



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

COUNCIL AGENDA
Regular Meeting
Thursday, January 5, 2017
7:00 P.M.

WELCOME TO YOUR CITY COUNCIL MEETING

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

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

Call To Order

Pledge of Allegiance

Roll Call

OLD BUSINESS:

1. Approval of Minutes

NEW BUSINESS:

Audience Participation

Presentations

Council Consideration of Agenda Items:

2. Public Hearing on and Consideration of the Neighborhood Revitalization Plan
3. Request to Purchase Police Vehicles
4. Lansing Planning Commission Appointment
5. Main Street Overlay District Review of 599/601 South Main Street

Reports:

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

Proclamations

Other Items of Interest

Adjournment

AGENDA SUMMARY

TO: Tim Vandall, City Administrator
FROM: Sarah Bodensteiner, City Clerk
DATE: December 29, 2016
SUBJECT: Agenda Summary

Call To Order

Pledge of Allegiance

Roll Call

OLD BUSINESS:

1. Approval of Minutes

- The regular meeting minutes of December 15, 2016, are attached.
- **MOTION:** To approve the regular meeting minutes of December 15, 2016.

NEW BUSINESS:

Audience Participation

Presentations:

Items for Council Consideration:

2. Public Hearing on and Consideration for the Neighborhood Revitalization Plan

- At the October 27, 2016 Work Session the Council reviewed the Neighborhood Revitalization Plan and proposed text amendments. Upon direction, City Staff moved to get the plan reviewed and approved by the other taxing entities.
- All of the taxing entities associated with the Plan are agreeable to the plan and have approved execution of the Interlocal Agreement.
- **MOTIONS:**
- To open the public hearing on the Neighborhood Revitalization Plan.
- To close the public hearing on the Neighborhood Revitalization Plan.
- Allow the Mayor to execute the Interlocal Agreement.
- To adopt Resolution No. B-1-17, a resolution adopting the Lansing Neighborhood Revitalization Plan.

3. Request to Purchase Police Vehicles

- The Police Department requested bids for two (2) police package patrol vehicles. Two (2) bids were received.
- The costs are for the vehicles only, and do not include the additional costs of light bars, in-car video systems, prisoner transport systems, etc.
- **MOTION:** To approve the purchase of two police package patrol vehicles from Landmark Dodge for an amount not to exceed \$49,112.00.

4. Lansing Planning Commission Appointment

- There is currently a vacancy on the Planning Commission. Advertisements were run and two individuals have applied. The City Council interviewed the applicants at the Special Meeting on January 5, 2017 at 6:30 p.m.
- **MOTION:** To appoint one (1) applicant to the Lansing Planning Commission for a term that will expire on April 30, 2018

5. Main Street Overlay District Review of 599/601 South Main Street

- A request has been made for an automated, unmanned ice vending machine. The request has been through the Lansing Planning Commission, with a recommendation of approval with one condition.
- **MOTION:** To approve the automated ice vending machine at 599/601 South Main Street.

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

Proclamations

Other Items of Interest

Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Sarah Bodensteiner, City Clerk
DATE: December 21, 2016
SUBJECT: Approval of Minutes

The regular meeting minutes for December 15, 2016, are enclosed for your review.

Action: Staff recommends a motion to approve the regular meeting minutes for December 15, 2016.

AGENDA ITEM #

Call To Order:

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

Roll Call:

Mayor Gene Kirby 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: Kevin Gardner

OLD BUSINESS:

Approval of Minutes: Councilmember Trinkle moved to approve the regular meeting minutes of December 1, 2016. Councilmember Buehler seconded the motion. The motion was approved with Councilmembers Brungardt and Garvey abstaining from the vote.

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

Presentation

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Resolution for Kansas PRIDE Program: Councilmember Trinkle moved to adopt Resolution B-5-16. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Renewal of Special Use Permit – 401 Fairlane: Councilmember Buehler moved to approve the special use permit for 401 Fairlane. Councilmember Brungardt seconded the motion.

- Councilmember Trinkle asked any problems.
 - Police Chief Steve Wayman replied no, 401 Fairlane had absolutely no problems.

The motion was unanimously approved.

Renewal of Special Use Permit – 336 Fawn Valley Ct: Councilmember Buehler moved to approve the special use permit for 336 Fawn Valley Ct. Councilmember McNeill seconded the motion.

- Councilmember Garvey asked did we get all of their rabies vaccinations taken care of.
 - Police Chief Steve Wayman replied yes they came in on the thirteenth and got everything taken care of.
- Councilmember Pawlowski asked this is the one that we tabled last time.
 - Councilmember Garvey replied yes.
 - Councilmember Studnicka replied yes that's the one we tabled because she hadn't had the shots information and that's all squared away right Chief?
 - Police Chief Steve Wayman responded yes, they came in on the thirteenth and got everything square away.
- Councilmember Pawlowski asked and no problems.
 - Police Chief Steve Wayman responded no.

The motion was unanimously approved.

Councilmember Resignation – Kevin Gardner: Councilmember Trinkle moved to accept the resignation of Councilmember Kevin Gardner. Councilmember Pawlowski seconded the motion. The motion was unanimously approved.

REPORTS:

Department Heads: Department Heads had nothing to report.

City Attorney: City Attorney had nothing to report.

City Engineer: City Engineer had nothing to report.

City Administrator: City Administrator Tim Vandall briefed the Council on the timeline for a mail ballot election in the late spring or having the sales tax question on the November 2017 ballot. Having the mail ballot election in late spring or early summer and having it pass, would allow for funds to be accumulated in time for the DeSoto Road project, but if the ballot question is on the November ballot and passes, minimal funds would be accumulated. The sales tax monies would be designated with a 50/50 split towards the DeSoto Road project and Parks & Recreation improvements. Tim will begin work with Gilmore & Bell for an Ordinance calling for a special election to get the process moving forward. Tim also mentioned that the joint meeting with the County Commissioners regarding

McIntyre Road is set for Thursday, January 12, 2017 at 7:00 p.m. in the Lansing City Hall Council Chambers. Meetings at the staff level between City of Lansing and Leavenworth County have been ongoing and are much appreciated in regards to keeping the dialogue open for coming to a resolution on the project. Tim reiterated that the County Commissioners and County staff will be at the January 12th joint meeting, so all parties can be heard and continue to move forward with the McIntyre Road project. Tim also shared the cost estimate with the Governing Body for having the right-of-ways mowed now that LCF has informed the City they are no longer providing that service. The estimate was about eleven thousand, seven hundred dollars.

Governing Body: Councilmember Brungardt informed the Council that the middle school students held a toy drive for CASA and it was a huge success, as his truck bed was piled high with toys. He said it shows the kind of community Lansing is and that the kids in this community care. He also wished everyone a Merry Christmas. Councilmember Studnicka asked the Public Works Director when a pile of salt in front of his house would be removed. He also wished everyone a blessed Christmas and Happy New Year.

- Public Works Director Jeff Rupp advised that he would put a guy on it.

Councilmember Trinkle stated he was asked about having the City push snow at the Fire Station for Fire District #1 and wanted to know if the Council was ok with that. LCF was providing that service to the Fire Station, but is no longer. The Fire District has purchased a snow plow blade for their station out in the County, but was seeking help from the City so they do not have to move the plow with blade back and forth from the County to the City Station.

- After further discussion between the Fire Chief Rick Huhn, Fire Board member Jim Fricke, and the Council, the Council felt the topic should be discussed further in order to reach a decision.

Mayor Kirby congratulated Jim Fricke on getting the foundation for the city going and doing all the work and paperwork to have the foundation established as a 501C3. It is not an easy task and he took it on willingly and looks forward for future progress with the foundation. He mentioned that if anyone was interested in being involved or wanted more information, to contact Jim Fricke. Mayor Kirby closed his comments by wishing everyone a Merry Christmas.

Councilmember Pawlowski wished everyone Merry Christmas.

Councilmember Garvey thanked Mayor Kirby for serving as Mayor and wished him luck in his future endeavors. He also wished everyone a Merry Christmas.

Councilmember Buehler thanked Kevin Gardner for his time and dedication as a Councilmember and that he did a great job. He also provided a fun fact, in 1891 James Naismith introduced the first version of basketball with thirteen rules, a peach basket nailed to each end of the gymnasium, and two teams of nine players. He also wished everyone a Merry Christmas and Happy New Year.

Councilmember McNeill confirmed that the Governing Body could reach out to Kevin to thank him for his service on the Council. He also wished everyone a Merry Christmas and Happy New Year.



ADJOURNMENT: Councilmember McNeill moved to adjourn. Councilmember Brungardt seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:37 p.m.

ATTEST:

Louis E. Kirby, Mayor

Sarah Bodensteiner, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk 
DATE: December 29, 2016
SUBJECT: Public Hearing on and Consideration of the Neighborhood Revitalization Plan

The Neighborhood Revitalization Plan was created in 2002. To ensure that the plan remains current with current development trends, a review was conducted at the October 27, 2016 Work Session by staff regarding text amendments to the plan with the Governing Body. By direction from the Governing Body, staff was to move forward with having the plan officially updated and the interlocal agreement approved by all taxing entities.

In order to officially update and implement the plan, The City Council of the City of Lansing, Kansas, as required by and in compliance with K.S.A. 12-17,117(c), will hold a public hearing at the Lansing City Hall, 800 First Terrace, Lansing, Kansas, January 5, 2017, at 7:00 p.m. to hear comments for or against the adoption of a Neighborhood Revitalization Plan as provided by K.S.A. 12-17,114 through 12-17,120. Following the Public Hearing the City Council may adopt the Neighborhood Revitalization Plan by resolution as proposed, amend the plan or continue the public hearing. The notice for the public hearing was run in the Leavenworth Times on December 20, 2016 and December 27, 2016.

Staff met with the taxing entities to discuss the plan and obtain approval of the Interlocal Agreement. Lansing School District # 469, Leavenworth County Fire District No. 1, and Leavenworth County have all approved the Interlocal Agreement.

Action Items: Staff recommends the following motions:

Open the Public Hearing on the Neighborhood Revitalization Plan.

Close the Public Hearing on the Neighborhood Revitalization Plan.

Allow the Mayor to sign the Interlocal Agreement and adopt Resolution B-1-17, a resolution adopting the Lansing Neighborhood Revitalization Plan.

**AN INTERLOCAL AGREEMENT
BETWEEN THE
CITY OF LANSING, KANSAS
AND
THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS
AND
UNIFIED SCHOOL DISTRICT #469, LEAVENWORTH COUNTY, STATE OF KANSAS
AND
LEAVENWORTH COUNTY FIRE DISTRICT #1**

THIS INTERLOCAL AGREEMENT (hereinafter referred to as "Agreement") is entered this 5th day of January, 2017, by and between the City of Lansing, Kansas, a municipal corporation hereinafter referred to as "City," Board of County Commissioners of Leavenworth County, Kansas, hereinafter referred to as "County," Unified School District #469, hereinafter referred to as "District," and Leavenworth County Fire District #1, hereinafter referred to as "Fire District," all in Leavenworth County, Kansas.

WHEREAS, K.S.A. 12-2901 et seq. allows public agencies to enter into interlocal agreements to jointly perform certain functions including economic development; and

WHEREAS, Pursuant to K.S.A. 12-2901 et seq., all parties are public agencies, capable of entering into interlocal agreements; and

WHEREAS, K.S.A. 12-17,119 et seq. provides a program for neighborhood revitalization and further allows for the use, pursuant to K.S.A. 12-2901 et seq., of interlocal agreements between municipalities to further neighborhood revitalization; and

WHEREAS, it is the desire and intent of the parties, by acting jointly, to provide the maximum economic development incentive as provided for in K.S.A. 12-17,119.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. The parties agree to consider and adopt a neighborhood revitalization plan, hereinafter referred to as "NR Plan," in substantially the same form and content as Exhibit A, attached hereto and incorporated by reference as if fully set forth herein. The parties further agree the NR Plan as adopted will not be amended by any of the parties except as may be necessary to comply with applicable state law or regulation.
2. The parties further agree that the City shall administer the NR Plan as adopted by each party on behalf of the signatory parties. The parties acknowledge and agree that five percent (5%) or a minimum of ten dollars (\$10.00) increment, as defined by K.S.A. 12-17,118, shall be used to pay the County for administrative costs of implementing and administering the plan, all as described in the NR Plan.
3. If requested, the City shall prepare a report on or before the 31st day of January of each year regarding NR Plan activities for the previous calendar year, beginning with the year ending December 31, 2002.

Such report shall show the level of reinvestment in the NR Plan and shall state any need to modify this, or create a new, interlocal agreement.

4. The parties agree that termination of this agreement by any party would adversely impact the NR Plan, and, consequently, this agreement makes no provision for termination, except that, upon its annual review, should the City determine that the revitalization area has made sufficient recovery, it may terminate the program and inform the remaining parties of said action whereupon, the administrative obligations for the most recently completed projects will be carried out under the terms of this agreement, but no new projects will be initiated.
5. This agreement shall be executed in multiple parts, all of which shall constitute one original agreement. It shall take effect and be enforced from and after its adoption as above stated and as further provided by law.

IN WITNESS WHEREOF, the parties hereunto executed this contract as of the day and year first above written.

CITY OF LANSING, KANSAS

LEAVENWORTH COUNTY FIRE
DISTRICT #1

Louis E. Kirby, Mayor

Jeffrey Klemp, Chair

ATTEST:

ATTEST:

Sarah Bodensteiner, City Clerk

Secretary

THE BOARD OF COUNTY COMMISSIONERS
OF LEAVENWORTH COUNTY, KANSAS

Robert W. Holland, Chair

ATTEST:

APPROVED AS TO FORM & LEGALITY

Janet Klasinski, County Clerk

Kansas Attorney General

UNIFIED SCHOOL DISTRICT #469, LANSING, KANSAS

Jeff Martin, President

ATTEST:

Dr. Darrel Stufflebeam, Superintendent

RESOLUTION NO. B-1-17

**A RESOLUTION ADOPTING THE LANSING NEIGHBORHOOD
REVITALIZATION PLAN PROVIDING FOR PROPERTY TAX REBATES AND
DESIGNATING A PORTION OF THE CITY OF LANSING A
NEIGHBORHOOD REVITALIZATION AREA**

WHEREAS, K.S.A. 12-17,114 through 12-17-120, the Neighborhood Revitalization Act, provides that cities may prepare plans and designate Neighborhood Revitalization Areas; and

WHEREAS, the City of Lansing finds that one or more of the conditions as described in subsection (c) of K.S.A. 12-17-115 exist with the area; and,

WHEREAS, the rehabilitation, conservation or redevelopment of the area is necessary to protect the public health, safety or welfare of the residents of the city of Lansing; and

WHEREAS, the City of Lansing has prepared a Neighborhood Revitalization Plan for the designated area that meets the requirements of K.S.A. 12-17,117; and

WHEREAS, the Neighborhood Revitalization Plan provides incremental property tax rebates to encourage property owners to rehabilitate, conserve or redevelop the area; and

WHEREAS, public notice has been made two consecutive weeks in the local newspaper and a public hearing held on January 5, 2017, 7:00 p.m. as required by subsection (c) of K.S.A. 12-17,117.

THEREFORE, BE IT RESOLVED THAT the Governing Body of the City of Lansing adopts the Neighborhood Revitalization Plan which is attached hereto and by this reference made a part hereof.

BE IN FURTHER RESOLVED THAT land within the City of Lansing and further described in the Neighborhood Revitalization Plan is hereby designated a Neighborhood Revitalization Area.

Passed by the Governing Body of the City of Lansing, Kansas, this 5th day of January, 2017.

Mayor Louis E. Kirby

ATTEST:

Sarah Bodensteiner, City Clerk

Lansing Neighborhood Revitalization Plan

Purpose

This plan is intended to promote the revitalization and development of the City of Lansing by stimulating new construction and the rehabilitation, conservation, or redevelopment of the area in order to protect the public health, safety, or welfare of the City by offering certain incentives, which include tax rebates.

Benefits of the Tax Rebate Program

- It will provide incentives for housing improvements through property tax refunds.
- It does not interfere with current property tax revenues.
- The program will create new long-term tax revenue, without creating a fiscal burden for the cities and county.
- It will offer incentives for development where development might not otherwise occur.
- It will help create jobs because, historically, jobs follow development.
- It will help reverse the outward migration of residents and the resulting deterioration of neighborhoods within the city.
- It will help stabilize land value.
- It will strengthen the fiscal capacity of our city government to grow and serve our area.
- It provides a limited window of opportunity for participation, thereby, prompting immediate response.
- It will encourage housing, commercial, and industrial development in the city

Kansas Neighborhood Revitalization Act

The Kansas Neighborhood Revitalization Act allows the governing body of any municipality to adopt a plan for the revitalization of an area or designation of a dilapidated structure within that municipality as a Neighborhood Revitalization Area if it finds that the rehabilitation, conservation or redevelopment of the area is necessary to protect the public health, safety or welfare of the residents of the municipality.

Legal Description of Area

See Exhibit "A"

Assessed Valuation of the Real Estate

See Exhibit "B"

List of Names and Addresses of Owners of Real Estate

See Exhibit "C"

Existing Zoning Classifications, District Boundaries and Land Uses

See Exhibit "D"

Proposed Improvements or Expansions of Municipal Services for the Revitalization Area

1. In December of 2005 the System Enhancement Project began. This improvement consisted of transportation improvements and structure improvements within the revitalization area.
2. Community Development Block Grant funds were dispersed within the revitalization area. Additionally, future grants may be pursued to accommodate need in the areas.
3. A citywide interconnected trail runs through the revitalization area connecting retail and cultural centers of the community.

Criteria for Determining Eligibility

1. A Structure means any building, wall, or other structure, including the building and improvements to the living space. The only accessory structures allowed for the purposes of this plan will be garages.
2. There must be a minimum investment of \$5,000 to receive a tax rebate for residential construction.

3. There must be a minimum investment of \$10,000 to receive a tax rebate for commercial or industrial construction.
4. New as well as existing improvements on property must conform with all codes, rules, and regulations in effect at the time the improvements are made. Tax rebates may be terminated if improvements or new construction do not conform to code during the ten-year period. * (Code applicable at time of improvement)
5. Real estate taxes must be paid in full by May 10 or the property owner will forfeit any current or future rebates.
6. Qualified improvements or new construction eligible for tax rebates under the Neighborhood Revitalization Plan may submit only one application per piece of property. * Unless approved by City Council action.
7. Tax rebates are subject to approval of each taxing unit. See the City Clerk for taxing units who have adopted the Tax Rebate Program of the Neighborhood Revitalization Plan. A tax rebate will be based on the increase in appraised value following the first full year of completion.
8. **Tax rebate is made within approximately thirty (30) days after the real estate tax is paid in full. If property tax is paid in semiannual payments, the rebate is made in accordance with the Interlocal Agreement.**
9. In any given year (1 through 10) the rebate paid will be based upon the lesser of the increase in appraised value from the first year or the value as appraised in the current year.
10. **Construction must be completed in one year.** Extensions beyond that period will be considered on a case by case basis.
11. Upon completion of your project, an itemized statement of costs will need to be provided. This will be necessary to receive your rebate.
12. Property Eligible for a Property Tax Rebate

A. Residential Property

1. Property used after improvement for single or multi-family residential uses shall be limited to: rehabilitation and alterations, including new or existing accessory structures to any existing primary residential structure built prior to adoption of this Plan, including alteration of a single-family home into a multi-family dwelling, shall be eligible.
2. The improvements must include the minimum health and safety code requirements of the city.
3. **New construction of a primary single family or multi-family residential structure shall not be eligible.**
4. Eligible residential property shall be eligible for a 95 percent rebate of property taxes on taxable value of eligible improvements for five (5) years. (See Exhibit E)

B. Commercial & Industrial Property

1. All property used exclusively *after* improvement for commercial or industrial uses shall be eligible.
2. Mixed use residential and commercial property shall be eligible if the residential use qualifies or to the extent the improvements are assessed as commercial property.
3. Mixed use residential and industrial property shall be eligible.

4. Eligible commercial and industrial property shall be eligible for a rebate of property taxes on the taxable value of eligible improvements for ten (10) years. (See Exhibit F)

C. Agricultural and all other property

Property used after improvement for agricultural or any non-commercial, non-industrial or non-residential uses shall not be eligible.

13. General Provisions Applicable to All Rebate Applications on Eligible Property

- A. Property owners of all eligible property shall make application filed with the City Clerk on application forms provided by the city.
- B. Eligible improvements must be authorized by a building permit.
- C. **Property owners shall make application *after* a building permit has been issued and the permit fee paid for any eligible improvements.** The deadline for application shall be 60 calendar days after the issue date of the building permit. The property owner may appeal to the city council and the city council may approve an application for rebate after the deadline but not later than when the substantially completed improvements are first assessed by the Building Official.
- D. There shall be no minimum improvement required. However, the improvements must result in an increase of \$5,000 for residential and \$10,000 commercial or industrial in the taxable value of eligible property. **Some improvements, such as repairs, require a building permit but result in no increase in the taxable value and thus are not eligible for a property tax rebate.**
- E. **Only one application for rebate shall be allowed per piece of property. Should you make a qualifying improvement to your property after the initial application, you must relinquish the first rebate to be eligible to receive another.**
- F. Any otherwise eligible property with delinquent taxes or special assessments shall not be eligible for a rebate until such time as all taxes and assessments have been paid.
- G. The property owner shall notify the city when all improvements covered under the building permit have been substantially completed and the city shall inspect the improvements for the required building codes and notify the County Appraiser that the improvements covered under the rebate application have been substantially completed.
- H. The County Appraiser shall conduct an on-site inspection following substantial completion of the improvements and determine the increase in the taxable valuation due to the improvements and shall report that amount to the County Clerk.
- I. The rebate shall be calculated each year using the taxable value due to the improvements upon completion of the improvements property tax mill levy during the year in which the rebate is due.
- J. **The property taxes must be paid in full before a rebate can be issued.**
- K. The City Clerk shall review all applications based on eligibility contained in this Plan and approve such eligible applications. If an application is not approved, the property owner may appeal the decision in writing to the City Council for final determination.
- L. If this Plan is repealed or the rebate criteria changed, any approved applications shall be eligible for rebates for the remaining term of the rebate originally provided in the Plan.

14. Every (5) five years, the City will review the plan and determine its continuation. Any changes to the plan scope or boundary will mandate a review by participating entities and will be subject to all policy review required by law. Applicants approved prior to the review will continue to receive the tax rebate for the full (5) five or (10) ten years following completion of their project.
15. If for any reason any portion or part of this plan or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portion of the policy.
16. Effective Dates of the Plan

This Plan and property tax rebates provided by this Plan shall be effective as adopted by resolution of the city council of the City of Lansing. The city council may repeal, amend or modify this Plan as conditions, policies or priorities of the city council change.

Passed by the Governing Body of the City of Lansing, Kansas, this 5th day of January, 2017.

/s/
Mayor Louis E. Kirby

ATTEST:
/s/
Sarah Bodensteiner, City Clerk
Resolution Number: B-1-17

Application Process

Prior to filing the Application for Tax Rebate, you will need to do the following:

1. Obtain an application from the Lansing City Clerk, located at Lansing City Hall, 800 First Terrace, Lansing, KS 66043.
2. Prior to the commencement of construction of any improvement or new construction for which a tax rebate will be requested, the applicant owner will complete Part 1 of the application. ***Requests must be received and approved before commencement of construction.***
3. Part 1 of the application must be filed with the City Clerk with a non-refundable application fee (\$50.00 remodeling and \$100.00 for new construction) prior to the commencement of construction.
4. The City of Lansing will notify by letter to the applicant within fifteen (15) business days, indicating approval or denial of the project.
5. The City Clerk will forward a copy of Part 1 to the County Clerk for notification and information purposes. Copies of the application will also be forwarded to the Community Development Department for monitoring purposes.
6. The applicant-owner will notify the County Appraiser of the commencement of construction by filing Part 2 of the application within 10 days after starting the project.
7. For any improvement that is only partially completed as of January 1, following commencement of construction, the owner-applicant will file Part 3 of the application with the County Appraiser indicating the status of construction as of January 1. Part 3 will be filed on or before December 15, preceding the commencement of the tax rebate period.
8. For any improvement that is completed on or before January 1, following the commencement of construction, the owner-applicant will file Part 3 of the application with the County Appraiser on or before December 1, preceding commencement of the tax rebate period, certifying the completion of construction, along with an itemized statement of costs. This is necessary to receive your rebate.
9. Soon after January 1, the County Appraiser will conduct an on-site inspection of the construction project (improvement, rehabilitation, or new) and determine the new valuation of the real estate accordingly. The valuation is then reported to the County Clerk by June 15. The tax records will be revised.
10. Upon filing of Part 3, and the determination of the new valuation of the said real estate, the form will be filed by the City Clerk with the County Clerk and the County Appraiser certifying the project is in compliance with the requirements for a tax rebate.
11. Upon payment in full of the real estate tax for the subject property for the initial and each succeeding year period extending through the specified rebate period, and within approximately thirty (30) day period following the date of tax distribution by the City of Lansing to the other taxing units, a tax rebate in the amount of the tax increment will be made to the owner. The tax rebate will be made by the County Treasurer of Leavenworth County through the Neighborhood Revitalization Fund established in conjunction with the other taxing units participating in an Interlocal Agreement. The five percent of new taxable value is retained by the Leavenworth County Treasurer for administrative handling (5% of the improvement value or \$10, whichever is greater).

**Neighborhood Revitalization Plan
Application for Tax Rebate
Under the
City of Lansing**

PART 1

(A non-refundable application fee of \$50 for remodeling or \$100 for new construction must accompany this application)

Owners Name: _____ Day Phone #: _____
(Please Print)

Owners Mailing Address: _____

Address of Property: _____ School District #: _____

Parcel Identification Number: _____
(Copy from your tax statement or call the County Appraiser=s Office)

Legal Description of Property: (Use additional sheets if necessary or attach)

Proposed Property Use:

RESIDENTIAL: _____ New or _____ Rehab; _____ Rental or _____ Owner-Occupied

_____ Residence _____ Other (Explain) _____

_____ Single Family _____ Multi-Family _____ Owner-Occupied

COMMERCIAL: _____ New _____ Rehab; _____ Rental _____ Owner-Occupied

INDUSTRIAL: _____ New _____ Rehab; _____ Rental _____ Owner-Occupied

Does the applicant own the land? _____ Yes _____ No

Will the proposed project be on a foundation? _____ Yes _____ No

How will the proposed project be taxed? _____ Personal Property _____ Real Estate

Will it be permanently attached to the property? _____ Yes _____ No

I have read and do hereby agree to follow all application procedures and criteria. An itemized statement of costs will need to be turned in when I have completed my project, I understand this will be necessary to receive my rebate. I further understand that this application will be void one year from the date below if improvements or construction has not begun on this project.

Signature of Owner

Date

**Neighborhood Revitalization Plan
Application for Tax Rebate
City of Lansing**

PART 1-A COMMERCIAL OR INDUSTRIAL

General

Estimated Date of Completion _____

List of Buildings Proposed to Be Demolished _____

Estimated Cost of Improvements: (Please attach copies of cost documentation and Blueprints or Plans)

Materials \$ _____

Labor \$ _____

Please check one of the following that best describes the construction of your property.

() All Contractor Built (turn-key) () Pre-built Home moved to site () Modular Home

() Contractor built with owner participation () All owner built () Other _____

Amount of Owner Participation: _____ Hours _____ Percent of Project _____ Value

Industrial

Type of Building _____ Use of Building _____

Building Dimensions _____ Exterior Wall Material _____

Location of Building _____

Commercial

Type of Building _____ Use of Building _____

Size of Building _____ Wall Height _____ Exterior Wall Material _____

Industrial or Commercial Remodel

Area to be Remodeled _____ Type and Use of Building _____

Describe Improvements: _____

Signature of Owner

Date

**Neighborhood Revitalization Plan
Application for Tax Rebate
City of Lansing**

PART 1-B RESIDENTIAL

*Any and all financial information reported on this form will be considered confidential
and will not be subject to public disclosure as provided in K.S.A. 15-221 (b)*

General

Estimated Date of Completion _____

List of Buildings Proposed to Be Demolished _____

Estimated Cost of Improvements: (Please attach copies of cost documentation and Blueprints or Plans)

Materials \$ _____ Labor \$ _____

Total Cost \$ _____ **MUST BE OVER \$5,000 TO QUALIFY FOR REBATE**

Please check one of the following that best describes the construction of your property.

() All Contractor Built (turn-key) () Pre-built Home moved to site () Modular Home

() Contractor built with owner participation () All owner built () Other _____

Amount of Owner Participation: _____ Hours _____ Percent of Project _____ Value

Residential Remodel

Square Feet of Living Area Added _____ () Basement () Ground Floor () Upper Floor

Rooms to be Remodeled *(Please mark all that apply)*

() Living Room () Bedroom () Bathroom () Kitchen

() Dining Room () Basement () Other _____

Rooms to be Added *(Please mark all that apply)*

() Living Room () Bedroom () Bathroom () Kitchen

() Dining Room () Basement () Other _____

Signature of Owner

Date

**Neighborhood Revitalization Plan
Application for Tax Rebate
City of Lansing**

PART 2

COMMENCEMENT OF CONSTRUCTION

Parcel Identification Number _____

Date of Original Application _____

Construction estimated to begin on _____ Building Permit Number _____
(Where Applicable)

Estimated Date of Completion of Construction _____

Signature of Owner

Date

Please return to our office within 10 days after starting your project.

**City of Lansing
Attn: City Clerk
800 1st Terrace
Lansing, KS 66043**

**Neighborhood Revitalization Plan
Application for Tax Rebate
City of Lansing**

PART 3

STATUS OF CONSTRUCTION

Parcel Identification Number _____

Date of Original Application _____

_____ Incomplete Project as of January 1 following commencement

Signature of Owner

Date

Please return to our office no later than December 10th of the year you began construction if your project will not be completed by January 1.

**City of Lansing
Attn: City Clerk
800 1st Terrace
Lansing, KS 66043**

**Neighborhood Revitalization Plan
Application for Tax Rebate
City of Lansing**

PART 3

COMPLETION OF CONSTRUCTION

Parcel Identification Number

Date of Original Application _____

_____ Complete Project as of January 1 following commencement

The Construction project applied for was considered complete on _____

Signature of Owner

Date

**An itemized statement of costs will need to be turned in along with this form when you have completed your project.
This will be necessary to receive your rebate.**

**City of Lansing
Attn: City Clerk
800 1st Terrace
Lansing, KS 66043**

Frequently Asked Questions

- Q. What is the Tax Rebate Program? A. During the 1994 legislative sessions, lawmakers passed Senate Bill #732, which provides tax rebates for new construction and the rehabilitation of existing structures. In order to implement the legislation locally, each municipality must adopt a plan and designate an area in which they want to promote revitalization and development or redevelopment.
- Q. What is "Tax Rebate"? A. It is refund of the property taxes which are paid on the actual value added to a property due to the improvement. Under the Neighborhood Revitalization Plan legislation, the taxes relating to the appraised value on the property prior to the improvement may not be reduced and will continue to be payable.
- Q. What is "Qualified Improvement"? A. "Qualified Improvement" includes new construction and rehabilitation.
- Q. How is "Structure" defined? A. "Structure" means any building wall or other structure, including the building and improvements to the existing structures and fixtures assimilated to the real estate.
- Q. What kind of "Improvements" will increase the appraised value? A. New construction and major rehabilitations will increase the appraised value. Repairs generally will not increase the appraised value unless there are several major repairs or improvements completed at the same time.
- Q. Does "one dollar" spent on work equal "one dollar" of increased value? A. One dollar spent is not necessarily equal to one dollar of increased value.
- Q. How can I determine if I am eligible for a tax rebate? A. There must be a minimum investment of \$5,000 for residential and \$10,000 for commercial or industrial. New as well as existing improvements must conform with all codes, rules, and regulations in effect. You should secure a building permit for all improvements. Call the Office of Community Development to obtain the permit.
- Q. If qualified improvements have been made, how does one obtain a tax rebate? A. A property owner must file and have approved an application with the City of Lansing before construction begins. There will be no exceptions.
- Q. Who applies? A. **The property owner applies.** Even if, as a lessee, you are doing the improvements and your lease agreement has you paying the taxes, the property owner must apply. The tax rebate will be included as part of the property's tax record for the term of the rebate regardless of who owns or occupies the property.
- Q. Will the schedule of tax rebates as determined by the increase in appraised value in the first year ever change? A. Yes. The rebate paid in any given year (1-10) will be based on the lesser of the increase in appraised value from the first year or the value appraised in the current year.

EXHIBIT A

Legal Description of Area

J.Herring, Inc. (DBA)

Herring Surveying Company

315 North 5th Street

Leavenworth, Kansas 66048

Phone (913) 651-3858 Fax No. (413) 487-7256

Email - survey@teamcash.com

December 31, 2001

Job # K-01-142

City of Lansing
John Jacobson

Revitalization Parcel No.1 - Main Tract

A tract of land being in Sections 13, 24, 25, and 36, Township 9 South, Range 22 East of the 6th P.M., Section 1, Township 10 South, Range 22 East of the 6th P.M., Sections 18, 19, 30 and 36, Township 9 South, Range 23 East of the 6th P.M. and in Section 6, Township 10 South, Range 23 East of the 6th P.M., said tract being partially within the limits of the City of Lansing and all within Leavenworth County, Kansas, more fully described as follows:

Beginning at the Northwest corner of the Southwest Quarter of Section 18, Township 9 South, Range 23 East:
Thence East for a distance of 1,110.00 feet along the North line of said Southwest Quarter to the centerline of abandoned Atchison, Topeka and Santa Fe Railroad;

Thence North 3 degrees 54' East (deeded) for a distance of 1327.57 feet to the Northerly Limit Line of the City of Lansing;

Thence East for a distance of 1602.34 feet along said Northerly line and along the North line of tracts of land deeded in Books 808 Page 1101, Book 808 Page 1309, Book 588 Page 368 and the North line of Morgan Subdivision to the Westerly right of way of North 8th Street (Highway 5);

Thence South for a distance of 2659.09 feet along said right of way of North 8th Street to the South right of way line of vacated Debra Street;

Thence West for a distance 633.96 feet along said South line to the Easterly line of tract of land deeded in Book 772 Page 935;

Thence Northwesterly for a distance of 65.00 feet along the Easterly right of way of abandoned KCNW Railroad;

Thence West for a distance of 106.00 feet along the Southerly line of said deed Book 772 Page 935 to the Westerly right of way of said KCNW Railroad;

Thence Northerly for a distance of 275.00 feet along said Westerly right of way to the South right of way line of Connie Street;

Thence West for a distance of 582.84 feet along said South right of way to the centerline of abandoned Atchison, Topeka and Santa Fe Railroad;

Thence Southwesterly for a distance of 446 feet, more or less, along said centerline;

Thence Southwesterly for a distance of 1898 feet, more or less, along said centerline to the South line of Morningside Subdivision;

Thence East for a distance of 629.42 feet (platted) along said South line of Morningside Subdivision to the East right of way of North 2nd Street;

Thence North for a distance of 609.46 feet along said East right of way to the South right of way line of Emile Street;

Thence East for a distance of 640.00 feet (deeded) to the East line of Block 14, Santa Fe Subdivision, as per deed Book 469 Page 576;

Thence South for a distance of 940.00 feet (deeded) along the East line of Blocks 14 and 15, Santa Fe Subdivision;

Thence West for a distance of 640.00 feet (deeded) to the East right of way line of North 2nd Street;

Thence South for a distance of 805.90 feet along said East right of way to the South line of Santa Fe Subdivision;

Thence West for a distance of 775.04 feet along said South line;
 Thence South for a distance of 168.00 feet (platted) along the East line of Lot 10, Block "A", J.P. Gamble's 2nd Addition;
 Thence West for a distance of 49.50 feet along the South line of said Lot 10;
 Thence South for a distance of 230.00 feet (platted) along the East line of Lot 11, Block "B", J.P. Gamble's 2nd Addition to the North line of tract of land deeded in Book 702 Page 2174;
 Thence East for a distance of 98.81 feet along said North line;
 Thence South for a distance of 243.21 feet along the East line of said Deed;
 Thence West for a distance of 281.20 feet along the South line of said Deed;
 Thence South for a distance of 96.00 feet along the East line of a tract of land deeded in Book 794 Page 1100;
 Thence West for a distance of 87.16 feet along the South line of said Deed;
 Thence South for a distance of 58.88 feet along the East line of a tract of land deeded in Book 607 Page 1114;
 Thence South 43 degrees 13'25" West (deeded) for a distance of 120.34 feet along the Easterly line of a tract of land deeded in Book 688 Page 1827;
 Thence West for a distance of 46.24 feet along the South line of said Deed;
 Thence South for a distance of 180.00 feet along the East line of a tract of land deeded in Book 739 Page 739;
 Thence Southwesterly for a distance of 118.45 feet along the South line of said Deed to the Easterly right of way of U.S. Highway 73;
 Thence West for a distance of 45.00 feet to the West line of the Southwest Quarter of said Section 19, Township 9 South, Range 23 East;
 Thence South for a distance of 2,420 feet to the Northwest Corner of said Section 30, Township 9 South, Range 23 East;
 Thence East for a distance of 890.00 feet along the North line of said Section 30 to a point that intersects the West right of way of South 2nd Street extended north;
 Thence South for a distance of 1305.00 feet along said right of way to the South right of way of Olive Street;
 Thence West for a distance of 404.37 feet along said South right of way to the East right of way of 1st Terrace;
 Thence South for a distance of 495.00 feet along said East right of way to the Southerly right of way of Fawn Valley Street;
 Thence East for a distance of 132.80 feet along said Southerly right of way to the Northeast corner of Lot 3, Block 4, Fawn Subdivision;
 Thence South for a distance of 129.76 feet (platted) along the East line of said Lot 3 to the Southwest corner of Lot 4, Block 4, said Subdivision, said point also being on the North line of Block 11, said Subdivision;
 Thence South 74 degrees 45' East for a distance of 226.91 feet (platted) along said North line;
 Thence South 49 degrees 45' East for a distance of 66.79 feet (platted) along said North line;
 Thence South 25 degrees 30' East for a distance of 105.82 feet (platted) along said North line;
 Thence South 75 degrees 15' East for a distance of 76.00 feet (platted) along said North line;
 Thence South 56 degrees 05' East for a distance of 211.74 feet (platted) along said North line;
 Thence North 66 degrees 40' West for a distance of 115.09 (platted) feet to the South right of way of Fawn Valley Street;
 Thence South 26 degrees 30' East for a distance of 57.89 feet (platted) along said right of way;
 Thence along a curve to the left an arc length of 397.94 feet (platted) with a radius of 200.00 feet along said right of way;
 Thence North 39 degrees 30' East for a distance of 147.27 feet (platted) along said right of way to the Northwest corner of Lot 59, Fawn Valley Subdivision;
 Thence South 50 degrees 30' East (platted) for a distance of 321.84 feet along the Southerly line of said Lot 59 and extended to the centerline of abandoned Union Pacific Railroad;
 Thence Southwesterly for a distance of 868 feet, more or less, along said centerline;
 Thence Northwesterly for a distance of 101.10 feet to the Westerly right of way of said railroad;
 Thence Southwesterly for a distance of 359.00 feet along said Westerly right of way to the North line of a tract of land deeded in Book 715 Page 1959;
 Thence East for a distance of 230.32 feet along said North line to the Northerly line of a tract of land deeded in Book 503 Page 1850;
 Thence Northeasterly for a distance of 182.47 feet along said Northerly line;
 Thence Southeasterly for a distance of 1300.82 feet along said Northerly line;
 Thence North for a distance of 870.05 feet along the West line of the Southeast Quarter of said Section 30, Township 9 South, Range 23 East to the Northwest corner of said Southeast Quarter;

Thence West for a distance of 2672.13 feet along the North line of said Southeast Quarter to the Northeast corner of said Southeast Quarter;

Thence South for a distance of 5292.83 feet along the East line of said Southeast Quarter and to the Northeast Corner of the Southeast Quarter of Section 31, Township 9 South, Range 23 East;

Thence West for a distance of 2641.55 feet along the North line of said Southeast Quarter to the Northwest corner of said Southeast Quarter;

Thence South for a distance of 1164.12 feet along the West line of said Southeast Quarter to the Zoning Division Line for land use;

Thence West for a distance of 1385 feet, more or less, along said Zoning line;

Thence Northwesterly for a distance of 626 feet, more or less, along said Zoning line;

Thence Southeasterly for a distance of 796 feet, more or less, along said Zoning line;

Thence South for a distance of 988 feet, more or less, to the South right of way of McIntyre Road;

Thence East for a distance of 710.30 feet along said South right of way to the East line of a tract of land deed in Book 669 Page 289;

Thence South for a distance of 1292.96 feet along said East line;

Thence East for a distance of 820.49 feet along a Northerly line of said Deed to the East line of the Northwest Quarter of Section 6, Township 10 South, Range 23 East;

Thence South for a distance of 3506.78 feet along said East line and the East line of the Southwest Quarter of said Section 6 to the Leavenworth/Wyandotte County Line;

Thence West for a distance of 2570 feet along said County Line to the West line of said Section 6, said point also being on the East line of the Southeast Quarter of Section 1, Township 10 South, Range 22 East;

Thence North 89 degrees 00'35" W for a distance of 2632.50 feet (platted) along the South line of Sherwood Forest Subdivision;

Thence North 00 degrees 13'22" West for a distance of 2037.11 feet (platted) along the West line of said subdivision;

Thence N 89 degrees 21'04" East for a distance of 2640.20 feet (platted) along the North line of said subdivision to the East Quarter corner of said Section 1;

Thence North for a distance of 1320.00 feet along the East line of the Northeast Quarter of said Section 1 to the South line of the North Half of said Northeast Quarter;

Thence West for a distance of 1550.00 feet along said South line, said line also being the South line of a tract of land deeded in Book 800 Page 1585;

Thence North for a distance of 1265.58 feet along the West line of said Deed and deed Book 800 Page 1589 to the South right of way of McIntyre Road;

Thence East for a distance of 151.94 along said right of way;

Thence North 19 degrees 02'57" East (assumed – deeded) for a distance of 468.45 feet along the East line of Lot 6, Deer Run Subdivision as per Deed Book 795 Page 1482;

Thence North for a distance of 2229.11 feet along said East line of Lot 6 and extending North to the South line of Rock Creek Subdivision;

Thence East for a distance of 1260 feet, more or less, along said South line to the East Quarter corner of Section 36, Township 9 South, Range 22 East;

Thence North for a distance of 2010.00 feet along the East line of the Northeast Quarter of said Section 36;

Thence West for a distance of 70 feet, more or less, to the Northeast corner of Rock Creek Subdivision;

Thence Southwesterly for a distance of 315.28 feet (platted) along the North line of said subdivision;

Thence Southwesterly for a distance of 272.74 feet (platted) along said North line;

Thence Southwesterly for a distance of 251.11 feet (platted) along said North line;

Thence Northwesterly for a distance of 411.57 feet (platted) along said North line;

Thence Southwesterly for a distance of 202.24 feet (platted) along said North line to the Northwest corner of said Subdivision;

Thence Southerly for a distance of 9.11 feet (platted) along the West line of said subdivision to the South line of Rock Creek West Subdivision;

Thence Westerly for a distance of 254.99 feet (platted) along said South line to the Southeast corner of Lot 13 of said subdivision;

Thence Northerly for a distance of 161.93 feet (platted) along the Easterly line of said Lot 13 to the South right of way of Willow Drive;

Thence along a curve to the left an arc length of 121.67 feet (platted) with a radius of 230 feet along said right of way;

Thence Northeasterly for a distance of 2.59 feet (platted) along said right of way to the Northwesterly corner of Lot 12 of said subdivision;

Thence Southeasterly for a distance of 160.00 feet (platted) along said Lot line, said point being on the North line of Lot 1 of said subdivision;

Thence Northeasterly for a distance of 776.66 feet (platted) along said North line;

Thence Northerly for a distance of 344.19 feet (platted) along the West line of said Lot 1 to the South right of way of Gilman Road;

Thence East for a distance of 164.66 feet along said right of way;

Thence North for a distance of 266.39 feet along the West line of a tract of land deeded in Book 762 Page 691;

Thence West for a distance of 290.16 feet along the South line of said Deed;

Thence North for a distance of 1755.69 feet along the West line of said Deed and extending North to the North line of a tract of land deeded in Book 714 Page 1050;

Thence West for a distance of 159.63 feet along the North line of said Deed to the centerline of abandoned Atchison, Topeka and Santa Fe Railroad;

Thence Northeasterly for a distance of 792.05 feet along said centerline to the South right of way of 4-H Road;

Thence West for a distance of 77.29 feet along said right of way;

Thence North for a distance of 2693.98 feet along the East line of Stonecrest Subdivision and extending North to

Thence West for a distance of 309.30 feet to the Easterly right of way of West Mary Street;

Thence Northwesterly for a distance of 650 feet, more or less, on a curve to the right and along said Easterly right of way;

Thence North for a distance of 1997.10 feet along said right of way and along the West lines of tracts of land deeded in Book 657 Page 865, Book 519 Page 4, Book 816 Page 2242, Book 603 Page 1046 to the South right of way of Ida Street;

Thence East for a distance of 1072.69 feet along said right of way;

Thence Northeasterly for a distance of 168.88 feet along the centerline of abandoned Atchison, Topeka and Santa Fe Railroad;

Thence West for a distance of 198.78 feet along the North line of F.K. Taylor's Subdivision to the Westerly right of way of Gambles Avenue;

Thence Northeasterly for a distance of 623 feet, more or less, along said Westerly right of way to the Northeasterly corner of Lot 8, Block 1, Gamble's 3rd Addition;

Thence Northwesterly for a distance of 143.62 feet along the Northerly line of said Lot 8;

Thence Southwesterly for a distance of 13.30 feet to the Northeast corner of Lot 36, Carriage Hill Subdivision;

Thence North 62 degrees 42' West for a distance of 262.77 feet (platted) along the Northerly line of said subdivision;

Thence North 00 degrees 10' 53" West for a distance of 626.76 feet (platted) to the Northeast corner of said subdivision;

Thence East for a distance of 387.32 feet along the North line of tracts of land deeded in Book 784 Page 1201, Book 784 Page 1211;

Thence North for a distance of 168.90 feet along the West line of Lot 2, Block 1, Holiday Hills Subdivision to the South right of way of Fair Lane;

Thence East for a distance of 9.50 feet along said right of way

Thence North for a distance of 204.75 feet (platted) along the West line of Lot 2, Block 2, Holiday Hills Subdivision to the South line of a tract of land deeded in Book 813 Page 2485;

Thence West for a distance of 509.69 feet along the South line of said Deed;

Thence North for a distance of 239.15 feet (deeded) along the West line of said Deed to the North line of said Deed;

Thence East for a distance of 184.07 feet along said North line;

Thence North for a distance of 319.62 feet along the East line of an access road to the North right of way of Holiday Drive;

Thence West for a distance of 125.00 feet along said right of way to the West line of a tract of land deeded in Book 558 Page 2011;

Thence North for a distance of 143.42 feet along said West line to the South line of Country Club Addition;

Thence East for a distance of 466.74 feet along said South line to the Southwest corner of Lot 2, Block 1, said Country Club Addition;

Thence North for a distance of 114.86 feet along the West line of said Lot 2 to the South right of way of Highland Road;

Thence East for a distance of 149.04 feet along said right of way to the Northeast corner of Lot 1, Block 1, said Country Club Addition;

Thence East for a distance of 50.00 feet to the East line of the Southeast Quarter of Section 13, Township 9 South, Range 22;

Thence North for a distance of 715.00 feet along said East line;

Thence West for a distance of 443.60 feet along the North line of Country Club Addition;
Thence North for a distance of 2453.77 feet crossing a portion of a tract of land deeded in Book 708 Page 829 and along the West line of tracts of land deeded in Book 820 Page 688, Book 684 Page 2150, Book 416 Page 181 to the Northwest corner of tract in deed Book 416 Page 181;
Thence East for a distance of 435.00 feet along the North line of tract in deed Book 416 Page 181 to the East line of the Northeast Quarter of said Section 13, Township 9 South, Range 22 East;
Thence South for a distance of 630 feet, more or less, along said East line to the point of beginning.

LESS that part taken or used for U.S. Highway 73 and other road right of ways.

Intent of the above legal description to describe a tract of land in the City of Lansing and Leavenworth County, Kansas for a revitalization area. All distances are scaled from a computerized map and/or aerial photos, unless otherwise noted. All bearings referencing degrees, minutes and seconds are assumed from deeds or subdivision plats. All deed references provided by the City of Lansing.

Revitalization Parcel No.2 -- South Tract

A tract of land in the Southeast Quarter of Section 12, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows:
Beginning at the Southeast corner of said Southeast Quarter;
Thence West for a distance of 1320 feet, more or less, along the South line of said Southeast Quarter to the West line of the East Half of said Southeast Quarter, said line also being the West line of a tract of land deeded in Book 553 Page 2167;
Thence North for a distance of 1535 feet, along the said West line to the Northwest corner of a tract of land deeded in Book 641 Page 207;
Thence East for a distance of 1320 feet, more or less, along the North line of said deed Book 641 Page 207 to the East line of said Southeast Quarter;
Thence South for a distance of 1535 feet along the said East line to the point of beginning.
LESS that part taken for U.S. Highway 73 and other road right of ways.

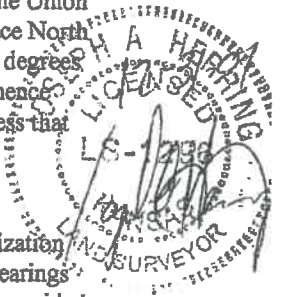
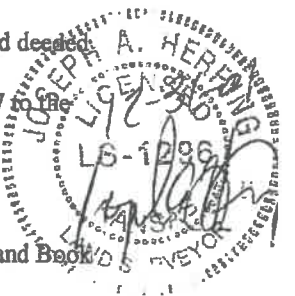
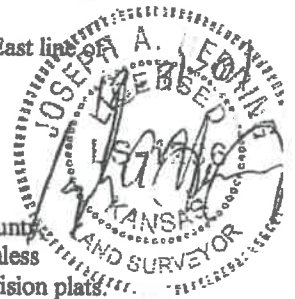
Said above description to included all that property deeded in Book 553 Page 2167, Book 702 Page 1069 and Book 641 Page 207.

Intent of the above legal description to describe a tract of land in Leavenworth County, Kansas for a revitalization area. All distances are scaled from a computerized map and/or aerial photos, unless otherwise noted. All bearings referencing degrees, minutes and seconds are assumed from deeds or subdivision plats. All deed references provided by the City of Lansing.

Revitalization Parcel No.3 -- East Tract

A tract of land in the Southwest Quarter of Section 17, Township 9 South, Range 23 East of the 6th P.M., more fully described as follows: Commencing at the Southwest corner of said Section 17; thence North 00 degrees 45'24" East, along the West line of said Southwest Quarter, 606.50 feet to the point of beginning; thence North 00 degrees 45'24" East along the West line of said Southwest Quarter, 2050 feet, more or less; thence South 89 degrees 39'38" East, along the North line of said Southwest Quarter, 588.21 feet to a point on the westerly right of way line of the Union Pacific R.R.; thence South 19 degrees 5'15" East, along said Westerly right of way line, 1,370.00 feet; thence North 69 degrees 27'03" West, 195.12 feet; thence South 56 degrees 05'11" West, 474.21 feet; thence South 38 degrees 16'33" West, 739.35 feet to the Northwesterly corner of the tract as described in Book 525, at page 299; thence South 89 degrees 43'58" West, 29.40 feet to the point of beginning, containing 30.40 acres, more or less, less that part used for public roads.
As per Deed recorded in Book 736 Page 1137.

Intent of the above legal description to describe a tract of land in Leavenworth County, Kansas for a revitalization area. All distances are scaled from a computerized map and/or aerial photos, unless otherwise noted. All bearings referencing degrees, minutes and seconds are assumed from deeds or subdivision plats. All deed references provided by the City of Lansing.



Revitalization Parcel No. 4 – West Tract

A tract of land in the South Half of Section 15, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows:

Commencing at the West Quarter corner of said Section 15,

Thence East for a distance of 716.52 feet (platted) along the North line of said South Half of Section 15 to the True Point of Beginning;

Thence East for a distance of 2925.00 feet along said North line;

Thence South for a distance of 1255.89 feet to the Southeast corner of a tract of land deeded in Book 715 Page 302;

Thence West for a distance of 1442.14 feet along the South line of said Deed to the Easterly right of way of New Lawrence Road;

Thence North 19 degrees 55'11" E (deeded) for a distance of 289.79 feet along said Easterly right of way;

Thence West for a distance of 1591.82 feet to the Southeast corner of Whispering Winds Subdivision, said point also being on the East right of way of 166th Street;

Thence North 00 degrees 05'06" W for a distance of 1052.20 feet (platted) along said right of way to the point of beginning.

LESS all road right of ways.

Intent of the above legal description to describe a tract of land in the Leavenworth County, Kansas for a revitalization area. All distances are scaled from a computerized map and/or aerial photos, unless otherwise noted. All bearings referencing degrees, minutes and seconds are assumed from deeds or subdivision plats. All deed references provided by the City of Lansing.



REVITALIZATION PARCEL NO. 5 – ZOCH PROPERTY

ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE 6TH P.M., CITY OF LANSING, LEAVENWORTH COUNTY, KANSAS, EXCEPT THE FOLLOWING DESCRIBED TRACT: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 9, RANGE 22 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, THENCE SOUTH 01 DEGREES 20'05" WEST, AN ASSUMED BEARING, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 1030.45 FEET TO THE TRUE POINT OF BEGINNING OF THIS TRACT; THENCE NORTH 89 DEGREES 11'58" EAST, A DISTANCE OF 542.66 FEET; THENCE SOUTH 01 DEGREES 20'05" WEST, A DISTANCE OF 295 FEET; THENCE SOUTH 89 DEGREES 11'58" WEST, A DISTANCE OF 542.66 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 01 DEGREES 20'05" EAST, BEGINNING, AND ALSO EXCEPT ANY PART THEREOF TAKEN OR USED FOR PUBLIC RIGHT-OF-WAY.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 34.5 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.

LEGAL DESCRIPTION IS INTENDED FOR THE USE OF THE CITY OF LANSING, KANSAS AND THEIR REVITALIZATION PROGRAM.

EXHIBIT B

Assessed Valuation of the Real Estate

A copy of the Assessed Valuation of the Real Estate is on file in the office of the

Lansing City Clerk
800 First Terrace
Lansing, Kansas 66043

EXHIBIT C

List of Names and Addresses of the Owners of Real Estate

A copy of the List of Names and Addresses of the Owners of Real Estate is on file in the office of the

Lansing City Clerk
800 First Terrace
Lansing, Kansas 66043

EXHIBIT D

Existing Zoning Classifications, District Boundaries and Land Uses

EXHIBIT E

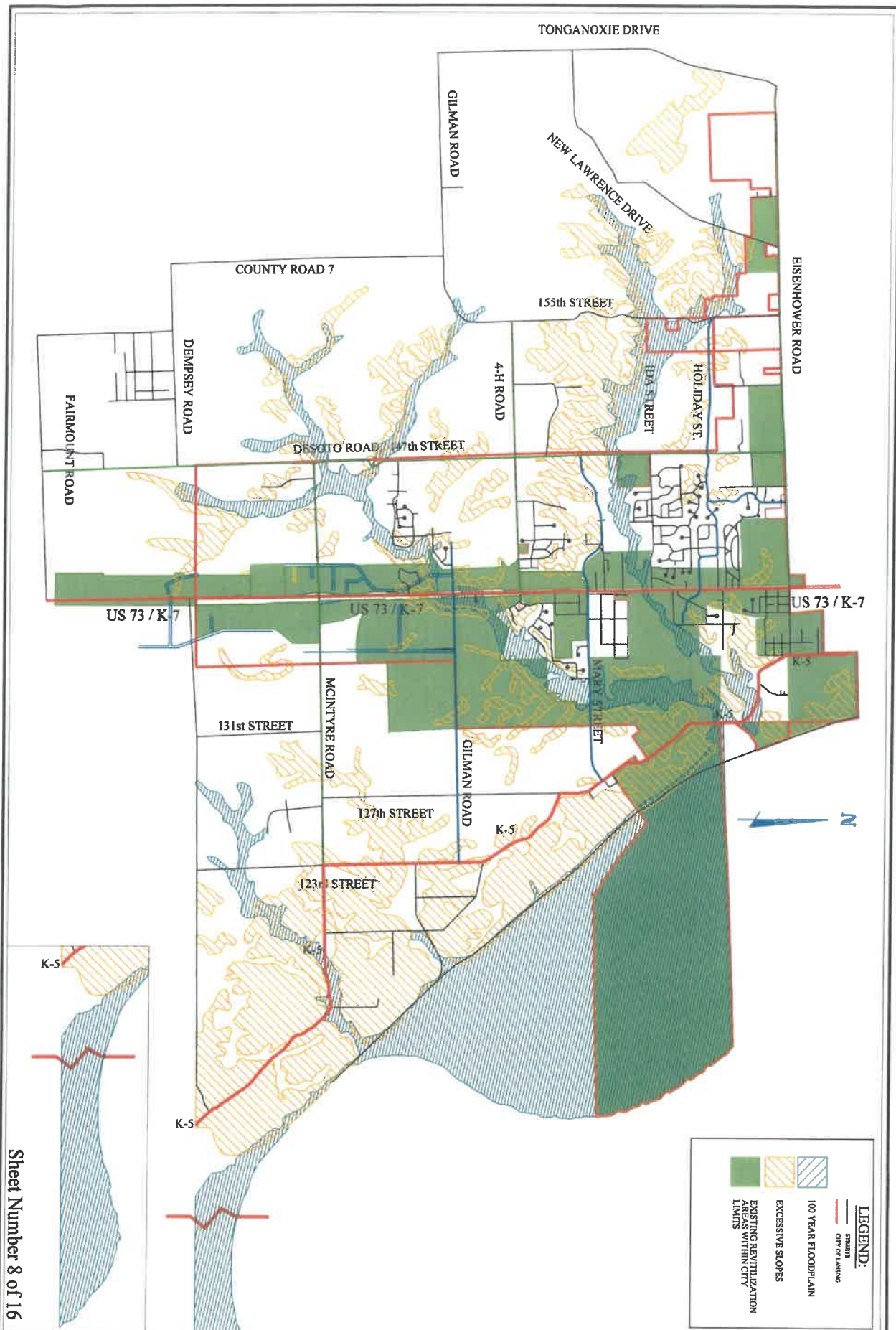
(*5% County Admin. Fee for Taxable Improvement)

Residential Property -- Rehabilitation Projects	
<i>Increase in Appraised Value of Rehabilitation Projects</i>	
1-5 yr -- 95%	


EXHIBIT F

(*5% County Admin. Fee for Taxable Improvement)

Commercial & Industrial Properties -- New/Rehabilitation Projects		
<i>Increase in Appraised Value of:</i>		
\$0 - \$500,000	\$500,000 - \$3,000,000	\$3,000,000 +
1-3 yr -- 95%	1-6 yr -- 95%	1-6 yr -- 95%
4 yr -- 80%	7 yr -- 70%	7-10 yr -- 75%
5 yr -- 70%	8 yr -- 60%	
6 yr -- 60%	9 yr -- 50%	
7 yr -- 50%	10 yr -- 20%	
8 yr -- 40%		
9 yr -- 30%		
10 yr -- 20%		



AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Steve Wayman, Chief of Police
DATE: December 28, 2016
SUBJECT: Replacement Vehicles for 2017

VEHICLES

The Lansing police department requested bids for police package patrol vehicles from 6 vendors. Listed below are the results that were received.

<u>Dealer</u>	<u>Make</u>	<u>Cost per vehicle</u>	<u>Total Cost</u>
Landmark Dodge	Dodge Charger AWD	\$24,556.00 **	\$49,112.00
Shawnee Mission Ford	Inceptor Sedan AWD	\$27,026.00	\$54,052.00
Danny Zeck	Inceptor Utility AWD	No Bid Returned	
Davis Moore Dodge	Dodge Charger AWD	No Bid Returned	
Olathe Dodge	Dodge Charger AWD	No Bid Returned	
Speedway Dodge	Dodge Charger AWD	No Bid Returned	

**Larry Wilson w/ Landmark Dodge stated that the cost of vehicle may go down after order placed.

This is for the cost of the vehicles only and does not include the additional cost of light bars, In Car Video system, prisoner transport systems, etc.

These vehicles will replace a 2010 Charger with 90,000 + miles and a 2011 Charger with 95,000 + miles.



Delivery time of the police vehicles from order date is approximately 120 days.

Policy Consideration: None for this Item

Financial Consideration: Budget approved for 2017 budget

Action: The Lansing Police Department is requesting to purchase two replacement Dodge Charger police sedans from Landmark Dodge in Independence, Mo. The purchase price for the two replacement vehicles is \$49,112.00. This does not include the cost of emergency equipment to be added to the vehicles.

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk 
DATE: December 29, 2016
SUBJECT: Lansing Planning Commission Appointment

The Lansing Planning Commission currently has one (1) vacancy position with a term that will expire on April 30, 2018. This position was advertised and two (2) applications were received. As there were more applicants per open positions, the Council interviewed both applicants at the Special Meeting prior to the January 5th Council Meeting.

Action: A motion to appoint one (1) applicant of the Lansing Planning Commission for a term that will expire on April 30, 2018.



CITY OF LANSING

800 First Terrace

Lansing, Kansas 66043

Telephone: 913-727-3036 * Fax: 913-828-4579

www.lansing.ks.us

APPLICATION FOR LANSING PLANNING COMMISSION

Name: Marcus Bean

Lansing Address: 109 Woodland Rd.

Home Phone: 913-663-8683

Business Phone: 816-448-1702

E-mail: m2@marcusbean.com

Please attach a one to two page written statement expressing your interest in being appointed to the Lansing Planning Commission. Your written statement should address the following four topics:

1. Qualifications for the position.
2. Personal philosophy of the Lansing Planning Commission and development in Lansing.
3. Desired accomplishments as a Lansing Planning Commission member.
4. Willingness to attend meetings.

Also, attach the name, address, and telephone number of three personal references.

This appointment is to fulfill a Lansing Planning Commission unexpired term ending on April 30, 2018. Applicants must be 18 years of age and a U.S. Citizen. Applicants must also be a resident of the City of Lansing or live within the Urban Growth Management Area outside of city limits.

All applications should be returned to Lansing City Hall, 800 First Terrace, marked "Attention of the City Clerk".

RECEIVED

DEC 09 2016

CITY OF LANSING

To whom it may concern:

I am interested in applying for the open position on the City of Lansing's Planning Commission. My qualifications include being a member of the Lansing community for the past 28 years with a brief 2 year absence to seek a 4-year degree in the beautiful city of Hays, KS. I am also a recent graduate of the Citizens Academy. With this, I believe I have adequate qualification through experience of living in Lansing for said position. As for my "personal philosophy" of the Lansing Planning Commission and development within Lansing, I have yet to form much of a philosophy due to my limited dealings with and knowledge of the Planning Commission. I do know that K.S.A Chapter 12 Article 7 establishes the right for the City of Lansing to establish a Planning Commission and provide relevant guidance thereof. The Lansing Zoning Ordinance was adopted by the City Council to establish the Commission and provide its governing framework. The Planning commission is also in charge of preparing the Comprehensive Plan that is used as a guiding framework for future development and planning decisions. I do not currently have any desired accomplishments as a Planning Commission member other than to execute the duties defined by the State of Kansas and the City of Lansing. I am willing to attend the monthly Planning Commission meetings. However, I do plan to make the recommendation that the Planning Commission consider at least making available the use of Audio/Video conferencing should the need arise where physically being at the meeting prove impossible.

Personal References:

Kirsten Moreland
913-351-2180

Gene Kirby
913-775-1938

Janet Labbee
120 Connie St
Lansing, KS 66043
913-727-5148



CITY OF LANSING

800 First Terrace

Lansing, Kansas 66043

Telephone: 913-727-3036 * Fax: 913-828-4579

www.lansing.ks.us

APPLICATION FOR LANSING PLANNING COMMISSION

Name: Jerry Gies

Lansing Address: 804 Pinehurst Dr

Home Phone: 913 772-4217

Business Phone: _____

E-mail: jerrygies@yahoo.com

Please attach a one to two page written statement expressing your interest in being appointed to the Lansing Planning Commission. Your written statement should address the following four topics:

1. Qualifications for the position.
2. Personal philosophy of the Lansing Planning Commission and development in Lansing.
3. Desired accomplishments as a Lansing Planning Commission member.
4. Willingness to attend meetings.

Also, attach the name, address, and telephone number of three personal references.

This appointment is to fulfill a Lansing Planning Commission unexpired term ending on April 30, 2018. Applicants must be 18 years of age and a U.S. Citizen. Applicants must also be a resident of the City of Lansing or live within the Urban Growth Management Area outside of city limits.

All applications should be returned to Lansing City Hall, 800 First Terrace, marked "Attention of the City Clerk".

December 13, 2016

Lansing City Clerk
800 First Terrace
Lansing, Kansas 66043

I wish to submit my name as a candidate for a position on the Lansing Planning Commission. I am a retired City Planner with decades of experience working on the staff level and in retirement would like to serve my community as a volunteer. I retired from the City of Leavenworth in 2008.

I bring with me no specific personal philosophy except the standards expected in the profession. I understand that the role of a Planning Commissioner is to use professional standards. I believe it is the responsibility of the elected officials to establish goals and direction for the community with advise from citizen boards.

It is my desire to make meaningful contributions to the decision making process and strive for compromise when needed to further the proper development of Lansing. I understand the time commitment and will be able to attend evening meetings.

Sincerely,
Jerry Gies
804 Pinehurst Drive
Lansing, Kansas 66043
913 772-4217
jerrygies@ymail.com

A handwritten signature in blue ink, appearing to read "Jerry Gies", is positioned to the right of the typed name and contact information.

references:
Mayor Gene Kirby

Martha Crow
1200 South Broadway
Leavenworth, Kansas 66048
913 682-1544

Richard Gervasini
220 Arch Street
Leavenworth,
Kansas 66048
913 240-4863

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Stefanie Leif, AICP, Community & Economic Development Director 
DATE: December 29, 2016
SUBJECT: Main Street Overlay District Review of 599/601 South Main Street

The Planning Commission held a public hearing on November 2, 2016, to give consideration to a request by David Vodarick, Leavenworth Ice Company, LLC, to install an automated, unmanned ice vending machine at 601 South Main Street. The vending machine would be addressed separately as 599 South Main Street. The property is located within the B-1 Neighborhood Business District and the Main Street Overlay District (MSOD).

The item was tabled from November 2 to the special meeting of December 7, 2016, in order for the applicant to provide additional information. At the December 7 meeting, the Planning Commission, in a 6-0 vote (one seat is currently vacant), unanimously recommended to the City Council approval with one condition. The Planning Commission found that it met Main Street Overlay District and B-1 zoning district criteria as outlined in the Lansing Zoning Ordinance if the following condition is met:

1. All elements in the development plan narrative dated November 27, 2016, shall be completed by May 31, 2017.

Attachments to this agenda memo:

1. Standards of evaluation from the Lansing Zoning Ordinance
2. Minutes from the Nov. 2, 2016 Planning Commission meeting
3. Minutes from the Dec. 7, 2016 Planning Commission meeting
4. Development plan narrative dated Nov. 27, 2016 from Leavenworth Ice Company, LLC to the Planning Commission and City Staff
5. Photos of the ice vending machine at 601 S. Main Street

Policy Consideration: Please see attached standards of evaluation (attachment #1).

Financial Consideration: The application is for a new business that generates sales tax on the sale of ice in bags or bulk. The vending machine will connect to sanitary sewer.

Action: Approve the automated ice vending machine at 599/601 South Main Street

Standards of Evaluation from the Lansing Zoning Code – 599/601 S. Main Street
January 5, 2017 City Council meeting

- The B-1 zoning district allows a variety of retail uses, and staff considers this a general retail use and as a use, consistent with other vending machine retail that exists in commercial zoning districts. That said, the design and size of the ice vending machine differentiates it from other vending machines such as beverage, candy, and DVDs (e.g. RedBox). For the City Council's reference, the zoning code table of uses refers to vending and ice sales as follows:
 - Ice – Manufacturing – conditional in B-3, allowed in I-1 and I-2
 - Ice – Retail – permitted in B-2 and B-3
 - Vending Machine Operators – Retail – permitted in B-2, B-3, and I-1
- Yard Setback Requirements:
 - Front yard: 30 feet
 - Side Yard (north): 30 feet (corner lot)
 - Side Yard (south): Minimum 10 feet when lot abuts residential (R-1 zoning to the north and east)
 - Rear Yard: 25 feet
- Standards of evaluation applicable to this application:
 - Lansing Zoning Ordinance, Article 5, Section 8, "B-1 Neighborhood Business"
 - Lansing Zoning Ordinance, Article 5, Section 15 "Main Street Overlay District":
<http://www.lansing.ks.us/DocumentCenter/View/1016>
 - The entirety of Section 15 applies to this application, but below are standards that staff felt warrant discussion by the Planning Commission:

Excerpts from Article 5, Section 15:

5. APPLICATION OF REGULATIONS

A. All property located within the boundaries of the MSO District, as shown on the zoning district map of the City of Lansing, and any use upon that property is subject to the regulations of the underlying zone except as required by the provisions of this Article. In the event of differences between the provisions of the MSO District and the underlying zone, the provisions of the MSO District shall apply.

7. ACCESSORY USES

A. Any use considered to be an accessory to a permitted use in the underlying zone shall be permitted and shall meet the requirements of this ordinance.

9. APPROVAL PROCEDURE

A. The approval by the Governing Body of the Preliminary Development Plan shall be preceded by the publication and mailing of notice, a Public Hearing, and a recommendation by the Planning Commission. If the Governing Body disagrees with the recommendation, the application shall be returned to the Planning Commission for reconsideration. Approval of the Preliminary Development Plan shall be valid for two (2) years from the date of its approval. The filing and approval of a Final Development Plan for any phase of the area contained in the Preliminary Plan shall extend the period of validity an additional two (2) years. Once approved, the zoning classification can only be changed through rezoning and cannot be changed by expiration of the Preliminary Development Plan.

13. SITE DEVELOPMENT STANDARDS AND CRITERIA: *The following development standards shall apply to all of that land within the MSO District as follows:*

A. Site Development Patterns: *This section shall apply to all new development or redevelopment within the MSO District.*

1) To the maximum extent practicable, the design of adjacent developments, including developments located across a street from each other, shall be compatible with each other in order to promote a common character and sense of arrival, except as follows:

a. "Compatibility" with existing adjacent non-conforming land uses and structures shall not represent just cause for any new development or re-development to be planned in a manner which is not in full compliance with the requirements of the MSO District as set forth herein.

16.D. Building Materials and Colors: *Building materials and colors shall be aesthetically pleasing and shall compliment materials and colors utilized in adjacent developments.*

1) Applicants shall submit a color palette and building materials board as part of their development plan application.

2) Building Materials

a. All primary buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time. Such materials include but are not limited to stone, synthetic stone, stucco, integrally colored, textured or glazed concrete masonry units and brick.

b. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used.

c. Exterior building materials shall not include the following:

i. Split shakes, rough sawn or board and batten wood; OR

ii. Vinyl siding; OR iii. Smooth-faced gray concrete block, painted concrete block, tilt-up concrete panels; OR

iv. Field painted or pre-finished standard corrugated or ribbed metal siding; OR

v. Standard single or double tee concrete systems.

16.F.3. Mechanical/utility screening *shall be an integral part of the building structure and architecture and not give the appearance of being "tacked on" to the outside of the building.*

a. Mechanical, electrical and communications equipment including but not limited to air conditioning, heating and water tanks, television antennas, satellite dishes, security apparatus, electric and gas meters shall be fully screened from public view and integrated into the building design. When appropriate, all such equipment shall be enclosed in a suitable approved accessory structure.

b. Roof mounted equipment shall be screened according the architectural design guidelines of the MSO district. Screening shall be an integral part of the buildings architectural design.

c. Ground-mounted equipment shall be screened by a decorative wall constructed of materials, compatible with the overall architectural design of the development, and softened with landscaping.

**Lansing Planning Commission
Special Meeting
November 2, 2016**

Call to Order – A special meeting of the Lansing Planning Commission was called to order by Chairman Brian Schwanz at 7:00 p.m. Also in attendance were Vice-Chairman Ron Barry and Commissioners Mike Suozzo, Frank Reyes, Kirsten Moreland, and Chad Neidig. Commissioner Chuck Holland was unable to attend. Chairman Schwanz noted there was a quorum present.

Chairman Schwanz stated the agenda would be amended to add an executive session at the beginning of new business item number 1.

Approval of Minutes, August 17, 2016, Regular Meeting – Commissioner Neidig made a motion to approve the minutes of the August 17, 2016, regular meeting, seconded by Commissioner Moreland. The motion passed, with Commissioners Reyes and Suozzo abstaining.

Old Business – none

Chairman Schwanz stated that prior to the public hearing, he will move to enter into executive session with the Lansing Planning Commission, Stefanie Leif, Greg Robinson, Tim Vandall, and Special Counsel Jim Kaup for a session of 15 minutes, beginning at 7:03 p.m. and returning to this location at 7:18 p.m., for purposes of attorney-client discussion. The motion was seconded by Vice-Chairman Barry and passed, with Commissioner Neidig voting “no” and Commissioner Reyes voting to abstain.

At 7:20 p.m., Chairman Schwanz made a motion to come back into open session. This motion was seconded by Vice-Chairman Barry and passed unanimously.

New Business – 1. Public Hearing – 599 South Main Street. Chairman Schwanz stated that David Vodarick is requesting to install an automated, unmanned ice vending machine at 601 South Main Street, Lansing, Kansas. The vending machine would be addressed separately as 599 South Main Street. He stated the property is located within the B-1 Neighborhood Business District and the Main Street Overlay District (MSOD). Chairman Schwanz opened the public hearing at 7:21 p.m.

David Vodarick, 210 Meade Avenue, Fort Leavenworth, Kansas, stated he and his wife are the owners of Leavenworth Ice Company, which installed the ice machine at Petro Deli. He stated he decided to retire in this local area and wanted to start a small side business they could run. He stated he and his wife had used these machines when they were down south and had installed a smaller version of this in Leavenworth earlier this summer that’s met with a very good response. He stated they installed a machine here in September and have had very positive feedback from the people of Lansing on the use of the machine. He stated he does not know where they go from here, as the machine has been installed and passed all the inspections. He stated right now they have a temporary approval to operate and are looking for permanent approval so they can continue to provide the valuable product they’re giving to the customer right now.

**Lansing Planning Commission
Special Meeting
November 2, 2016
Page 2**

Since no one else wished to address the Commission during the public hearing, Chairman Schwanz closed the public hearing at 7:24 p.m. He stated by closing the public hearing, that begins the 14-day protest period.

Chairman Schwanz then asked Commission members for discussion. Commissioner Moreland wanted to confirm that their purpose here was to make a recommendation to the City Council, who will approve or deny, hopefully based on our recommendation. Community and Economic Development Director Stefanie Leif confirmed this, with the recommendation based on the MSOD criteria and the B-1 zoning regulations.

At this time Jim Kaup, attorney, wished to ask Mr. Vodarick a few questions. Mr. Kaup asked, through conversations with city staff, if Mr. Vodarick was familiar with the MSOD and Mr. Vodarick stated he was, but that it didn't come up until the 20th of September, two days before they started the install, when he received an email from Ms. Leif. Mr. Kaup asked if he had some feel for what the regulations are and Mr. Vodarick said he did. Mr. Kaup asked if it was possible for him to modify the appearance of the structure to address at least some of the design standards and aesthetic considerations of the city's regulations, such as exterior materials, landscaping, and screening. Mr. Vodarick stated he could look at that if he was given specifics on what to do as he can't just theoretically say he can meet whatever is said. He stated he believes right now the machine fits in very well and is very similar to Petro Deli in color, as far as the roofing goes. He also stated the Petro Deli is not currently landscaped, so if they did something out of the ordinary, it may look very strange compared to the building sitting next to it. Mr. Kaup stated there is wording in the regulations talking about compatibility to the closest business, but he imagines that building pre-dated the MSOD regulations going in in 2003.

Mr. Kaup stated, at this point in time, all the Planning Commission has to send on to the City Council is a piece of paper that says "Here's the building and we recommend one way or the other to the City Council". He stated if there is still an opportunity to address at least some of the design features in the MSOD and the city staff could attempt to work with the applicant to that end, then that could be put with the recommendation.

Mr. Kaup then stated that interpretations of these regulations could be that you are not in compliance, but the city has elected to allow you to stay open, but you still need a building permit. Mr. Vodarick said that that is true, but he was given the verbal go-ahead by the city and received all his city inspections, but on the 20th of September received an email from Ms. Leif asking if he could put a blue roof on the structure and he responded back that he had already planned to put a blue roof on it. He stated she asked for the roof for screening in order to meet the MSOD standards and that this was the first time since this process was started in February of this year that MSOD was ever brought up in the discussion. He stated that up to that point it had never been raised as an issue and that he had submitted a site sketch with the dimensions and the square footage and the technical drawings for the machine. He stated he feels he's been very open and hasn't tried to hide anything this whole time, so he wants to say he'll be willing to work reasonably together to come to an agreement, but at the same time, as a small

**Lansing Planning Commission
Special Meeting
November 2, 2016
Page 3**

business owner, he does have limited funds available to him at this exact moment, as this wasn't planned into his initial start of the business.

Mr. Kaup stated he understood as he's a small business owner himself, and said they're not talking moneywise here, but asking if there's still an opportunity before this goes to the City Council, to make a more presentable approach, one that acknowledges the MSOD regulations and the purpose of those regulations, as in its present form, it's hard to reconcile the structure with the MSOD regulations. Mr. Vodarick said he is willing to go into discussions and really just wants to move forward with this, as he feels they're providing a good service to the people of Lansing and have had a very positive response. He stated he wants to be a part of the local community and is in it for the long term. Mr. Kaup stated he believes that, but the regulations are designed for everyone equally, whether you're the best citizen in the world or the worst.

Chairman Schwanz asked if any other Commission members had questions and Commissioner Neidig asked if staff was going to brief everyone on the agenda memo so everyone is on the same page or are they just going to ask questions off of it, since members of the audience don't have a copy of this. Ms. Leif stated the city has given them a temporary authorization to operate. She stated the city's position is that the MSOD says that any use going into the MSOD would be required to go through this process of going before the Planning Commission and City Council. Commissioner Reyes asked why it was brought up two days before his install and why are we here tonight if he's already operating, met all the requirements, and done all the inspections. Mr. Kaup stated, as he understands it, is that there's not the best of all possible fits between the MSOD regulations and this type of use. He stated he didn't know if there's another comparable structure in the community. He stated it's an unusual stand alone use property and usually these are accessory uses to a principal use and smaller. He stated that once it was identified that this was a use of land within the MSOD, then the city's regulations come into play.

Mr. Vodarick asked Mr. Kaup if he doesn't consider it an accessory use to the gas station that's there, and he stated only if it had the same owner. Ms. Leif stated she doesn't believe the MSOD distinguishes between whether it's an accessory structure or not in terms of meeting design standards.

Chairman Schwanz asked Commissioner Reyes if his question had been answered and he stated "no" and Mr. Kaup agreed. Mr. Kaup then stated that the city, to its credit, did not step in and say there's an issue here and you can't go forward. He stated the city did something a little out of the ordinary, but a legal thing to do, and that is to say he could open up shop and he has been in business since then. Mr. Vodarick stated that he was notified on the 7th of October that he could open on a temporary basis. Mr. Kaup said he believes what's on the table for the Planning Commission and then the City Council is to tie up any loose ends. He told the Commission it can recommend denial, approval, or for the applicant to have the opportunity to work with city staff to have a meeting of the minds as far as the MSOD regulations are concerned. Chairman Schwanz asked if one of their recommendations to the City Council could be approval with the condition that the owner works with city staff. Vice-Chairman Barry asked if an option would be that they could recommend for staff to go back and work with the owner to

see what could be done to bring it closer or in line and then return to the Planning Commission with those findings before we make any recommendation. Mr. Kaup stated that is an option and the question is whether the Commission wants to kick this up to the City Council at this point or wants to retain jurisdiction of it. He also stated this isn't hurting Mr. Vodarick financially since he's able to stay open for business. Mr. Vodarick stated that's true, but it's the uneasiness of not knowing and the fact that when they started this, he knew he was coming to the end of his time in the Army and retired November 1. He stated he would just like to come to a resolution, as it's a lot hanging over the head of a new business owner. He stated he wants to work to make this come together, but doesn't want it to come to an unreasonable demand, something he can't meet.

City Attorney Greg Robinson stated what he is hearing, with Vice-Chairman Barry's suggestion, is that we've already had the public hearing, it's closed, and we won't have another one in reference to this item as anyone who wanted to speak could have shown up and spoken. He believes Vice-Chairman Barry's suggestion is to table this action and give Mr. Vodarick the opportunity to work with staff to find out what this structure may require under the MSOD. He stated we could then get a date set in the future to revisit what ideas have been presented and then this body has a chance to look at what the proposed solution is and can then make a recommendation to the Council. Mr. Vodarick stated he is open to that and just wished it had been brought out earlier. Commissioner Neidig stated he believes Mr. Vodarick would have followed the process had he known there was a process.

Commissioner Neidig stated he would still like staff to go through the requirements of the MSOD and brief them out because he doesn't understand what's in the language in its entirety and the analysis that was drawn. He stated he has done his own analysis and would like to have a discussion to either confirm or deny what he thinks he believes in regard to this situation. Ms. Leif stated she believes the trouble we have with the current structure as it is is the exterior siding as it's currently constructed and doesn't know if that can be changed. Commissioner Neidig stated he had a question about that because he believes, from his review, that all those materials that are there meet all the qualifications, so doesn't see the structure being non-compliant in that regard. Ms. Leif stated that's why this is going before the Commission and City Council because it is your review of these standards in relation to that. Commissioner Neidig stated he realizes it's unique because it's an insulated facility, with insulated panels with a weathered siding and is made of steel that's not going to rust and will maintain its appearance over time.

Commissioner Neidig next stated he could not find 16.F.3. in our code and believes maybe it was meant to be 19, which states that landscaping, streetscape, screening, and buffering guidelines, all areas not covered with pavement, building, or other non-living materials, shall be landscaped in accordance with the following guidelines, and stated Ms. Leif references a roof, which he doesn't understand how a roof and landscaping go together. Ms. Leif stated it is 19.F.3. which states mechanical and utility screening shall be an integral part of the building structure and architecture and not give the appearance of being tacked on to the outside of the building. She stated that it was staff's opinion that, while the roof was appreciated for the screening, there are a variety of ways to construct a roof. Commissioner Neidig stated that as

far as “tacked on” goes, that is one of the architectural options for that particular building, and the language does say it has to be integral with an architectural design and therefore he believes the roof meets that requirement. Ms. Leif stated that would be up to the Commission to determine.

Commissioner Neidig asked Ms. Leif if she could take everyone through her staff analysis. She stated staff acknowledged that this ice vending machine was a modular unit brought in from the outside and not constructed on this property, so there are limited design options; however, there are a variety of ways to design something. She stated in regard to the roofing style, she didn't feel this exactly fit in with what our criteria is and appears to be “tacked on”. Commissioner Reyes asked just what that meant – is it that you can see rivets, nuts and screws? Ms. Leif said she would see it as something not really integrated with the architecture. Commissioner Neidig said the assumption is that it's an afterthought, but it's not, given that it's one of the architectural samples or options for their building. Ms. Leif stated that's something that may be interpreted differently. She also stated that Mr. Vodarick had said she requested a blue roof, but stated she did not specify “blue”, but asked if there was some kind of roof or parapet. Mr. Vodarick said he didn't mean to say she had specified “blue”, but just specified a roof. He stated she had sent him a picture she had googled that had a blue roof on it, and he had stated he was going to put that exact roof on this structure and Ms. Leif had stated that would work.

Commissioner Reyes then asked about her last statement in the analysis about screening it from the adjacent properties and asked if that was to the east and Ms. Leif stated that is correct. She stated she'd had some concerns expressed, although no one made public comment tonight, but had received a phone call with concerns about the appearance of it and how visible it was from the adjacent building to the east. She stated, however, she had no formal comment.

Chairman Schwanz asked about 19.F.3. and how it talks about the electric and gas meters being fully screened from public view and integrated into the building design, but when you go to this machine, he believes there are a meter and other things that are on a pole, so screening might be necessary for appearance. Commissioner Neidig said he would be open to some type of vegetative screening. Chairman Schwanz stated that is something Mr. Vodarick could work on for something that would satisfy staff.

Commissioner Moreland stated they also need to look at an issue with drainage in the back, as she went by there twice and there was standing water without the rain. Mr. Vodarick stated he and his wife had discussed that today and that the grass and everything didn't grow up as quickly as they'd hoped since they got it in so much later than expected, so they're looking at ways to alleviate that now.

Chairman Schwanz asked if there were any more questions and Commissioner Reyes said his question is still why was he notified only two days before install and asked when Mr. Vodarick was told to install the building. Mr. Vodarick stated he had planned on the 22nd or 23rd of September, so it started to get closer and he was working on some things, but at no point did anyone tell him there were any issues or concerns with that install, and he had the electric installed and all the electrical inspections were done by the city. He stated at that point, he

didn't think there was anything that was going to prevent him from installing and opening up as planned. Commissioner Reyes asked again about the notification and Ms. Leif stated she understood his question, but the purview of the Planning Commission is to review the structure under the zoning code standards, so how it got there or when someone was notified is not pertinent to the discussion today. Commissioner Neidig stated it's pertinent that we're here for a special meeting and Chairman Schwanz stated he approved this special meeting so we could fall within that 14-day period and could move forward as quickly as we possibly could. Mr. Kaup said it's not like there are timelines set out in the regulations. He also stated that he has yet to hear anything indicating Mr. Vodarick wasn't acting in good faith, so the city, out of respect for that fact, told him he could open up his shop and do business whereas another city might have said it couldn't be opened until everything was resolved. Commissioner Neidig asked if there was a delay between completion of construction and opening day and Mr. Vodarick stated it was about a week.

Commissioner Moreland stated she believes this question comes about because the Commission has been talking the last couple of months about ways of making our process work correctly and giving them and the City Engineer sufficient time to review before they get to this point. She stated since we've been in these discussions and then end up in a special meeting, that the question is why. Commissioner Reyes asked Mr. Vodarick if he started this process back in February and he stated either late January or early February. Mr. Kaup said many regulations say that so many days after a completed application is submitted, there will be action taken, but said our current regulations don't say much along those lines. He stated the issue here is not what happened during that period of time, but the awareness of these regulations. Commissioner Moreland stated she doesn't have any issue with what Mr. Vodarick has done at all and feels he's been ill served by the process and has done everything he can do to be where he's at and wasn't aware of all the other things we have asked to be a part of this process. Mr. Kaup stated the hard nose approach is that ignorance of the law is no excuse.

Mr. Vodarick stated on the 14th of June he submitted a site sketch and all the technical drawings that are in the packet to the city, on the 9th of September he submitted a picture of what the ice house would look like with the roof on it, on the 15th he submitted the site sketch and those same technical drawings to Ms. Leif, on the 19th she confirmed the electrical inspection would be on the 20th, received confirmation on the 20th that the electrical inspection had been completed, and that was the date he talked with her via email about the roof. Mr. Vodarick stated he believed he did do his due diligence in contacting the city and supplying the site sketch and technical drawings and no one at any point raised the MSOD as a concern. Mr. Robinson then stated that it's not the city's responsibility for the due diligence portion of it, but as the applicant, ultimately, the due diligence is that perhaps you retain land use experts, lawyers, or engineers involved who deal with this and would have brought this to your attention. He stated the argument is that you don't rely on staff to make the ultimate decision about these types of issues.

Commissioner Moreland asked if our City Engineer had a chance to review the plans and Ms. Leif said he was sent them about a week ago. City Engineer Matt Harding said he is not aware

**Lansing Planning Commission
Special Meeting
November 2, 2016
Page 7**

of any engineering issues with this project. Commissioner Neidig asked when he received the drawings as they were turned in in June and Mr. Harding stated it was about a week ago.

Chairman Schwanz stated he had been looking at the drawings and asked if they were for Lansing or just a general drawing and Mr. Vodarick said they were just general specification drawings, but were very similar with slight changes on the inside. He stated there are quite a few of these machines in the Kansas City area, as well as other cities in the area.

Vice-Chairman Barry asked Mr. Vodarick if the city has entered into discussions with him as to what changes he could make to the structure to make it more palatable with the MSOD from its point of view and Mr. Vodarick stated nothing was ever brought to his attention before and Vice-Chairman Barry asked if they have to date since this was raised and Mr. Vodarick said there has been no discussion.

Commissioner Neidig asked what the install date of the Leavenworth machine was and Mr. Vodarick said he believes it was around the 24th of June.

Vice-Chairman Barry said he acknowledges we have some abnormalities here to the way we normally address things. He stated having looked at the machine and having looked at past minutes when the Commission looked at structures within the MSOD, his assessment is that it doesn't exactly fit into our requirements or what we asked other business owners of new structures to do in the district. He also stated he recognizes that from Mr. Vodarick's comment that he hasn't even had the opportunity to either know yet or work with this to know what's needed and doesn't want to put him at risk, but also wants to protect the city in future developments and opportunities, which is why we have the MSOD. He further stated, to make things more palatable, that it might be more prudent to give staff and Mr. Vodarick an opportunity to work through this and see what options might be available before making a decision. He also stated, in addition to this, that we extend Mr. Vodarick's temporary permit so he's not at risk from a business perspective at least 60 days. He stated he would like to make a motion to that end if discussion is over, but doesn't want to stop any other discussion from other Commissioners.

Commissioner Neidig stated the only thing with that is when you make things more palatable from a construction standpoint, that means the construction owner is writing bigger and bigger checks while they're waiting. Vice-Chairman Barry said he would leave that to staff and Mr. Vodarick as to what they can bring back to us, if anything. Commissioner Moreland said she liked the idea of looking at this and helping him get through this.

Chairman Schwanz stated that before we make any motion, he needs to refer to staff to ask if the Commission has any power to extend that temporary permit, as he doesn't believe they do. Ms. Leif stated she believed that was a city decision, so if the Commission wanted to it could make that recommendation to the Council. City Administrator Tim Vandall stated the City Council was pretty open to extending it until a final decision was made, so if it was recommended, he thought the Council would be okay with that.

**Lansing Planning Commission
Special Meeting
November 2, 2016
Page 8**

Vice-Chairman Barry stated that if there is no other discussion, he'd like to make a motion and Chairman Schwanz told him to go ahead. Vice-Chairman Barry made a motion to recommend the extension of the temporary use permit for the ice machine located at 599 South Main Street, and further recommend that staff work with the present owner as to what potential changes could be made to bring the business more in line with the Main Street Overlay District and then bring those recommendations back to the Council with their findings from both the owner and the staff.

Chairman Schwanz asked for clarification as to whether Vice-Chairman Barry was talking about the City Council or the Planning Commission and Vice-Chairman Barry said the Planning Commission.

Mr. Kaup asked if the motion should be changed for staff and the applicant to bring forth a development plan. Vice-Chairman Barry said he would state a "plan" not necessarily a "development plan". Mr. Kaup stated the reason he said a "development plan" is because that's what the MSOD calls for and Vice-Chairman Barry said that was fine.

Ms. Leif asked if this is being continued to a certain date as she believes we would have to re-notice if we don't set a date. Vice-Chairman Barry stated he knows in the past we haven't re-noticed, so he asked for advice from the lawyer. Mr. Robinson stated that since the public hearing has been held, he didn't feel it was needed. Mr. Kaup stated the Planning Commission, at its discretion, can have as many public hearings as it wants. Vice-Chairman Barry said that when it was re-done before it was because there had been a lot of public participation, but since that isn't the case tonight, he believes the requirement for a public hearing has been met, and in essence, are tabling it until more information comes back, so wouldn't need to re-notice. Mr. Robinson stated the meeting will be publicly noticed, but it wouldn't require the mailings for a public notice.

Commissioner Neidig stated he had a question on the motion, as it does not presuppose that it's not in accordance with the MSOD as it currently sits. Vice-Chairman Barry said he doesn't believe it does as it hasn't been voted on and he has voiced publicly that he doesn't believe it, but believes as a Commission, we aren't presupposed that it is or isn't at this point, but are asking for more staff and owner work and collaboration to come back with a development plan and based on that plan, determine if it is in compliance or not, or with what type of conditions we may put on it.

Vice-Chairman Barry stated the only thing he didn't address was time, but would like to see it come back within 60 days. Chairman Schwanz stated he doesn't want to put a timeline on it in case Mr. Vodarick already had plans in place. Mr. Vodarick said he believes it's doable, but wonders at what point he would receive feedback from staff to make sure he has a reasonable amount of time to do some analysis and come up with alternative options. He stated that nothing really says what's wrong with it at this point and Chairman Schwanz stated he believes Ms. Leif and Mr. Vodarick need to sit down and have a meeting, and Commissioner Reyes agreed, stating he believes there needs to be more communication between staff and Mr. Vodarick. Ms. Leif also stated she would appreciate guidance from the Planning Commission

**Lansing Planning Commission
Special Meeting
November 2, 2016
Page 9**

on areas of concern. Commissioner Neidig stated she knows where he stands on the two items in the agenda memo and Commissioner Reyes said he has no issue with the roof.

Mr. Robinson stated that when this process went in, the idea was to dress up the corridor and gave several examples. Commissioner Reyes then said we would need the recommendation of the City Engineer that the roof is not "tacked on" and asked who tells the Commission if it's in compliance with the MSOD regulations and Mr. Robinson said the Commission would decide that, but staff would do their own analysis and advise if it meets all the regulations. Commissioner Reyes asked if they then need to tell her if her staff analysis is correct or not and Ms. Leif stated she would appreciate that.

Mr. Robinson stated that, as in the case of the screening of the electrical box that Chairman Schwanz brought up, that would already be on the list.

Chairman Schwanz asked Ms. Leif if she'd like any suggestions and she stated that would be appreciated since in her analysis, she had issues with the exterior material and the roof, but if the Commission is good with those, but had other issues, then those are elements with which she could work on with Mr. Vodarick. Commissioner Reyes asked by "exterior treatments" if she's referring to the sidewalls of the building or landscaping that would shield the sidewalls of the building. She stated that since there's no landscaping there now, staff didn't feel it was required, but if it's something that will help make it compliant, then it should be looked into.

Commissioner Moreland stated there's a faucet outlet on the north side of the building and wondered if anybody can turn that on. Mr. Vodarick stated he hadn't thought about that, but will look at it.

Chairman Schwanz stated his concern was the screening of the electrical box. Commissioner Moreland stated again her concern about the water in the back and Chairman Schwanz said he believed Mr. Vodarick had stated he is going to address that.

Commissioner Reyes asked about the concrete in front of the dispenser and if it's just discolored and Mr. Vodarick stated that he hadn't finished site preparation because he wasn't sure where things were going, so he still has work to do there.

Chairman Schwanz stated if there were no more issues for Ms. Leif, there is a motion on the table that had been seconded by Commissioner Moreland. Roll was taken and the motion passed, with Commissioners Neidig and Reyes voting "no". Chairman Schwanz then stated that Ms. Leif would work with Mr. Vodarick on these concerns and if anyone else has any feedback, to be sure to email her so she has that prior to her meeting.

Chairman Schwanz asked if there was anything else and Commissioner Reyes stated he wanted to make a motion to approve it as it is. Chairman Schwanz stated that can't be done as this motion already passed. He stated the reason he voted "no" was because he doesn't want to do the extension and wanted to recommend it to the City Council for approval. Chairman Schwanz said there was already a motion and it passed, so Commissioner Reyes stated he just

**Lansing Planning Commission
Special Meeting
November 2, 2016
Page 10**

wanted it noted that he wanted it approved as it was. Chairman Schwanz asked if he just wanted to explain his vote and Commissioner Reyes stated "yes".

Notices and Communications – Ms. Leif stated the city had a volunteer recognition dinner and at that dinner the Planning Commission was presented a plaque to thank volunteers for their work.

Ms. Leif then asked if the Commission wants to have its regular November meeting, which would be November 16. She stated there would be nothing to review unless she and Mr. Vodarick were able to come up with a plan before that time. Commissioner Moreland asked if they were still reviewing the Comprehensive Plan and Ms. Leif stated they could do that, but it wouldn't have to be done as the Commission has reviewed the plan this year as required and could review the remaining sections at the beginning of next year. She then stated the next meeting would be December 14. Chairman Schwanz asked what members' thoughts were on the November and December meetings and Commissioner Reyes proposed the Commission meet on December 7 and not have a regular meeting in November or December. Commissioner Reyes stated there may be a plan to present by then, but if not, they could always look at the Comprehensive Plan, and that date also gets away from the holiday season. Chairman Schwanz said we would need to call another special meeting then since it's not the regular meeting date. Commissioner Neidig stated the regular meeting date is actually December 21, not December 14. Chairman Schwanz noted the proposal was okay with all the members, so said we would call a special meeting for December 7 and not have the regular November or December meetings.

Reports – Commission and Staff Members – Chairman Schwanz stated he and Commissioner Neidig had attended the Kansas Chapter of American Planning Association conference on Planning Commissioner Training put on by the Lawrence-Douglas County Planning Commission, and found the training to be excellent. He stated they not only have regular meetings, but also a once a year retreat, and had a copy of the agenda there if anyone would like to see it. Vice-Chairman Barry asked as to whether the training was led internally or by an outside source and Chairman Schwanz stated mostly by staff and Commissioner Neidig said he believes they've done a little bit of both in the past. Chairman Schwanz stated he would like to see this Commission do some of these types of training and retreats. Commissioner Moreland suggested that perhaps Commissioners could each take a piece of something like the Comprehensive Plan, do our own analysis, and present it, as it may help get through things more quickly.

Adjournment – Due to the length of the meeting, it was decided to postpone the scheduled work session until the next meeting. Commissioner Reyes made a motion to adjourn, seconded by Commissioner Neidig, and it passed by acclamation. The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Cynthia Tripp, secretary

Reviewed by,

Stefanie Leif, Community and Economic
Development Director

Call to Order – A special meeting of the Lansing Planning Commission was called to order at 7:00 p.m. by Chairman Brian Schwanz. Also present were Vice-Chairman Ron Barry and Commissioners Mike Suozzo, Kirsten Moreland, Chad Neidig, and Frank Reyes. There is currently one vacancy on the board. Chairman Schwanz noted a quorum was present.

At this time, Chairman Schwanz stated he was adding an item to the agenda, which will come after the approval of minutes. He stated Mayor Gene Kirby had asked to briefly address the Commission.

Approval of Minutes, November 2, 2016, Special Meeting – Commissioner Neidig made a motion to approve the minutes of the November 2, 2016, special meeting, seconded by Commissioner Suozzo. The motion was unanimously approved.

Mayor Kirby then thanked everyone for serving on this committee. He stated he believes it's probably the most difficult and time-consuming committee, but is one that is very important for the future growth of this town. He stated it needs to be run in a professional manner, not based on how long we've lived in town or who we know. He stated he ran into a situation today where someone just decided to do whatever they wanted to do. He stated there's a system in place, which he said he trusts is followed. He thanked everyone again for their time, reiterating that he believes it's the most difficult and time-consuming committee we have in the city. Members thanked him for what he said.

Old Business - 599 South Main Street – Chairman Schwanz stated this item had been tabled from the November 2 meeting. He stated that David Vodarick is requesting to install an automated, unmanned ice vending machine at 601 South Main Street, Lansing, Kansas. He said the vending machine would be addressed separately as 599 South Main Street, and that the property is located within the B-1 Neighborhood Business District and the Main Street Overlay District (MSOD).

Chairman Schwanz stated some additional information was asked to be worked through with city staff, which were:

- the roof being straightened
- screening of the electrical box with fence or vegetation
- add a locking mechanism or verify locking mechanism on exterior faucet
- drainage plan for the rear area

He stated those items were addressed with the city staff and the applicant was asked to come up with a plan.

Chairman Schwanz then opened up the floor for discussion. Commissioner Moreland asked when this would be tied in to the city sewer. Mr. Vodarick stated he has talked to his general contractor, but doesn't want to move forward with it until he's received City Council approval. He also stated this is a horrible time to buy vegetation, but plans to get together with someone from the local nursery to get a plan together, which he would be happy to bring back to the Commission. He stated his goal is to screen the box, but make it readily available in case emergency services has to show up and shut something down.

Commissioner Neidig said in his note, Mr. Vodarick had talked about his roofing contractor and wondered if he'd received an update on that. Mr. Vodarick stated they're in the process of confirming a date now and he told them he must have it done no later than the 30th of January. He said they stated they would make sure that happens no matter what. He also stated the contractors are shooting for the first or second week of January. He stated they're going to pull the panels off the front and the side and then recut everything so they're the correct length.

Chairman Schwanz stated if there was no other discussion, he would entertain a motion to recommend to the City Council to approve, disapprove, or approve with conditions the request for 599 South Main Street.

Vice-Chairman Barry asked if the Commission approves this, would it be the normal length of time for a conditional use permit, but Chairman Schwanz stated this is not a conditional use permit. Community and Economic Development Director Stefanie Leif stated that once this is approved, it would stay approved as long as the owners continue to meet the restrictions or unless they change the design of the building.

Vice-Chairman Barry then asked if we recommend approval, exactly what is it the Commission is recommending approval of? Ms. Leif stated they would be recommending approval of the plan because it meets the MSOD design criteria and is in compliance with the MSOD. Chairman Schwanz stated the Commission might also want to add to that the condition that the items brought up would be completed. Mr. Vodarick stated they could tie it to a date, if necessary.

Vice-Chairman Barry asked if this was approved based on the fact that the plan is compliant and it's not a conditional use permit, how would the Commission put conditions on compliance? City Attorney Greg Robinson stated they would be saying the plan is compliant, with the condition that it must become physically compliant. Ms. Leif stated she would recommend, as far as conditions, that items a, c, and d in the development plan must be completed by January 30 and b would need to be completed in the spring. Commissioner Neidig asked if those letters of a, c, and d were from Mr. Vodarick's submittal and Ms. Leif stated they were.

Mr. Vodarick stated he wants to get the sewer done as soon as possible depending on the weather, but obviously wants to wait until he receives City Council approval. Chairman Schwanz asked when this would go before the City Council and Ms. Leif stated it would be January 5. She stated the Council could opt to approve it with the same conditions as the Commission and could allow him to continue to operate as long as he meets those deadlines. Mr. Vodarick stated that if it's going to be January, that's probably going to be too late for him to tie in. Commissioner Neidig recommended 180 days plus or a six-month timeline. Chairman Schwanz stated he'd like to shorten that a bit and May 31 was agreed upon. Ms. Leif asked if they're looking at a May 31 deadline for the vegetation and sewer tie-in and January 30 for the roof and locking mechanism on the faucet? Commissioner Neidig stated he thought c, which is the locking mechanism, was already in compliance with the internal mechanism and Ms. Leif stated it is unless the Commission wants something different.

Ms. Leif also wanted to call attention to page 2 of Mr. Vodarick's submittal that, upon approval by the City Council, there are still several site preparations to be done, such as the installation of bollards in front of and along the sides of the machine and patching of some of the concrete in front of the machine. Mr. Vodarick stated he'd like to get the bollards in as soon as possible, but again, doesn't want to do anything until he's received City Council approval.

Commissioner Reyes asked if there would be a drainage issue with the property behind if the sewer tie-in isn't done until after winter. Mr. Vodarick stated there was some puddling when there's been some rain back there, but nothing that caused damage to the property.

Commissioner Reyes asked if there would be a problem if there was a lot of snow this winter and then rain in the spring as far as drainage. Chairman Schwanz asked City Engineer Matt Harding his opinion. Mr. Harding stated he wanted to clarify that in his letter, Mr. Vodarick was referring to drainage off his ice machine and not off the property and Mr. Vodarick stated that was correct and that he didn't think there should be a problem since there's a natural drain back there behind Petro Deli. Mr. Harding said no drainage plan was provided, so he can't address drainage from Mother Nature.

City Inspector Rebecca Savidge stated there's a natural swale that runs all the way through there down to that storm box at the end of the property to the north of the ice machine and that's all Petro Deli property that has that swale. Commissioner Reyes asked if the water would all end up then at Petro Deli and Ms. Savidge stated that was correct.

Ms. Leif stated one of the issues at the last meeting as to why the drainage plan had come up was because of drainage from the machine that had pooled the water back there and not a rain event. Mr. Vodarick stated they are getting a little more runoff compared to the other machines, which is why he's ready to tie in to the sewer.

Commissioner Reyes stated the Commission is concerned about the drainage from the ice machine and asked if the rain was puddling behind there because of the machine being installed and Mr. Vodarick stated that was not the case, but that there had already been some drainage from the machine and the rain made the situation worse, but there will be a good head of grass growing back there, which will help.

Vice-Chairman Barry then made a motion to forward to the City Council for approval of an automated, unmanned ice vending machine at 601 South Main Street, Lansing, Kansas, with the outlying development plan, conditional on that plan specifically being improvements to the roof, electrical vegetation, the sewage/drainage plan completion, and field site preparation by 31 May, 2017. The motion was seconded by Commissioner Moreland.

Commissioner Neidig asked for clarification regarding the address, since the ice machine is actually addressed as 599. Vice-Chairman Barry said he would add to his motion that the ice machine would be addressed separately as 599 South Main Street. Roll was then called and the motion passed unanimously.

New Business – none

Notices and Communications – none

Reports – Commission and Staff Members – Ms. Leif updated the process for the Unified Development Ordinance (UDO). She stated they have entered into contract with consultant Gould Evans. She said they received some great proposals and thanked Brian and Ron for helping to review the proposals. She stated the Council did bring up the fact that when the Comprehensive Plan was adopted, it was stated there were areas that would need to be revisited, so the Council would like to have a joint meeting with the Planning Commission early in the year to discuss those before getting started on the UDO. She stated they'd be looking at some dates in January or February for that meeting. Vice-Chairman Barry asked if that meeting

would be open to the public and Ms. Leif stated it would be. He then asked, if changes are made, would those have to also be communicated to the public. Ms. Leif said they would be, but this meeting would be more like a work session, and then if there are areas of agreement, they would work to formalize those. Chairman Schwanz stated they would have to make text amendments for those changes.

Commissioner Moreland asked if Gould Evans would also attend this joint meeting and Chairman Schwanz stated he would prefer it just be the City Council and Planning Commission.

Vice-Chairman Barry asked if there was anything coming up for future agendas and it was stated that, if all the information is submitted by the deadline, there would be a conditional use permit application for a day care for January's meeting.

Chairman Schwanz stated the only thing he had was that we are looking for a new Commission member, as Chuck Holland has resigned. Ms. Leif stated she believes the City Clerk's office has already starting advertising for that position.

Commissioner Neidig asked if the motion from the last meeting was forwarded to the City Council and Vice-Chairman Barry stated that since it was a motion to table any action, that motion wouldn't go before the City Council. Commissioner Neidig stated he thought since there was additional time given to get everyone to this meeting that it had to go through the Council, but Vice-Chairman Barry stated he believed he's talking about the additional time for the permit and Ms. Leif, as well as the City Administrator, had said that could go through staff and not have to go to the City Council.

Commissioner Moreland asked if they were going to get any training about the "Open Meetings Act" and Chairman Schwanz stated he'll be working with Stefanie and Greg on that.

Adjournment – Vice-Chairman Barry made a motion to adjourn, seconded by Commissioner Moreland. The motion passed by acclamation and the meeting was adjourned at 7:25 p.m.

A work session scheduled to take place after the meeting was cancelled.

Respectfully submitted,

Cynthia Tripp, secretary

Reviewed by,

Stefanie Leif, Community and Economic Development Director



Leavenworth Ice Company, LLC
210 Meade Ave
Fort Leavenworth, Kansas 66027

Attachment #4

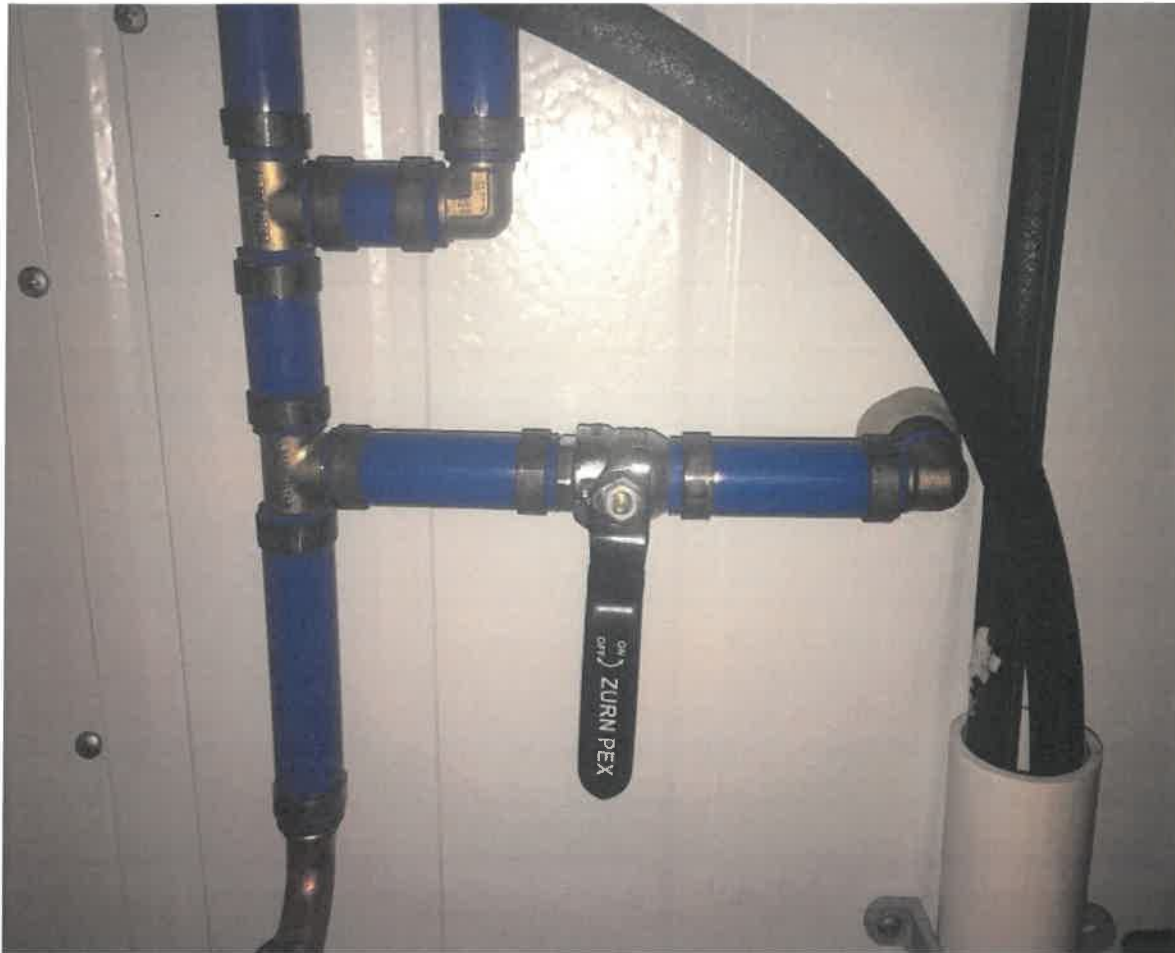
27 November 2016

FOR the City of Lansing Planning Commission and City Staff

SUBJECT: The following document is the plan by Leavenworth Ice Company, LLC to implement suggestions from the Lansing City Staff and Planning Commission

1. Leavenworth Ice Company, LLC is submitting this development plan to the City of Lansing in order to bring our Self-Service Ice Vending machine located at 599/ 601 S. Main Street, Lansing Kansas 66043 into city compliance. This plan is based on the letter received from Stefanie Leif, Community and Economic Development Director, dated 8 November 2016. We have addressed each of the four suggestions below.

- a. Straighten the roof: The crew that installed the roof did not ensure it was at the high standards expected of an Ice House of America product. This is being handled as a warranty claim and the distributor is working to coordinate for when the crew will be back to fix the roof. The materials have been ordered, but the wet fall weather has caused the installation crew to fall behind. The roof will be fixed by the end of January if not earlier. The installation crew is currently in the process of confirming the date.
- b. Screen Electrical Box with fence or vegetation: In order to screen the Electrical box and emergency cut off from view, we will use a mixture of evergreen plants. We will consult with the local nursery in the spring to ensure the plants we use are appropriate for the area, and will thrive in the location we will be placing them. Using evergreens will ensure the equipment is screened, but also accessible for safety purposes, as this is the location of the emergency electrical cutoff required by the utility company and emergency services.
- c. Add a locking mechanism or verify locking mechanism on exterior faucet: The current exterior faucet is controlled by a ball valve on the inside of the machine. In order to make sure there is no nefarious use of the faucet, it will remain in the off position unless being used for maintenance of the machine. a picture of the valve referenced above is located below.



- d. Drainage plan for the rear: The current drainage plan is insufficient to handle the amount of drainage from the machine. In order to make sure the ice machine is in compliance upon approval from the City Council, Leavenworth Ice Company, LLC will coordinate with the city to tie in to the city sewer. This will ensure that no matter the weather or the amount of ice produced, drainage will not be an issue.

2. Upon approval by the City council, Leavenworth Ice Company, LLC will finish the site prep that was started during the installation. This will include the following:

- a. Patching of the pre-existing concrete in front of the machine.
- b. Installation of bollards in front of and along the side of the machine to ensure vehicles are not able to cause damage.
- c. All bollards will be painted blue to match the color scheme of the machine and the Petro Deli building to ensure a common theme and neat appearance.

3. Leavenworth Ice Company, LLC is ready to continuing working with the City of Lansing to ensure we are in compliance and a contributing member of the community. We are looking forward to the 7 December 2016 planning commission meeting and future approval by the Lansing City Council.

David Vodarick
Owner
Leavenworth Ice Company, LLC





FILTERED
WATER
25¢
GALLON
\$1.00
5 GALLONS

ICE
\$2.25
16 LBS.
20 LBS.

OPEN

24 HRS.



ICE
\$2.25
16
20





OPEN

**Leavenworth Ice Company, LLC Site sketch for the Petro Deli
601 South Main St, Lansing Kansas 66043**



Ice House location
Dimensions:
24'Dx 8'6"Wx 15'H
(approx. 170 sq feet)