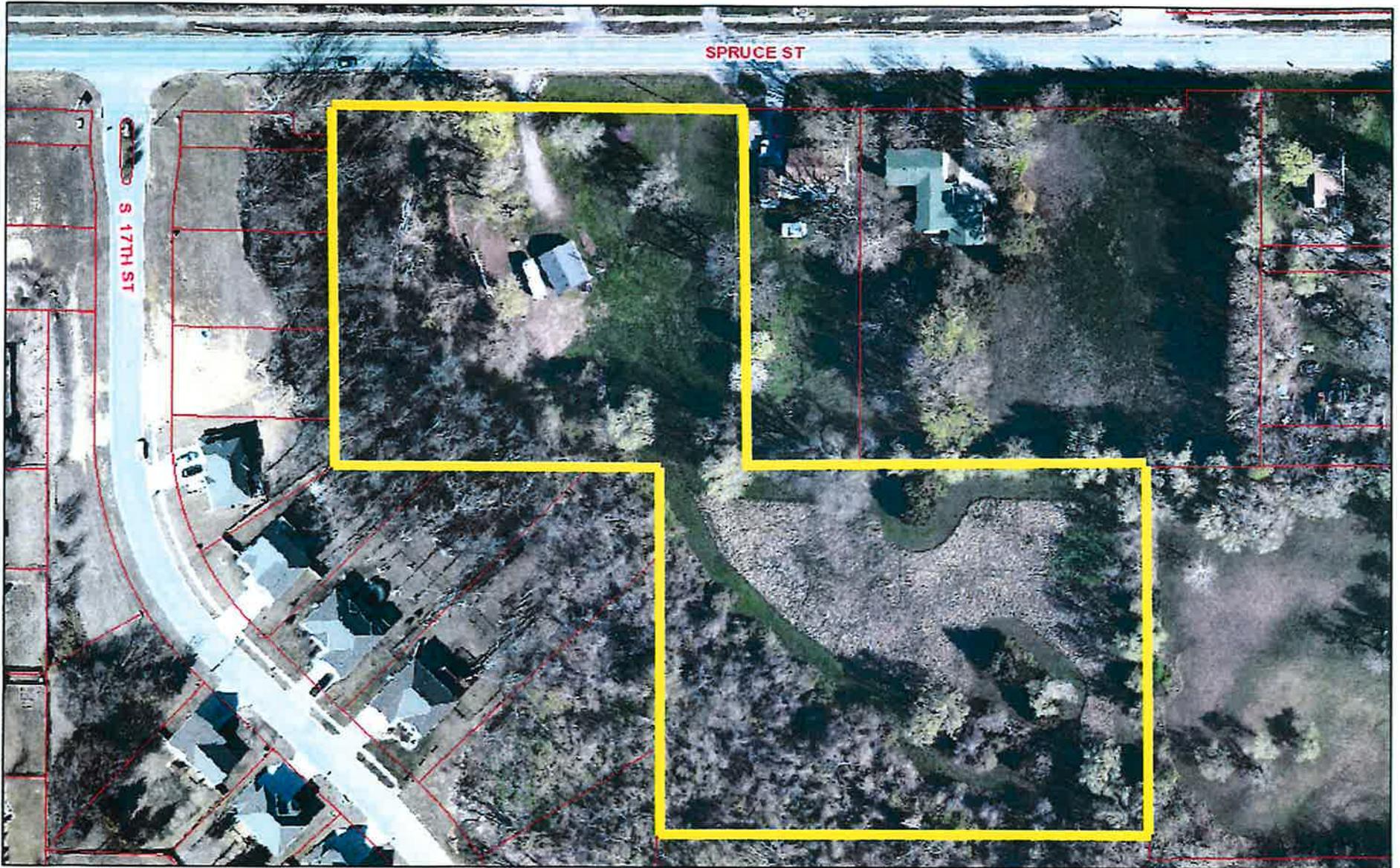
Phone: 913-832-4393

Subscribed and sworn before me this 19th day of September, 2016

Notary Public Amber Cahow My commission expires 3/10/2020

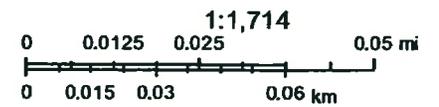


1623 Spruce Street



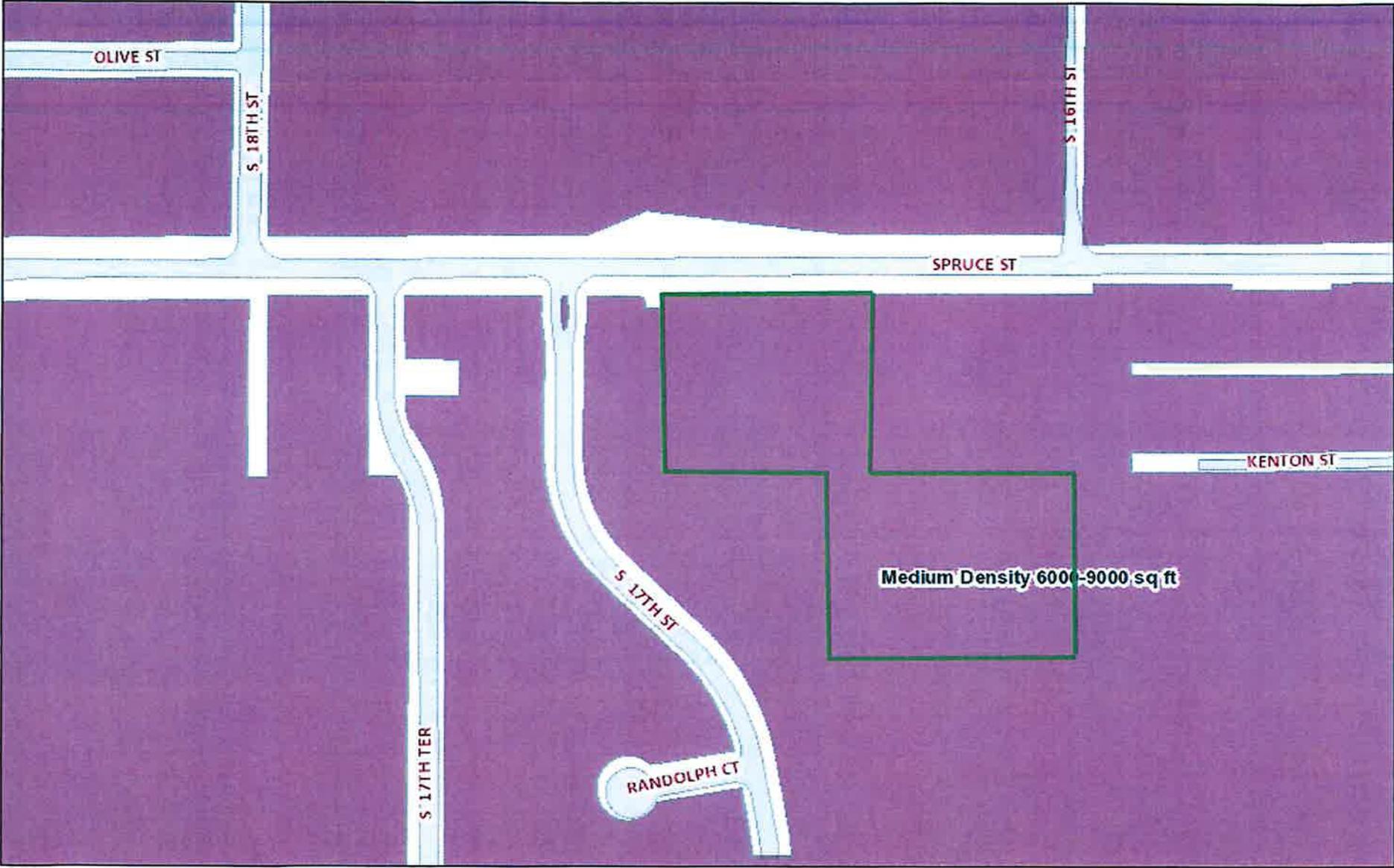
November 2, 2016

- Parcels
- centerline.DBO.Leavenworth
- hydro.DBO.GIS_East_of_River_Blank
- Red: Band_1
- Green: Band_2
- Blue: Band_3



LV GIS Dept 09/23/2016
Dave Gilfith, 2013

1623 Spruce Street

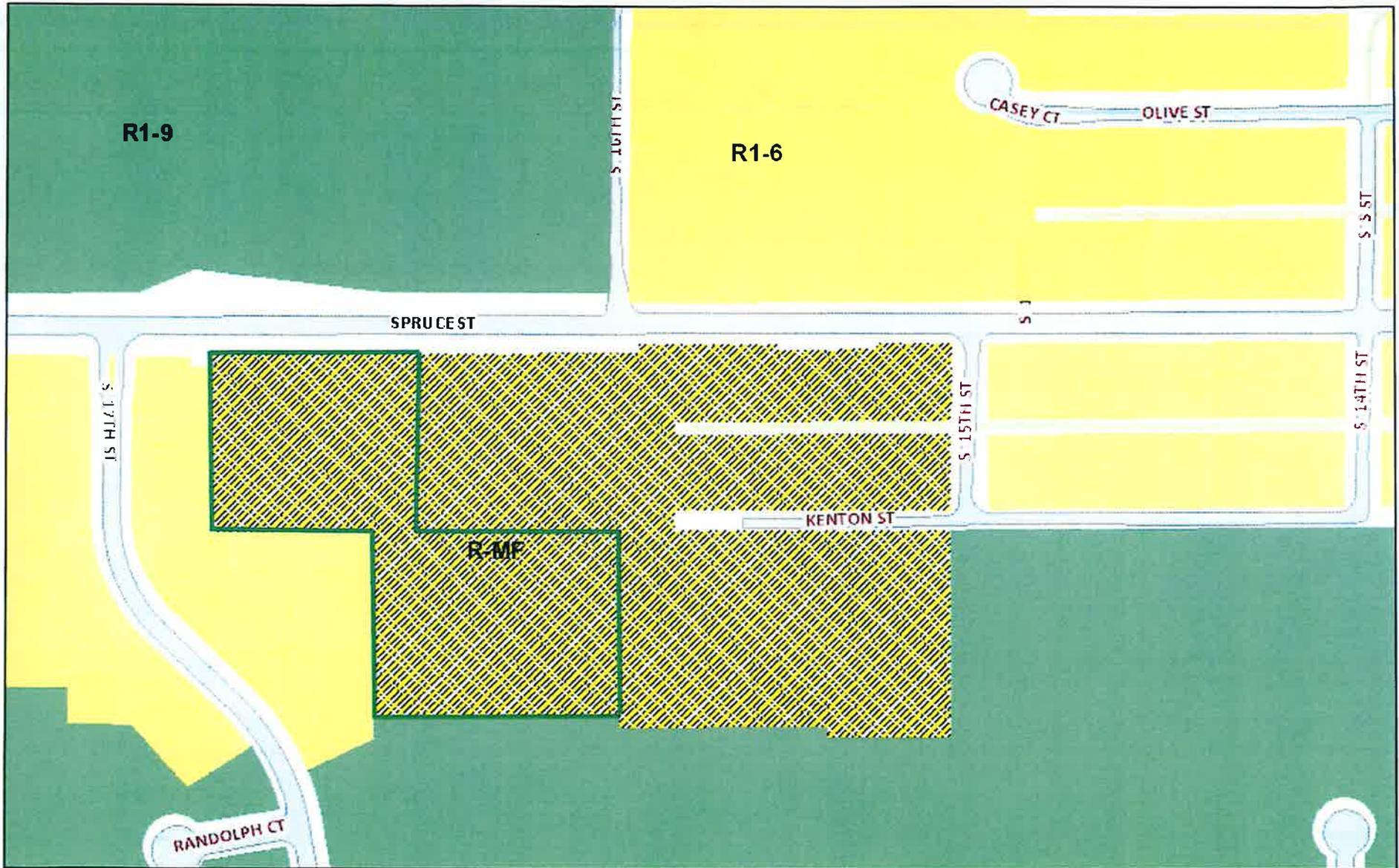


November 2, 2016



LV GIS Dept 09/23/2016
Dave Griffith, 2013

1623 Spruce Street



With no further discussion, Chairman Byrne called for a motion on the rezoning. Mr. Wenzel moved to recommend to the City Commission approval of the request to rezone the property located at 14th Street and Eisenhower Road from R-MF Multiple Family Residential and R1-6 High Density Single Family Residential to I-1 Light Industrial. Mr. McGlenn seconded the motion and approved by a unanimous vote 7-0.

OLD BUSINESS:

1. 2016-14 SUB – LEAVENWORTH BUSINESS & TECHNOLOGY PARK PRELIMINARY PLAT

Consider a request for a preliminary plat for the Leavenworth Business & Technology Park, located at Eisenhower Road & 14th Street.

Chairman Byrne called for the next item. City Planner Julie Hurley reiterated the preliminary and final plats are for a one lot three track subdivision. The three tracks will be for detention and water quality purposes. Also included, the 14th Street right-of-way will be dedicated.

Chairman Byrne asked for any discussions. Mr. Karrasch asked if the landscape buffer could be increased from 25'. Mr. Reilly responded saying there is flexibility and it can be increased to a height that the commission would be satisfied with.

With no further discussion, Chairman Byrne called for a motion. Mr. Karrasch moves to accept the preliminary plat as presented with the amendment that the landscape easement be increased from 25' to 40' in width; seconded by Ms. Bohnsack and approved by a unanimous vote 7-0.

2. 2016-15 SUB – LEAVENWORTH BUSINESS & TECHNOLOGY PARK FINAL PLAT

Consider a request for a final plat for the Leavenworth Business & Technology Park, located at Eisenhower Road & 14th Street.

Chairman Byrne called for the next item. City Planner Julie Hurley reiterated the preliminary and final plats are for a one lot three track subdivision. The three tracks will be for detention and water quality purposes. Also included, the 14th Street right-of-way will be dedicated.

Chairman Byrne asked if there were any differences between the preliminary plat and final plat. Ms. Hurley responded there were no differences. Ms. Hurley recommends Mr. Karrasch's stipulation on the preliminary plat be carried over to the final plat as well.

Chairman Byrne called for a motion. Mr. Burke moves to accept the preliminary plat as presented with the stipulation that the landscape easement be increased from 25' to 40' in width; seconded by Mr. Wenzel and approved by a unanimous vote 7-0.

NEW BUSINESS:

3. 2016-17 REZ – 1623 SPRUCE STREET

Conduct a public hearing for Case No. 2016-17 REZ, 1623 Spruce Street. The petitioner, Brent Motley, is requesting consideration for Rezoning from R-MF Multiple Family Residential District to R1-6 High Density Single Family Residential District.

Chairman Byrne called for the staff report. City Planner Julie Hurley stated the applicant is requesting a rezoning of their property located at 1623 Spruce Street from R-MF to R1-6. The property is 4.8 acres in size and is currently developed with a free-standing garage. A single family home was previously located on the site and was demolished a number of years ago. The Development Regulations do not allow for the construction of a single family home on property zoned R-MF, and the owner is requesting the rezoning for the purpose of constructing a single family home for his personal use. The existing detached garage will remain. The owner has indicated that he intends to construct the house towards the rear of the property. Access will be provided via a paved driveway from Spruce Street.

The Development Review Committee reviewed the application at their October 27, 2016 meeting and found no items of concern.

CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;
The neighborhood is residential in nature, with single family homes of varying lot sizes to the north, east, south and west.
- b) The zoning and use of properties nearby;
The properties to the east are zoned R-MF R1-9 to the south, R1-6 to the west, and R1-9 to the north.
- c) The suitability of the subject property for the uses to which it has been restricted;
The subject property is zoned for multiple family residential. It is surrounded by single-family residential, and is identified as appropriate for single-family residential on the Future Land Use Map, making it an undesirable location for multi-family development.
- d) The extent to which removal of the restrictions will detrimentally affect nearby property;
The proposed rezoning should have little to no detrimental effect on nearby property. The construction of a single-family home will not create any significant impact upon services or land use.
- e) The length of time the subject property has remained vacant as zoned;
The subject property was previously developed with a single family home and has remained vacant since the demolition of that home approximately 15 years ago.

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;
The proposed rezoning will have a negligible impact upon economic development, except for the increase in property value created by the construction of a home.
- g) The recommendations of permanent or professional staff;
Staff recommends approval of the rezoning request.
- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;
The subject area is identified as appropriate for medium density single family residential. The R1-6, high density single family residential, zoning designation is being requested for purposes of continuity. Crown Estates is located directly to the west and is zoned R1-6, as are all other existing residential homes along Spruce Street further to the east of the subject property. Therefore, staff finds the proposed request to be in conformance with the Comprehensive Plan
- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.
No other factors.

Chairman Byrne called for questions. Ms. Bohnsack asked if the property is in the flood zone. Ms. Hurley responded it is not.

Chairman Byrne opened the public hearing.

With no one wishing to speak, Chairman Byrne closed the public hearing and called for questions from the commissioners.

Chairman Byrne called for a motion. Mr. Karrasch moves to recommend the rezoning request from R-MF Multiple Family Residential to R1-6 High Density Single Family Residential based on the conditions of determination; seconded by Ms. Bohnsack and approved by a unanimous vote of 7-0.

OTHER:

Ms. Hurley stated the sign subcommittee will be meeting next week. An update will be provided at the December meeting.

With no further business, the meeting was adjourned at 8:42 pm.

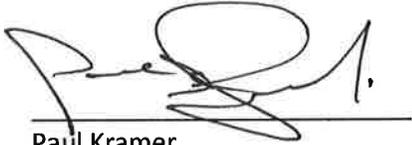
JH/mb

Policy Report

Presentation of the 2017-2021 Capital Improvements Plan

Nov. 22, 2016

Prepared by:

A handwritten signature in black ink, appearing to read 'Paul Kramer', written over a horizontal line.

Paul Kramer
City Manager

Subject:

The recommended 2017 - 2021 Capital Improvements Program (CIP) for the City of Leavenworth will be presented and discussed. The CIP is a comprehensive plan outlining all capital improvements and projects proposed to be pursued by the City for the next five years as constrained, of course, by limited financial resources.

A CIP document and transmittal letter has been provided for your review and consideration, and it is all included in the blue binder.

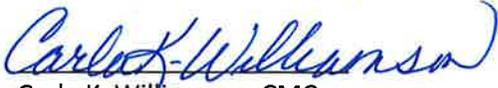
The CIP will come back to the Commission for final adoption before the end of the year.

PRK/

**POLICY REPORT
EXECUTIVE SESSION
CONSULTATION WITH ATTORNEY**

November 22, 2016

Prepared by:



Carla K. Williamson, CMC
City Clerk

Reviewed by:



Paul Kramer
City Manager

BACKGROUND:

City Staff requests an Executive Session for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship exception per K.S.A. 75-4319 (b) 2.

CITY COMMISSION ACTION:

Motion:

Move that the City Commission recess into executive session pursuant to the *consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship* exception per K.S.A. 75-4319 (b) 2. The open meeting to resume in the City Commission Chambers at _____ p.m. by the clock in the City Commission Chambers.

NOV 21 2016

Received by: *CUU* 11:24 AM

PROTEST PETITION

Pursuant to K.S.A. 12-757(f)

The undersigned hereby protest the zoning amendment proposed by Michael Reilly, JMK Partners LLC. Case No. 2016-11 REZ, Leavenworth Business and Technology Park concerning the following property:

A tract of land in the Northeast Quarter of Section 15, Township 9 South, Range 22 East, of the 6th P.M. in the city of Leavenworth, Leavenworth County, Kansas, more fully described as; Beginning at the Northeast corner of said Northeast Quarter; thence South 01 44'39" East along the east line of said Northeast Quarter a distance of 2587.96 feet to the North right of way line of Eisenhower road as said right away now exist; thence South 88 29'09" West along said north right of way line a distance of 1399.58 feet; thence North 01 30'51" West a distance of 56.81 feet; thence North 88 29'09" West a distance of 66.41 feet; thence North 01 49'14" West a distance of 1590.82 feet; thence North 07 06'39" East a distance of 1020.45 feet to a point on the North line of said Northeast Quarter; thence North 88 06'55" East along said north line a distance of 1244.61 feet to the Point of Beginning, City of Leavenworth, Leavenworth County, Kansas.

The subject property is presently classified as Multiple family Residential(R-MF) and High Density Single Family Residential (R1-6). The proposed zoning change would reclassify this property to Light Industrial District (L-1).

The undersigned landowners protest the rezoning of the aforementioned property due to, but not limited to the following arguments:

- The proposed rezoning would significantly impact the surrounding property residents quality of life because of increased industrial traffic, increased noise levels, potential air pollution and reduction to the aesthetics
- Eisenhower Road currently experiences traffic flow and congestion problems as well as numerous motor vehicle accidents East of 155th Street which would only be exasperated by the increased traffic flow from the proposed industrial park.
- The city of Leavenworth currently has no enforceable noise ordinance limiting noise from the industrial park. Excessive sound is a serious hazard to the public health, welfare and safety and the quality of life. A substantial body of science and technology exists by which excessive sound may be substantially abated. The citizens

of the city have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life.

- The city of Leavenworth currently has no ordinance prohibiting the emission of noxious or malodorous gases.
- The city of Leavenworth currently has no ordinance limiting air emissions, ie smoke and particulate matter.
- The proposed landscaped berm does not extend along the entire Eisenhower frontage.
- The proposed Rezoning would have a significant detrimental impact on the surrounding property value.
- The planned widening of Eisenhower road is not reflected on the proposed plat .

The undersigned are owners of certain real property within the 200 foot notification area around the above referenced real property subject to the zoning amendment application. The undersigned's pertinent information is as follows:

Edward A. Bristow and Pamela H. Bristow 15639 Eisenhower Road; Leavenworth, KS 66048

Legal description: Beginning at a point 1637.75 feet East and 50 feet South of the Northwest corner of the Southeast quarter of Section 15, Township 9, Range 22 East, thence South 450', thence west 336.2', thence South 1150.52', thence East 511.2' thence North 1600' , thence West 175' to point of beginning; containing 15.9 acres

Edward A. Bristow 11/20/16

Edward A. Bristow

Pamela H. Bristow 11/20/16

Pamela H. Bristow

Randy Goetz and Kathryn Goetz 15583 Eisenhower Road; Leavenworth, KS 66048

At Angela

 11/20/16

Randy Goetz

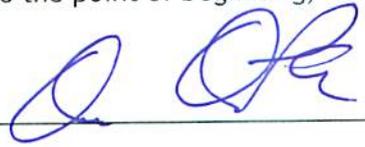
 11/20/16

At Kathryn Goetz
At Angela

Dion DePaolis 15675 Eisenhower Road; Leavenworth, Kansas 66048

Legal description: A tract of land in the Southeast Quarter (SE1/4) of Section 15, Township Nine(9), Range 22 east of the 6th P.M., in Leavenworth County, Kansas, More fully described as follows: Beginning at a point 1305.55 feet south 89 48'14" east and 330.00 feet south 00 00'45" east from the northwest corner of said southeast quarter; thence north 89 48'14" west 172.14 feet; thence south 00 43'59" west 1320.75 feet; thence south 89 51'46" east 189.40 feet; thence North 00 00'45" west 1320.52 feet to the point of beginning, less that part for road, street or public right of way.

Also: A tract of land in the southeast quarter of Section 15, Township 9, Range 22 East of the 6th P.M., in Leavenworth County, Kansas, more fully described as follows: Beginning at a point 1301.55 feet south 89 48'14" east from the northwest corner of the southeast quarter for the point of beginning, thence south 00 00'45" east 330.00 feet; thence north 89 48'14" west 172.14 feet; thence north 00 43'59" west 330.01 feet; thence south 89 48'14" east 167.85 feet to the point of beginning, less that part for road, street or public right of way.

 4/20/14

Dion DePaolis

ACKNOWLEDGEMENT AND VERIFICATION

I Dion DePaolis 15675 Eisenhower Road; Leavenworth, KS 66048, being first duly sworn, under oath, depose and state that I have read and examined the foregoing Protest Petition, the Protest Petition Guidelines Under KSA 12-757, and the signature and addresses placed on the Protest Petition, and further state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose name are signed to the Petition and that I personally witnessed their signature, that I am one of the signers of the Protest and own property within the statutory area of notification related to the area for which a rezoning is sought, and that to the best of my knowledge the signers of the Protest Petition are owners of land located within the statutory area of notification for this rezoning application. The statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought, or, if the area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought and the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a rezoning is sought.

[Handwritten Signature]

(signature)

Subscribe and sworn to me this 21st day of November, 2016
by Dion De Paolis who is personally known to me to be same person whose name is
subscribed to in the foregoing instrument.

[Handwritten Signature]
Notary

My Commission Expires: March 28, 2017

Public



RESOLUTION NO. B-2154

A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT AMONG THE CITY OF LEAVENWORTH, KANSAS, LEAVENWORTH COUNTY, KANSAS, AND THE LEAVENWORTH COUNTY PORT AUTHORITY RELATED TO DEVELOPMENT OF AN INDUSTRIAL PARK IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, K.S.A. 12-2901 *et seq.* (the “Act”) provides that in order for local governmental units to make the most efficient use of their powers, such local governments may cooperate with other localities, persons, associations and corporations on a basis of mutual advantage to provide services and facilities in a manner that will best accord with geographic, economic and other factors influencing the needs and development of local communities; and

WHEREAS, the Act authorizes public agencies to enter into cooperation agreements with one or more other public or private agencies for joint or cooperative action pursuant to the provisions of the Act; and

WHEREAS, The City of Leavenworth, Kansas (the “City”) is a “public agency” within the State of Kansas (the “State”), and pursuant to the Act it is necessary and advisable to enter into a cooperation agreement with Leavenworth County, Kansas (the “County”) and the Leavenworth County Port Authority (the “Port Authority”), both also public agencies, in order to collectively provide for the development of an industrial park within the City, as more fully set forth in the cooperation agreement.

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

SECTION 1. The City is hereby authorized to enter into the “Interlocal Agreement” among the City, the County, and the Port Authority related to the development of an industrial park within the City (the “Agreement”), as more fully set forth in the Agreement. The form of the Agreement presented to the governing body of the City this date is hereby approved in substantially the form presented, and the Mayor and Clerk are hereby authorized to execute the Agreement in that form, with such changes as may be approved by the Mayor and the City Attorney, and the Mayor’s execution of the Agreement shall evidence any such approval.

SECTION 2. This resolution shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas.

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ADOPTED by the City Commission of the City of Leavenworth, Kansas on November 22, 2016.

Larry Dedeke, Mayor

SEAL

Attest:

Carla Williamson CMC, City Clerk



Nov. 22, 2016

Mayor and City Commission
City of Leavenworth
Leavenworth, Kansas

Dear Mayor and Commissioners:

We are pleased to submit for your consideration the proposed 2017-2021 Capital Improvements Program (CIP) for the City of Leavenworth. The CIP is a comprehensive plan outlining all capital improvements to be pursued by the City for the next five years as constrained, of course, by limited financial resources.

As a financial planning document, the CIP is a flexible plan that is subject to continual change and adaptation over time. For example, revenue estimates for the various funding sources must be continually monitored and annually revised, project cost estimates must be reviewed and updated, and the timing of projects must be evaluated in the light of ever-changing internal and external forces.

Accordingly, the development of the recommended 2017 – 2021 CIP consisted of two phases:

- Reviewing the last four years of the current CIP and making appropriate changes to revenue estimates, project costs, and project timing. In some instances, this included making specific allocations for various projects that were previously only generally identified (such as in the CIP Sales Tax funding source).
- Incorporating 2021 funding sources and new projects into the new 2017 - 2021 five year period.

The 2017 – 2021 CIP document is generally organized to illustrate existing projects that are carried forward from the 2016 – 2020 CIP and projects that have been included in the CIP for the first time.

The proposed CIP includes several elements that either have a substantial financial impact or represent a significant change from past practice. These include:

- **Police and Citywide Storage/Software**

The City has two distinctly separate issues related to the same problem: data storage and data backup. The Police Department is generating massive amounts of data coming in part from dash cam video, but primarily by video from body cameras; and 2) City-wide data is being stored and backed-up in an out-of-date method, with large cost increases for hardware and upgrades imminent. The Finance Director, IT Manager, Police Chief and City Manager are proposing a shared solution for both issues.

Included for Commission consideration is \$400,000 over three years to provide a Police Department solution that includes onsite backup and duplication of files at Fire Station 1 through a dedicated line. Police data is currently only housed at the Justice Center and any kind of natural incident would result in the loss of all collected data. The proposed solution for citywide storage introduces a cloud-based system, thereby eliminating the need for scheduled hardware purchases.

Lastly, this total cost includes updating the City's Microsoft Office products.

- **Business and Technology Park**

The most significant new project included in the 2017-2021 CIP is \$5,000,000 for the Leavenworth Business and Technology Park. The project cost was approved by the City Commission and will account for approximately 15% of the Countywide Sales Tax (starting with \$340,586 in 2018) until 2037.

- **Justice Center Roof**

Included in 2017 is \$115,000 for the City's portion of the replacement of the roof for the Justice Center. The County notified the City this summer that the roof needed replacement in 2017. The \$115,000 represents the City's portion of the \$700,000 project.

- **General Improvement Bonds**

The formula for determining how much the City issues in General Improvement Bonds each year was recently revised to 28% of City property taxes levied two years prior to the bond issue year. The debt on the bonds is paid by the debt portion of the City's mill levy. The amount allocated for debt is a function of the total property tax collection. The City has already committed to issuing 28%, or \$1.625 million, in 2017, but is budgeting \$1.350 million in 2018-2021 for the time being. The reason for the decrease is to ensure that debt payments for General Improvement Bonds can be covered by the debt portion of the mill levy and does not include a general operations subsidy. The amount issued in General Improvement Bonds is expected to increase as the mill levy for debt brings in greater funds as assessed values increase.

Staff believes that although less funds are allocated for General Improvements for asphalt overlay, new techniques and improved street rating and prioritization should result in similar level of improvements.

Numerous projects have been included in the proposed CIP for the first time. The following table identifies these additions by category.

Request	Projected Cost
Streets & Bridges	
Choctaw Street	205,000
Stormwater Improvements	
South Esplanade Park	136,000
Lakeview Drainage	123,250
Parks Improvements	
Mower replacement	91,000
Wollman Repaint/Recaulk	42,370
Ballpark Resurfacing (Jefferson/Dougherty)	36,000
Tennis Court Sealing	5,500
Sewer Improvements	
Vactor Truck	397,903
Cody Park Crossing	98,500
Sewer Rate Study	50,000
Utility Locate Truck	32,000
Buildings	
RFCC Stone Replacement (Phase II)	1,405,000
RFCC Roof Replacement	140,000
Justice Center Roof Replacement	115,000
Service Center Bay Lights	52,000
Building Security	20,000
City Hall Media System Updgrade	15,000
Training Tower Repairs	12,000
Equipment	
Skid steer with milling attachment	60,000
Parks and Recreation Software	20,000
Infield Grooming Machine	19,000
Phone System Upgrade	7,570
Alerting Software	6,000
Chairs	5,100
Thermal Imaging Camera	4,890
Wheel Balancer	4,400
Fire department mattresses	2,400
Other	
Computer System Updgrades	400,000
Total	\$3,505,883

Sources and Uses

Finally, the tables below illustrate the various sources and uses of funds for all recommended projects in the CIP. Regarding sources, please note that 96% of all project costs will be accommodated with City funds while only 4% of project costs will be supported with state and other governmental funds. The

state allocations are KDOT funds for the Second Street bridge replacement project and the MARC funding would be for the RFCC Stone Replacement project.

Sources	Total	Percent
City Funds		
Countywide Sales Tax	\$ 10,954,524	33%
GO Bonds	\$ 7,921,535	24%
CIP Sales Tax	\$ 9,071,346	27%
Operating Budgets	\$ 4,103,349	12%
Total City Funds	\$ 32,050,754	96%
Other Funds		
KDOT	\$ 763,555	2%
MARC	\$ 500,000	1%
SHPO Tax Credits	\$ 225,000	1%
Total Other Funds	\$ 1,488,555	4%
Total Sources	\$ 33,539,309	100%

Regarding uses, as expected, projects related to street improvements predominate. Economic Development projects include the annual allocation for economic development projects in the Countywide Sales Tax Fund. Debt payments consist of principal and interest payments made from the CIP Sales Tax Fund for the Animal Control facility and the Downtown Hotel project, Fire truck leases, the allocation of 15% of annual Countywide Sales Tax Fund revenues for the retirement of outstanding debt, and the annual \$300,000 Community Center operations subsidy. The following table depicts how the funds are allocated by use:

Uses	Total	Percent
Streets	\$ 7,225,855	22%
Debt Payments/Other	\$ 7,374,201	22%
Equipment	\$ 3,751,238	11%
Sewer	\$ 2,952,963	9%
Sidewalks/Curbs	\$ 2,452,981	7%
Bridges	\$ 2,435,945	7%
Storm Water	\$ 2,920,955	9%
Economic Development	\$ 1,790,781	5%
Buildings	\$ 2,487,925	7%
Parks	\$ 146,465	0%
Total Uses	\$ 33,539,309	100%

Key Items of Discussion

There are a few noteworthy large cost items either included in later years or not included at all that deserve discussion. Those include:

- Muncie Road extension to 20th Street \$6,400,000
- Thornton Street Repair \$4,054,000
- Fire Station #3 \$3,300,000
- RFCC Stone Replacement \$1,405,000

Finally, we appreciate the support of the staff in the preparation and presentation of the proposed 2017 – 2021 CIP and we look forward to reviewing its contents with the City Commission.

Sincerely,



Paul Kramer
City Manager



Ruby Maline
Finance Director