

**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:***

2. United Way Months Proclamation

***Council Consideration of Agenda Items:***

3. Sewer Tap Fee Waiver Request – Leavenworth County Fire District No. 1
4. Conditional Use Permit – 1004 Industrial Terrace
5. Ordinance No. 1007 – Rezoné Request 1101 & 1103 Industrial Street, and 1152 Industrial Terrace
6. Final Development Plan – Fairway Estates 5<sup>th</sup> Plat
7. Final Plat – Saddle Ridge Estates 1<sup>st</sup> Plat
8. Ordinance No. 1008 – Lansing Community Library
9. Resolution B-2-18 – ICMA 457 Loan Program
10. Resolution B-3-18 – Condemnation Resolution for City Project 17-04 (7 Mile Project 1)
11. Resolution B-4-18 – Condemnation Resolution for City Project 18-02 (NW Relief Sewer Project)
12. Supplemental Agreement No. 4 – Project No. 52-U-2113-01 DeSoto Road Project
13. Executive Session – Consultation with Attorney

***Reports:***

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

***Proclamations:***

14. Assisted Living Week

***Other Items of Interest***

***Adjournment***

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## AGENDA ITEM

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TO: Tim Vandall, City Administrator *T*  
THRU: Sarah Bodensteiner, City Clerk *SB*  
FROM: Shantel Scrogin, Assistant City Clerk *SS*  
DATE: August 23, 2018  
SUBJECT: Approval of Minutes

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The Regular Meeting Minutes for August 16, 2018, are enclosed for your review.

Action: Staff recommends a motion to approve the Regular Meeting Minutes for August 16, 2018, as presented.

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**AGENDA ITEM #**

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**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  
**Ward 2:** Andi Pawlowski and Don Studnicka  
**Ward 3:** Jesse Garvey and Kerry Brungardt  
**Ward 4:** Tony McNeill and Gregg Buehler

**Councilmembers Absent:** Gene Kirby

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**OLD BUSINESS:**

**Approval of Minutes:** Councilmember Buehler moved to approve the regular meeting minutes of August 2, 2018, as presented. Councilmember Garvey seconded the motion. The motion was unanimously approved.

**Audience Participation:** Mayor Smith called for audience participation and a community member came forward.

Bill and Deborah Schneider at 711 Cottonwood Drive spoke about their sprinkler heads being dug up during the CIP project. They are displeased the contracting company did not contact them in advance to work being done. Because they were not provided any notice, their sprinkler heads were dug up. They also advised that the topsoil has not been reapplied, grass seed has not been placed and all work has not been completed by the completion day of July 31, as stated in the contract. Mr. and Mrs. Schneider wanted to bring this matter before the council so that they are aware of the issues that arose during this year's CIP project.

- Public Works Director Jeff Rupp stated he notified the Council of the lack of notice and some other issues that he encountered with the contractor and sub-contractor on this project a few meetings ago. He also stated that he directed the company to not seed or do the final grading by the July 31<sup>st</sup> deadline due to the weather. He stated most seeding specs don't start until September 15<sup>th</sup> so they did direct Little Joe's to hold off due to the heat and lack of rain.
  - Councilmember McNeill asked if we had let the homeowners know of the delay.
    - Public Works Director Jeff Rupp stated they did not.
      - Councilmember McNeill stated homeowners should be contacted for an estimated date in which their property will be fixed and put back to its original state.
- Councilmember Buehler suggests future contracts could be amended that if the company does not give proper notice so that homeowners can remove their sprinkler heads/lines if they choose to prior to work being done then the contracting company is responsible for any damage done.
  - City Administrator Tim Vandal stated that the City can add that to the future contracts, but the City should be aware that it would more than likely add to the cost.

**Presentation**

**COUNCIL CONSIDERATION OF AGENDA ITEMS:**

**Ordinance No. 1003 – Fee Schedule Approval:** Councilmember Brungardt moved to approve Ordinance No. 1003, adopting the City of Lansing Fee Schedule. Councilmember Buehler seconded the motion. The motion was unanimously approved.

**Ordinance No. 1004 – Fine, Bond, Court Fees & Costs Established by Municipal Court**

**Judge:** Councilmember Buehler moved to approve Ordinance No. 1004, adopting the City of Lansing Municipal Court Fines and Fees Schedule. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

**Ordinance No. 1005 – Standard Traffic Ordinance Adoption:** Councilmember Brungardt moved to approve Ordinance No. 1005, adopting the 2018 Standard Traffic Ordinance for Kansas Cities, 46<sup>th</sup> Edition. Councilmember Buehler seconded the motion. The motion was unanimously approved.

**Ordinance No. 1006 – Uniform Public Offense Code Adoption:** Councilmember Garvey moved to approve Ordinance No. 1006, adopting the 2018 Uniform Public Offense Code for Kansas Cities, 34<sup>th</sup> Edition. Councilmember Buehler seconded the motion. The motion was unanimously approved.

**Request for More than 4 Animals – 101 Ethel Lane:**

- Councilmember Garvey asked can we discuss first.
  - Mayor Smith responded yes, yes, you can go right ahead into it.
- Councilmember Garvey asked how did this come about. I mean, was there a complaint?
  - Animal Control Officer Wendy Burr responded no, when I started last year I did notice they did have chickens in the backyard but I had a lot of other; I had to get everybody back up to speed on registrations. So this year, as I'm going around I am making people aware they need a permit.
    - Councilmember Garvey replied thank you for doing that.
      - Councilmember Garvey asked just chickens and roosters.
        - Animal Control Officer Wendy Burr replied yeah.
- Councilmember Studnicka asked what animals are required for a permit and license?
  - Animal Control Officer Wendy Burr responded permissible animals are, for a permit it's more than four a combination of dogs, cats, chickens, rabbits are included in that. I believe larger snakes, some are not allowed but there are some that are. The ones I'm mainly concerned are the ones I can see that do go outside which are the cats and dogs.
    - Councilmember Buehler replied large snakes.
      - Animal Control Officer Wendy Burr stated rabbits but we don't have any other than Debbie who has the 60, she has that permit.
- Councilmember Buehler asked if somebody has three chickens, do they need a permit?
  - Animal Control Officer Wendy Burr responded nope.
    - Councilmember Buehler stated ok so, there's no licensing.
      - Councilmember Pawlowski stated if that's all they have is chickens.
        - Animal Control Officer Wendy Burr replied if there's a combination.
          - Councilmember Buehler stated right, ok, no licensing. I mean, cats and dogs.
            - Animal Control Officer Wendy Burr stated no licensing, only cats and dogs.
              - Councilmember Pawlowski asked you're going to put a license tag on a chicken.
                - Councilmember Buehler stated I was just asking. Can do it like an elevator, licenses are in the general managers offices.
  - Councilmember McNeill asked nothing from the neighbors, no response from the neighbors.
    - Animal Control Officer Wendy Burr state no and they only have 2 hens and a rooster.
  - Mayor Smith asked anymore discussion. Need a motion to approve or deny.

Councilmember Buehler moved to approve the Special Use Permit for 101 N. Ethel Lane. Councilmember McNeill seconded the motion. The motion was unanimously approved.

**School Resource Officer Agreement:** Councilmember Studnicka moved to approve the School Resource Officer Agreement as presented. Councilmember Brungardt seconded the motion.

- Councilmember Pawlowski asked so we are going to keep track here how much time he spends at the school and then bill them.
  - City Administrator Tim Vandall responded quarterly or something like that.

- Councilmember Pawlowski asked and then is there a period of time this is good for or is it until we both decide we don't need it anymore.
  - City Administrator Tim Vandall responded I mean there's no definitive end date. I know one of the things that we had asked the school district to increase was the termination date from 30 days to 90 days just in case they want to move in a different direction for whatever reason. Ninety days gives us a little more flexibility to plug the person in somewhere else if we need to.
- Councilmember Pawlowski asked and Greg does this, so they're working for the city but they're working for the school district. What about liability?
  - Councilmember Studnicka stated they're working as a police officer, period.
    - Councilmember Pawlowski responded excuse me, I asked him.
      - Mayor Smith stated let's go with the question. Go ahead, Andi.
  - City Attorney Gregory Robinson replied it's a city employee that they are splitting duties and they are going to reimburse for that use of the person. But no, they're on ours, the full thing. It's basically, by agreement, Steve is allowing one of his officers to be assigned to various buildings within the school district for that particular service. It'd be like Steve assigning somebody, you're running traffic all day, well ok, you're running school. But we'll have that one particular person.
- Councilmember Garvey responded they're renting him basically, they're reimbursing us. They're renting them basically.
  - Councilmember Buehler stated the liability still falls on us.
    - City Attorney Gregory Robinson stated right. I guess the question was liability. That's addressed in there in reference to the mutual requirements.
      - City Administrator Tim Vandall stated as long as they're not doing something negligent. If he sprained his ankle, it would be on us is the way I would take it unless there is negligence going on.
- Mayor Smith asked any other questions or concerns.
  - Councilmember Brungardt stated I just want to say that if a School Resource Officer, if used correctly they could be a great advantage and I don't, unless for financial reasons, I really can't see the school district not wanting it. I hope I am not speaking out of turn on their part. If anything, I think we would be increasing.
    - Mayor Smith responded I agree.
  - Councilmember Brungardt stated that's my two cents.
- Mayor Smith asked any other comments. Ok, we've got a motion.

The motion was unanimously approved.

**REPORTS:**

**Department Heads:** Parks and Recreation Director Jason Crum addressed the Highland Park bids. Last year, a range of \$75,000-80,000 for the project was discussed and unfortunately, the lowest bid came in at \$125,000. He recommended rejecting the bids and contacting the architect to change it. He recommended doing the project in two pieces. Parks and Recreation Director Jason Crum suggested getting a bid for the site work and get it done first and then contract with a playground company for the equipment. There is a cost savings from the general contractor of 10-20% and we should be able to work with a playground company through the Joint Purchasing Policy with about a 10% savings. Consensus was given to wait for new bids.

**City Attorney:** City Attorney had nothing to report

**City Engineer:** City Engineer had nothing to report

**City Administrator:** City Administrator Tim Vandall spoke about the LCPA Industrial Spec Building Program kicking off again after being dormant for 15 years. Dan Gutshall is looking for volunteers to discuss the program. Mayor Smith, Councilmember Pawlowski and Councilmember Trinkle agreed to meet with Mr. Gutshall in the near future.

**Governing Body:** Councilmember Brungardt stated it was a great start to school with 652 students. The most students the middle school has ever started with.

Councilmember Trinkle asked about the CCA coming in and wondered if the city was going to do an inspection. He also asked if, as a city, we have the right to inspect state property. He then asked if the fire station needed to be inspected.

- City Administrator Tim Vandall stated we are unable to inspect the construction of the new prison as it is on State property, but we are able to inspect the landfill on the prison property, based on the conditional use permit that the Council approved. Tim also stated that the fire station is no longer on State property, and as such, is subject to the rules and regulations the City has for building, utilities, etc.

Councilmember Buehler provided a fun fact, on this day in 1977, Elvis Presley overdosed and died in Memphis.

**ADJOURNMENT:**

Councilmember McNeill moved to adjourn. Councilmember Pawlowski seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:52 p.m.

**ATTEST:**

\_\_\_\_\_  
Michael W. Smith, Mayor

\_\_\_\_\_  
Sarah Bodensteiner, City Clerk

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## AGENDA ITEM

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TO: Tim Vandall, City Administrator  
FROM: Sarah Bodensteiner, City Clerk  
DATE: August 29, 2018  
SUBJECT: United Way Months Proclamation

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The United Way of Leavenworth County campaign kick-off breakfast was held Thursday, September 6, 2018 at 7:00 a.m. at the Hallmark Production Plant. The breakfast signifies the beginning of the United Way campaign months of September and October.

Last year, more than \$170,000.00 was raised by citizens throughout Leavenworth County, including Lansing, to support the agencies associated with United Way of Leavenworth County.

This year, the United Way of Leavenworth County has requested a proclamation from the City to show the City's continued support of their cause and campaign season.

Action: Present the Proclamation to the representatives present from the United Way of Leavenworth County.

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AGENDA ITEM #

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2



# United Way Months Proclamation

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*Whereas*, the city of Lansing, Kansas hopes that all of its citizens enjoy healthy, productive and meaningful lives; and

*Whereas*, the United Way of Leavenworth County advances the common good by creating opportunities for a better life for everyone; and

*Whereas*, the United Way of Leavenworth County focuses on education, income and health – which are building blocks for a good quality of life – because we all win when a child succeeds in school, when families are financially stable, and when people are in good health; and

*Whereas*, it takes every part of the community – individuals, businesses and organizations – to supply the passion, expertise and resources needed to create lasting change for the better; and

*Whereas*, last year Lansing citizens and those of Leavenworth County generously contributed their volunteer energies as well as more than \$170,000.00 to the United Way of Leavenworth County, thereby investing in programs and initiatives that improve lives and build stronger communities; and

*Whereas*, the United Way of Leavenworth County kicks off its annual campaign during the months of September and October to unite the community and enhance the lives of those living in Lansing, Kansas;

**Now, Therefore:** I, Michael W. Smith, Mayor of the City of Lansing, in the State of Kansas, do hereby proclaim the months of September and October 2018 as:

## United Way Months

in the City of Lansing, Kansas and commend this observance to all of its citizens.

**In witness thereof**, I have hereunto set my hand and caused the official seal of the City of Lansing, Kansas, to be affixed on this the 6th day of September, in the year Two-Thousand Eighteen.

City of Lansing

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Michael W. Smith, Mayor

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Sarah Bodensteiner, City Clerk



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# AGENDA ITEM

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TO: Mayor; Lansing City Council  
FROM: Tim Vandall, City Administrator   
DATE: August 27, 2018  
SUBJECT: Sewer Tap Fee-Waiver

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**Explanation:** The LCFD#1 Fire Station at 111 East Kansas has been working on establishing utilities independent of LCF's utilities. Fire Chief Rick Huhn inquired if the City would waive the sewer tap fees for a new independent sewer service for LCFD#1.

**Financial Considerations:** Sewer Tap fees on commercial properties total \$3,500. Sewer tap fee revenue is deposited into line item 050-009-38020. Commercial usage charges are \$21 base fee per month, plus \$6.90 per unit of water.

**Policy Considerations:** Unless specified in a separate agreement, all new connections to our wastewater system pay sewer tap fees.

**Action:** Approve or disapprove Chief Huhn's request to waive \$3,500 sewer tap fees.

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**AGENDA ITEM #**



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## AGENDA ITEM

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TO: Tim Vandall, City Administrator   
FROM: Matthew R. Schmitz, Community & Economic Development Director   
DATE: September 6, 2018  
SUBJECT: Conditional Use Permit – Ducks Carpet Cleaning, 1004 Industrial Terrace

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**Explanation:** A conditional use permit application has been submitted by Robert Hayes, property mortgagee, for property currently addressed as 1004 Industrial Terrace, Lansing, Kansas. Mr. Hayes is buying the property from Lansing Business Center, and while he does not own the ground today, at the completion of his mortgage, the property ownership will be transferred to him. Mr. Hayes' future plans are to build a building and operate a carpet cleaning business from this parcel.

This property is platted, is currently an undeveloped lot, and is part of the Lansing Business Center. The lot being considered for conditional use as part of this request is buildable in its current state. The Future Land Use Map in the city's Comprehensive Plan shows this parcel as Business Park/Light Industrial.

As of the date of this memo, staff has received feedback from the city of Leavenworth, but not from any surrounding property owners. Mike McDonald, Public Works Director for the city of Leavenworth, expressed a general concern that any development be reviewed closely to ensure that water quality in the area is not adversely impacted. The city of Leavenworth monitors water quality in the creek and groundwater along the west line of the proposed property as part of the landfill closure agreement with KDHE. Staff will be sure to fulfill this request from the city of Leavenworth and keep them informed of any potential impact as this project moves forward.

The Planning Commission voted to recommend approval of this conditional use permit at its August 15, 2018, meeting with a 4-0 vote. The minutes from that meeting, the conditional use checklist, and a map and drawing of the property are included for your review.

**Policy Considerations:** The following regulations and plans apply to this conditional use permit:

- Lansing Zoning Ordinance Article 9 (Conditional Use)
- Lansing Zoning Ordinance Appendices A and B (Tables of Use)

**Action:** Approve, approve with conditions, remand back to Planning Commission, or deny with a super majority vote the Conditional Use Permit for Ducks Carpet Cleaning, 1004 Industrial Terrace, Lansing, Kansas.

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**AGENDA ITEM #**

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4

**Call to Order** – Due to the absences of both the Chairman and Vice-Chairman, the regular monthly meeting of the Lansing Planning Commission was called to order by Commissioner Mike Suozzo at 7:00 p.m. Commissioner Jerry Gies then made a motion to nominate Commissioner Suozzo as acting chairman for tonight’s meeting, seconded by Commissioner Marcus Bean. The motion was unanimously approved. Also in attendance was Commissioner Chad Neidig. Chairman Ron Barry and Vice-Chairman Kirsten Moreland were unable to attend and there is still one vacancy on the commission. Acting Chairman Suozzo noted that there was a quorum present.

**Approval of Minutes, June 20, 2018, Regular Minutes** – Commissioner Gies made a motion to approve the minutes of the June 20, 2018, regular meeting, seconded by Commissioner Bean. The motion was approved, with Acting Chairman Suozzo abstaining.

**Old Business** – none

**New Business - 1. Public Hearing – Conditional Use Permit – 1004 Industrial Terrace, Lansing, Kansas.** Acting Chairman Suozzo stated an application was submitted by Robert Hayes to operate a carpet cleaning company at 1004 Industrial Terrace, Lansing, Kansas. He stated the property is zoned B-3 Commercial Business.

Acting Chairman Suozzo opened the public hearing at 7:05 p.m., but since no one wished to speak, he promptly closed the public hearing.

Acting Chairman Suozzo asked if Commission members or staff had any questions or comments. Commissioner Gies asked if there is an existing building there now and Community and Economic Development Director Matthew Schmitz stated there is not and it’s just an empty lot.

Acting Chairman Suozzo noted there was a concern raised by the city of Leavenworth. Mr. Schmitz stated that because of the adjoining landfill along there, Leavenworth is required by KDHE to do water quality testing on the creek that runs along there, and they want to make sure any development that goes in the Industrial Park doesn’t adversely affect the water quality.

Acting Chairman Suozzo asked if staff heard from any adjacent landowners concerning the application and Mr. Schmitz said they had not.

Since there were no other questions or comments, Acting Chairman Suozzo asked for a motion to approve the checklist as a finding of fact. Commissioner Gies made a motion for approval, seconded by Commissioner Neidig and the motion passed unanimously.

Acting Chairman Suozzo next asked for a motion to recommend to the City Council approval, denial, or approval with conditions the conditional use permit for 1004 Industrial Terrace, Lansing, Kansas. Commissioner Bean made a motion to recommend approval, seconded by Commissioner Gies. The motion was unanimously approved.

**CONDITIONAL USE CHECKLIST**

Checklist Completed by: Matthew R. Schmitz  
Conditional Use Case No. CU2018-2  
Date Filed: June 25, 2018  
Date Advertised: July 24, 2018  
Date Notices Sent: July 24, 2018  
Public Hearing Date: August 15, 2018

I. Applicant's Name: Robert Hayes

Applicant's Authorized Agent: n/a

II. Information in Application Correct? Yes  No

If no, explain: Mr. Hayes is buying the property from Lansing Business Center, and while he does not own the ground today, at the completion of his mortgage, the property ownership will be transferred to him.

III. Adjacent Zoning and Land Use:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Undeveloped building lot	B-3
South	Undeveloped building lot	B-3
East	Commercial building (bus barn)	B-3
West	Undeveloped land (old dump)	A-1

IV. Present Use of Property: Undeveloped building lot

V. Conditional Use Requested: Carpet Cleaning Company

Excerpt from Lansing Zoning Ordinance, Article 9, Section 3:

VI. The proposed conditional use does or does not meet the standards:

A. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations, unless specifically exempted by the provisions of these regulations. \_\_\_\_\_

Yes  No

B. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public. \_\_\_\_\_

Yes  No

C. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

\_\_\_\_\_

Yes  No

D. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the

location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to the location, nature, and height of buildings, structures, walls, and fences on the site; and the nature and extent of landscaping and screening on the site. \_\_\_\_\_

Yes  No

E. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect. \_\_\_\_\_

Yes  No

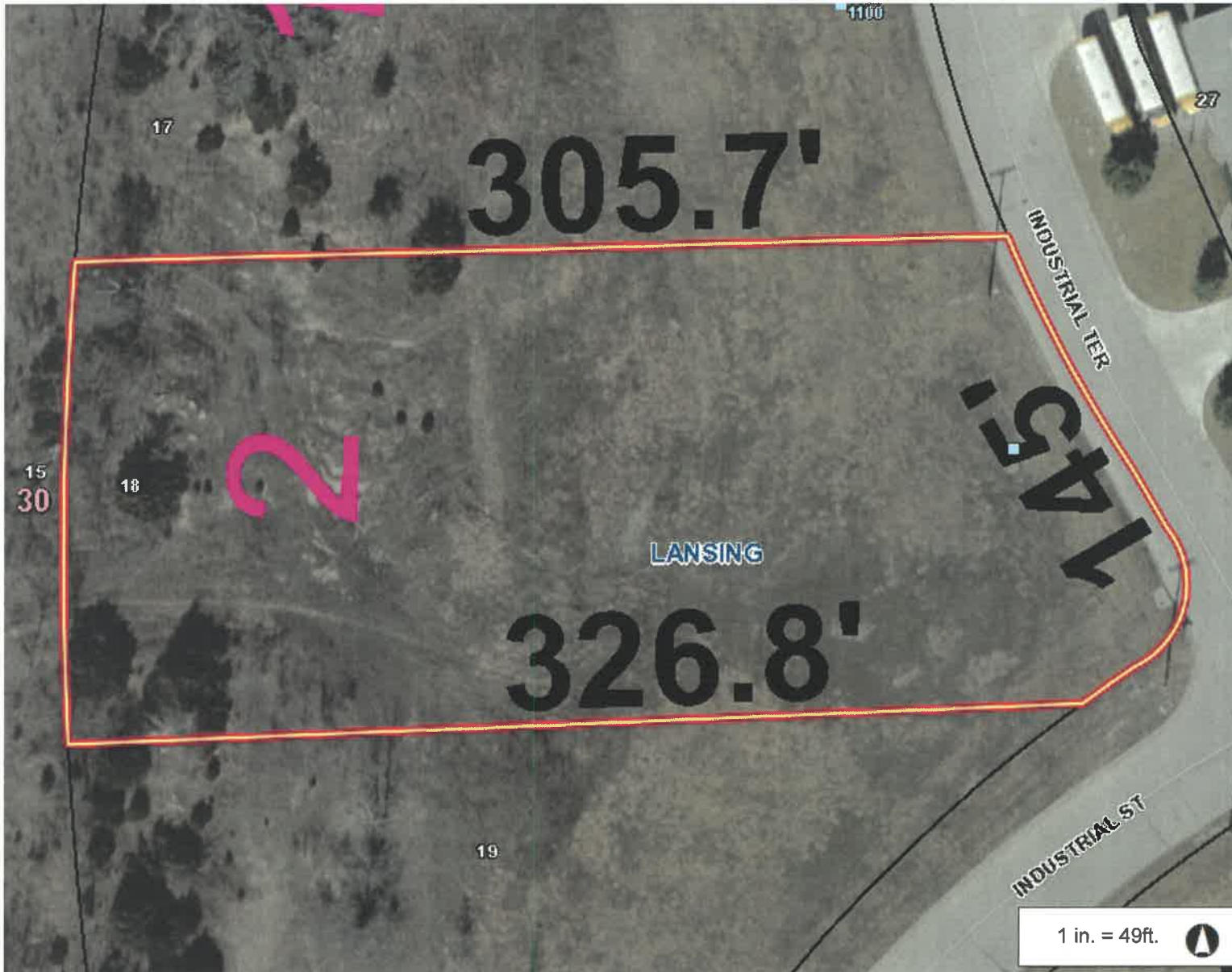
F. Adequate utility, drainage, and other such necessary facilities have been or will be provided. \_\_\_\_\_

Yes  No

G. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. \_\_\_\_\_

Yes  No

# Leavenworth County, KS



## Legend

## Notes

1004 Industrial Terrace


This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.


THIS MAP IS NOT TO BE USED FOR NAVIGATION

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# AGENDA ITEM

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TO: Tim Vandall, City Administrator 

FROM: Matthew R. Schmitz, Community & Economic Development Director 

DATE: September 6, 2018

SUBJECT: Ordinance No. 1007: An Ordinance to Rezone Lots 4, 5, and 7, Lansing Business Center, Lansing, Kansas, from B-3 Commercial Business to I-1 Light Industrial

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**Explanation:** A rezone application has been submitted by Lansing Business Center, LLC (Jeremy Greenamyre, Agent), property owner, for Lot 4 (1101 Industrial Street), Lot 5 (1103 Industrial Street), and Lot 7 (1152 Industrial Terrace), Lansing Business Center, Lansing, Kansas.

These properties are platted, are currently undeveloped lots, and are part of the Lansing Business Center. The lots being considered for rezoning as part of this request are buildable in their current state. The Future Land Use Map in the city's Comprehensive Plan shows these parcels as Business Park/Light Industrial.

The rezoning request has been made to accommodate a future project at this location. The potential buyer, who has a contract on the property that is subject to this rezoning action, is intending to relocate an existing business from within Lansing to the Lansing Business Center. The project would consist of an office space with meeting rooms at approximately 6,000 sq. ft., a warehouse/shop at approximately 7,200 sq. ft., bulk fuel storage for 100,000 – 200,000 gallons above ground, fuel dispensers, truck loading area, parking for refined fuel delivery vehicles, bulk propane storage of up to three 30,000-gallon propane tanks, and loading and parking for propane delivery and service vehicles.

As of the date of this memo, staff has received feedback from the city of Leavenworth, but not from any surrounding property owners. Mike McDonald, Public Works Director for the city of Leavenworth, expressed a general concern that any development be reviewed closely to ensure that water quality in the area is not adversely impacted. The city of Leavenworth monitors water quality in the creek to the north, and groundwater along the west line of the Lansing Business Center property as part of the landfill closure agreement with KDHE. Staff will be sure to fulfill this request from the city of Leavenworth and keep them informed of any potential impact as this project moves forward.

The Planning Commission voted to recommend approval of this rezoning application at its August 15, 2018 meeting with a 4-0 vote. The minutes from that meeting, the rezoning checklist, and a map and drawing of the property are included for your review.

**Policy Considerations:** The proposed rezoning aligns with the Comprehensive Plan, so there are no policy considerations related to this request.

**Action:** Approve, approve with conditions, remand back to Planning Commission, or deny with a super majority vote adoption of Ordinance No. 1007: An Ordinance to Rezone Lots 4, 5, and 7, Lansing Business Center, Lansing, Kansas, from B-3 Commercial Business to I-1 Light Industrial.

**ORDINANCE NO. 1007**

**AN ORDINANCE GRANTING A CHANGE OF ZONING  
TO CERTAIN PROPERTY WITHIN THE CITY OF LANSING, KANSAS.**

WHEREAS, the Planning Commission of the City of Lansing has recommended to rezone particular real estate property within the City of Lansing, Kansas; and

WHEREAS, after proper legal publication and notice pursuant to the statutes of the State of Kansas, a public hearing was held on August 15, 2018, at 7:00 p.m. at the Lansing City Hall, Lansing, Kansas; and

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

Section 1. Change of Land Uses. The land uses for the following property at 1101 Industrial Street, 1103 Industrial Street, and 1152 Industrial Terrace, within the city limits of the City of Lansing, County of Leavenworth, State of Kansas, legally described as follows:

**LEGAL DESCRIPTION:**

Lots 4, 5, and 7, Lansing Business Center

less any part taken or used for road; presently zoned as "B-3" Commercial Business is hereby changed to "I-1" Light Industrial and

Section 2. Amend Zoning District Map. That upon the taking effect of this ordinance, the above zoning change shall be entered and shown on the Zoning District Map, and said official zoning map shall be and is hereby reincorporated as a part of the Zoning Ordinance as amended.

Section 3. Effective Date. This ordinance shall take effect and be enforced from and after its passage, approval, and publication in the official city newspaper, as provided by law.

**PASSED AND APPROVED** by the governing body of the City of Lansing, Kansas, this 6th day of September, 2018.

\_\_\_\_\_  
Michael W. Smith, Mayor

ATTEST

\_\_\_\_\_  
Sarah Bodensteiner, City Clerk

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Gregory C. Robinson, City Attorney

Publication Date: \_\_\_\_\_

Published: The Leavenworth Times



**2. Public Hearing – Rezone Application – Lots 4, 5, and 7, Lansing Business Center,**

**Lansing, Kansas.** – Acting Chairman Suozzo stated an application was submitted by Jeremy Greenamyre of Lansing Business Center, LLC, to rezone lots 4 (1101 Industrial Street), 5 (1103 Industrial Street, and 7 (1152 Industrial Terrace), Lansing Business Center, from B-3 Commercial Business to I-1 Light Industrial.

Acting Chairman Suozzo opened the public hearing at 7:08 p.m., but since no one wished to speak concerning this application, he promptly closed the public hearing.

At this time, he asked if Commissioners or staff had any questions or comments. Mr. Schmitz stated that staff supports this rezone application. He said there is existing zoning on the south side of Gilman that matches this zoning district and from a planning and zoning perspective, this makes sense. Commissioner Gies noted that the Comprehensive Plan also suggests this.

Acting Chairman Suozzo then asked for a motion to accept the checklist as a finding of fact for the rezone application for lots 4, 5, and 7, Lansing Business Center, Lansing, Kansas. Commissioner Bean made a motion to accept the checklist, seconded by Commissioner Gies. The motion passed unanimously.

Acting Chairman Suozzo next asked for a motion to recommend to the City Council approval, denial, or approval with conditions the rezone application for lots 4, 5, and 7, Lansing Business Center, Lansing, Kansas, from B-3 Commercial Business to I-1 Light Industrial. Commissioner Gies made a motion to recommend approval, seconded by Commissioner Bean. The motion was unanimously approved.

Commissioner Gies asked if the rest of the Industrial Park is still zoned B-3 and Mr. Schmitz stated it is.

**3. Final Plat for Saddle Ridge Estates, 1<sup>st</sup> Plat, 1022 East Mary Street, Lansing,**

**Kansas.** – Acting Chairman Suozzo stated an application has been submitted by Mark Linaweaver of Mark Linaweaver Trust, property owner, seeking approval of a final plat for Saddle Ridge Estates. He noted this property is located at 1022 East Mary Street, Lansing, Kansas, and the first plat consists of 13 lots.

Acting Chairman Suozzo asked if members had any questions or comments and since there were none, he asked for a motion to accept the checklist as a finding of fact for the final plat application for Saddle Ridge Estates at 1022 East Mary Street, Lansing, Kansas. Commissioner Gies made a motion to accept the checklist as a finding of fact, seconded by Commissioner Bean. The motion was unanimously approved.

Acting Chairman Suozzo next asked for a motion to approve, disapprove, or approve with conditions the final plat application for Saddle Ridge Estates at 1022 East Mary Street, Lansing, Kansas.

Commissioner Neidig asked City Engineer Matt Harding if he'd had a chance to review this plat and Mr. Harding stated he had. Commissioner Neidig asked if he had any issues and he said he did not. Mr. Harding stated there was an issue with runoff, but it has been addressed with a

## **REZONING CHECKLIST**

**Checklist Completed by:** Matthew R. Schmitz  
**Case No.** 2018-6  
**Date Filed:** July 11, 2018  
**Date Advertised:** July 24, 2018  
**Date Notices Sent:** July 24, 2018  
**Public Hearing Date:** August 15, 2018

**APPLICANT:** Jeremy Greenamyre for Lansing Business Center LLC

**LOCATION OF PROPERTY:** Lots 4, 5, and 7, Lansing Business Center

**PRESENT ZONING:** B-3

**REQUESTED ZONING:** I-1

**PRESENT USE OF PROPERTY:** The property is platted as part of Lansing Business Center, but is an undeveloped empty lot.

### **SURROUNDING LAND USE AND ZONING:**

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Commercial building (American Energy Products)	B-3
South	Commercial building (S&S Plumbing & Heating)	I-1
East	Undeveloped building lot	B-3
West	Undeveloped building lot	B-3

**CHARACTER OF THE NEIGHBORHOOD:** Lansing Business Center is a developed subdivision which currently has undeveloped empty lots available for sale within the subdivision. Areas to the north of the subdivision are undeveloped with a pond, to the east is undeveloped empty ground, to the west is the old Leavenworth landfill, and to the south is a light industrial area on the other side of Gilman Road.

### **NEAREST EQUIVALENT ZONING:**

**LOCATION:** South of Gilman (at Entrance to Lansing Business Center)

**CURRENT USE:** Light Industrial (Plumbing & Heating business as well as other light industrial businesses)

### **RELATIONSHIP TO EXISTING ZONING PATTERN:**

- 1. Would proposed change create a small, isolated district unrelated to surrounding districts?** No, because there is I-1 zoning across the street.
- 2. Are there substantial reasons why the property cannot be used in accord with existing zoning?** Yes If yes, explain: The proposed use of the property in the near future requires the I-1 zoning type. The property, as it's currently zoned, would not be available to the proposed purchaser.
- 3. Are there adequate sites for the proposed use in areas already properly zoned?** No. The other areas that are already zoned as I-1 are occupied or are too small to service this potential development. If yes, where? \_\_\_\_\_

**CONFORMANCE WITH COMPREHENSIVE PLAN:**

1. **Consistent with Development Policies?** The Comprehensive Plan shows this parcel as Business/Light Industrial.
2. **Consistent with Future Land Use Map?** The Future Land Use Map shows this parcel as Business/Light Industrial.
3. **Are Public Facilities adequate?** Public facilities are in the area and are adequate to service the proposed use of this property.

**TRAFFIC CONDITIONS:**

1. **Street(s) with Access to Property:** Industrial Street, Industrial Terrace
2. **Classification of Street(s):**  
Arterial \_\_\_\_\_ Collector X Local \_\_\_\_\_
3. **Right of Way Width:** 60'
4. **Will turning movements caused by the proposed use create an undue traffic hazard?** No
5. **Comments on Traffic:** Traffic in the area will be increased due to daily trips to access the new use of the property, but there are no concerns about traffic as a result of this request.

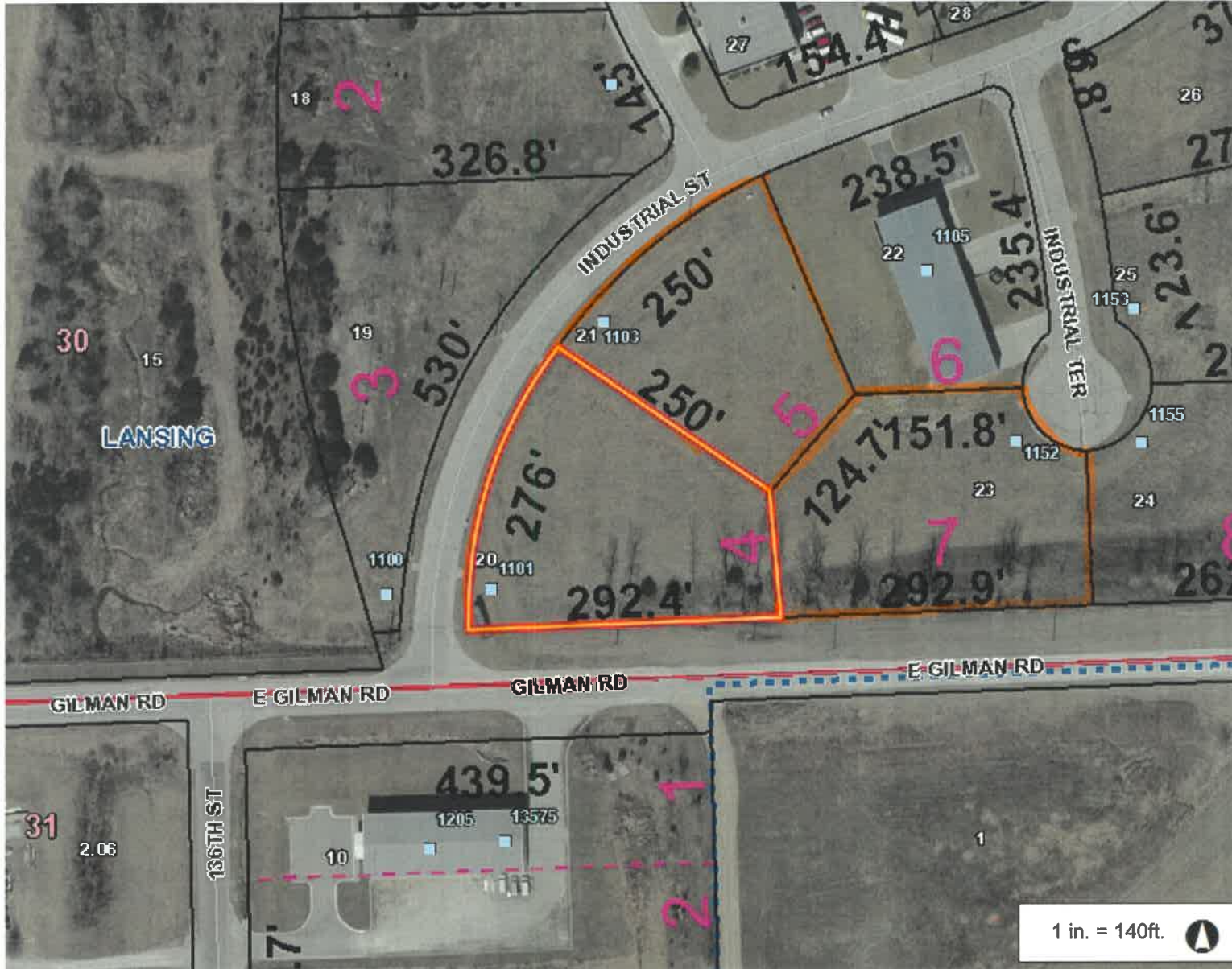
**SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:**

1. **Appropriately Sized Lots?** No
2. **Properly Sized Street Right of Way?** No
3. **Drainage Easements?** No
4. **Utility Easements:**  
Electricity? No  
Gas? No  
Sewers? No  
Water? No
5. **Additional Comments:** \_\_\_\_\_

**UNIQUE CHARACTERISTICS OF PROPERTY IN QUESTION:** \_\_\_\_\_

**ADDITIONAL COMMENTS:** \_\_\_\_\_

# Leavenworth County, KS



## Legend

## Notes

Lot 4 (1101 Industrial Street), Lot 5 (1103 Industrial Street), and Lot 7 (1152 Industrial Terrace)



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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## AGENDA ITEM

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TO: Tim Vandall, City Administrator   
FROM: Matthew R. Schmitz, Community & Economic Development Director   
DATE: September 6, 2018  
SUBJECT: Final Development Plan – Fairway Estates, 5<sup>th</sup> Plat

---

**Explanation:** A final development plan has been submitted by Reilly Development, LLC (Mike Reilly, Agent), property owner, for property currently addressed as 00000 Pebblebeach Drive, Lansing, Kansas.

This proposal will allow the construction of Fairway Estates, 5<sup>th</sup> Plat, once construction documents are completed, which will consist of 79 single-family dwellings on 25.74 acres in two phases and is generally located at the northwest corner of Oakmont Drive and Meadow Lane. Phase 1, as shown on the final development plan, will be constructed first. This proposed subdivision has an approved preliminary development plan for the area. Modifications requested of the preliminary development plan by city staff have been acquiesced to and are reflected on the plan. The final development plan substantially complies with the approved preliminary development plan.

The Planning Commission voted to recommend approval of this final development plan application at its August 15, 2018, meeting with a 4-0 vote. The minutes from that meeting and the submitted final development plan are included for your review.

**Action:** Staff recommends a motion to accept the final development plan for Fairway Estates, 5<sup>th</sup> Plat.

---

**AGENDA ITEM #**

---

6

drainage plan. He also stated there are plans to bring sewer to this subdivision, which will be happening simultaneously. Commissioner Gies asked about construction documents and Mr. Harding said those would come later and would be reviewed by him.

Commissioner Neidig said his only other question was about the items on the checklist marked "no" and Mr. Schmitz stated the checklist specifically asks about required certifications and acknowledgements and if they've been signed, which they have not yet been. He stated they are on the plat, but aren't usually signed and executed until the plat has been approved by the Planning Commission. Commissioner Gies noted it can't be recorded until all the signatures are in place anyway.

Acting Chairman Suozzo restated his motion regarding this final plat. Commissioner Neidig made a motion to recommend approval of the final plat application for Saddle Ridge Estates at 1022 East Mary Street, Lansing, Kansas. Commissioner Bean seconded the motion and it passed unanimously.

Mr. Schmitz stated staff had heard from a resident today regarding the Saddle Ridge Estates final plat. He said the questions and concerns were regarding traffic on East Mary and flooding around the property. He stated flooding has been addressed, as stated earlier, with a drainage report about site runoff. Mr. Schmitz said that when the next phase of this plat comes in, we will need to take a look at the traffic concerns.

**4. Final Development Plan, Fairway Estates, 5th Plat, 00000 Pebblebeach Drive, Lansing, Kansas.**

Acting Chairman Suozzo stated that an application has been submitted by Reilly Development, LLC, for a final development plan for Fairway Estates, 5th Plat, generally located at the northwest corner of Oakmont Drive and Meadow Lane.

Commissioner Gies stated it looks like they're platting the whole subdivision, but are just doing construction drawings on some of it at this time and Mr. Schmitz stated that was correct and that there are two phases to this. He pointed out on the plan that the area in yellow is the first phase and the rest will be the second phase. Commissioner Gies wanted to clarify that it was okay for the Commission to approve the entire development plan now even though they're just going to build a part of it right now and Mr. Schmitz said that was correct.

Commissioner Neidig asked Mr. Harding if he had any comments. He stated the original preliminary development plan showed some drainage coming to Tract B from the east side, but that is no longer the case as it's now going along Oakmont up to a 30" pipe at the northeast.

Since there were no other questions or comments, Acting Chairman Suozzo asked for a motion to recommend to the City Council approval, disapproval, or approval with conditions the final development plan for Fairway Estates, 5th Plat, 00000 Pebblebeach Drive, Lansing, Kansas. Commissioner Gies made a motion to recommend approval, seconded by Commissioner Neidig. The motion was unanimously approved.

**Notices and Communications** – none

**Reports – Commission and Staff Members** – none

# FINAL DEVELOPMENT PLAN FAIRWAY ESTATES FIFTH PLAT

Sheet - 1

Site Plan

2017-66  
Fairway Estates  
5th Plat  
Final Development Plan

PREPARED FOR:  
RELLY DEVELOPMENT, LLC  
C/O NINE RELLY  
LEAVENWORTH, KS 66048  
(913) 852-1234  
NINE@NINEDEV.COM

## NAPIER ENGINEERING, LLC

207 S. 5th Street  
Leavenworth, KS 66048  
913.373.0482  
bnr@napiereg.com

Date of Preparation:  
July 31, 2018

Revised Date:  
-

1st  
Submittal



**NOTES:**

The minimum Side Yard Setback for Single Family Lots shall be R-2-P restrictions at the date of filing or no less than 6 feet on each side of structure except for Lots 22, 54 & 55 (10' SBL along North Property Line, as shown)

The minimum Front Yard Setback for Single Family Lots shall be R-2-P restrictions at the date of filing or no less than 25 feet.

The minimum Rear Yard Setback for Single Family Lots shall be R-2-P restrictions at the date of filing or no less than 25 feet except for Lots 2, 3, & 55-58 (50' RBL along North Property Line, as shown)

All lots shall be restricted to one (1) 20 foot curb cut to avoid circle drives.

Tract B is dedicated for storm water quality with treatment trains before entering existing detention area.

Proposed sanitary sewer lines 8" in size.

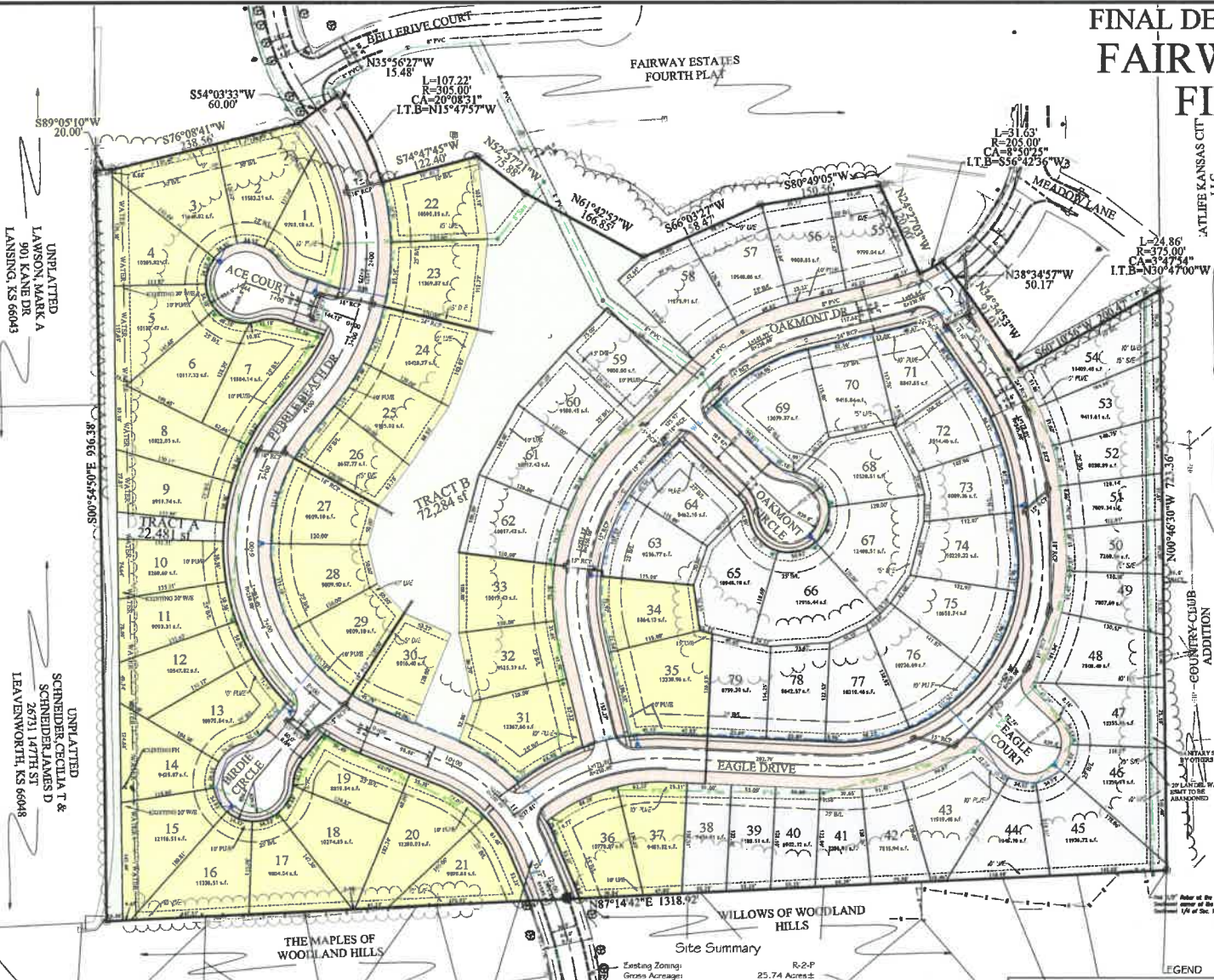
**Floodplain note**  
The entire site lies within the limits of Flood Zone X (Area of Minimal Flooding) Map 2010SC232C effective 7/16/2015

**Benchmark**  
Chiseled square on the top of west curb return of Pebble Beach Drive located near the south right of way line of Elmhower Drive  
Elevation = 892.15

The original storm drainage study and report was prepared by Cook, Platt and Strobel Engineers, P.A. (May 11, 1995) and a later re-study was prepared by George Butler Associates, Inc. (September 24, 1999). Storm drainage detention for all land on this plan was provided by the detention basin built in Fairway Estates.

**LEGAL DESCRIPTION**

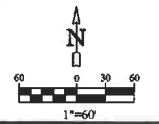
- A tract of land in the East 1/2 of the Southwest Quarter (E2 SW1/4) of Section 13, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, and described as follows:
- Beginning at the Southeast corner of said E2 SW1/4; thence N 09° 46' 20" W along the east line of said E2 SW1/4 a distance of 124.56 feet to Southwest corner of FAIRWAY ESTATES - FOURTH PLAT, a subdivision in said E2 SW1/4 and recorded in Book 11, at Page 77 of the Records of said Leavenworth County; thence westerly along the southerly line of said FAIRWAY ESTATES - FOURTH PLAT, along the following 16 courses:
- 1) thence S 01° 59' 50" W, a distance of 299.47 feet;
  - 2) thence southerly along a non-staggered curve to the left, an arc distance of 24.86, having a radius of 375.00 feet, a central angle of 3° 47' 34" with an initial back tangent of N 10° 41' 00" W;
  - 3) thence N 24° 34' 53" W, a distance of 91.05 feet;
  - 4) thence N 38° 34' 57" W, a distance of 50.37 feet;
  - 5) thence southerly along a non-staggered curve to the right, an arc distance of 31.63, having a radius of 295.00 feet, a central angle of 6° 59' 25" with an initial back tangent of S 50° 42' 30" W;
  - 6) thence N 22° 21' 03" W, a distance of 120.00 feet;
  - 7) thence S 10° 48' 03" W, a distance of 150.56 feet;
  - 8) thence S 60° 02' 22" W, a distance of 158.47 feet;
  - 9) thence N 01° 45' 32" W, a distance of 146.35 feet;
  - 10) thence N 25° 21' 21" W, a distance of 78.86 feet;
  - 11) thence S 14° 47' 45" W, a distance of 123.46 feet;
  - 12) thence northerly along a non-staggered curve to the left, an arc distance of 107.22, having a radius of 305.00 feet, a central angle of 20° 08' 31" with an initial back tangent of N 15° 47' 37" W;
  - 13) thence N 23° 54' 37" W, a distance of 13.68 feet;
  - 14) thence S 14° 02' 33" W, a distance of 60.00 feet;
  - 15) thence S 10° 08' 41" W, a distance of 238.56 feet;
  - 16) thence S 89° 02' 10" W, a distance of 28.00 feet to a point on the west line of said E2 SW1/4;
  - 17) thence departing said southerly line, S 00° 54' 30" E along and west from a distance of 956.38 feet to the Southwest corner of said E2 SW1/4; thence N 8° 14' 42" E along the south line of said E2 SW1/4, a distance of 1318.92 feet to the Point of Beginning.
- Said tract contains 1,121,220 square feet, or 25.74 acres, more or less.



**Site Summary**

zoning: R-2-P  
 Gross Acreage: 25.74 Acres  
 Number of Lots: 79 Lots  
 Gross Density (Lot A Excluded): 3.07 Units/Ac.  
 Phase 1: 42 Lots  
 Phase 2: 37 Lots  
 Minimum Lot Size: 6,500 Sq. Ft.  
 Maximum Lot Size: 11,648 Sq. Ft.  
 Minimum Lot Width: 50 Ft.  
 Maximum Height Regulation: 35 Ft.  
 Average Lot Size: 9,278 Sq. Ft.

TOTAL AREAS		
Phase	Sq. Ft.	Acres
Phase 1	4,730,000	9.16
Phase 2	3,818,000	8.75
Tract A	22,500,000	51.57
Tract B	72,000,000	164.78
ROW	259,164	5.89
TOTAL	110,328,000	25.74



UNRELATED  
LAWSON, MARK A  
301 KAMIE DR  
LANSHING, KS 66043

UNRELATED  
SCHEIDER, CECILIA T &  
SCHEIDER, JAMES D  
26731 147TH ST  
LEAVENWORTH, KS 66048

PREPARED FOR:  
RELLY DEVELOPMENT, LLC  
C/O PINE RELLY  
LEAVENWORTH, KS 66048  
(913) 562-7232  
PINE@RELLYLANDSCAPES.COM

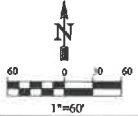
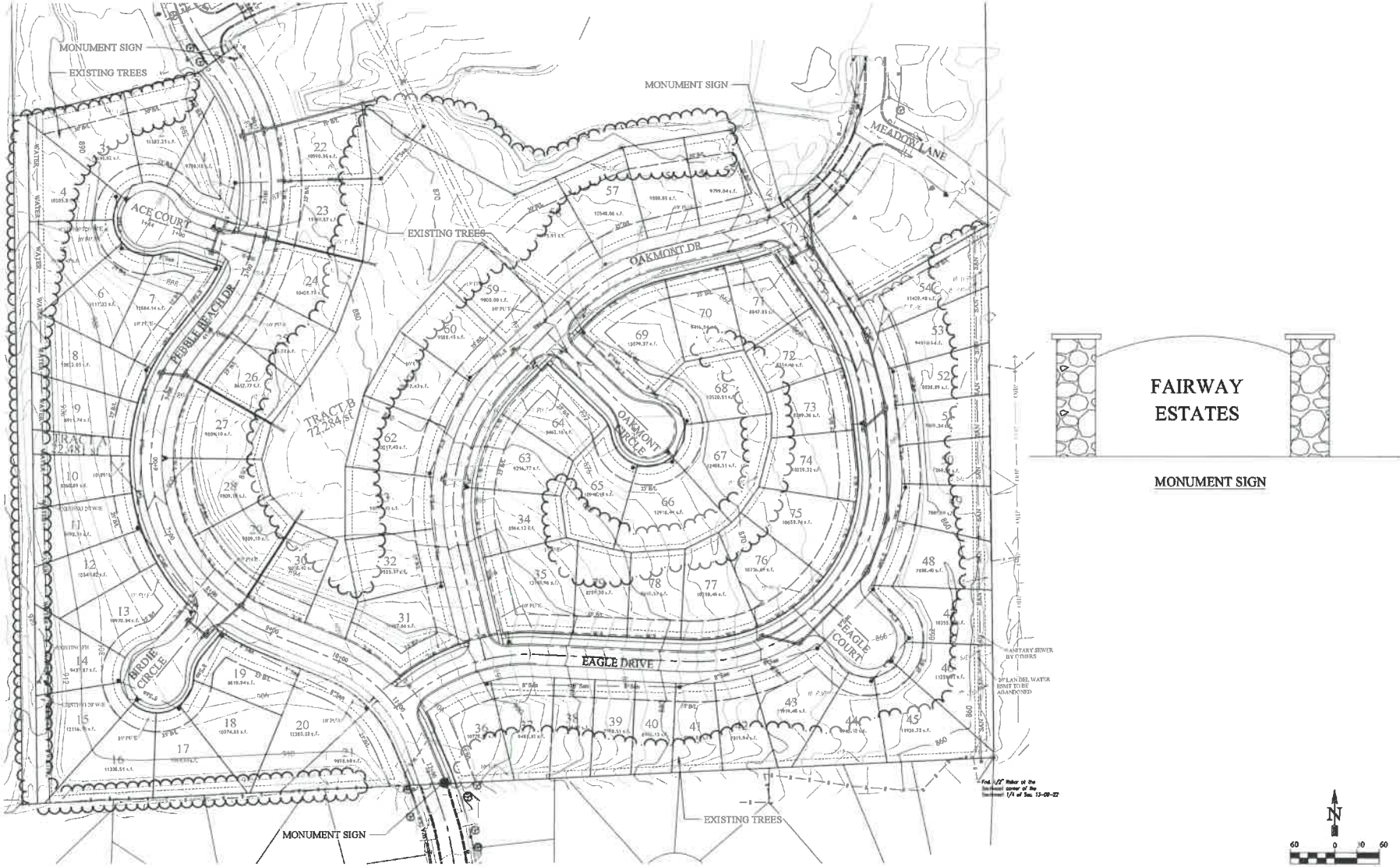
**NAPIER  
ENGINEERING, LLC**

207 S. 5th Street  
Leavenworth, KS 66048  
913.375.0482  
trell@napiereng.com

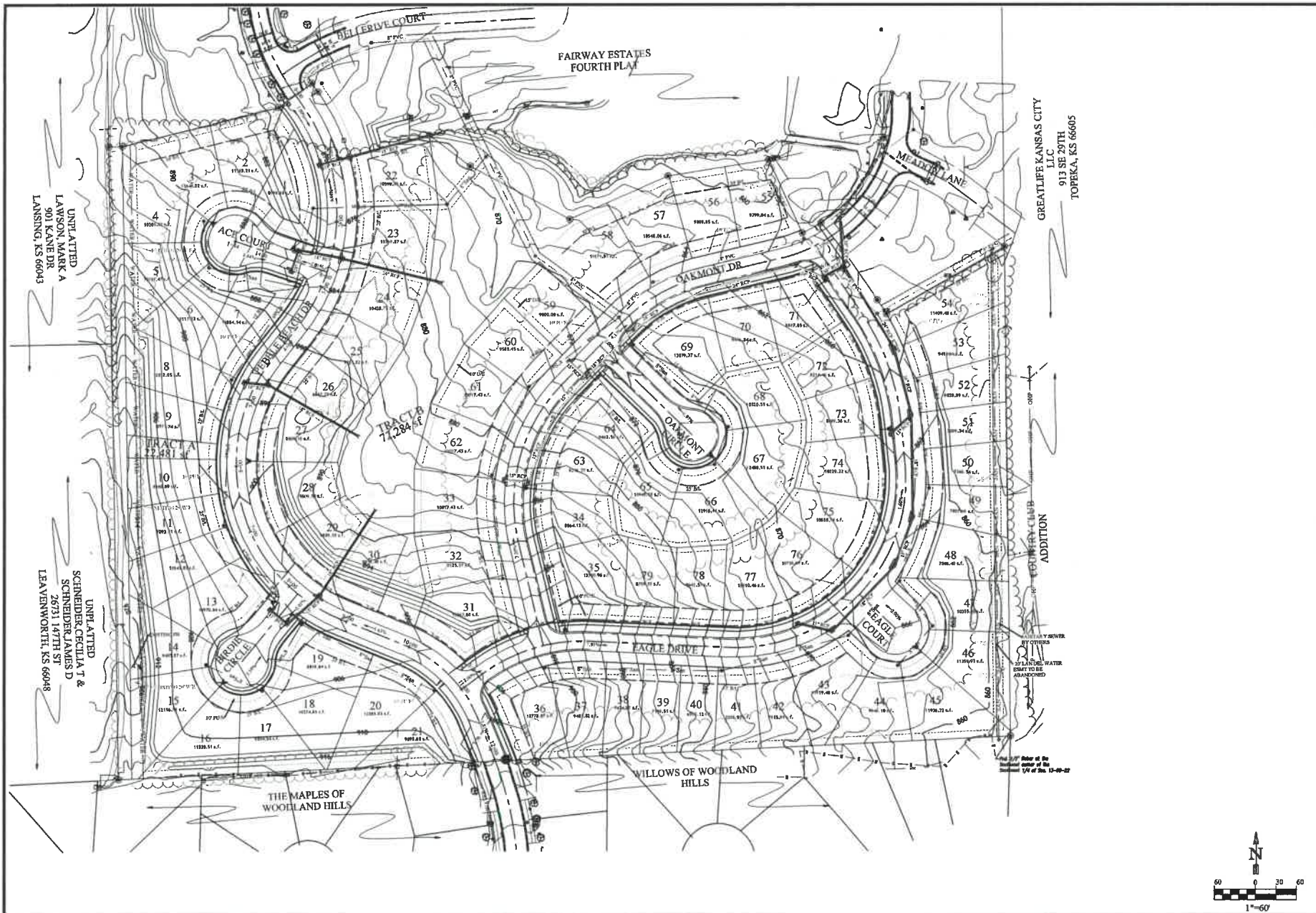
Date of Preparation:  
July 31, 2018

Revised Date:

1st  
Submittal







UNPLATTED  
LAWSON, MARK A  
901 KAWE DR  
LANSHING, KS 66043

UNPLATTED  
SCHNEIDER, CECILIA T &  
SCHNEIDER, JAMES D  
26731 147TH ST  
LEAVENWORTH, KS 66048

GREATLIFE KANSAS CITY  
LLC  
913 SE 29TH  
TOPEKA, KS 66605

Sheet - 2

Grading Plan

2017-66  
Fairway Estates  
5th Plat  
Final Development Plan

PREPARED FOR:  
REILLY DEVELOPMENT, LLC  
C/O THE REILLY  
LEAVENWORTH, KS 66048  
(785) 862-7231  
THE@REILLY.LAWSONS.COM

**NAPIER**  
ENGINEERING, LLC

207 S. 5th Street  
Leavenworth, KS 66048  
913.375.0482  
brt@napiereng.com

Date of Preparation:

July 31, 2018

Revised Date:

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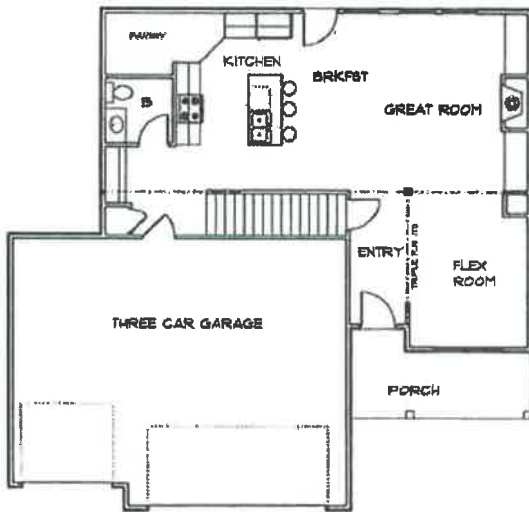
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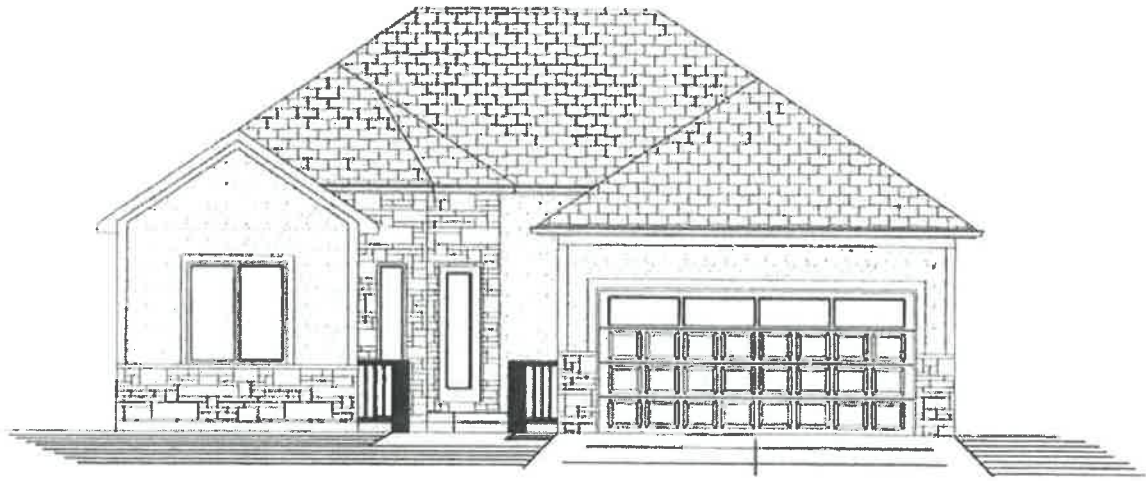
1st  
Submittal



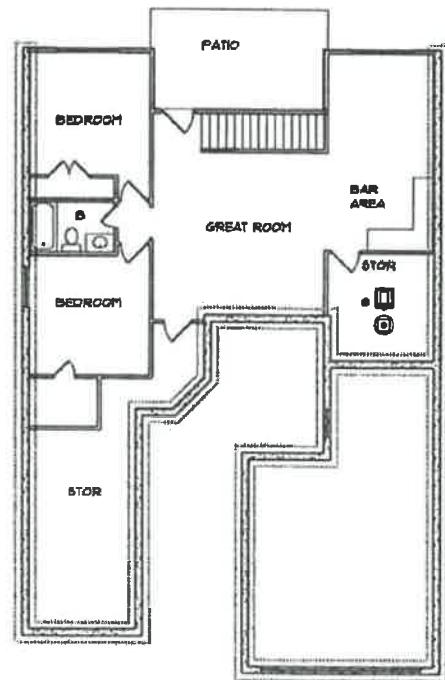
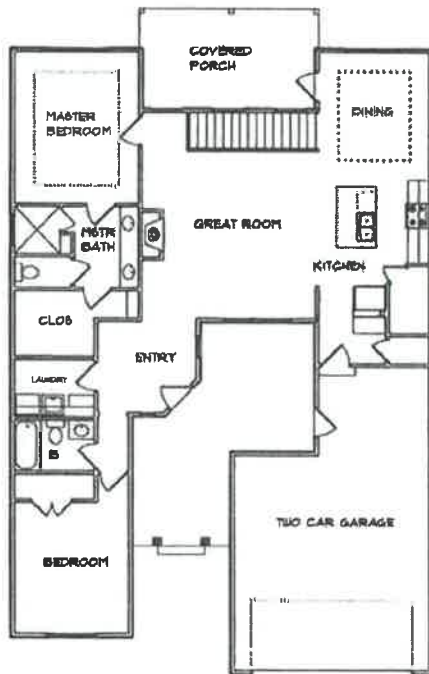


Sundance II





# Sapphire

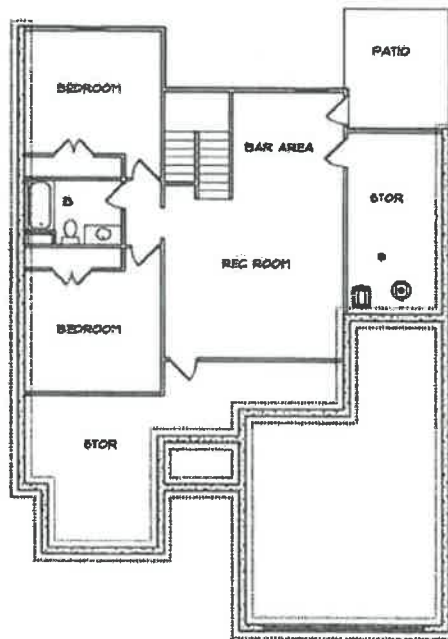
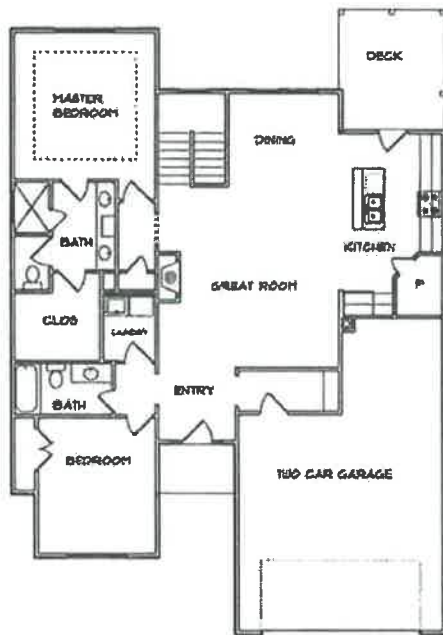


\* Actual homes may vary from elevation and floor plan shown





# Ruby

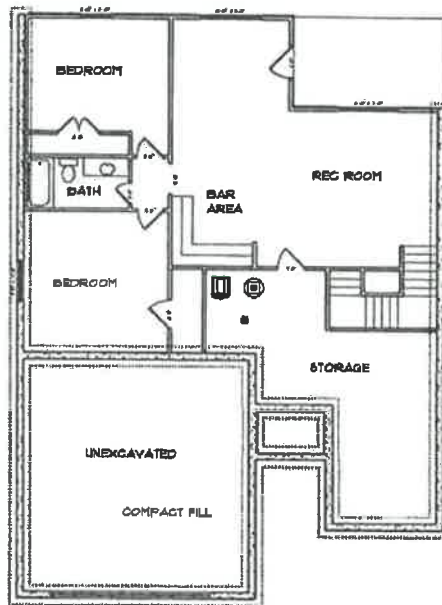
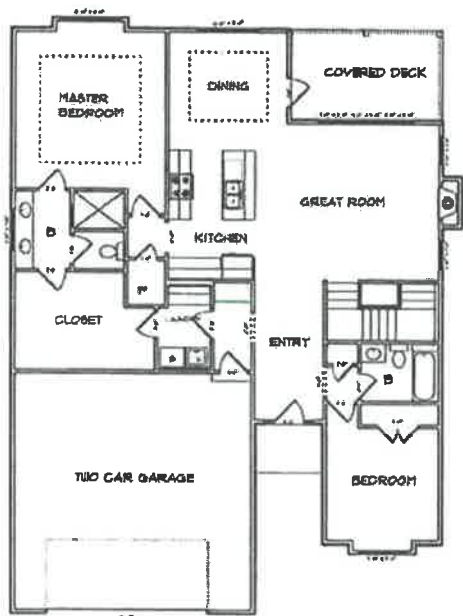


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# Pearl

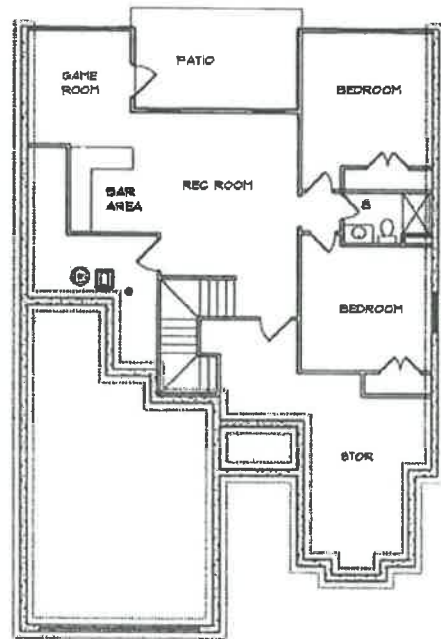
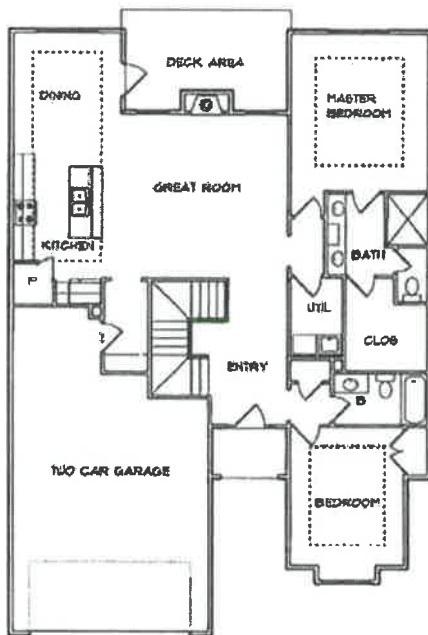


\* Actual homes may vary from elevation and floor plan shown





## Diamond II

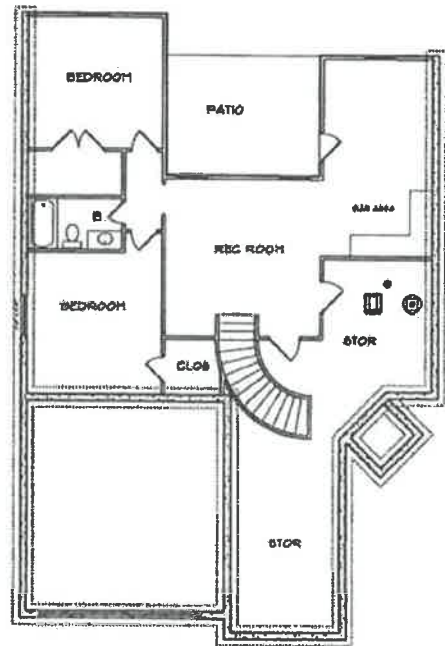
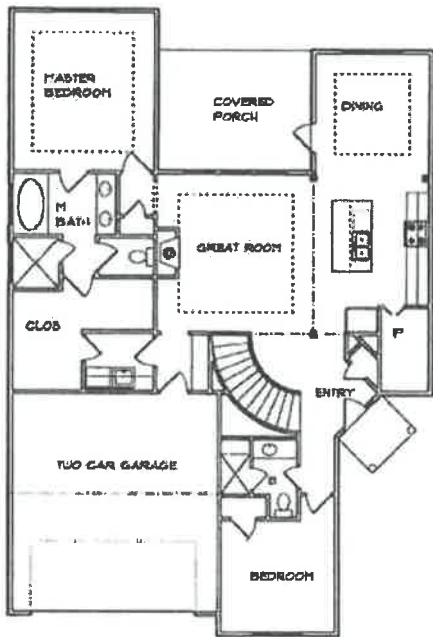


\* Actual homes may vary from elevation and floor plan shown





# Crystal



\* Actual homes may vary from elevation and floor plan shown



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# AGENDA ITEM

---

TO: Tim Vandall, City Administrator   
FROM: Matthew R. Schmitz, Community & Economic Development Director   
DATE: September 6, 2018  
SUBJECT: Final Plat – Saddle Ridge Estates, 1<sup>st</sup> Plat

---

Explanation: A final plat for Saddle Ridge Estates, 1<sup>st</sup> Plat, has been submitted by Mark Linaweaver Trust (Mark Linaweaver, Agent), property owner, for property currently addressed as 1022 East Mary Street, Lansing, Kansas.

The proposed final plat allows for platting of the first plat, consisting of 13 lots along the north side of the preliminary plat. The entire area on the preliminary plat was 98.67 acres, and the first plat consists of approximately 7.17 acres. The 13 proposed lots are all single-family dwellings and will include the two connections to existing East Mary Street originally shown on the preliminary plat.

On the attached checklist for completeness, there are several items marked as “No”. The drawings delivered to the city at this time did not include a Mylar copy, nor do they include signatures. All requirements are correctly shown on the plat in terms of signature blocks, etc.; they are simply missing signatures. These signatures will be collected before the plat can be filed with the county, subject to approval of the Final Plat by the Governing Body.

The plat is compliant with the preliminary plat and the Subdivision Regulations in all regards.

Sanitary Sewer service capacity in the area is adequate as it is currently built; however, the current system would require an aerial crossing over Nine Mile Creek to service this plat. The Wastewater Director is currently working with the Developer and the Engineer on the project to extend a deeper line across Mary Street just west of Nine Mile Creek, which would allow for sewer service to this plat to cross under the creek. Staff anticipates that as construction drawings for the plat are prepared, cooperation will continue between the City and the Developer to address the sanitary sewer service for the plat.

The Planning Commission voted to recommend approval of this final plat application at its August 15, 2018, meeting with a 4-0 vote. The minutes from that meeting, the final plat checklist, and the submitted final plat are included for your review.

Staff received one letter from R L Henley at 812 East Mary after the Planning Commission made its recommendation. The letter expresses concerns about traffic, sewer system impact, and safety. The original manuscript, along with a typed version prepared by staff, are attached for your review.

Action: Staff recommends a motion to accept the public dedications of the final plat for Saddle Ridge Estates, 1<sup>st</sup> Plat.

---

**AGENDA ITEM #**

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7



**2. Public Hearing – Rezone Application – Lots 4, 5, and 7, Lansing Business Center, Lansing, Kansas.** – Acting Chairman Suozzo stated an application was submitted by Jeremy Greenamyre of Lansing Business Center, LLC, to rezone lots 4 (1101 Industrial Street), 5 (1103 Industrial Street, and 7 (1152 Industrial Terrace), Lansing Business Center, from B-3 Commercial Business to I-1 Light Industrial.

Acting Chairman Suozzo opened the public hearing at 7:08 p.m., but since no one wished to speak concerning this application, he promptly closed the public hearing.

At this time, he asked if Commissioners or staff had any questions or comments. Mr. Schmitz stated that staff supports this rezone application. He said there is existing zoning on the south side of Gilman that matches this zoning district and from a planning and zoning perspective, this makes sense. Commissioner Gies noted that the Comprehensive Plan also suggests this.

Acting Chairman Suozzo then asked for a motion to accept the checklist as a finding of fact for the rezone application for lots 4, 5, and 7, Lansing Business Center, Lansing, Kansas. Commissioner Bean made a motion to accept the checklist, seconded by Commissioner Gies. The motion passed unanimously.

Acting Chairman Suozzo next asked for a motion to recommend to the City Council approval, denial, or approval with conditions the rezone application for lots 4, 5, and 7, Lansing Business Center, Lansing, Kansas, from B-3 Commercial Business to I-1 Light Industrial. Commissioner Gies made a motion to recommend approval, seconded by Commissioner Bean. The motion was unanimously approved.

Commissioner Gies asked if the rest of the Industrial Park is still zoned B-3 and Mr. Schmitz stated it is.

**3. Final Plat for Saddle Ridge Estates, 1<sup>st</sup> Plat, 1022 East Mary Street, Lansing, Kansas.** – Acting Chairman Suozzo stated an application has been submitted by Mark Linaweaver of Mark Linaweaver Trust, property owner, seeking approval of a final plat for Saddle Ridge Estates. He noted this property is located at 1022 East Mary Street, Lansing, Kansas, and the first plat consists of 13 lots.

Acting Chairman Suozzo asked if members had any questions or comments and since there were none, he asked for a motion to accept the checklist as a finding of fact for the final plat application for Saddle Ridge Estates at 1022 East Mary Street, Lansing, Kansas. Commissioner Gies made a motion to accept the checklist as a finding of fact, seconded by Commissioner Bean. The motion was unanimously approved.

Acting Chairman Suozzo next asked for a motion to approve, disapprove, or approve with conditions the final plat application for Saddle Ridge Estates at 1022 East Mary Street, Lansing, Kansas.

Commissioner Neidig asked City Engineer Matt Harding if he'd had a chance to review this plat and Mr. Harding stated he had. Commissioner Neidig asked if he had any issues and he said he did not. Mr. Harding stated there was an issue with runoff, but it has been addressed with a

drainage plan. He also stated there are plans to bring sewer to this subdivision, which will be happening simultaneously. Commissioner Gies asked about construction documents and Mr. Harding said those would come later and would be reviewed by him.

Commissioner Neidig said his only other question was about the items on the checklist marked "no" and Mr. Schmitz stated the checklist specifically asks about required certifications and acknowledgements and if they've been signed, which they have not yet been. He stated they are on the plat, but aren't usually signed and executed until the plat has been approved by the Planning Commission. Commissioner Gies noted it can't be recorded until all the signatures are in place anyway.

Acting Chairman Suozzo restated his motion regarding this final plat. Commissioner Neidig made a motion to recommend approval of the final plat application for Saddle Ridge Estates at 1022 East Mary Street, Lansing, Kansas. Commissioner Bean seconded the motion and it passed unanimously.

Mr. Schmitz stated staff had heard from a resident today regarding the Saddle Ridge Estates final plat. He said the questions and concerns were regarding traffic on East Mary and flooding around the property. He stated flooding has been addressed, as stated earlier, with a drainage report about site runoff. Mr. Schmitz said that when the next phase of this plat comes in, we will need to take a look at the traffic concerns.

**4. Final Development Plan, Fairway Estates, 5th Plat, 00000 Pebblebeach Drive, Lansing, Kansas.** Acting Chairman Suozzo stated that an application has been submitted by Reilly Development, LLC, for a final development plan for Fairway Estates, 5th Plat, generally located at the northwest corner of Oakmont Drive and Meadow Lane.

Commissioner Gies stated it looks like they're platting the whole subdivision, but are just doing construction drawings on some of it at this time and Mr. Schmitz stated that was correct and that there are two phases to this. He pointed out on the plan that the area in yellow is the first phase and the rest will be the second phase. Commissioner Gies wanted to clarify that it was okay for the Commission to approve the entire development plan now even though they're just going to build a part of it right now and Mr. Schmitz said that was correct.

Commissioner Neidig asked Mr. Harding if he had any comments. He stated the original preliminary development plan showed some drainage coming to Tract B from the east side, but that is no longer the case as it's now going along Oakmont up to a 30" pipe at the northeast.

Since there were no other questions or comments, Acting Chairman Suozzo asked for a motion to recommend to the City Council approval, disapproval, or approval with conditions the final development plan for Fairway Estates, 5th Plat, 00000 Pebblebeach Drive, Lansing, Kansas. Commissioner Gies made a motion to recommend approval, seconded by Commissioner Neidig. The motion was unanimously approved.

**Notices and Communications** – none

**Reports – Commission and Staff Members** – none

**CHECKLIST FOR COMPLETENESS  
OF  
APPLICATION FOR PLANNING COMMISSION  
REVIEW AND APPROVAL  
OF  
FINAL PLAT  
FOR**

**SADDLE RIDGE ESTATES  
(Name of Subdivision)**

MATTHEW R SCHMITZ  
**Person Completing Checklist**

8-7-18  
**Date**

COMPLETION OF THIS CHECKLIST IN NO WAY CONSTITUTES AN EVALUATION OF THE MERITS OR ACCURACY OF THE PLANS, DESIGN OR ENGINEERING OF THE FINAL PLAT. THIS STEP IS INTENDED ONLY AS AN ADMINISTRATIVE REVIEW OF THE COMPLETENESS OF THE APPLICATION FOR APPROVAL BEFORE IT UNDERGOES STAFF EXAMINATION BY THE CITY ENGINEER FOR HIS RECOMMENDATION TO THE PLANNING COMMISSION.

**FINAL PLAT CHECKLIST**

	<u>YES</u>	<u>NO</u>
1. Preliminary Plat has been approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Original is on Mylar, tracing cloth or similar material, six (6) copies provided, along with electronic copy emailed to the Community and Economic Development Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Material is submitted at least fourteen (14) days prior to Planning Commission meeting at which it is desired to be considered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Original copy contains names and duly acknowledged and notarized signatures of the owner(s) of the property.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Final Plat is drawn at scale of at least 1" = 200'	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Size of sheet on which final plat is prepared is at least 36 inches by 24 inches. If more than one sheet required, all are same size and index map is provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. FINAL PLAT CONTAINS:		
A. Name of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Location, including section, township, range, county and state	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Location and description of existing monuments or benchmarks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Location of lots and blocks with dimensions in feet and decimals of feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E. Location of alley, street and highway rights-of-way, parks and other features including radii on curves with dimensions in feet and decimals of feet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F. Clear numbering for all lots.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G. Clear numbering or lettering.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Locations, widths and names of all streets and alleys to be dedicated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I. Boundaries and descriptions of any areas other than streets to be dedicated or reserved for public use. (If applicable)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Minimum area and associated minimum elevation for the building on each lot (building site). (If requested by Planning Commission)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Final Plat Checklist

Page 2

	<u>YES</u>	<u>NO</u>
K. Building setback lines along all streets, with dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
L. Name, signature, seal of licensed engineer or registered land surveyor preparing plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
M. Scale of plat, (shown graphically) date of prep and north point.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N. Statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. A copy of any restrictive covenants applicable to the subdivision is provided. (N/A if not applicable)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Required certifications/acknowledgements are present:		
A. Certificate signed and acknowledged by all parties having any record, title or interest in the land subdivided, and consenting to the preparation and recording of said subdivision map.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Certificate (as above) dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use including easements, and those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Certificate of responsibility by registered land surveyor preparing final map, accompanied by seal.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Certificate(s) signed by City Clerk and County Treasurer that all taxes and special assessments due and payable have been paid.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Notary acknowledgement in form shown in Subdivision Regulation (Pg. 10).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Endorsement by Planning Commission in form shown in Subdivision Regulations (Pg. 10).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G. Public use acceptance by Governing Body in form shown in Subdivision Regulation (Pg. 10, 11).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

I protest to Lansing City Council  
the approval of Phase 1 of Saddle Ridge  
Estates by the Planning Committee.

The main reasons are traffic on East Mary,  
sewer system impact, and safety.

The proposed plan is an island with  
no way in or out except East Mary.  
Approval lets the developer expect future  
improvements to East Mary and sewer  
systems pushing Lansing City to do  
significant infrastructure improvements.

150 to 200 homes on East Mary creates  
major traffic concerns. 23 of 30 driveways  
on East Mary now back out into East Mary.  
Several issues have accrued with present  
traffic adding more traffic bigger problem.  
Funding a road to an island where no  
future development is available now does not  
seem to be good for Lansing.

North side of project KSP (no potential)

West side of project 100 year Flood Plain (no)

South side of project City of Leavenworth landfill

East side of project Leavenworth County (under

Lansing tried to annex property in 2005 project  
owners got Tareba to deannex I doubt

their intent has changed. Besides this  
barrier (Leavenworth County) keeps

Wyondat County and KCK at a distance that is far enough away but still close enough for use to visit. We should move City to the west and southwest toward new School & City Park. That area looks better to develop than landfill and KC buffer area.

Sewer hookup appears to be problem as well where to intercept line, will it need to replace the present line is in bad spot and would create flooding issues and water runoff problem for homes on Hithgreen

Safety for kids getting to school needs to be addressed. Pricing of existing lake ~~to~~ needs to be addressed for Phase 1

Too many concerns to allow developer to start Phase 1 thinking that the rest will come

Urge you to vote no on Phase 1 of Saddle Ridge

Rh Herley 812 East Mary

I protest to Lansing City Council the approval of Phase 1 of Saddle Ridge Estates by the Planning Committee. The main reasons traffic on East Mary, sewer system impact, and safety. The proposed plan is an island with no way in or out except East Mary. Approval lets the developer expect future improvements to East Mary and sewer system pushing Lansing City to do significant infrastructure improvements. 150 to 200 homes on East Mary creates major traffic concerns. 23 of 30 driveways on East Mary now back out into East Mary. Several issues have occurred with present traffic. Adding more traffic bigger problem. Funding a road to an island where no future development is available now does not seem to be good for Lansing.

North side of project KSP (no potential)

West side of project 100 year Flood Plain (no)

South side of project City of Leavenworth landfill

East side of project Leavenworth County (Lansing tried to annex property in 2015 project owners got Topeka to deannex. I doubt their interest has changed. Besides this barrier (Leavenworth County) keeps Wyandotte County and KCK at a distance that is far enough away but still close enough for us to visit. We should move City to the west and southwest toward new school, city park. That area looks better to develop than landfill and KC buffer area.

Sewer hookup appears to be problem as well where to intercept line, will it need to be replaced. The present line is in bad spot and would create flooding issues and water runoff problem for homes on Hithergreen. Safety for kids getting to school needs to be addressed. Draining of existing lake needs to be addressed for phase 1.

Too many concerns to allow developer to start Phase 1 thinking that the rest will come. I urge you to vote no on Phase 1 of Saddle Ridge.

R L Henley

812 East Mary



# FINAL PLAT

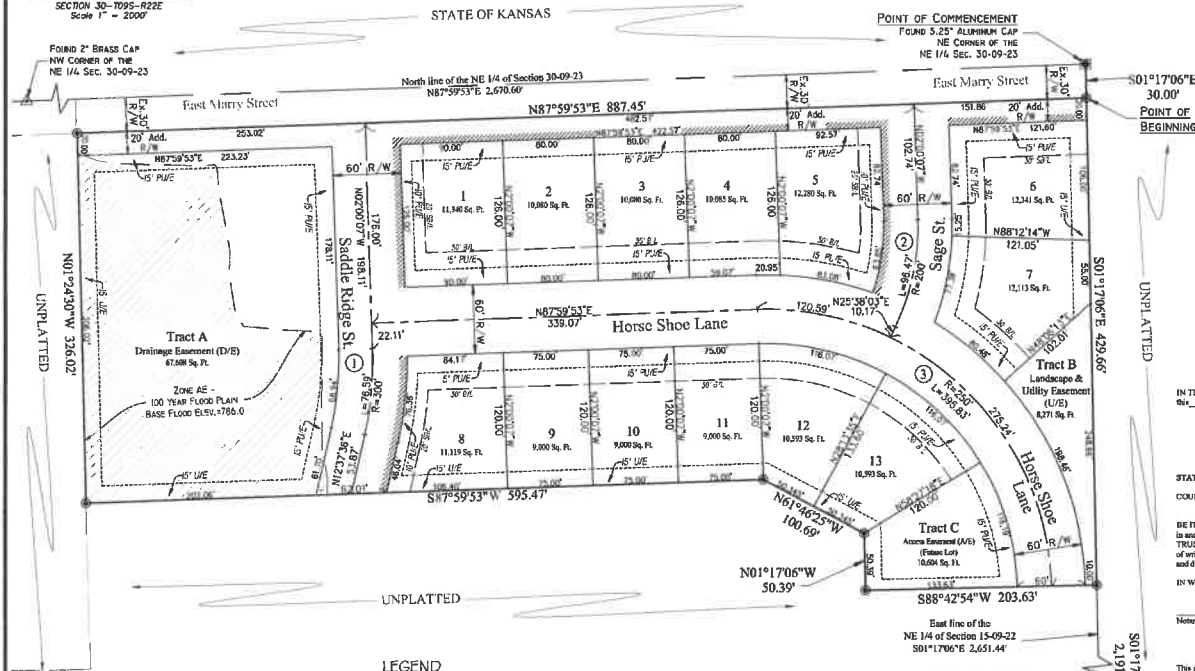
## SADDLE RIDGE ESTATES, 1ST PLAT

A SUBDIVISION OF LAND IN THE CITY OF LANSING,  
LEAVENWORTH COUNTY, KANSAS



**LOCATION MAP**  
SECTION 30—T09S—R23E  
Scale 1" = 200'

**FOUND 2" BRASS CAP**  
NW CORNER OF THE  
NE 1/4 SEC. 30-09-23



- LEGEND**
- ▲ DENOTES FOUND MONUMENT AS NOTED
  - DENOTES 3-1/4" DIA. STAMPED ALUM. DISK, LEAVENWORTH COUNTY SECTION CORNER, IN MONUMENT BOX
  - DENOTES SET 1/2" REBAR LS 1408 PLASTIC CAP SET IN CONCRETE
  - DENOTES ACCESS EASEMENT
  - - - DENOTES DRAINAGE EASEMENT
  - U—U— DENOTES UTILITY EASEMENT
  - DENOTES PUBLIC UTILITY EASEMENT
  - /// DENOTES LIMITS OF NO ACCESS
  - DENOTES BUILDING LINE
  - DENOTES SIDE BUILDING LINE
  - DENOTES 100-YEAR FLOOD PLAIN AREA

**Centerline Curve Data**

Curve	Δ	R	L	Tan	C
1	145°37'43"	500.00'	176.59'	28.51'	76.39'
2	27°38'10"	206.00'	96.47'	49.15'	95.54'
3	90°45'02"	250.00'	358.83'	355.76'	

Title information furnished by:  
Kansas Secured Title, Inc  
Lansing agent for  
Chicago Title Insurance Company  
Policy No.: 72306672-211194240  
Dated: April 28, 2017

**DISCLAIMER:**  
Leavenworth County, Kansas, does not represent, warrant or guarantee that the details shown on this document and provided by the applicant, or any agent of applicant, including any survey information, should be relied upon by any third party as being wholly or partially accurate and complete.

Lot Areas		Tract Areas	
Lot #	Square Ft.	Tract	Square Ft.
1	11,346 S.F.	A	47,608 S.F.
2	10,880 S.F.	B	8,271 S.F.
3	10,880 S.F.	C	10,665 S.F.
4	10,880 S.F.		
5	12,280 S.F.		
6	12,241 S.F.		
7	12,711 S.F.		
8	11,119 S.F.		
9	9,000 S.F.		
10	9,000 S.F.		
11	9,000 S.F.		
12	10,929 S.F.		
13	10,929 S.F.		
<b>Total Area</b>	<b>137,624 S.F.</b>		
		<b>Total Lot Area =</b>	<b>137,624 Sq. Ft.</b>
			<b>(3.18 Ac. ±)</b>
		<b>Total Tract Areas =</b>	<b>86,484 Sq. Ft.</b>
			<b>(1.99 Ac. ±)</b>
		<b>Flow Area =</b>	<b>86,181 Sq. Ft.</b>
			<b>(2.02 Ac. ±)</b>

- NOTE:**
- The basis of bearing system Kansas North Zone, U.S. State Plane, NAD 83.
  - The Interior Lot Corners shall be set Post Utility Construction.
  - Corner Lots with a Side Building Line (SBL) shall have No Direct Vehicular Access on that side of the Lot.
  - Exterior Plat Corner Monuments to be set in concrete per Leavenworth County Regulations prior to issuing building permits.
  - Flood Plain Information: The property is located in Zone AE (Special Flood Hazard Area with a Base Flood Elevation of 786.00) and Zone X (Area of Minimal Flood Hazard) according to the Flood Insurance Rate Map for the City of Lansing, Leavenworth County, Kansas, Community Panel No. 20103C02320, effective date 07/16/2015.
  - The minimum Front Yard Setback shall be 30 feet from the structure to the right-of-way line.
  - The minimum Side Yard Setback shall be 10 feet from the structure to the property line.
  - The minimum Rear Yard Setback shall be 30 feet from the structure to the property line.

**CLOSURE CALCULATIONS:**  
2,593.31' (plot boundary) / 0.002' (closing distance) = unadjusted error of closure 1 in 1,296.65.

**LEGAL DESCRIPTION**

A tract of land in the Northeast Quarter of Section 30, Township 09 South, Range 23 East of the 6th P.M., in the City of Lansing, Leavenworth County, Kansas being described as follows:  
Commencing at the Northeast corner of said Northeast Quarter of Section 30; thence South 01 degrees 17 minutes 06 seconds East along the East line of said Northeast Quarter a distance of 50.30 feet to the POINT OF BEGINNING of herein described tract; thence South 01 degrees 17 minutes 06 seconds East continuing along said East line a distance of 429.66 feet; thence South 88 degrees 42 minutes 54 seconds West a distance of 203.63 feet; thence North 01 degrees 17 minutes 06 seconds West a distance of 50.39 feet; thence North 01 degrees 46 minutes 23 seconds West a distance of 100.69 feet; thence South 87 degrees 59 minutes 53 seconds West a distance of 595.47 feet; thence North 01 degrees 24 minutes 30 seconds West a distance of 336.02 feet; thence North 87 degrees 59 minutes 53 seconds East, parallel to the North line of said Northeast Quarter, a distance of 887.45 feet to the POINT OF BEGINNING, containing 312,257.895 square feet or 7.168 acres, more or less.

**DEDICATION**

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "SADDLE RIDGE ESTATES, 1ST PLAT".  
The streets and roads shown on this plat and not heretofore dedicated to public use, are hereby so dedicated.  
An easement is hereby granted to the City of Lansing, Leavenworth County, Kansas, to enter upon, construct, maintain, use, and authorize the location, of conduits for providing water, gas, cable, electric, sewer, and other utility services, including related facilities and appurtenances thereto, and drainage facilities, upon, under, over, and across those areas outlined and designated on this plat as "Utility Easement" or "UE", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Lansing, Leavenworth County, Kansas.  
An easement or license is hereby dedicated to the City of Lansing, Kansas, to enter upon, locate, construct and maintain or authorize the location, construction, or maintenance, with the right of ingress and egress, of water lines, storm sewer pipes and manholes, gas pipes, and street trees upon, under, over, and across those areas outlined and designated on this plat as "Public Utility Easement" or "PUE".  
An easement or license is hereby dedicated to the City of Lansing, Kansas, to enter upon, construct and maintain conduits, storm sewer pipes, surface drainage facilities, etc., upon, over, and under those areas outlined and designated on the plat as "Drainage Easement" or "DE". All areas designated as drainage easement shall remain free of fences, shrubs, retaining walls, permanent structures and other obstacles that would restrict the flow of drainage, or interfere with the safe and continuous maintenance of the drainage facilities.  
An easement or license is hereby dedicated to the Saddle Ridge Estates Homes Association to enter upon, over, and under those areas outlined and designated on the plat as "Access Easement" or "AE".  
Tract "A" shall be owned and maintained by the Saddle Ridge Estates Homes Association and is intended for landscaping, monuments, private open space, drainage easement and/or Homes Association Amenities.  
Tract "B" shall be owned and maintained by the Saddle Ridge Estates Homes Association and is intended for landscaping, monuments, private open space, native landscape areas, utility easement and/or Homes Association Amenities.  
Tract "C" is reserved for a future lot and is intended for a temporary turnaround (Access Easement) until Horsehoe Lane is extended South and will be re-platted with the next phase of development.  
The use of all lots in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Register of Deeds of Leavenworth County, Kansas, said restrictions will thereby be made a part of the dedication of this plat as though fully set forth herein.

**EXECUTION**

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

MARK LINAWEAVER TRUST

MARK LINAWEAVER, Trustee

STATE OF KANSAS )  
                          ) SS  
COUNTY OF LEAVENWORTH

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me a Notary Public in and for said County and State, came MARK LINAWEAVER, trustee of the MARK LINAWEAVER TRUST, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said TRUST, and they duly acknowledged the execution of the same to be the act and deed of said TRUST.

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

Notary Public \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

APPROVAL

This plat of SADDLE RIDGE 1ST PLAT has been submitted to and approved by the Lansing Planning Commission, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CHAIRMAN \_\_\_\_\_

SECRETARY \_\_\_\_\_

This plat approved by the City Council of Lansing, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_ DIRECTOR OF PUBLIC WORKS \_\_\_\_\_

CITY ATTORNEY \_\_\_\_\_

I hereby certify, as the County Treasurer of Leavenworth County, Kansas, that all taxes and special assessments due and payable on the foregoing subdivision have been paid, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

LEAVENWORTH COUNTY TREASURER \_\_\_\_\_

STATE OF KANSAS )  
                          ) SS  
COUNTY OF LEAVENWORTH

This is to certify that this instrument was filed for record in the Register of Deeds office on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, in Book \_\_\_\_\_ Page \_\_\_\_\_.

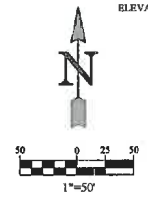
REGISTER OF DEEDS \_\_\_\_\_

I hereby certify this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

COUNTY SURVEYOR \_\_\_\_\_

**DATUM:**

NAVD 1988, U.S. Feet  
Bench Mark: Square Out on E. Mary Street Bridge crossing 9-Mile Creek. Located in the middle of the bridge deck on the south side.  
ELEVATION: 784.29



Prepared For:  
Mark Linawever Trust  
c/o Mark Linawever, Trustee  
2453 147th Street  
Leavenworth, KS 66648  
(913) 351-3474

Date of Preparation:  
August 1, 2018

**SADDLE RIDGE ESTATES, 1ST PLAT**  
SEC. 30, T09S, R23E LEAVENWORTH COUNTY, KANSAS

**ATLAS SURVEYORS, LLC.**  
TAKING CARE OF YOUR NEEDS  
207 South 5th Street | Leavenworth, Kansas 66648 | 913.682.8600 | 913.682.8606 (F)



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## AGENDA ITEM

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TO: Tim Vandall, City Administrator  
FROM: Terri Wojtalewicz, Library Director *TW*  
DATE: August 31, 2018  
SUBJECT: Ordinance No. 1008 – Lansing Community Library

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Ordinance 1008 was presented at the August 30<sup>th</sup> work session. This ordinance amends and updates the City Code on how the Lansing Community Library operates and functions. Two items were discussed in the Work Session regarding the Ordinance:

Section 13-408 (1): The members of the Library Advisory Board shall be appointed by the Mayor with the consent and approval of the Lansing City Council.

This language as consistent with the State Statute for appointments for Cities of a Second Class.

The other topic discussed was the interview procedure for candidates seeking appointment to the Library Board. Clarifying language has been added to 13-410 (L): Identify and recommend possible candidates to the Governing Body for open library board positions, as appropriate.

**Policy Consideration:** If this ordinance is adopted, it will take affect once it published.

**Financial Consideration:** None

**Action:** Staff recommends a motion to adopt Ordinance No. 1008 as presented.

**ORDINANCE NO. 1008**

**AN ORDINANCE OF THE CITY OF LANSING, KANSAS AMENDING UNDER CHAPTER 13, ARTICLE 4 OF THE CODE OF THE CITY OF LANSING, KANSAS, AND AMENDMENTS THERETO.**

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

**SECTION 1.** Chapter 13, Article 4 of the code of the City of Lansing is hereby amended to read as follows:

**13-401            LANSING COMMUNITY LIBRARY - DEFINITIONS**

1. Unless the context requires a different meaning, the following words, terms and phrases shall have the meaning ascribed to them in this section:
  - a. "City" shall mean the City of Lansing, Kansas.
  - b. "Governing Body" shall mean the governing body of the City.
  - c. "Library" or "Lansing Community Library" shall mean the public library in the City serving the public and is supported in whole or in part with tax revenue.
  - d. "Library Advisory Board" or "Lansing Community Library Advisory Board" shall mean a board appointed by the Mayor with the consent of the Governing Body of the City to advise the Governing Body, City Administrator, and Library Director concerning Library matters.
  - e. "Mayor" shall mean the city-wide elected position of Mayor of the City.

**13-402            LANSING COMMUNITY LIBRARY – ESTABLISHMENT AND RESPONSIBILITY**

1. The public library is a department of the City and is hereby established, continued, and maintained for the City of Lansing, Kansas under the provisions of Charter Ordinance No. 1-2018, this Ordinance, and any related Ordinances and/or Charter Ordinances adopted by the Governing Body and any by-laws adopted by the Library Advisory Board.
2. The public library shall be called the Lansing Community Library.
3. The Lansing Community Library shall be the public agency responsible for providing library and information services that are freely accessible to all eligible patrons.
4. The Library Director and library staff shall be hired and employed by the City.

**13-403            LANSING COMMUNITY LIBRARY – FINANCING AND LEVY OF TAXES**

1. The Lansing Community Library shall be financed through the use of general fund monies, library mill levy revenues, library operational revenues (including, but not limited to, fines and fees established by resolution of the Governing Body), intergovernmental agreements, grants, gifts, donations and bequests received and designated to be used for library purposes, and any other tax levies that may be authorized by the Governing Body of the City under the authority of Charter

Ordinance No. 1-2018, and in accordance with the Kansas cash-basis law (K.S.A. 10-1101 et seq., and any amendments thereto), and any other applicable provisions otherwise set forth in this Chapter or under Kansas law.

2. The Governing Body shall annually levy a tax for the operation, maintenance, and support of the Library, including employee benefits, in such sum as it may choose. Such tax levy may be based, in part, on the recommendation of the Library Advisory Board, but shall be levied by the Governing Body without limitations, except those limitations which may control as set forth in any applicable statute fixed by law.
3. Such levied and collected tax revenue shall be maintained and identified in a separate fund to be known as the "Library Fund" as itemized with the City's annual budget.

**13-404**

**LANSING COMMUNITY LIBRARY – ADMINISTRATIVE POLICIES AND PROCEDURES**

1. The Library Director, as an employee of the City, shall be responsible for the fiscal and internal administrative operations of the Library, except as determined by the City Administrator in collaboration with the Library Director, in order to optimize operational efficiencies.
2. The Library shall operate in conformance with City administrative policies and procedures, including, but not limited to, those pertaining to:
  - a. Personnel, including recruitment, selection, classification and pay for Library personnel.
  - b. The City Administrator may consult with the Library Advisory Board regarding the selection of a Library Director.
3. Receipt, disbursement, and accounting of all revenues, from whatever source it is derived, dedicated for the operation of the library.
4. Maintenance of general books, cost accounting records, and other financial documents.
5. Budget administration.
6. Operation and maintenance of equipment and buildings.

**13-405**

**LANSING COMMUNITY LIBRARY – REMOVAL OF MATERIALS AND PENALTY**

1. It shall be unlawful for any person to take from the Lansing Community Library, or any premises thereof, any property, whether public or personal, belonging to or under the control of the Library unless authorized by the Library Director or his or her designated representative, and in compliance with the policies of the Library. It shall be unlawful for any persons to retain and convert any property belonging to the Library to their possession or keep the same longer than permitted by Library policy.
2. The penalty for violating this Article shall be fined as established by the fee schedule.

**13-406**

**LIBRARY ADVISORY BOARD - CREATION**

1. There is hereby established a Lansing Community Library Advisory Board. The Library Advisory Board advises the Governing Body, City Administrator, and Library Director concerning Library matters based on the duties and responsibilities

enumerated in Section 13-410 of this Chapter.

13-407

**LIBRARY ADVISORY BOARD – MEMBERSHIP**

1. The Lansing Community Library Advisory Board shall consist of eight members:
  - a. Seven (7) voting members shall reside within the Lansing USD 469 district.
  - b. The Mayor shall be a non-voting ex-officio member.

13-408

**LIBRARY ADVISORY BOARD – APPOINTMENT, TERMS, VACANCIES, REMOVAL, COMPENSATION**

1. The members of the Library Advisory Board shall be appointed by the Mayor with the consent and approval of the Lansing City Council.
2. The term of appointment for each member of the Advisory Board shall be four (4) years with no limit on the number of terms a member may serve.
3. Terms shall expire on the last day of April of a given year.
4. Vacancies occurring before the expiration of a term shall be filled by appointment by the Mayor with the consent and approval of Lansing City Council for the remainder of the unexpired term.
5. The Advisory Board members may vote to remove any appointed member of the Advisory Board due to excessive absences. Advisory Board members shall be expected to attend at least seven (7) meetings in a calendar year.
6. The members of the Advisory Board shall serve without compensation.

13-409

**LIBRARY ADVISORY BOARD – APPOINTMENT OF OFFICERS AND CONDUCT OF MEETINGS**

1. The Advisory Board shall select from its membership a chairperson, a vice-chairperson, and a secretary.
  - a. Officers serve one (1) year terms and may be re-elected to consecutive officer terms with no limit on the number of officer terms.
2. The Advisory Board shall establish the time and place of when and where its meetings will be conducted.
3. The Advisory Board may make and establish such reasonable bylaws, rules and regulations as may be necessary for its own governance, and for the full and complete execution of its duties and responsibilities.
4. General or special meetings may be held at such time as the chairperson or majority of the members direct.
5. Four (4) members of the Advisory Board shall constitute a quorum for the transaction of business.
6. A record of all proceedings shall be kept.
7. All regular and special meetings shall be subject to the Kansas Open Meeting Act.

13-410

**LIBRARY ADVISORY BOARD – DUTIES AND RESPONSIBILITIES**

1. The Lansing Community Library Advisory Board shall be an advisory board for the Governing Body, City Administrator, and Library Director concerning Library matters. Nothing in this Chapter shall be construed as limiting any statutory authority under federal, state, or municipal law or ordinance of any City elected or appointed official. The Library Advisory Board shall have the following functions, duties and responsibilities:

- a. Abide by all applicable City ordinances.
- b. Act in an advisory capacity to the Governing Body, City Administrator, and Library Director.
- c. Provide opinion and guidance, as appropriate, for the annual Library budget.
- d. Pursue possible grant opportunities, when available and appropriate, for the development of the City's library or programs.
- e. Advise in the establishment and review of policies and procedures to ensure efficient and effective operation of the Library and its programs.
- f. Assist in strategic planning.
- g. Provide a public forum for communication on library issues.
- h. Attend annual Northeast Kansas Regional Library System training.
- i. Provide opinions and guidance, as appropriate, on issues such as income producing opportunities, the expansion of existing Library facilities and services, and new facilities.
- j. Engage in public relations activities for the purpose of educating and informing the public about Lansing Community Library and its various programs offered to the public.
- k. Participate in advocacy initiatives at the local, state, and federal levels as needed.
- l. Identify and recommend possible candidates to the Governing Body for open library board positions, as appropriate.

**SECTION 2. AMEND.** This ordinance shall amend Chapter 13, Article 4 of the Lansing City Code.

**SECTION 3. REPEAL.** Ordinance No. 960, and all other ordinances and any sections, provisions, or conflicting provisions contained in any previous ordinance or ordinances of the City in conflict herewith, are hereby repealed.

**SECTION 4. 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 5.** 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, County of Leavenworth, State of Kansas, this 6<sup>th</sup> day of September 2018.

{SEAL}

\_\_\_\_\_  
Michael W. Smith, Mayor

**Attest:**

\_\_\_\_\_  
Sarah Bodensteiner, City Clerk

APPROVED AS TO FORM:

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Gregory Robinson, City Attorney

Published: *Leavenworth Times*

Date Published:

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# AGENDA ITEM

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TO: Tim Vandall, City Administrator  
FROM: Beth Sanford, Finance Director  
DATE: August 29, 2018  
SUBJECT: Resolution B-2-18

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Resolution B-2-18 establishes a loan program for employees through their ICMA 457 retirement plan, as discussed at the August 30, 2018 work session.

**Action:**

Staff recommends a motion to approve Resolution B-2-18, as presented.

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**AGENDA ITEM #**

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9



**RESOLUTION NO. B-2-2018**

**A RESOLUTION FOR A LEGISLATIVE BODY RELATING TO  
AMENDING A RETIRMENT PLAN TO PERMIT LOANS.**

**WHEREAS**, the City of Lansing has employees rendering valuable services; and

**WHEREAS**, the City of Lansing has established a retirement plan (the "Plan") for such employees which serves the interest of the City of Lansing by enabling it to provide reasonable retirement security for its employees, but providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

**WHEREAS**, the City of Lansing has determined that permitting participants in the retirement plan to take loans for the Plan will serve these objectives;

**NOW THEREFORE BE IT RESOLVED**, that the Plan will permit loans.

**ADOPTED AND APPROVED** by the Governing Body of the City of Lansing, Kansas, this 6th day of September, 2018.

(SEAL)

ATTEST:



\_\_\_\_\_  
SARAH BODENSTEINER,  
City Clerk

\_\_\_\_\_  
MICHAEL W. SMITH,  
Mayor

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## AGENDA ITEM

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TO: Tim Vandall, City Administrator   
FROM: Anthony J. Zell, Jr., Wastewater Utility Director   
DATE: August 27, 2018  
SUBJECT: Condemnation Resolution No. B-3-18 (enabling action) for City Project 17-04 (7 Mile Project 1)

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The accompanying resolution is the first enabling steps to pursue condemnation, if necessary, of interests in property (permanent and temporary easements) necessary for the construction of the above referenced project. Enactment of the resolution clears the way to later enact a condemnation ordinance listing any specific easements that cannot reasonably be obtained through negotiation, if needed.

It is prudent to enact the resolution at this time so that the governing body does not have to wait an extra meeting cycle to enact a condemnation ordinance if it is needed. Delays due to the length of time required for condemnation have the potential to delay the completion of the project.

Every reasonable effort will be made to obtain all easements through negotiation with the City's subcontractor (Skeens Consulting), regardless of whether this resolution is enacted.

Policy Consideration: N/A

Financial Consideration: N/A

Recommended Action: A motion to enact Resolution No. B-3-18, a resolution of condemnation for permanent and temporary construction easements for Project No. 17-04, 7 Mile Project 1.

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**AGENDA ITEM #**

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10

**RESOLUTION NO. B-3-18**

**RESOLUTION FINDING AND DECLARING THE NECESSITY OF APPROPRIATION OF PRIVATE PROPERTY BY ACQUIRING PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE USE OF THE CITY FOR THE CONSTRUCTION OF A PUBLIC SANITARY SEWER IMPROVEMENT, PROJECT NUMBER (17-04).**

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

1. Pursuant to K.S.A. 26-201, the City Council deems it necessary and hereby finds and declares the necessity to appropriate private property by acquiring by condemnation for permanent easements and temporary construction easements for the use of the City for construction of City Project 17-04, a public sanitary sewer improvement located in the city limits of the City of Lansing.
2. A survey has been conducted by William D. Lee, Kansas Registered Land Surveyor #1343, with a description of the land or interest to be condemned, and has been filed with the City Clerk.

This resolution shall be published once in the official city newspaper, *The Leavenworth Times*.

ADOPTED AND APPROVED by the governing body of the City of Lansing, Kansas, on this 6<sup>th</sup> day of September, 2018.

\_\_\_\_\_  
Michael W. Smith, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, City Clerk

Published: *The Leavenworth Times*

Date Published: \_\_\_\_\_

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## AGENDA ITEM

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TO: Tim Vandall, City Administrator *P*  
FROM: Anthony J. Zell, Jr., Wastewater Utility Director *Tz*  
DATE: August 27, 2018  
SUBJECT: Condemnation Resolution No. B-4-18 (enabling action) for City Project 18-02 (Northwest Relief Sewer Project)

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The accompanying resolution is the first enabling steps to pursue condemnation, if necessary, of interests in property (permanent and temporary easements) necessary for the construction of the above referenced project. Enactment of the resolution clears the way to later enact a condemnation ordinance listing any specific easements that cannot reasonably be obtained through negotiation, if needed.

It is prudent to enact the resolution at this time so that the governing body does not have to wait an extra meeting cycle to enact a condemnation ordinance if it is needed. Delays due to the length of time required for condemnation have the potential to delay the completion of the project.

Every reasonable effort will be made to obtain all easements through negotiation with the City's subcontractor (Skeens Consulting), regardless of whether this resolution is enacted.

Policy Consideration: N/A

Financial Consideration: N/A

Recommended Action: A motion to enact Resolution No. B-4-18, a resolution of condemnation for permanent and temporary construction easements for City Project No. 18-02, Northwest Relief Sewer Project.

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**AGENDA ITEM #** //

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**RESOLUTION NO. B-4-18**

**RESOLUTION FINDING AND DECLARING THE NECESSITY OF APPROPRIATION OF PRIVATE PROPERTY BY ACQUIRING PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE USE OF THE CITY FOR THE CONSTRUCTION OF A PUBLIC SANITARY SEWER IMPROVEMENT, PROJECT NUMBER (18-02).**

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

1. Pursuant to K.S.A. 26-201, the City Council deems it necessary and hereby finds and declares the necessity to appropriate private property by acquiring by condemnation for permanent easements and temporary construction easements for the use of the City for construction of City Project 18-02, a public sanitary sewer improvement located in the city limits of the City of Lansing.
2. A survey has been conducted by Andrew J. Riddle, Kansas Registered Land Surveyor #1530, with a description of the land or interest to be condemned, and has been filed with the City Clerk.

This resolution shall be published once in the official city newspaper, *The Leavenworth Times*.

ADOPTED AND APPROVED by the governing body of the City of Lansing, Kansas, on this 6<sup>th</sup> day of September, 2018.

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Michael W. Smith, Mayor

(SEAL)

ATTEST:

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Sarah Bodensteiner, City Clerk



Published: *The Leavenworth Times*

Date Published: \_\_\_\_\_

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## AGENDA ITEM

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TO: Tim Vandall, City Administrator   
FROM: Jeff A. Rupp, Director of Public Works   
DATE: August 27, 2018  
SUBJECT: State of Kansas Supplemental Agreement No. 4 for Project No. 52-U-2113-01 (DeSoto Road, Ida Street to Eisenhower Road)

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Policy Consideration: The total amount of funding has not changed; however, there were a few places in the previous agreement that contained errors:

- Highway Demonstration Project (HDP) total funds are still at \$2,002,950, but only \$1,272,060 of that is available for construction funding due to \$730,890 going toward payment at 100% of Preliminary Engineering (PE).

- Supplemental Agreement #3 had two different amounts for HDP funding for PE: \$730,000 and \$730,890. This Supplemental Agreement corrects the typographical error and all PE amounts are listed at \$730,890.

- Supplemental Agreement #3 had \$2,002,950 HDP funding available for construction because it didn't consider the amount spent on PE. **The total funding has stayed the same.**

This Supplemental Agreement also corrects the construction funding by listing the \$1,272,060 that is still available for construction after subtracting the funding that is going towards PE.

Financial Consideration: Remains the same.

Action: Staff recommends that the City Council authorize the Mayor to sign Supplemental Agreement No. 4 for Project No. 52-U-2113-01 (DeSoto Road, Ida Street to Eisenhower Road).

PROJECT NO. 52 U-2113-01  
HPD-U211(301)  
GRADING, SURFACING, AND SEEDING  
CITY OF LANSING, KANSAS

**S U P P L E M E N T A L   A G R E E M E N T   N o .   4**

This Agreement, made and entered into effective the date signed by the Secretary or designee, is by and between the **Secretary of Transportation**, Kansas Department of Transportation (KDOT) (the “Secretary”) and the **City of Lansing, Kansas** (“City”), collectively, the “Parties.”

**RECITALS:**

- A. The Parties entered into an Agreement dated June 4, 2009 for grading, surfacing, and seeding on DeSoto Road from 4-H Road to Eisenhower Road in Lansing, Kansas (the “Original Agreement”).
- B. The Parties entered into a supplemental agreement dated January 24, 2012 (“Supplemental No. 1”) to reflect an increase in federal funding for the Project.
- C. The Parties entered into a supplemental agreement dated December 3, 2012 (“Supplemental No. 2) to reflect a change in the Project scope.
- D. The Parties entered into a supplemental agreement dated July 10, 2018 (“Supplemental No. 3) to reflect a change in the federal funding available for the Project
- E. The Parties mutually desire to supplement the Original Agreement to correct a typographical error in Supplemental No. 3.

**NOW, THEREFORE**, the Parties agree as follows:

1. On page 2 of the Original Agreement, Article 1, paragraph 4, be replaced in its entirety to read as follows:

4. The Project shall use federal funds consisting of Highway Demonstration Project (HDP) funds and Highway Safety Improvement Program (HSIP) funds as allocated by the Secretary to the Project.

- HDP Funds

The Secretary agrees to be responsible for one hundred percent (100%) of the total actual costs of preliminary engineering up to \$730,890.00 from HDP funds. The Secretary shall not be responsible for any preliminary engineering that exceeds \$730,890.00.

The Secretary also agrees to be responsible for eighty percent (80%) of the total actual costs of construction (which includes the costs of all construction contingency items) and construction engineering for the Project up to a maximum of \$1,272,060.00 from HDP funds. In no event shall the Secretary’s maximum reimbursement exceed \$1,590,075.00 for construction

or construction engineering in HDP funds. Further, the Secretary shall not be responsible for the total actual costs of construction (which includes the costs of all construction contingency items) and construction engineering that exceed \$1,590,075.00 in HDP funds for the Project and for any federal reduction in the HDP funds for the Project.

- HSIP Funds

The Secretary agrees to be responsible for ninety percent (90%) of the total actual costs of the construction (which includes the costs of all construction contingency items), and construction engineering up to a maximum of \$200,000.00 in HSIP funds. In no event shall the Secretary's maximum reimbursement for construction and construction engineering exceed \$222,222.00 in HSIP funds. The Secretary shall not be responsible for the total actual costs of construction (which includes the costs of all construction contingency items) and construction engineering that exceed \$222,222.00 in HSIP funds and for any federal reduction in HSIP for the Project.

The Secretary shall not be responsible for the total actual costs of rights of way and utility adjustments for the Project.

2. On page 6 of the Original Agreement, Article II, paragraph 18, be replaced in its entirety to read as follows:

18. The Project shall use federal funds consisting of HDP funds and HSIP funds as allocated by the Secretary to the Project.

- HDP Funds

The City agrees to be responsible for zero percent (0%) of the total actual costs of preliminary engineering up to \$730,890.00 in HDP funds. The City also agrees to be responsible for one hundred percent (100%) of the total actual costs of preliminary engineering that exceed \$730,890.00 for the Project.

The City agrees to be responsible for twenty percent (20%) of the total actual costs of construction (which includes the costs of all construction contingency items) and construction engineering for the Project up to \$1,590,075.00 in HDP funds. The City further agrees to be responsible for one hundred percent (100%) of the costs of construction (which includes the costs of all construction contingency items), and construction engineering that exceed \$1,590,075.00 for the Project and for any federal reduction in HDP funds for the Project.

- HSIP Funds

The City agrees to be responsible for ten percent (10%) of the total actual costs of the construction (which includes the costs of all construction contingency items), and construction engineering up to \$222,222.00 in HSIP funds. The City further agrees to be responsible for one hundred percent (100%) of the costs of construction (which includes the costs of all construction contingency items) and construction engineering for the Project that exceed \$222,222.00 for HSIP funds and for any federal reduction in HSIP funds for the Project.

The City shall be responsible for one hundred percent (100%) for the total actual costs of construction and construction engineering that exceed \$1,812,297.00. Further, the City



shall be responsible for one hundred percent (100%) of the total actual costs of right of way and utility adjustments for the Project.

**THIS SUPPLEMENTAL AGREEMENT** shall not be construed to alter, modify, or void the terms, provisions or conditions of the Original Agreement, incorporated herein by reference, except as herein specifically provided.

**IN WITNESS WHEREOF**, the Parties have caused this Supplemental Agreement to be signed by their duly authorized officers.

ATTEST:

THE CITY OF LANSING, KANSAS

\_\_\_\_\_  
CITY CLERK (Date)

\_\_\_\_\_  
MAYOR

(SEAL)

Kansas Department of Transportation  
Secretary of Transportation

By: \_\_\_\_\_  
Catherine M. Patrick, P.E. (Date)  
State Transportation Engineer

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## AGENDA ITEM

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TO: Tim Vandall, City Administrator  
FROM: Sarah Bodensteiner, City Clerk  
DATE: August 27, 2018  
SUBJECT: Executive Session – Consultation with Attorney

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Executive Session will be called for consultation with Attorney.

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**AGENDA ITEM #**

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13



# National Assisted Living Week 2018 Proclamation

**WHEREAS**, residents of assisted living communities are active members of the larger community, offering their wisdom, life experiences and skills; their past contributions continue to be a vital part of Lansing's rich history; and their future contributions deepen our identity;

**WHEREAS**, assisted living is a critical long term care service for older adults and individuals with disabilities that fosters choice, dignity, and independence; assisted living communities are committed to excellence, innovation and the advancement of person-centered care;

**WHEREAS**, in 1995, the National Center for Assisted Living established National Assisted Living Week® to honor the contributions of assisted living communities in providing long term care to America's seniors and individuals with disabilities;

**WHEREAS**, this year's theme of National Assisted Living Week® is "Capture the Moment," which hopes to inspire assisted living residents to enjoy the present while celebrating the past;

**WHEREAS**, "Capture the Moment" is also meant to encourage assisted living staff to focus on the little, everyday interactions with residents to continue delivering high-quality, person-centered care;

**WHEREAS**, during this special week, assisted living communities across the country are encouraged to organize activities and events which celebrate the deep connections between the dedicated staff members and residents;

**Now, Therefore**, I, Michael W. Smith, Mayor of the City of Lansing, State of Kansas, do hereby proclaim the week of September 9-15, 2018 as:

## **Assisted Living Week**

in the City of Lansing. I urge all citizens to volunteer in an assisted living community, to visit friends and loved ones who reside at these communities, and to learn more about how assisted living services benefit our communities.

**In witness thereof**, I have hereunto set my hand and caused the great seal of the City of Lansing to be affixed this 6th day of September, in the Year of Two Thousand and Eighteen.

City of Lansing

\_\_\_\_\_  
Michael W. Smith, Mayor

\_\_\_\_\_  
Sarah Bodensteiner, City Clerk

14