



CITY OF LANSING
Council Chambers
800 1st Terrace
Lansing, KS 66043

COUNCIL AGENDA
Regular Meeting
Thursday, March 2, 2017
7:00 P.M.

WELCOME TO YOUR CITY COUNCIL MEETING

Regular meetings are held on the first and third Thursday of each month at 7 pm and are televised on Cable Television Channel 2 on Monday 7 pm, Tuesday 10 am & 7 pm, Friday 5 pm, Saturday 1 pm and Sunday 7 pm.

Any person wishing to address the City Council, simply proceed to the microphone in front of the dais after the agenda item has been introduced and wait to be recognized by the Mayor. When called upon, please begin by stating your name and address. A time designated "Audience Participation" is listed on the agenda for any matter that does not appear on this agenda. The Mayor will call for audience participation. Please be aware that the city council and staff may not have had advance notice of your topic and that the city council may not be able to provide a decision at the meeting. If you require any special assistance, please notify the City Clerk prior to the meeting.

Call To Order

Pledge of Allegiance

Roll Call

OLD BUSINESS:

1. Approval of Minutes

NEW BUSINESS:

Audience Participation

Presentations

Council Consideration of Agenda Items:

2. Ordinance No. 976 – Amending Chapter 6 Elections
3. Award of Bid – City Hall and Municipal Annex Building Heating & Cooling Units
4. Request for Special Event on Park Property – Boy Scouts
5. Request for Rezone of 24481 139th Street

Reports:

Department Heads: City Attorney; City Engineer; City Administrator; Councilmembers


Proclamations:

6. Flood Safety Awareness Week

Other Items of Interest:

Adjournment

AGENDA SUMMARY

TO: Tim Vandall, City Administrator
FROM: Sarah Bodensteiner, City Clerk 
DATE: February 24, 2017
SUBJECT: Agenda Summary

Call To Order

Pledge of Allegiance

Roll Call

OLD BUSINESS:

1. Approval of Minutes

- The regular meeting minutes of February 16, 2017, are attached.
- **MOTION:** To approve the regular meeting minutes of February 16, 2017, as presented.

NEW BUSINESS:

Audience Participation

Presentations

Items for Council Consideration:

2. Ordinance No. 976 – Amending Chapter 6 Elections

- Pursuant to K.S.A. 25-205, the City must establish an amount of signatures required for a nomination petition to be filed in lieu of the applicable filing fee for a candidate running for office.
- This Ordinance will establish the nomination petition and amend Chapter 6, Article 1, Section 6-104 of the Code of the City of Lansing.
- **MOTION:** To adopt Ordinance No. 976 as presented.

3. Award of Bid – City Hall and Municipal Annex Building Heating and Cooling Units

- The City Clerk's Office solicited requests for quotation for 2 AC Units and 3 HVAC Units. 3 bids were received. This was an approved item in the capital and supplemental requests for 2017.
- After review of the bids, staff is recommending Complete Heating & Air Conditioning due to quality of service in past projects for the City at both locations, familiarity with the site, and a current maintenance agreement for both locations.
- **MOTION:** To award the bid for the heating and cooling units of the City Hall and Municipal Annex Buildings to Complete Heating & Air Conditioning in an amount not to exceed \$33,633.75.

4. Request for Special Event on Park Property – Boy Scouts

- The Boy Scouts are requesting to host the Kaw District Camporee at Bernard Park from April 21 to April 23, to include 2 overnight stays. The applicable request application, insurance documents, camporee itinerary, and site map have been received.
- **MOTION:** To approve or deny the request from Mark Blanken and the Kaw District Boy Scouts to use Bernard Park from 6:00 p.m. on April 21, 2017 to 10:00 a.m. on April 23, 2017 for the Kaw District Camporee.

5. Request for Rezone of 24481 139th Street

- Per direction of the Governing Body at the February 2, 2017 meeting, the rezone request was remanded back to the Planning Commission for review of all options. The Planning Commission reconsidered the application and options at their February 15, 2017 meeting. During that meeting, the applicant's authorized agent confirmed that he does not want to consider other options. In light of the confirmation from the authorized agent and no new information being presented, the Planning Commission provided a recommendation for the City Council to deny the request.
- **MOTION:** To accept the Planning Commission's recommendation to deny the rezone of 24481 139th street.

Reports: Department Heads; City Attorney; City Engineer; City Administrator; Councilmembers



Proclamations:

6. Flood Safety Awareness Week

Other Items of Interest

Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk 
DATE: February 22, 2017
SUBJECT: Approval of Minutes

The regular meeting minutes for February 16, 2017, are enclosed for your review.

Action: Staff recommends a motion to approve the regular meeting minutes for February 16, 2017, as presented.

AGENDA ITEM #

Call To Order:

The regular meeting of the Lansing City Council was called to order by Mayor Mike Smith at 7:00 p.m.

Roll Call:

Mayor Mike Smith called the roll and indicated which councilmembers were in attendance.

Councilmembers Present:

Ward 1: Dave Trinkle and Gene Kirby
Ward 2: Andi Pawlowski and Don Studnicka
Ward 3: Jesse Garvey and Kerry Brungardt
Ward 4: Gregg Buehler

Councilmembers Absent: Tony McNeill

OLD BUSINESS:

Approval of Minutes: Councilmember Buehler moved to approve the special meeting minutes of February 2, 2017 and the regular meeting minutes of February 2, 2017, as presented. Councilmember Studnicka seconded the motion. The motion was approved, with Councilmember Kirby abstaining from the vote.

Audience Participation: Mayor Smith called for audience participation and there was none.

Presentation:

Library Update: Library Director Terri Wojtalewicz presented a year in review of the Lansing Community Library to the Governing Body.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Award of Bid – Centre Drive Fountains: Councilmember Trinkle moved to award the bid to Aquatic Environmental Consultants for an amount not to exceed \$16,839.64. Councilmember Kirby seconded the motion.

- Councilmember Pawlowski asked so this is not for bubblers
 - Parks & Recreation Director Jason Crum replied for fountains
 - Councilmember Garvey asked two new ones.
 - Parks & Recreation Director Jason Crum replied two new ones, one for each.
- Councilmember Pawlowski stated because we had three and two.
 - Parks & Recreation Director Jason Crum replied there were three in each to begin with.
 - Councilmember Pawlowski asked so we're just going for one.
 - Parks & Recreation Director Jason Crum replied yeah.
- Councilmember Garvey asked what is the warranty on these.
 - Parks & Recreation Director Jason Crum replied five years on the fountains and one year on the lights.
 - Councilmember Pawlowski asked is that just on the parts.
 - Parks & Recreation Director Jason Crum replied it is a pretty comprehensive warranty.
 - Councilmember Pawlowski asked I mean they'll come out here and fix it.
 - Parks & Recreation Director Jason Crum replied yes, from my understanding, if it is a failure on the part of the pump the company will pay to have it removed and repaired. From the research I did that was the best warranty.
- Councilmember Pawlowski stated the first ones didn't last very long, did they, maybe one of them.
 - Parks & Recreation Director Jason Crum replied the ones that we are actually replacing are some of the first ones.
 - Mayor Smith asked we rebuilt them didn't we Jason.
 - Parks & Recreation Director Jason Crum replied we've rebuilt them over the years that's why we went from three to one, because we took a working part from this one and replaced that.
- Councilmember Pawlowski stated because the whole reason behind them is really not looks its aeration.
 - Parks & Recreation Director Jason Crum replied it's both, well, in my opinion it's both, and it's aesthetically pleasing.
 - Councilmember Pawlowski stated but I mean you have to have something in there.
 - Parks & Recreation Director Jason Crum replied you want to have something moving some water in there, in my opinion.
 - Councilmember Pawlowski stated okay.
- Parks & Recreation Director Jason Crum stated one other point I'll make on these particular fountains, and I had several of you I think at one point or another comment on the fountains that are at Eisenhower Crossing, and that you kind of liked the look of that fountain when we had Lansing DAZE out there.
 - Councilmember Garvey stated that one floats doesn't it.
 - Parks & Recreation Director Jason Crum replied yes, that's what type of fountains these are; Otterbine, that's the same company that makes these fountains and from all the research I

did, they move the most water of any fountain I could find, so this particular one is part of their what they call their aeration series.

- Councilmember Trinkle asked it still isn't going to stop when we get heavy rains, it is still going to discolor the water correct, there's no way we can get around that, because of what the ponds are there for.
 - Parks & Recreation Director Jason Crum replied if there is run-off coming from up above there is still going to be silt and mud coming and there will be some water clarity issues for a while, the one thing about these compared to the old ones is that they won't draft water from as deep as the old ones, so if the level of the pond is lower it will be less apt to suck mud from the bottom of the pond.
 - Councilmember Garvey stated which kills your propellers.
 - Councilmember Trinkle stated thanks Jason.

The motion was unanimously approved.

Request for Permit Fee Waiver: Councilmember Kirby moved to approve the waiver of sign permit fees for the Leavenworth County Humane Society. Councilmember Buehler seconded the motion.

- Councilmember Pawlowski asked do these signs follow our Ordinance.
 - City Inspector Rebecca Savidge replied yes.
 - Councilmember Pawlowski asked and is that in the MSOD.
 - City Inspector Rebecca Savidge replied is it in the MSOD, yes.
- Councilmember Trinkle stated I don't know if it's you that can answer the question or probably Steve or the lady in the chair from the group, have we talked with them about looking to take care of our animals.
 - Police Chief Steve Wayman replied yes, we are currently doing that now.
 - Councilmember Trinkle stated are we, I didn't know if we switched it over yet or not.
 - Police Chief Steve Wayman replied they have limited space so if they fill up, we are using them now, along with Animal Control.
 - Councilmember Trinkle stated are we local, hometown, so when they get over here then we can get completely away from there.
 - Police Chief Steve Wayman replied yes.

The motion was unanimously approved.

Operation Green Light Program Agreement and Renewal Fee: Councilmember Buehler moved to approve and authorize the Mayor to execute the Operation Green Light agreement with Mid-America Regional Council. Councilmember Garvey seconded the motion.

- Councilmember Pawlowski asked does this program have an end date on it at any point, do you know.
 - Public Works Director Jeff Rupp replied I haven't heard anything about an end date, in fact they've got a strategic plan and it is set out to 2020.
- Councilmember Pawlowski stated okay, I've had a problem with this program and I really had a problem when they told us the parameters, because when Don, Don was the one to first ask about the signal lights, the signalization coordination, but Don was talking about Lansing to the post and what we got was Eisenhower to 42nd Street in Shawnee. And then when they did K-7 and I-70, that part didn't get included. So I'm guessing that we probably have to do this because we're part of it, but I think that at the first moment we can get out of this thing, I think it's kind of a waste of money, that's my personal opinion. I never make it through town without hitting every single light, I never make it to the south without hitting that stupid thing at County Road 8, I hit them all.
 - Public Works Director Jeff Rupp replied the problem with Operation Green Light through our area is the Eisenhower signal is on Leavenworth's controller, our four signals on our own controllers, Polfer and all the Kansas City Kansas signals that are at Polfer and Leavenworth, Parallel, State, they're not even synchronized to each other.
 - Councilmember Pawlowski stated right, which is part of my problem with paying for this, because it doesn't serve, we're paying for something it's not doing.
 - Public Works Director Jeff Rupp replied I guess the one thing that I would lend the amount we're talking about this time around to the overall for the Metro area that travel that may come beyond our scope of impact here is, I'm looking at a memorandum that our City Engineer responded from when we had him review it and you know the time saved, fewer stops, the fuel that kind of stuff throughout the area, that's statistics, but overall I think that it might be worth the money we're talking about here.

- Councilmember Pawlowski stated it doesn't save me any time.
- Mayor Smith stated hey Jeff, that's a good question Andi asked, if you could let us know if there is a closing date or a final date on that, just so we can keep that in front of us.
 - Public Works Director Jeff Rupp replied I think that we have the option to get out now.
- Councilmember Pawlowski stated I don't mean to be, it's not your deal I know.
 - Councilmember Kirby stated she's just tired of hitting all the lights.
 - Councilmember Pawlowski replied well no, but I mean when Don started with this the whole thing was so you could get from here to post, well, it didn't even involve them, and then when it didn't involve the stuff at I-70, it's like why are we even bothering with this.
- Public Works Director Jeff Rupp stated I've asked them to try to look at the sequencing, even from timing on the platoons that run from those areas we discussed to all the way through, and they said they can't really do it.
 - Councilmember Pawlowski stated but they get our thirty-two hundred dollars, but anyway.
- Councilmember Garvey stated the list of revenue sources that you have on the spreadsheet has a list of all the cities, what if they choose to not participate.
 - Public Works Director Jeff Rupp replied I'm sure that it would impact their operational load for what they've got in their 2017-2020 plan as part of what their goals are.
 - Councilmember Garvey stated it says that KCK is fifty thousand, so if they say no they're not going to participate, that's fifty thousand dollars they'd lose right.
 - Councilmember Pawlowski stated and as I remember this was like a six figure study that they did.
 - Councilmember Garvey replied one hundred seventy-four thousand four hundred.
 - Councilmember Pawlowski replied that's a lot of money.
- Mayor Smith asked Jeff are we still responsible for repairs though, if they should go down, the signal lights. Are we responsible for paying?
 - Public Works Director Jeff Rupp replied we are paying for our own repairs.
 - Mayor Smith stated right now, so this thirty-two hundred.
 - Public Works Director Jeff Rupp replied they do help with some of the traffic flow issues though, they have been participating in some of our traffic problems that come to my desk and investigating.
 - Mayor Smith stated but we're maintenance.
 - Public Works Director Jeff Rupp replied yes, but we do it through a contract, we're not doing it in-house.
 - Mayor Smith stated yeah but still it's coming out of us.
- Councilmember Pawlowski stated thanks Jeff.
- Councilmember Kirby stated I'd just be curious to see if and when we can get out of it, I mean four lights.
- Councilmember Studnicka stated I mean we thought it all was a great idea in the beginning when we were trying to keep K-7 a freeway, and get all these other municipalities on-board to keep them from putting up all these stoplights every quarter mile and that hasn't seemed to happen either.
 - Councilmember Pawlowski stated since then there have been four more lights.
 - Mayor Smith stated at least yeah.

The motion was unanimously approved.

Executive Session – Economic Development: Councilmember Brungardt moved to recess into executive session for economic development purposes to discuss confidential data relating to the financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships for 15 minutes, beginning at 7:25 p.m. and returning to the Council Chambers at 7:40 p.m. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

Councilmember Kirby moved to return to open session at 7:40 p.m. Councilmember Buehler seconded the motion. The motion was unanimously approved.

REPORTS:

Department Heads: City Clerk Sarah Bodensteiner briefed the Council on the changes to the Annual Clean Up in April.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report.

City Administrator: City Administrator Tim Vandall mentioned that land acquisition regarding DeSoto Road has kicked off along with a meeting with residents and SMH Consultants.

- Public Works Director Jeff Rupp advised that the tone of the meeting was positive between all parties.

City Administrator Tim Vandall continued and advised that the City will host several educational community forums regarding the Sales Tax Election in April. Those dates are March 9th, April 13th, and May 11th at 7:00 p.m. in the Council Chambers. These meetings are to educate the public on what the sales tax would be used for and answer any questions residents may have. He also advised that the City is working on a mailer regarding the sales tax question as well. Tim also mentioned that the City is working on costs for replacing the old and faded directional signs through town and update them to a more modern sign. Tim cited that staff has been unable to locate any further memo from Mr. Pittman regarding the Comprehensive Plan other than the fourteen page document previously discussed, but we do have the recording and minutes from that meeting should anyone want to review those. He also asked if anyone has areas of concern of certain topics they want to discuss regarding the Comprehensive Plan, to please contact Stefanie Leif, Brian Schwanz, or himself to ensure those items get addressed. The auction for Lost 80 Park is on March 8th at Lost 80 Park and the City has notified the State that the property is zoned City Parkland, so the land would need to be re-zoned in the future. Also, if the parkland is auctioned off, the land wouldn't transfer until January 1, 2018.

Governing Body: Mayor Smith asked if the Council would be open to having a yearly joint meeting with the School Board just to keep the dialogue between the City and School open.

Councilmember Kirby asked about the progress with getting the water line out the Bernard Park.

- City Administrator Tim Vandall replied that per the last meeting with Lan-Del they are still negotiating with the last property owner, and that is what is holding up the project.

Councilmember Kirby asked Police Chief Steve Wayman about a robbery today in Lansing.

- Police Chief Steve Wayman briefed the Council on the robbery that occurred at KARE Pharmacy and advised that the officers responded quickly and were able to apprehend one of the two suspects.

Councilmember Pawlowski asked City Attorney Gregory Robinson if he has made any headway regarding the County's ability to build a road in the City's growth area without a MOU.

- City Attorney Gregory Robinson advised that he had his associate do some extensive research on this topic and he has not been able to locate any case law to reference that give the County the authority to build a road in the City's area, except for the underlying need for a MOU and/or Agreement to do so.

Councilmember Garvey thanked Terri for her presentation and thanked her staff and volunteers for everything they do.

Councilmember Buehler echoed Councilmember Garvey's sentiments and provided a fun fact; on this day in 1968, the very first 9-1-1 emergency telephone system went into service in Haleyville Alabama.

Councilmember Brungardt thanked Terri for her presentation, he thought it was awesome, and asked her to thank all the staff and volunteers who do the awesome work at the library.

Councilmember Studnicka echoed Councilmember Brungardt's statement and also stated that he heard that the County let for bid a part of the project for McIntyre Road and wanted to know if it was for construction or re-design.

- City Administrator Tim Vandall replied that the contract approved by the County was for the re-design.

Councilmember Trinkle asked about the sound system in the Community Center and Council Chambers, and that those need to be looked into for sound quality purposes because people talking in the microphone in the Community Center can't be heard in the back and the meeting video on Channel 2 is either really quiet or really loud.

- City Administrator Tim Vandall advised that he will get with those who need to be involved at staff level and begin looking at that as the equipment is pretty old in both locations.

Councilmember Trinkle also told Terri that she did a good job on her presentation.



ADJOURNMENT: Councilmember Trinkle moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 8:10 p.m.

ATTEST:

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk 
DATE: February 13, 2017
SUBJECT: Ordinance No. 976 – Amending Chapter 6 Elections

Pursuant to K.S.A. 25-205, the City must establish an amount of signatures required for a nomination petition to be filed in lieu of the applicable filing fee for a candidate running for office.

This ordinance would establish the nomination petition and amend Chapter 6, Article 1, Section 6-104 of the Code of the City of Lansing.

Policy Consideration: Required in order to comply with K.S.A. 25-205

Financial Consideration: N/A

Action: Staff recommends a motion to adopt Ordinance No. 976 as presented.

AGENDA ITEM #

2

Ordinance No. 976

An ordinance amending Chapter 6 Elections, Article 1. City Elections, Section 6-104 of the Code of the City of Lansing, Kansas as adopted by Ordinance No. 973.

BE IT ORDAINED by the Governing Body of the City of Lansing, Kansas:

SECTION 1: Chapter 6 Elections, Article 1. City Elections, Section 6-104 is amended as follows:

6-104 CITY OFFICERS; GENERAL ELECTION

City elections for Mayor and Council shall be non-partisan. The general election of City officers, when required, will be held on the Tuesday following the first Monday in November. In accordance with K.S.A. 25-205, and amendments thereto, any person may become a candidate for city office elected at large by having had filed on their behalf a nomination petition or a declaration of candidacy, accompanied by any fee required by law. The nomination petition must be signed by 50 qualified electors of the City of Lansing or not less than 1% of the ballots cast and counted at the last general city election, whichever is less.

SECTION 2. AMEND. This ordinance shall amend Chapter 6, Article 1, Section 6-104 of the Lansing City Code, 2016 Edition as adopted by Ordinance No. 973.

SECTION 3. SEVERABILITY. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by a court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. This ordinance shall take effect from and after its passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Lansing this 2nd day of March, 2017.

{SEAL}

Michael W. Smith, Mayor

Attest:

Sarah Bodensteiner, City Clerk

APPROVED AS TO FORM:

Gregory C. Robinson, City Attorney

Published: *Leavenworth Times*

Date Published:

CITY OF LANSING
FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

Ordinance No. 976: An Ordinance Amending Chapter 6 Elections, Article 1. City Elections, Section 6-104 of the Code of the City of Lansing, Kansas as adopted by Ordinance No. 973.

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

Ordinance No. 976 Summary:



On March 2, 2017, the City of Lansing, Kansas, adopted Ordinance No. 976, amending Chapter 6, Article 1, Section 6-104 of the Code of the City of Lansing, Kansas adopted by Ordinance No. 973. A complete copy of this ordinance is available at www.lansing.ks.us or at City Hall, 800 First Terrace, Lansing, KS 66043. This summary certified by Gregory C. Robinson, City Attorney.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: March 2, 2017

Gregory C. Robinson, City Attorney

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk 
DATE: February 23, 2017
SUBJECT: Award of Bid – City Hall and Municipal Annex Building Heating and Cooling Units

During the 2017 Capital and Supplemental Budget process, the Council approved 3 HVAC units for the Municipal Annex Building and 2 Air Conditioning units for the City Hall buildings. Bids were solicited and 3 bids were received.

	Besel's	Complete Heating & Air Conditioning	Mr. Breeze
City Hall	\$7,805.77 per unit	\$ 7,420.36 per unit	\$9130.00 per unit
Total Cost	\$15,314.78	\$14,840.70	\$18,260.00
Municipal Annex	\$6,195.28 per unit	\$6,264.35 per unit	\$8,214.00 per unit
Total Cost	\$17,839.18	\$18,793.05	\$24,642.00
Combined Total	\$33,153.96	\$33,633.75	\$42,902.00

After reviewing the bids, staff is recommending Complete Heating & Air Conditioning for this work. This is due to the quality of service on past projects for the City at both locations, familiarity with the site, and a current maintenance agreement for both locations.

Financial Consideration: The amount approved by Council for this project was \$17,000.00 for the City Hall units from the Building Maintenance Acquisition Account 10-016-43301 and \$24,000.00 for the Municipal Annex units from the Public Works Acquisition Account 10-023-43301, for a total of \$41,000.00

Action: Staff recommends a motion to award the bid for the Heating and Cooling Units of the City Hall and Municipal Annex Building to Complete Heating & Air Conditioning in an amount not to exceed \$33,633.75.



Feb. 3, 2017

300 Santa Fe St.
Leavenworth, KS 66048
Leavenworth/Lansing: (913) 682-7000
Basehor/Tonganoxie: (913) 724-4024
Atchison: (913) 367-5014
Platte City/Weston: (816) 431-2630
Kansas City: (913) 772-0434
Fax: (913) 682-7844
www.Besels.com

Ms. Sarah Bodensteiner
City Clerk's Office
800 First Terrace
Lansing, Kansas 66043

rkenton@besels.com
sbodensteiner@lansing.ks.us

Re: HVAC RTU Replacement @ 800 1st Terrace

Dear Ms. Bodensteiner,

Please review the following proposal to replace the 7-1/2 ton air conditioner systems at 800 1st Terrace in Lansing, Kansas.

As per request, this includes York equipment model YC090C00A2AAA2 condensing unit with a model VXEA30CLAACM MagicAire Dual Circuit evaporator coil with TXV's. Replacing the existing 7-1/2 ton condensing units located on the roof and the evaporator coils located in the mechanical room. The existing model numbers are not legible. The new equipment will include new hail guards, low ambient kits, matching A-coils with TXV metering devices. Crane rental is included. The existing refrigerant lines will be flushed with factory approved flushing agent to remove all contaminants and oil from the existing system. Each unit will be evacuated to 500 microns to remove all moisture and verify no refrigerant leaks. New liquid line filter dryers will be installed.

This project can be completed for:

2 units at the same time	\$15,314.78
1 unit at a time	\$ 7,805.77 ea.

All prices quoted include all labor, material, equipment and crane rental. No sales tax included and no permit fees included.

A "Project Exemption Certificate" will be required to not pay sales tax.

If you have any questions of if I can be of further service, please contact the undersigned.

Respectfully submitted,

Randy Kenton, Sales Manager



Feb. 3, 2017

300 Santa Fe St.
Leavenworth, KS 66048
Leavenworth/Lansing: (913) 682-7000
Basehor/Tonganoxie: (913) 724-4024
Atchison: (913) 367-5014
Platte City/Weston: (816) 431-2630
Kansas City: (913) 772-0434
Fax: (913) 682-7844
www.Besels.com

Ms. Sarah Bodensteiner
City Clerk's Office
800 First Terrace
Lansing, Kansas 66043

rkenton@besels.com
sbodensteiner@lansing.ks.us

Re: HVAC RTU Replacement @ 730 1st Terrace

Dear Ms. Bodensteiner,

Please review the following proposal to replace the rooftop units at 730 1st Terrance in Lansing, Kansas.

As per request, this includes York equipment to replace the existing York DDUC-T048N125B roof top units with new ZF048N102AAA roof top units. **The request for estimate listed a York ZF048N102AAA. This unit is no longer available due to Federal increase in efficiency requirements. The new and more efficient model ZE048H12A2A1ABA1A is included in this proposal.** The requested model was a 2 stage heating with 100,00 BTU input and a 13 SEER air conditioner. The new model is a single stage heating with 125,000 BTU input with a 14 SEER air conditioner.

The new equipment will include new economizers, hail guards and a new matching Aprilaire thermostat. Crane rental is included.

This project can be completed for:

3 units at the same time	\$17,839.18
1 unit at a time	\$ 6,195.28

All prices quoted include all labor, material, equipment and crane rental. No sales tax included and no permit fees included.

A "Project Exemption Certificate" will be required to not pay sales tax.

If you have any questions of if I can be of further service, please contact the undersigned.

Respectfully submitted,

Randy Kenton, Sales Manager



Complete Heating & Air Conditioning, Inc.
 P.O. Box 622
 Tonganoxie, KS 66086
 (913) 207-5170
 jrh@completeheatingcooling.com
 http://www.completehomeheatingac.com

ESTIMATE

ADDRESS

City Hall Of Lansing

ESTIMATE # 247446

DATE 01/19/2017

DATE	ACTIVITY	AMOUNT
01/19/2017	Estimate Install two 7.5-ton York Predator series commercial air conditioners. Units are 3-phase, and include hail guards and a low ambient kit. Also includes matching A-coils, metering devices, and drains. Units are \$7420.35 each with hail guards, and low ambient kits.	14,840.70
01/19/2017	5 Year Compressor 1 Year Parts Warranty 1 Year Labor Warranty 1 Year Maintenance Plan with each unit being replaced	
01/19/2017	Services	0.00
01/19/2017	Notes Of Job includes one year maintenance plan on each unit. \$199 value per unit!	0.00

Please note:

All estimates are void one month after date noted on estimate.

TOTAL

\$14,840.70

Contact our HVAC professional for updated estimate at :
 Complete Home Heating and A/C LLC
 913-207-5170

Thank you in advance for your business!

Accepted By

Accepted Date



Complete Heating & Air Conditioning, Inc.
 P.O. Box 622
 Tonganoxie, KS 66086
 (913) 207-5170
 jrh@completeheatingcooling.com
 http://www.completehomeheatingac.com

ESTIMATE

ADDRESS

City Hall Of Lansing

ESTIMATE # 247445

DATE 01/19/2017

DATE	ACTIVITY	AMOUNT
01/19/2017	Estimate Install three York rooftop mounted air conditioner/furnace packaged units. Units are ZF048N102AAA. Units are 4-ton, 3-phase units. Includes new thermostat. Units are a direct replacement. Economizers and hail guards are included on this bid. Price per unit with accessories is \$6264.35 installed	18,793.05
01/19/2017	5 Year Compressor Warranty 1 Year Parts Warranty 1 Year Labor Warranty 1 Year Maintenance Plan included on each unit replaced	
01/19/2017	Services	
01/19/2017	Notes Of Job one year maintenance plan included on each unit. \$199 value per unit!	0.00

Please note:
 All estimates are void one month after date noted on estimate.

TOTAL **\$18,793.05**

Contact our HVAC professional for updated estimate at :
 Complete Home Heating and A/C LLC
 913-207-5170

Thank you in advance for your business!

Accepted By

Accepted Date



1918 S 4th St Suite B
Leavenworth, KS 66048
Office 913-651-7769 Fax 866-695-9678

DATE: 1/31/2017

System Quote

PREPARED Sarah Bodensteiner
FOR City of Lansing
800 First Terrace
Lansing KS 66043
913-727-3036
sbodensteiner@lansing.ks.us

City Hall Systems

2 - York 7.5 Ton Split AC System

- 2 York TC090C00A2AAA2 Condensing Units
- 2 ADP LA7.51AC-HP4 Indoor Coils
- Hail Guards
- Low Ambient Kit

Complete Job Price.....\$18,260

Note: This bid reflects substantial savings for replacing these 2 units at the same time. Completed separately, these units would install for \$10,557 each.

Includes:

- Labor and Equipment to complete installation
- Pump down and triple vacuum of refrigerant circuit
- Sheet Metal transitions to duct
- Removal and proper disposal of existing equipment
- Crane Service
- City Permits and Inspection

Thank You for the Opportunity to Earn Your Business!!



1918 S 4th St Suite B
Leavenworth, KS 66048
Office 913-651-7769 Fax 866-695-9678

DATE: 1/31/2017

System Quote

PREPARED Sarah Bodensteiner
FOR City of Lansing
800 First Terrace
Lansing KS 66043
913-727-3036
sbodensteiner@lansing.ks.us

Annex Building Systems

3 - York 4 Ton Sunline Gas/Elec Package Unit

- 3 York ZE048H12A2A1ABA1A Sunline Package Units
- Jade DB Economizer
- Provent Hail Guards
- Low Ambient Kit

Complete Job Price.....\$24,642



Note: This bid reflects substantial savings for replacing these 3 units at the same time. Completed separately, these units would install for \$11,306 each.

Includes:

- Labor and Equipment to complete installation
- Removal and proper disposal of existing equipment
- Crane Service
- 1 Year Manufacturer Warranty
- 5 Year Compressor Warranty
- City Permits and Inspection

Thank You for the Opportunity to Earn Your Business!!

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Jason Crum, Parks and Recreation Director 
DATE: February 23, 2017
SUBJECT: Request for Special Event on Park Property – Boy Scouts

Mark Blanken with Lansing Boy Scout Troop 165 has requested to use Bernard Park for the Boy Scout Kaw District Camporee from 6:00 p.m. on April 21, 2017 until 10:00 a.m. on April 23, 2017. Attached are the Parks Special Event Permit Application, Certificate of Insurance, Release of Liability and Agreement to Indemnify, the campout itinerary, and a map of the proposed area of use. Mr. Blanken and I will be at the City Council meeting in order to answer any questions.

Policy Consideration: Section 13-118 of the Lansing City Code sets out regulations for Special Events on Park Property

13-118 SPECIAL EVENTS ON PARK PROPERTY: All requests for exceptions to the regulations set forth in this Article shall be referred to the Governing Body for approval or disapproval. An application for a special event must be in writing on a form provided by the City Clerk, and accompanied by proof of liability insurance in the amount of \$1,000,000.00 and such other information as may reasonably be requested under the circumstances pertaining to the event requested. Applications must be submitted to the City Clerk at least thirty (30) days prior to the intended event date.

Such permit may be subject to such conditions and safeguards as the Government Body may deem necessary to protect the public health, safety and welfare. These conditions may include but shall not be limited to:

- A. Restrictions on the hours of operation, duration of the event, size of the activity or other operational characteristic.
- B. The posting of a performance bond to help ensure that the operation of the event and subsequent restoration of the site are conducted according to Government Body expectations.
- C. The provision of traffic control or security personnel to increase the public safety and convenience.
- D. Obtaining liability and personal injury insurance in such form and amount as the Government Body may find necessary to protect the safety and general welfare of the community.

Financial Consideration: N/A

Action:

A motion to approve or deny the request for Mark Blanken and the Kaw District Boy Scouts to use Bernard Park from 6:00 p.m. on April 21, 2017 until 10:00 a.m. on April 23, 2017 for the Kaw District Camporee.

AGENDA ITEM #

4



CITY OF LANSING PARKS SPECIAL EVENT PERMIT APPLICATION

Individual's Name Applying for License: Mark Blanken Date: 2/22/2017

Daytime Phone Number: 913-548-7480 Evening Phone Number: 913-250-0110

Business/Organization Name (if applicable): BSA - Heart of America Council

Address: 10210 Holmes Road Kansas City MO 64131-4212

Street Address

City

State

Zip Code

Event Location: Lost 80 Park, 1122 East Mary Street Woodland Gazebo, 150 Woodland Willow Park, 127 W. Gilman Road
 Highland Playground, 217 Highland Kelly Grove Park, 320 East Gilman Road City Park, 400 N. 2nd Street
 Kenneth W. Bernard Park, 15650 Gilman Road

Description of Event: District Camporee and Chapter callout: Boy Scout units from Leavenworth and Wyandotte county will stay overnight Friday and Saturday night. Units will participate in events to enhance their scout skills. Events will be supervised by trained adult volunteers in accordance to BSA safety standards.

Date(s) of Operation: April 21-23, 2017 Hours of Operation: Continuous from 6pm Fri - 10am Sun.

Anticipated Attendance: 200 State Tax Numbers: 12463027 Federal Tax Numbers: 22-1576300

Description of any structures to be used in conjunction with event: Portable climbing tower. Pop up tents. camping tents.

All requests for exceptions to the regulations set forth in the Code of the City of Lansing, Chapter 13: Parks and Public Property, Article 1. Park Regulations, shall be referred to the Governing Body for approval or disapproval. Such permit may be subject to such conditions and safeguards as the Government Body may deem necessary to protect the public health, safety and welfare. These conditions may include but shall not be limited to:

- A. Restrictions on the hours of operation, duration of the event, size of the activity or other operational characteristic.
- B. The posting of a performance bond to help ensure that the operation of the event and subsequent restoration of the site are conducted according to Government Body expectations.
- C. The provision of traffic control or security personnel to increase the public safety and convenience.
- D. Obtaining liability and personal injury insurance in such form and amount as the Government Body may find necessary to protect the safety and general welfare of the community.

An application shall be accompanied by the following items as applicable:

1. Proof of liability insurance in the amount of \$1,000,000.00, including naming the City of Lansing as additionally insured. A certificate of insurance with Endorsement naming the City of Lansing as additionally insured, Liability Release and Indemnification Clause.
2. A sketch plan showing to scale the location of the proposed activities and structures in relation to existing buildings, parking areas, streets and property lines as shown on the approved site plan. In no event shall structures or display areas be located any closer than 25 feet to public right-of-ways adjacent to the property.
3. A separate application will need to be made to the Community Development Division for any signs to be displayed in conjunction with the special event. In no event shall signs be displayed on the public right-of-way. Signs for commercial activities shall only be displayed during hours of operation.

Signature of Applicant: Mark Blanken Date: 2/22/2017

The following departments have reviewed this application for compliance with the Code of the City of Lansing, Chapter 13: Parks and Public Property, Article 1: Park Regulations:

Police Department Signature: _____ Date: _____

Community Development Signature: _____ Date: _____

Parks & Recreation Department Signature: _____ Date: _____

City Clerk's Office Signature: _____ Date: _____

RELEASE OF LIABILITY & AGREEMENT TO INDEMNIFY

The City of Lansing has authorized or granted permission to the "Sponsor" to conduct certain "Activities" at the "Location," all of which are identified as follows:

Sponsor:

Heart of America Council

Activities, including all other conduct related thereto:

Scout skills (carry challenge, throwing challenge, first Aid, obstacle course, face paint, safety quiz, wall climbing, pioneering, fire building)
Skits, Ceremonies, Campfire

Location:

Ken Bernard Park

For Sponsor, its staff, and any authorized participant attending and participating in the above-mentioned activity for the Kaw District Camporee, Sponsor acknowledges and accepts: (a) that participation in the listed Activity(ies) is voluntary; (b) that as Sponsor am aware, and am fully satisfied with the understanding, of the nature of the Activities, the abilities and limitations of any authorized participant with respect to the Activity(ies), and the nature of the involvement of participant in the Activity(ies), and (c) that there is an inherent risk that injuries, damages and even death may occur as a result of participation in the Activity(ies).

Nevertheless, in consideration for the City of Lansing's authorization and/or its grant of permission to utilize city-owned property or its facilities for the Sponsor's Activity(ies), I, as a duly-authorized agent for Sponsor, forever release, discharge and hold harmless the City of Lansing, its elected officials, any of its employees and agents (individually and collectively referred to herein as the "City of Lansing Released Parties") from any and all claims, demands, and causes of action, including without limitation those for personal or bodily injury or death, based on, arising out of, or related to participation in the Sponsor's Activity(ies).

In addition, Sponsor also agrees to supervise any minor child attending and participating in the above-mentioned activity(ies) for the Kaw District Camporee and withdraw any Participant if he/she is unfit to safely participate in the Activity(ies) or if any actual or impending danger to his/her health or other well-being, and Sponsor agrees to indemnify and hold the City of Lansing Released Parties harmless from any and all liability, costs and damages, including attorney fees, if any participant, including Sponsor, of the sponsored activity(ies) asserts a claim, demand, and/or cause of action against the City of Lansing which is hereby released as set forth above.

I have read, fully understand, and voluntarily agree to the foregoing.

Paul J. Ross DSS
Sponsor & Authorized Agent

2/22/17
Date

Kaw District Camporee
Kenneth W. Bernard Community Park
15650 Gilman Road
Lansing, Kansas 66043

Zombie Apocalypse

April 21-23 2017

Contacts:

Drew Warninghoff - awarninghoff@gmail.com

Larry Strickland - outdoors1963@gmail.com

Mark Blanken – mblanken@burnsmcd.com

Janell Neal - Janell.Neal@scouting.org

Spring Camporee 2017

Friday

5:00 -8:00 pm Registration begins at the Entrance Admin building
Please send one adult in with roster and health forms upon arrival to camp.

9:00 pm Leaders meeting- leaders and acting SPL must be present.
Attendance is recommended for updates Events, time Changes and other important information we need to share.

10:30 pm all quiet in camp. Please ensure all scouts are in camp and
Be considerate of others.

Saturday

6:00 am Reveille

7:00 am Breakfast in camp sites

8:30 am Flags (by pavilion)

9:00 am Events start

12:00 pm Lunch in campsite

1:00 pm Events resume

4:00 pm Events end

6:00 pm Supper in campsite

6:00 pm Chili turn-in

6:30 pm Retire flags

7:30 pm Campfire

8:45 pm OA Call out/ Webelos Crossover

10:30 pm All quiet in camp. Please ensure all scouts are in camp and
Be considerate of others

Sunday

7:00 am Reveille

8:00 am Breakfast in camp

9:00 am Scouts own

11:00 am Strike up camp /have a safe trip home.

Important Information

All policies in this packet should be read thoroughly. They are intended to ensure a safe, fun and informed weekend.

Camporee Hosts:

Drew Warninghoff, Mark Blanken, Larry Strickland, and Janell Neal

Medical Staff:

There will be medical staff available at the Welcome Center. Medical Staff will take care of any service requiring medical attention. ALL INJURIES incurred during the course of the camp must be reported.

Registration & Fees

Registration is open to all Boy Scouts, and Ventures, for the entire weekend. Registration includes access to all events, supplies and camporee patch. The cost is \$10.00 per person. Adults are Free. We request that units pre-register.

Health Forms & Tour Permits

Current Health forms MUST accompany all units to the camporee for each scout and scouter. The health forms will be kept at the headquarters for the camp doctor. You can retrieve them when you check out.

Only those traveling out of district need to complete a tour permit. This policy is intended to protect youth and adults that might be involved in an emergency situation and allow District leaders at the camporee to take the appropriate action needed.

Parking

Due to high volume of vehicles at the camporee only one vehicle per troop will be allowed to transport the troop trailer or gear to the campsite. This vehicle will be issued a parking permit. All extra vehicles will be required to park in designated area. Scouts will walk to campsite. Do not put gear in several vehicles expecting us to let all of them up into the camping area.

Check-in Procedures

Please plan to arrive between 5-8pm. Registrations at the Welcome Center. Please send one adult in with health forms and completed roster to register upon arrival at camp.

Meals and Restrooms

All meals are on the troops eating in campsites. Restrooms are the latrines in the campsite areas.

Camp Headquarters

The headquarters will be at the Administration Tent near the turn around area. All meeting, administrative, program and health needs will be handled at the headquarters. Headquarters will be staffed 24 hours a day and during the events in case of an emergency. All camp staff can be contacted through the camp headquarters.

More details at registration

Check-out Procedures

Camp staff will be located in Administration tent. You will be able to retrieve your health forms at this time. Remember a scout is clean, please police your campsite and leave it better than when you arrived.

Adult Leadership

It is the policy of the Boy Scouts of America that trips and outings may never be led by only one adult. Two registered adult leaders or one registered adult leader and a parent or guardian of a scout, one of whom must be 21 years of age, are required for all trips and outings. Adults must have taken Youth Protection training provided by the council. If you do not have two deep leadership, contact any of the camp directors and we will combine your troop with another to provide the required leadership.

Events

Zombie Pod Carry-Scouts will transport a pod (bowling ball) from its original starting point carried on a piece of plywood with ropes attached at each of the four corners. The pod will be placed in a containment vessel (bucket) at the other end. All supplies will be at the station.

1. Teamwork -1-10 points
2. Completion or Level of Completion –1-15 points

Launch the Cure- The Patrol will move the “Cure” (a thick goo) to the safe zones. The Scouts will work as a team utilizing 3-man launchers to send the “Cure” downrange into safe zones. There will be a super zone that will count extra if you get it into that zone.

1. Teamwork 1-10 points
2. Total weight of “Cure” in zones 1-20 points

Tomahawks- Scouts will hone their aim and accuracy at this station.

1. Individual scoring -will be added to Patrol sheet

Campfire Auditions- Scouts will use their talents to appease the horde. Come up with original and theme based skits (practice before Camporee).

25 Points: Incorporating the Zombie theme into skit

50 Points: Creativity and Originality in skit

10 Points: Patrol Yell, before and after the event

15 Points: Full Patrol Participation

Total Possible: 100 Points

Patrols scoring 85 points or higher will receive a slot at the Campfire. Qualifying patrols will receive 10 bonus points after completing their skit at the Campfire.

Points Deducted:

-20 Points: Skit is longer than 4 minutes.

-30 Points: Skit is longer than 5 minutes (skit will be cut-off)

Climbing Wall- Scouts will test their skills as they complete the climbing wall challenge. You never know when you may need to scale a wall to escape from the Zombie Horde.

1. Individual Scoring –will be added to Patrol sheet

Pioneering Challenge- Patrol will be judged on time to complete the station. The Patrol will lash and erect a tripod from three poles 10 feet long. It will be tested by suspending a rope with a bosun's chair (bowline on a bight) from the top. One Scout must sit in the chair and remain clear of the ground for 30 seconds. Supplies will be at the station.

1. Teamwork -1 -10 points
2. Finishing in the Allotted Time or Level of Completion –1-15 points

Fire Building- To keep yourself warm while fleeing the Zombies, it is important to know how to build a fire. The Patrol will construct a fire powerful enough to burn a twine suspended above the fire. The Patrol will be supplied with hatchets and wood to make tinder & kindling.

1. Teamwork -1-10 points
2. Time of Completion –1-15 points

Blind Obstacle Course- While you were trying to build a shelter, you accidentally stumbled upon a nest, and got stung by a swarm of tracker jackers! You are suffering through hallucinations and can't see; make it to safety before the Zombies can take advantage of your weakness. You will have an obstacle course set up for the patrol leader to traverse through. The patrol leader will be blindfolded, but can receive any form of instruction from the rest of the patrol. Your goal is to complete the obstacle course as fast as possible, without coming in contact with the obstacles.

10 Points – Patrol Yell before and after the task

10 Points – Leadership and Teamwork

80 Points – Completion

Total Points possible: 100 points Points Deducted

-5 points – Every 10 seconds over 3 minutes

-5 points – Every obstacle hit

First Aid- Scouts will perform First Aid on some common injuries that one would likely receive while fleeing a Zombie Invasion (sprains, broken bones, cuts...). Be ready for some zombie themed First Aid treatments.

1. Teamwork 1-10 points
2. Handling the Emergency correctly 1-15 points

Zombie Station- Get into the theme by stopping by this station to be "Zombified" with face paint.

1. Full Patrol Participation 25 points

Find the Cure- You have found coordinates that lead to medicine that will help with Zombieism. This treatment will help when the apocalypse happens. There is only limited supplies at each coordinate so you may have to find multiple points to protect your entire team.

1. Teamwork 1-10
2. Time of completion 1-15

Zombie Invasion

This event will begin sometime Saturday Afternoon and will end @ 4 PM-Scouts Only Can Play.

- Blue(Human) and Orange(Zombie) armbands will be given out to all scouts at registration.
- All Scouts start as humans by wearing the blue armband on upper part of their arm during the day, keeping the Orange armband in a pocket.
- Safe Zones: All Activity areas, all Camp Sites and Buildings (porches too), Bathrooms and 20 feet around each. **No tagging is allowed.**
- At some time on Saturday the Zombie INFESTATION will begin.
- When tagged by a Zombie (Orange Armband) a Human (Blue Armband) is required to hand over their blue armband to the zombie and replace it with an Orange armband from pocket. You are now a Zombie and you can start tagging Humans. Tagging is a firm touch to the arm, shoulder or back (not hitting)
- You can use the medication that you found to freeze the zombie for 5 seconds, thus enabling a hasty retreat. You must hand the medicine to the zombie.
- No cannibalism: You may NOT attack someone from your own troop.
- No running: If you are caught running you forfeit your ribbons and the game. Any Leader who sees a scout running can take all ribbons

To play you must wear the armband at all times.

- There will be 2 Doctors (unknown adults) that can cure zombies (turn them back into human). You will be required to do a Tenderfoot, Second Class, or First Class Requirement. (Practice your knots)
- There will be 2 Zombie Hunters (unknown adults) who will take all ribbons from a zombie.
- Invasion will be over when you hear the horn. If you think you are a winner please come to Administration.
- **You win** by being the last human or the Zombie with the most Blue Armbands AND have your activity card ½ filled (Scouts who participated in Merit Badges will be given compensation). Ties will be broken by how many activities you have attended and total score. If you become a zombie intentionally, that ruins the game for everyone else.
- Everyone plays Zombie Invasion to have fun, and the rules only exist because we agree they do. That is why the most important rule is to treat your fellow players with respect, and gracefully accept when you have been tagged. Remember a Scout is Trustworthy and Courteous and we expect you to keep these points in mind while you are playing this game, and most of all have a fun time and be safe.

Chili Cook Off- Patrols can enter their Chili to be judged. Winner will receive a special cook-off trophy that can be displayed in their camps at all future Camp-O-Rees



Activity area

Activity area

Camping area

Activity area

Ceremony Area

7

159th St

159th St

Glisan St

200 m



© 2016 Google

Google earth

Imagery Date: 3/27/2016 39°13'58.69" N 94°56'32.12" W elev 279 m eye alt 1.10 km

Tour Guide 1991

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Stefanie Leif, AICP, Community & Economic Development Director 
DATE: February 23, 2017
SUBJECT: Application to Rezone 24481 139th Street from County RR-2.5 to B-3

Background:

- The applicant, Kenneth Lake, Emmanuel Baptist Church, is applying for a rezone of a 9.85 acre unplatted parcel located at 24481 139th Street. The applicant's authorized agent is Kevin Jensen. The property is currently zoned County zoning district Rural Residential 2.5 (RR 2.5), and the request is to rezone it to Commercial Business (B-3).
- The Planning Commission held a duly noticed public hearing on January 18, 2017, and in a 3/1 vote, recommended to the City Council denial of the rezone.
- The City Council considered the application at its February 2, 2017, meeting and in a 4/4 vote of the City Council with the Mayor breaking the tie, remanded the application back to the Planning Commission for further discussion and to consider all options for the property, including conditional use or special use permits and planned overlay districts.
- The Planning Commission reconsidered the application at its regular meeting of February 15, 2017, and reviewed zoning designation options. The applicant's authorized agent confirmed during the meeting that he does not want to consider other options. In light of this confirmation and due to no new information being presented to the Planning Commission regarding traffic impact and impact on neighbors, the Planning Commission in a 4/1 vote with one abstention, recommended to the City Council denial of the application.
- The below list of attachments was added to the record after February 2 and was not part of the February 2 City Council packet. The February 2 packet can be viewed and downloaded from the City of Lansing website at <http://www.lansing.ks.us/DocumentCenter/View/5595> or please contact the City Clerk for a copy.

Attachments to this agenda item:

1. Draft minutes from the February 15, 2017, Planning Commission meeting
2. Public Comments received from the following:
 - a. John Callison, dated February 8, 2017
 - b. Kavin and Evangeline Litton, dated February 8, 2017
 - c. Betty Wilson, dated February 13, 2017
 - d. Larry E. Dunn, dated February 14, 2017
 - e. Leslie Yother, dated February 14, 2017
 - f. John Stalec, dated February 15, 2017

3. Agenda Memo to the Planning Commission from Stefanie Leif dated February 9, 2017
4. PowerPoint presentation of zoning district options, compiled by Community and Economic Development Department staff – City Council asked the Planning Commission to consider all options for the property
5. Excerpt from an email from Kevin Jensen to Stefanie Leif dated February 8, 2017, regarding Traffic Impact Study (TIS) requirements and GBA analysis
6. Email from Leroy Koehn, P.E., North KC Metro Engineer, KDOT, to Stefanie Leif dated February 8, 2017

Policy Consideration: The following regulations and plans apply to this rezone application:

1. Lansing Zoning Ordinance, specifically Article 5 (District Regulations), Article 12 (Amendments), Appendix A (table of uses), and Appendix B (list of uses by zone)
2. Lansing Comprehensive Plan “Lansing 2030: A Vision for Tomorrow” – *please note the Comprehensive Plan is a guiding document, not a regulatory document.*

Financial Consideration: The applicant paid the \$150 application fee. The proposed project would bring a property that is currently tax-exempt onto the property tax rolls as a commercial business. The retail uses proposed would generate sales tax revenue.

Action: Motion to accept the Planning Commission’s recommendation to deny the rezone of 24481 139th Street.

Call to Order – The regular meeting of the Lansing Planning Commission was called to order by Chairman Brian Schwanz at 7:00 p.m. Also in attendance were Vice-Chairman Ron Barry and Commissioners Chad Neidig, Kirsten Moreland, and Jerry Gies. Commissioners Frank Reyes and Mike Suozzo were not in attendance. Chairman Schwanz noted there was a quorum present.

Approval of Minutes, January 18, 2017 Regular Meeting

Commissioner Reyes joined the meeting at 7:02 p.m.

Vice-Chairman Barry made a motion to approve the minutes of the January 18, 2017, regular meeting, seconded by Commissioner Moreland. The motion passed, with Chairman Schwanz and Commissioner Reyes abstaining.

Old Business – Rezone Application – 24481 139th Street, Leavenworth, Kansas.

Chairman Schwanz stated that Kevin Jensen, acting as the authorized agent for Kenneth Lake, Emmanuel Baptist Church, property owner, submitted a rezoning application for 24481 139th Street, Leavenworth, KS 66048 at the January 18, 2017, meeting. He stated the request was to rezone this parcel from existing Leavenworth County zoning, RR-2.5, Rural Residential, to B-3, Commercial Business. Chairman Schwanz noted that the Planning Commission recommended to the City Council denial of the application and forwarded it to the Council, and at its February 2, 2017, meeting, the City Council remanded the application request back to the Planning Commission for further discussion.

Chairman Schwanz asked Community and Economic Development Director Stefanie Leif if there was any additional information she wished to add as to how the Commission got to this point. Ms. Leif wanted to state there were a few additional items in the packet and wanted to state on the record that she will be going through the PowerPoint presentation that talks about different options, as it was the direction from the Council to remand back to the Planning Commission to discuss other options in addition to the straight B-3. She stated the second item is an excerpt from an email from Kevin Jensen to her dated February 8, which dealt with the traffic impact study and the GBA analysis. She stated the third item was a follow-up email from Leroy Koehn, North KC Metro Engineer with KDOT, responding about the traffic study and where KDOT was in relation to that. Ms. Leif also stated there were a series of public comments that we emailed to Commissioners, as well as Mr. Jensen, yesterday and today. She said those comments were received from Mr. John Callison; Mr. Larry Dunn; Kavin and Evangeline Litton; John Stalec; Betty Wilson, who is the realtor for the sellers, Emmanuel Baptist Church; and Leslie Yother.

Ms. Leif then outlined the options discussed by staff and City Attorney Greg Robinson, although she stated it is absolutely the applicant's right to continue to pursue the original B-3 zoning request, and that the options are presented at the City Council's direction. She also stated there were two separate emails from Mr. Jensen, on February 6 and February 8, where he indicated he was only interested in the B-3 zoning and was not interested in looking at other options, but the Commission is welcome to ask him tonight to confirm that is still his intent. Ms. Leif also stated that if there are other options he wants to explore, those would require a new application and public hearing. She then went over the other available options that had been discussed:

- B-3-P (Commercial Business Planned Overlay District)
 - Only one place in town that is currently zoned B-3-P, which is the Fairlane Commercial Development where IHOP is located. She stated that one was mostly done to allow flexibility in building design and setbacks. She said that as she and Mr. Robinson looked at this section of the code, it does allow for some flexibility for what Mr. Jensen is looking for.
 - Base zoning would be B-3, but the planned overlay would respond to what he would specifically be doing on that property, which allows for landscape services, greenhouses, garden supplies, and landscape nursery. She said this would require a development plan, and that if he then decided to do something different on the property or sold or leased it to someone else, he or she would have to come back to the city and request an amendment to the development plan or request a new plan, and this gives some security to the city. She stated this is talked about in the Zoning Ordinance, Article 5, Section 13.

- A-1 (Agricultural) with a conditional use permit
 - Would require a text amendment to the zoning code
 - Would allow the applicant to grow nursery stock, but retail and landscape contracting services are currently not allowed in A-1
 - Could ask for an amendment to the zoning code to allow some of these other uses as conditional uses under A-1. She stated if the amendment was approved, he could then apply for a conditional use permit, which would be reviewed every five years or at whatever timeline was set up for it.

- R-1 (Suburban Residential) with a conditional use permit
 - Surrounding land is agricultural as well as residential, so base zone to R-1 would fit that neighborhood, but none of what Mr. Jensen would like to do on the property is allowed in R-1
 - Would require a text amendment to the zoning code and those uses would have to be conditional uses
 - More problematic since much of the city is zoned residential and landscape contracting and a nursery are probably not something we would want to see in residential areas all over town

- I-1 (Light Industrial) with a conditional use permit
 - Closest industrial according to the future land use map would be farther east on McIntyre Road
 - Landscape contracting services are permitted in I-1
 - Retail uses are not allowed and are usually discouraged in industrial zones
 - Would require a text amendment for conditional uses to be added

Ms. Leif stated those are the options that were put together and she or the City Attorney would be happy to answer any questions from the Commission.

At this time, Chairman Schwanz stated he had just one question for Mr. Jensen, if he would like to answer that this evening, that being was he only interested in B-3 zoning and Mr. Jensen said "yes, sir". Chairman Schwanz stated that since Mr. Jensen has confirmed he is only

interested in B-3 zoning, the options Ms. Leif set forth this evening are not on the table at this time. He then recommended the Commission reconsider the B-3 application that was submitted for the January 18 meeting and opened the floor to discussion by Commission members.

Vice-Chairman Barry said that he wanted to restate some of the concerns and discussion points with B-3 that were outlined at the last meeting and also some points that came out in the written submissions by various residents.

- Would create "spot zoning", which has had an adverse effect in other communities and in the long term can lead to other issues and problems
- As a B-3 zoning, it opens it up to 100+ types of businesses that could go in there should the applicant decide to sell it or change his mind, causing the city to lose control of it, as brought up by Commission members, Council members, and in public comments
- Need for a traffic study, not only for EMS and the Fire Department getting back to that location, but also turning off of K-7 onto McIntyre and directly on to the access road. He stated that road belongs to the county, but was corrected by Mr. Robinson that it is actually a state roadway.
 - Also a question about the durability of that road in terms of handling traffic as it wasn't originally designed for that
- Effect on property values, brought up by many of the citizens with residential around the area

Vice-Chairman Barry then stated he didn't see any new information submitted in the agenda packet from the last time the Commission met and doesn't feel anything has changed from what was originally considered.

Commissioner Gies stated he concurred with Vice-Chairman Barry, and stated the additional discussion by the Planning Commission was that, going along with the spot zoning, this was not consistent with the Comprehensive Plan and it should be determined why it's okay to not follow the Comprehensive Plan and shouldn't rezone something without amending the plan. He then asked what would justify amending the plan. Commissioner Gies also stated that from what he read in the packet, the City Council remanded this application back to the Planning Commission to look at other options and the Commission can't do that, and since there was a quorum last month, he believes without any new evidence, he doesn't know what the Commission's job would be other than what it did last month.

Chairman Schwanz stated from reading the packet there may have been a traffic study done by GBA, but neither city staff nor KDOT has seen this study. He stated that since we have no new application for a different zoning request, we are just considering the B-3. Ms. Leif stated she wanted to clarify for the record that in regard to the traffic study, it seems there has been some analysis done by GBA, which is an engineering firm. She said it was stated at the Council meeting that the applicant had hired GBA to perform an analysis and she also received an email dated February 8 stating he had hired GBA and they had performed an analysis, but she nor KDOT has seen that study so it couldn't be analyzed or reviewed as it hasn't been submitted.

Since there was no further discussion, Chairman Schwanz entertained a motion for the application. Vice-Chairman Barry made a motion to recommend to the City Council to

disapprove the rezoning application of Emmanuel Baptist Church on 139th Street for a B-3 application. Chairman Schwanz asked if he was then recommending denial and Vice-Chairman Barry stated that was correct. The motion was seconded by Commissioner Moreland. The motion passed, with Commissioner Reyes voting "no" and Commissioner Neidig abstaining with the option to recall. Chairman Schwanz asked when this would go to the City Council and Ms. Leif stated on March 2 at 7:00 p.m. Chairman Schwanz asked if there would be time for public comment on that and Ms. Leif stated that would be up to the Mayor and said the City Administrator might be able to speak to that. City Administrator Tim Vandall stated they would accept comments from the Commission. Chairman Schwanz asked if they would accept public comments. Mr. Robinson stated there won't be a public hearing, but when they call the item, he's never seen them not allow the public to speak.

New Business – none

Notices and Communications – Ms. Leif stated there was a joint work session a few weeks back with the City Council about the Comprehensive Plan. She stated there was a memo from 2014 that was being searched for that had a lot of detail in it about changes that needed to take place in the plan, but that memo has not yet been found. She stated staff had reached out to former chair Jim Pittman, who was traveling at the time, but stated he would check his records. Vice-Chairman Barry stated when the plan was reviewed, Mr. Pittman spoke and gave a long explanation and then handed over a more detailed memo of things that were outstanding that had been discussed at committee level that were not incorporated in the plan for various reasons. He thought perhaps Mr. Pittman had given a copy of that memo to Mr. Schwanz. Commissioner Moreland stated the one document they were given at the joint meeting was just about very small things and believes she also saw a longer memo. Chairman Schwanz stated he has an email dated from April of 2015 that was attached to the memo Mr. Pittman had sent to Mayor Kirby concerning the work session, so that may be it, but right now that email is not wanting to open.

Ms. Leif stated last year and this year, the Commission had reviewed some of the chapters as part of the annual review of the comp plan, but still had several chapters to go. She stated she thought maybe those could be addressed early in the year, as she feels that mid-year to the end of the year is going to be very busy with the UDO, as the consultant has begun work on that. She next stated that one of the areas Chairman Schwanz had mentioned early on was the strategic action plans and some of the revisions and updates that need to be made to those. She stated if there is time in the March meeting, we could take a first look at that.

Vice-Chairman Barry also stated that one of the things that came out of the joint meeting was the Council wanted to have a frequent and open dialog with the Commission as to what it plans to address to make sure Commissioners are aligned as to what the Council would like the Commission to do and address and feels the Commission should start that dialog to make sure what Ms. Leif is suggesting is the right place to start and that there's not something else they would rather the Commission start with first. Commissioner Moreland said the Mayor had indicated that the Council needed to give Commissioners some guidance as to what they wanted them to work on. Vice-Chairman Barry agreed, but thought it would be beneficial for the Commission to actually start the ball rolling. Commissioner Gies said he thought one thing

some of the Council members had concerns about was the excessive amount of multi-family projected and its location, so that might be something to look at sooner rather than later.

Ms. Leif next stated a rezone application had been received from Jeremy Greenamyre to rezone the parcel behind Econo Lodge from B-3-P, Planned Overlay, to R-4, Multi-Family in the Main Street Overlay District, and this will be on the March 15 meeting.

Chairman Schwanz stated Mr. Robinson is also going to be conducting KOMA and KORA training for the Commission and Ms. Leif said we would try for the March 15 meeting for that. Commissioner Gies asked what that was and Chairman Schwanz responded that stood for "Kansas Open Meetings Act" and "Kansas Open Records Act". Ms. Leif stated the City Council is actually having a work session on that with the City Clerk on February 23 if anyone wanted to attend that.

Reports – Commission and Staff Members – Chairman Schwanz stated he wanted to thank Vice-Chairman Barry for filling in for him last month.

Adjournment – Commissioner Gies made a motion to adjourn, seconded by Commissioner Moreland. It passed by acclamation and the meeting adjourned at 7:30 p.m.

Respectfully submitted,

Cynthia Tripp, secretary

Reviewed by,


Stefanie Leif, Community and Economic Development Director

From: John Callison [mailto:jcallison58@gmail.com]
Sent: Wednesday, February 08, 2017 3:41 PM
To: Andi Pawlowski <apawlowski@lansing.ks.us>; Don Studnicka <dstudnicka@lansing.ks.us>; dtrinkle@lansing.ks.us; Gregg Buehler <gbuehler@lansing.ks.us>; Jesse Garvey <jgarvey@lansing.ks.us>; kbrungard@lansing.ks.us; tmcneill@lansing.ks.us; Gene Kirby <gkirby@lansing.ks.us>
Cc: Tim Vandall <tvandall@lansing.ks.us>
Subject: PERSONALIZED LAWN CARE

Dear Council Members,

I would like to take this opportunity to thank all of you for making Lansing one of the best cities in Kansas. I understand how difficult it is to make the best decisions for the city and each resident. I think all of you have done an outstanding job. However, I think we are heading into a very difficult time in Kansas because the State of Kansas has put itself into a very critical financial situation which it will continue to pass on down to the cities. I think it is extremely important that we continue to do our best to grow are tax base in order to keep are present services and to keep city employees salaries at a competitive level so we are able to keep high quality staff. I know all of you have worked hard to try to attract new businesses to Lansing but that certainly hasn't been easy. I think when you start to look at the future you will see less brick and mortar stores because of the internet thus making it even more difficult to attract new businesses to Lansing. I'm asking all of you to do your very best to see if you can find a way to approve Personalized Lawn Care's zoning request. I think it is very important that we do not lose any small businesses in our tax base. Kevin Jensen is a very dynamic young business man who is growing his business at a very fast rate. He helps our tax base and makes the city of Lansing more beautiful. I have reviewed the city meeting about the rezoning request and I get the feeling that there is really no strong opposition to it. I did not hear any problems or potential problems that I did not think the planning commission and the city council could not overcome. I know all of you only want what's best for the city of Lansing and I know you will do your very best to make the right decision. I will respect whatever decision you make because I know your only interest is to do what you think is best for Lansing. Thank you.

Sincerely,
John Callison
724 Brookwood Street,
Lansing, Kansas

From: KP Litton [<mailto:littonkp@hotmail.com>]
Sent: Wednesday, February 8, 2017 6:00 PM
To: andi_p@earthlink.net
Subject: Rezoning request feedback

14074 McIntyre Rd.
Lansing, KS 66043
913-210-4874
littonkp@hotmail.com

February 8, 2017
Counselwoman Pawlowska,

Thank you for taking the time to talk to us after the City council meeting. We appreciate the opportunity to share our views on the rezoning request at 24481 139th Street.

We would like to amplify our opposition of the rezoning request. A few of our main concerns are as follows:

1. We purchased our property primarily because it is rural, meaning expansive, quiet and it affords us the opportunity to experience a lot of wild life.
2. We are concerned about the lowering of the property values with the potential of multiple businesses being introduced.
3. The traffic/roads are an issue as it is with the addition of the High School on 149th (Desoto), McIntyre road has become more of a speed way.
4. The traffic issues at the intersection of McIntyre road and K-7 (139th Street). It is difficult to get across the highway turning north as it is. There is no turn lane in the south bound lanes to turn right on to McIntyre at this time. Additional in and out traffic will lead to potential traffic accidents.
5. Rezoning the area to commercial opens up a large bag of potential problems. If this current requestors business fails to purchase the land it will be open to any number of even less acceptable businesses (Tavern, Stores....)
6. Also there is a major concern for any drainage from the property. We are down hill from all of the property to the east of us. Any chemicals/hazardous compounds that get rained on or leak will flow down to our property as well as the large pond to the west of us. This has the potential to poison may existing inhabitants of the area.
7. Last but not least is the potential for a large increase in the noise level. We are very fortunate in that we rarely hear traffic on K-7 or the surrounding area (Except the speeders). We do get to hear the night noises, like the coyotes, the water fowl and the raptors.

Bottom line, we are opposed to the rezoning request as we want the area to stay rural as much as possible.

Warm regards,

Kavin & Evangeline Litton

2c

From: Betty Wilson [mailto:wilson9079@gmail.com]
Sent: Monday, February 13, 2017 1:05 PM
To: Stefanie Leif <sleif@lansing.ks.us>
Subject: Fwd: commercial zoning

Hi Stefanie,

Thank you very much for your concern with the zoning matter of Emmanuel Baptist Church.

I am forwarding this letter to you so you can see the situation with the zoning. Mr. Jensen will need to have full zoning to enable his bank to finance his loan.

We are hoping the committee will consider that there has been a business in this location for over 40 years, it has been commercial for nearly half a century.

It would not seem to be a re-zoning concern, so much as a 'correction' to the zoning, as it is a commercial site now, and has been for many years.

As far as traffic concerns, every access road in the state has the same layout, as I notice access roads through out the county, Lawrence, Shawnee, to name a

few. Even driving south on 7 Hwy, the access road is the same for every business along the route. This is not a unique situation.

I hope the city of Lansing realizes the benefits of the tax revenue of a prosperous, successful business in this location as opposed to an abandoned, empty building on the highway frontage upon entering the city.

Thank you very much for your concern.

Betty

February 14, 2017

Memorandum for Stefanie Leif, AICP, Community & Economic Development Director

Subject: Application to Rezone 24481 139th Street from County RR-2.5 to B-3

Subject application was recommended for denial by the Lansing Planning Commission on January 18, 2017 and sent to the Lansing City Council. The City Council, in meeting on February 2, 2017, referred the application back to the Planning Commission for consideration of alternate zoning options. As this will be discussed under Old Business, as a property owner I may not have the opportunity to speak at the Commission meeting, therefore, I would like my comments on the referral to be made available to the Commission and City Council.

As a property owner on adjacent land to the church property I have 2 main concerns for the Commission and City Council:

- 1) Each member of the Commission and City Council had questions on traffic safety, road access, and KDOT approval process, specifically a Traffic Impact Study – has any of this information been provided? It appears that Mr. Jensen believes that this information is only required before development; however, if the property is rezoned and then he is not allowed to establish his business due to KDOT requirements, the property will be rezoned and available for any of the other B-3 uses. I believe this traffic safety information is critical to the commission and council decision making process.
- 2) The impact on property value. While Mr Jensen’s Nursery and landscaping business would likely not be obtrusive to the surrounding properties, expansion of the landscaping, lawn care, and snow removal business will add vehicles, heavy equipment, and bulk landscaping material. In the event the property would later be sold to another business the property value could be significantly impacted.

I recommend that the Commission and Council deny the application request.

Thank you for the opportunity to provide input to the process.

Larry E. Dunn
14026 McIntyre Rd
Leavenworth, KS 66048

Subject: Rezoning the property located at 24481 139th St. Lansing Kansas.

To: City Council Lansing Kansas

14 Feb 2017

My named is Leslie Yother, I live at 12124 McIntyre Rd. My property is west of 24481 139th St. I have several concerns about rezoning 24481 139th St to commercial. The business that Kevin Jensen plans on moving into the location is a nursery, landscaping and maintenance, and snow removal enterprise. He is currently located at the corner of K7 and Gilman Rd. He currently owns 16 trucks and employees 35 personnel. 24481 139th St would place the back of his business to the right rear of my property.

My concerns are:

1. Noise, his trucks and the equipment he uses to load those trucks will be practically in my backyard. I am concerned they will be most active in the early morning and late afternoon and in the winter around the clock for snow removal.
2. Water runoff from the property. The back half of the property slopes downhill to my property and my 3 acre pond. When it rains the activities from his business will generate contaminated water from oil and fuel from his trucks, the fertilizers and sprays he uses on his plants, and residue from the salt he spreads after a snow fall. I understand he has regulations he must abide by, but it will be very difficult for him to have no impact on the property or never have an accidental spill and the result will be runoff to my pond and then to 9 mile creek or run off toward K7 and then down to 9 mile creek.
3. Traffic at the McIntyre and K7 intersection. The speed limit is 65 mph. It currently can be difficult to enter and turn south or cross over and turn north on K7. The additional traffic from his trucks, the deliveries he receives to keep his business stocked , probably from semi's, and school busses twice a day will create a very dangerous situation when added to the high volume of traffic already on K7. I understand a traffic impact study is not required to rezone the property, but Leroy Koehn, P.E., North KC Metro Engineer, the KDOT Access Management Policy section 5.4.1

requires a study be conducted and submitted by a P.E. prior to a change to any commercial activity along K7. I would hope the City Council would insist the study be conducted and taken into consideration prior to making any decision.

4. Property value. I have discussed the impact of this business placed in the middle of our residential neighborhood with several real estate agents and they think property values would go down at least 10% to 15% and could be as high as 30%. This is based on the type of business Kevin Jensen plans on moving in. I researched a couple of studies online on the impact of commercial property located in the middle of a residential neighborhood. One was conducted by Texas in 1992 and the other by New Jersey in 1999. The bottom line of both studies is that the right business could add to residential property values. The type of business they mentioned was a place that caused people to gather together such as a restaurant, grocery store, or community center. However, they also stated that most business enterprises located in residential neighborhoods caused the adjacent property value to decline until the entire neighborhood became commercial. Then property values would start to rise again.

Thank you for your consideration.

Leslie Yother

From: John Stalec <porksausage@kc.rr.com>

Sent: Wednesday, February 15, 2017 11:29:08 AM

To: Stefanie Leif

Subject: Please forward this to the commissioner and the council members.

February 15, 2017

To the City of Lansing Planning Commission and City Council

This letter is concerning the rezoning of Emmanuel Baptist Church on 139th Street. The west end of the property is adjacent to the northern end of my property.

My main concerns are as follows:

I am concerned mainly with the traffic congestion and the danger of large vehicles at the intersection of McIntyre Road and 7 Highway, especially attempting to make the u-turn from south-bound K7 to turn west on McIntyre then immediately north on 139th Street. I have done extensive research on this including measuring the intersection and streets, communicating with engineers at KDOT, and inquiring about the need for a traffic study. My understanding is that it is in the best interest of all concerned to obtain approval from KDOT prior to progressing with the rezoning issue. I have driven for FedEx Freight for almost 25 years driving tractor trailers for FedEx, logging over 150,000 miles a year on all types of roads and traffic conditions. I've said all this to say I know the quality of drivers that we have out here driving commercial vehicles. I am almost certain that traffic will be impeded on K-7 and a significant chance of damage to K-7, McIntyre Rd, and 139th street from heavy vehicles. Therefore I believe they have to do a traffic study before this property is zoned commercial, because afterwards it's open to any of the other businesses that are on the list if Mr. Jensen cannot get his business in there.

My second concern is the possibility of hazardous materials and chemical that will be stored on the property and used on trees and plants on the property to be sold. Application of chemicals on the

property has the potential of running off into the feeds for nine-mile creek. I wonder if the city has investigated the need for an environmental impact study and water runoff study.


My third concern is Fire Safety. I was under the understanding in the first committee meeting that they needed to have a hammerhead or turn around for emergency response vehicles. I'm not sure that simply having the property owner widen the parking lot entrance will provide sufficient room for emergency vehicles.

My fourth concern is the impact on property values from "spot rezoning" and opening property inside a residential area to a wide variety of future businesses. I have been told by a friend of mine who does appraisals that it could be anywhere from \$15,000 to \$40,000 degradation on local property values. I am concerned about the city's reputation. For its citizens in the McIntyre Road area and surrounding annexed areas the annexation of our property in the early 2000's didn't really bring any benefit to the area and I am concerned that actions like this rezoning will affect our property values and harm our relationship with the city of Lansing. We all work with a lot of individuals who would be a blessing to move to Lansing. But it is hard for me when stuff like this comes up to encourage anyone to move to this area. And it is disheartening to me because this is my first house, I love this area and neighborhood, and its people. I know the city leaders are caught between current residents and future development, but I feel that there are many other property options for business without rezoning residential property to commercial.

Thank you for your time and consideration in this matter.

John Stalec
14060 McIntyre Rd
Leavenworth, Kansas 66048

PLANNING COMMISSION AGENDA ITEM

TO: Lansing Planning Commission
FROM: Stefanie Leif, AICP, Community and Economic Development Director 
DATE: February 9, 2017
SUBJECT: Application to Rezone 24481 139th Street from County RR-2.5 to B-3

Background:

The applicant, Kenneth Lake, Emmanuel Baptist Church, is applying for a rezone of a 9.85 acre unplatted parcel located at 24481 139th Street. The applicant's authorized agent is Kevin Jensen. The property is currently zoned County zoning district Rural Residential 2.5 (RR 2.5), and the request is to rezone it to Commercial Business (B-3).

The Planning Commission held a duly noticed public hearing on January 18, 2017, and voted three in favor and one opposed, on the motion to recommend to the City Council denial of the rezone. Primarily, the Planning Commission concerns focused on traffic concerns, possible impacts on the neighborhood, and the comprehensive plan future land use map. Since the application is for B-3 zoning, meaning that any of the B-3 allowed uses could occur on the lot, the concern was that not all uses would be appropriate at that location.

The City Council considered the application on February 2, 2017, and in a 4/4 vote with the Mayor breaking the tie, voted in favor of remanding the application back to the Planning Commission for further discussion. The Council wanted the Planning Commission to consider all options for the property, including possible conditional or special use permits and planned overlay districts. KSA 12-757 states that a Planning Commission should consider the application at its next regularly scheduled meeting following the City Council direction.

Below is the list of attachments to this agenda memo. New information since the Planning Commission reviewed the application on January 18, 2017, has been specified in the list.

The authorized agent, Kevin Jensen, stated in an email to Stefanie Leif dated February 8, 2017, that he is only interested in B-3 zoning. Additionally, Mr. Jensen indicated that his consulting engineer, GBA, has completed an initial review of traffic impact, and the only possible requirement is to widen the entrance driveway. Neither city staff nor the Kansas Department of Transportation (KDOT) district engineer has received the GBA analysis in order to confirm this statement. Staff has attached the most recent email from the KDOT district engineer to this agenda item.

Attachments to this agenda item:

These items were added to the record by staff on February 10, 2017:

1. PowerPoint presentation of zoning district options, compiled by Community and Economic Development Department staff – City Council asked the Planning Commission to consider all options for the property
2. Excerpt from an email from Kevin Jensen to Stefanie Leif dated February 8, 2017, regarding Traffic Impact Study (TIS) requirements and GBA analysis
3. Email from Leroy Koehn, P.E., North KC Metro Engineer, KDOT, to Stefanie Leif dated February 8, 2017
4. Excerpt from the unapproved minutes of the February 2, 2017, City Council meeting

These items were not part of the Planning Commission's review on January 18, but were included in the City Council's packet for the February 2 meeting:

5. City Council agenda item
6. Minutes from the January 18 Planning Commission meeting
7. Digital renderings of proposed design enhancements at site – submitted by authorized agent on January 25, 2017
8. Letter from Kevin Jensen to neighboring property owners – submitted by authorized agent on January 26, 2017

These items were reviewed by the Planning Commission on January 18

9. Checklist and Staff Analysis
10. Application and Deed
11. Aerial Maps (2)
12. Future Land Use Map (excerpt showing subject property)
13. Zoning Map (excerpt showing subject property)
14. List of permitted and conditionally permitted uses in the B-3 zoning district
15. KDOT Comment
16. Public Hearing Notice, sample letter, list of notified property owners

Staff Recommendation:

The applicant states that B-3 zoning is the only designation that he will consider at this time. Given that the applicant is not interested in other options, staff recommends that the Planning Commission confirm its January 18, 2017, recommendation to the City Council to deny the application to rezone to B-3. Staff recommends this based on the following reasons:

1. Although staff could be open to allowing a nursery and landscape contracting business on this property, without the restrictions afforded by a planned overlay or conditional use permit, it opens up too many possible B-3 uses that would not be appropriate at this location. Staff is open to the nursery and contracting business because of the amount of land on the site, buffering from the adjacent neighbors, and because uses

- like this are often found on "outskirts" of towns since they typically offer larger land plots and can co-exist with residential on large parcels and alongside agricultural land.
2. *Golden v. City of Overland Park*, established case law pertaining to zoning amendments, includes factors such as "The extent to which the removal of the restrictions will detrimentally affect nearby property" and "recommendations of planning staff." Staff feels basic traffic analysis would allow the city to analyze if the transportation network is sufficient to serve a commercial business and if the traffic will negatively impact the surrounding residential and agricultural property. A traffic analysis was not submitted to the city, so the city does not have a means to analyze this element.
 3. The subject property is exclusively accessed from KDOT right-of-way as 139th is entirely within KDOT right-of-way. No alternative access exists. Thus, since KDOT is requiring a basic TIS as part of a change of use permit, staff feels that KDOT's recommendation carries significant weight with this application. The applicant has communicated to staff that a TIS could be done at the building permit stage, not at the rezone stage. Staff feels this information is an integral part of the land use decision-making process for this application as the city needs to know if a commercial use is feasible at this location. Perhaps some improvements would be triggered by a more intense use, but some improvements may be necessary for even the least intense commercial use allowed in B-3. Staff cannot make this determination as no information from the applicant's consulting engineer, GBA, has been submitted to staff nor has GBA's analysis been submitted to KDOT for review.



LANSING PLANNING COMMISSION

February 15, 2017



Zoning options for changing the use on a property – Jensen Application for a rezone of 24481 139th Street from County RR-2.5 to B-3

- Rezone to B-3 – this is the current request by the applicant.
 - *landscape contracting services, greenhouses, and garden supplies and landscape nursery (retail) are permitted uses in B-3*
- On February 2, 2017, the City Council remanded the application back to the Planning Commission to discuss other options in addition to a “straight” rezone to B-3.
- The applicant communicated to staff in emails dated Feb. 6 and Feb. 8, 2017, that he is not interested in other options and desires to continue to pursue B-3 zoning for the parcel.
- Pursuant to the City Council’s request, staff has outlined options on the following slides for the Planning Commission’s review and discussion.
- If the applicant is interested in any of the other options, the City would need to re-notice the application and the Planning Commission would conduct a public hearing regarding the new request.




B-3-P (Commercial Business Planned Overlay District)

- Underlying zoning would be B-3 – landscape contracting services, greenhouses, and garden supplies and landscape nursery (retail) are permitted uses in B-3
- Uses could be limited by the City to landscape contracting and retail nursery via a development plan as part of the “planned overlay”
- A development plan would be approved by the City and the operations on the property would be restricted to the development plan
- Future uses on the property would only be approved by amending the approved development plan
- Zoning Ordinance, Article 5, Section 13 outlines the Planned Overlay District



Rezone to A-1 with a conditional use permit (requires text amendment)

- Rezone to A-1 which would allow some of the uses affiliated with a nursery – growing of nursery stock
- Landscape contracting and retail nursery are not currently conditional uses in the A-1 zone. They could be fits in this zone as conditional uses, but the city would need to amend the zoning code to add these to the list of conditional uses
- If these are added, the applicant could then apply for a conditional use permit



Rezone to R-1 Suburban Residential with a conditional use permit (requires text amendment)

- Rezone to R-1
- None of the proposed uses are currently permitted or conditionally permitted in R-1
- Landscape contracting and retail nursery are not currently conditional uses in the R-1 zone. This option presents challenges as these are uses the City would most likely not support in most R-1 zoned areas.
- If the City adds these uses, the applicant could then apply for a conditional use permit



Rezone to I-1 Light Industrial with a conditional use permit (requires text amendment)

- Rezone to I-1
- Landscape contracting services are permitted in the I-1 zone
- Retail uses are not allowed, and retail is typically a use that is discouraged in industrial zones
- Retail nursery is not currently a conditional use in the I-1 zone. Although general retail is discouraged in industrial, a primarily industrial use with a small retail component could be appropriate as a conditional use.
- If the City adds this use, the applicant could then apply for a conditional use permit

Excerpt from email– first two paragraphs only of body of email

From: Kevin Jensen [mailto:kevin@personalizedlawncare-ks.com]
Sent: Wednesday, February 08, 2017 2:28 PM
To: Stefanie Leif <sleif@lansing.ks.us>
Subject: RE: Rezone discussion

Stefanie-

As I have argued numerous times in the process, it is my understanding that the *KDOT required* TIS study is not a prerequisite for a zoning amendment. If it is your position, that *this* study you have recommended in our correspondence and in subsequent commission and council meetings is a prerequisite requirement, please send the supporting City of Lansing Zoning Ordinance section so that my team and I may review it.

As you know, the KDOT TIS study is a study to determine *potential* geometric improvements to an access based on potential trips of an amended use. After retaining the services of GBA and their subsequent discussions with the metro engineer, no geometric improvements to the K-7/ McIntyre intersection will be required as a product of my potential use. The estimated trips based on KDOT criteria are between 8-45 trips per day, these counts relegate the study to a basic category. In essence, these potential trips may facilitate a widening of my existing entrance to the state frontage road slightly, but will not include improvements to facilitate better turning movements at the McIntyre access. I am willing to provide the basic study prior to applying for a building permit on my site, but it is neither logical nor practical to invest money in a study that does not or should not have bearing on *this* part of the process....

Above is excerpt from email – first two paragraphs only of body of email

From: Leroy Koehn [KDOT] [mailto:Leroy.Koehn@ks.gov]
Sent: Wednesday, February 08, 2017 6:50 PM
To: Stefanie Leif <sleif@lansing.ks.us>
Cc: Jeff Rupp <jrupp@lansing.ks.us>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Subject: RE: 139th and McIntyre

Stefanie, my thoughts on the applicant's email and your questions about it:

I spoke on the phone with Dave Mennenger of GBA, but we haven't received anything written from them. As I explained to Mr. Mennenger, KDOT requires a TIS any time a new commercial access onto the State Highway System is developed, or any time an existing access undergoes a change in use to a commercial type. Based on what I heard from Mr. Mennenger about the nature of the business and the trip generation numbers, I told him I was OK with the Basic (as opposed to the Comprehensive) TIS. I even told him I'd be willing to talk about certain abbreviations to the Basic TIS. That said, I am a little concerned about the statement in your applicant's email that no "improvements to facilitate better turning movements at the McIntyre access" will be required. The determination of whether improvements will or won't be needed is a part of what I expect to be submitted to me under signature from a P.E. who analyzes the impacts according to the requirements in Section 5.4.1 of the KDOT Access Management Policy. If my conversation with Mr. Mennenger led to an understanding other than this, it was certainly not my intention.

Again, what Steve and I really care about is the TIS requirement of the Permit application. The zoning amendment is something others have to work out. I'm happy to talk to GBA again, or to the applicant directly, or to anyone at Lansing should clarification be needed.

Meanwhile, we'll await the TIS documentation.

Sincerely,

Leroy

Leroy Koehn, P.E.
North KC Metro Engineer, KDOT
650 N. K-7 Highway
Bonner Springs KS 66012-1736
913 721 2754, ext. 208
785 207 0733 (cell)

Proclamation - Flood Safety Awareness Week

Whereas, Flood Safety Awareness Week is an opportunity to raise awareness about the importance of preparing for and understanding flooding in Kansas, and to encourage all citizens to better prepare their homes, businesses, and communities for the upcoming flood season; and

Whereas, the Kansas Hazard Mitigation Plan identifies flooding as one of the costliest types of natural disaster in Kansas, in terms of lives lost, injuries, and property damage; and

Whereas, floods threaten people, homes, and other property in every County in Kansas; and

Whereas, floods can happen anytime, anywhere, and without warning; and

Whereas, damage from a flood is not normally covered under a standard homeowners policy; and

Whereas, spring and summer flooding in 2013, 2015, and 2016 saw five flood deaths in Kansas and widespread flooding across the state; and

Whereas, the National Oceanic and Atmosphere Administration's National Weather Service will initiate Severe Weather Awareness Week on March 6:

Now, Therefore, I, Michael W. Smith, Mayor of the city of Lansing, Kansas, do hereby recognize March 6-10, 2017, as

Flood Safety Awareness Week

in the city of Lansing, Kansas, and urge all citizens to recognize this observance and review their flood preparedness.

In Witness Thereof, I have hereunto set my hand this 2nd day of March, in the year Two Thousand Seventeen.

Michael W. Smith, Mayor

Sarah Bodensteiner, City Clerk



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