



**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 4<sup>th</sup> 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 3<sup>rd</sup> 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