

RESOLUTION NO. B-2-17

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF LANSING, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF IMPOSING A 0.45 PERCENT (0.45%) CITYWIDE RETAILERS' SALES TAX FOR THE PURPOSE OF FINANCING THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended (the "Act"), authorizes the governing body (the "Governing Body") of the City of Lansing, Kansas (the "City") to submit to the electors of the City the question of imposing Citywide retailers' sales taxes, which in the aggregate may be in amounts not to exceed two percent (2%) for general purposes and not to exceed one percent (1%) for special purposes, provided sales taxes for special purposes shall expire ten (10) years from the initial date of collection thereof; and

WHEREAS, pursuant to the Act, the electors of the City have previously approved propositions to authorize the levy of a 1.0% Citywide general purpose retailers' sales tax; and

WHEREAS, the Governing Body hereby deems it advisable to finance recreation improvements and infrastructure improvements, including but not limited to improvements to DeSoto Road (collectively the "Project") by the imposition of a Citywide retailers' sales tax; provided the electors of the City authorize such expenditures at an election held in the City for such purpose; and

WHEREAS, in order to finance the costs of the Project, the Governing Body deems it advisable to provide for the calling of a special question election in the City on May 16, 2017 for the purpose of submitting to the qualified electors of the City the question of imposing a 0.45 percent (0.45%) Citywide retailers' sales tax ("Sales Tax"); and

WHEREAS, if approved, the Sales Tax will constitute a sales tax imposed for general purposes, as said term is described in K.S.A. 12-189, as amended; and

WHEREAS, it is deemed advisable to hold such election in accordance with the mail ballot election law (K.S.A. 25-431 *et seq.*).

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

SECTION 1. Public Purpose. It is hereby deemed necessary and advisable and in the best interests of the citizens of the City to proceed with the Project in accordance with plans and specifications therefore to be approved by the Governing Body.

SECTION 2. Implementation of the Sales Tax. In order to pay the costs of the Project, improvements necessary and appurtenant thereto, it is necessary and advisable pursuant to authority of the Act to impose the Sales Tax. Collection of the Sales Tax, if approved by the electors of the City, shall commence on October 1, 2017, or as soon thereafter as permitted by the Act, and shall terminate twenty years after its commencement. All proceeds of the Sales Tax shall be applied for the purposes set forth in

this *Section 2*; provided, however, in the event that other City funds are required to be utilized for such purposes, such City funds may be reimbursed from the proceeds of the Sales Tax.

SECTION 3. Special Question Election. It is hereby authorized, ordered and directed that a special question election shall be and is hereby called to be held in the City on May 16, 2017, at which time there shall be submitted to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Lansing, Kansas, be authorized to impose a 0.45 percent (0.45%) Citywide retailers' sales tax (the "Sales Tax"), the proceeds of which shall be used only to finance recreation improvements and infrastructure improvements, including but not limited to improvements to DeSoto Road (collectively the "Project"), the collection of the Sales Tax to commence on October 1, 2017, or as soon thereafter as permitted by law, and to terminate twenty years after its commencement; all pursuant to K.S.A. 12-187 *et seq.*, and K.S.A. 25-431 *et seq.*, as amended?

SECTION 4. Special Question Election Procedures. The vote at said special question election shall be by mail ballot, and the proposition stated above shall be printed on the ballots, together with voting instructions as provided by law. The Clerk shall transmit a copy of this Resolution to the County Clerk of Leavenworth County, Kansas, to give notice of the special question election as provided by law by publishing a Notice of Special Question Election in substantially the form attached hereto as *Exhibit A* once each week for two (2) consecutive weeks in a newspaper of general circulation in the City, with the first publication to be not less than twenty-one (21) days prior to the date of the special question election, and the last publication shall be not more than forty-five (45) days prior to the date of the special question election.

SECTION 5. Effective Date. This Resolution shall be effective from and after its adoption by the Governing Body.

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ADOPTED AND APPROVED by the governing body of the City of Lansing, Kansas, on January 19, 2017.

(Seal)



A handwritten signature in black ink, appearing to read "Mike W. ...", written over a horizontal line.

Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Julie ...", written over a horizontal line.

Clerk

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF LANSING, KANSAS
HELD ON JANUARY 19, 2017**

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

Councilmembers Tony McNeill, Kerry Brungardt, Don Studnicka, David Trinkle, Andi Pawlowski, Jesse Garvey, Gregg Buehler, and Mayor Mike Smith_____.

Absent: _Ward 1 Vacancy_____.

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

(Other Proceedings)

Thereupon there was presented a Resolution entitled:

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN THE CITY OF LANSING, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF IMPOSING A 0.45 PERCENT (0.45%) CITYWIDE RETAILERS' SALES TAX FOR THE PURPOSE OF FINANCING THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS; AND PROVIDING FOR THE GIVING OF NOTICE OF SAID ELECTION.

Thereupon Councilmember __Brungardt__ moved that said Resolution be adopted. The motion was seconded by Councilmember _McNeill_. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Aye: Councilmembers Tony McNeill, Kerry Brungardt, Don Studnicka, David Trinkle, Andi Pawlowski, Jesse Garvey, Gregg Buehler.

Nay: _____.

Thereupon, a majority of the members of the governing body having voted in favor of the Resolution, it was declared duly adopted and was then duly numbered Resolution No. ____; and was directed to be signed by the Mayor and attested by the Clerk. The Clerk was further directed to transmit a copy of said resolution to the County Clerk of Leavenworth County, Kansas, and to take all action necessary to proceed with calling said special question election in the manner prescribed by law.

(Other Proceedings)

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CERTIFICATE

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

(SEAL)




Clerk

(First published in the *Leavenworth Times* on April 3, 2017,
and subsequently on April 10, 2017)

**NOTICE OF SPECIAL QUESTION ELECTION
THE CITY OF LANSING, KANSAS**

Notice is hereby given to the qualified electors of the City of Lansing, Kansas (the "City") that a special question election has been called and will be held on May 16, 2017, for the purpose of submitting to the qualified electors of the City the following proposition:

Shall the following be adopted?

Shall the City of Lansing, Kansas, be authorized to impose a 0.45 percent (0.45%) Citywide retailers' sales tax (the "Sales Tax"), the proceeds of which shall be used only to finance recreation improvements and infrastructure improvements, including but not limited to improvements to DeSoto Road (collectively the "Project"), the collection of the Sales Tax to commence on October 1, 2017, or as soon thereafter as permitted by law, and to terminate twenty years after its commencement; all pursuant to K.S.A. 12-187 *et seq.*, and K.S.A. 25-431 *et seq.*, as amended?

IT IS IMPORTANT FOR EACH QUALIFIED VOTER TO NOTE THAT YOUR BALLOT CANNOT BE COUNTED UNLESS YOU TAKE THE APPROPRIATE STEPS:

To vote in favor of any question submitted on this ballot, completely darken the oval to the left of the word "YES" on the paper ballot. To vote against it, completely darken the oval to the left of the word "NO" on the paper ballot.

YES
 NO

This election will be conducted in accordance with K.S.A. 25-431 *et seq.* (the "Mail Ballot Election Act"). The County Clerk of Leavenworth County, Kansas, shall conduct the election by mailing an official ballot to each qualified elector in the City registered at least thirty (30) days prior to the date of election, not sooner than the 20th day before the date of the election and not later than the 10th day before the election. The County Clerk of Leavenworth County, Kansas, anticipates mailing ballots for this election to all qualified voters on or about [_____], 2017. Instructions on how to mark the ballot to vote either for or against the proposition submitted thereon will accompany the ballots, together with a stamped, addressed return identification envelope in which the marked ballot must be placed.

IT IS IMPORTANT FOR EACH QUALIFIED VOTER TO NOTE THAT YOUR BALLOT CANNOT BE COUNTED UNLESS YOU TAKE THE APPROPRIATE STEPS:

(1) You must personally sign and place your correct address on the return identification envelope;

(2) If you choose to mail your ballot, you must put it in the identification envelope and place it in the United States mail early enough so that it will be received by the County Clerk of Leavenworth County, Kansas, not later than May 16, 2017; and

(3) If you elect not to mail your ballot, you must PERSONALLY deliver it in the return identification envelope to the office of the County Clerk of Leavenworth County, Kansas, whose address is: 300 Walnut Street, Suite 106, Leavenworth, Kansas, at any time during regular business hours from 8:00 A.M. to 5:00 P.M., Monday through Friday, but before 12:00 Noon on May 16, 2017.

If the ballot of a qualified elector is destroyed, spoiled, lost or not received in the mail by the qualified elector, or if an elector registers within thirty (30) days of the election, a ballot or replacement ballot may be obtained from the County Clerk of Leavenworth County, Kansas. Persons qualified to receive a replacement ballot may do so by signing an application prepared by the County Clerk of Leavenworth County, Kansas, and submitting the application by mail or in person at the office of the County Clerk of Leavenworth County, Kansas, at the above address.

The authority to conduct this election called by the City under the provisions of the Mail Ballot Election Act does not authorize the use of voting machines or written ballots located at the usual polling places for the City. Consequently, all qualified electors of the City are hereby notified that no polling places will be open during the election, and all ballots must be cast in the manner specified herein and in accordance with the voting instructions which will be sent to all qualified electors with the official mail ballot.

Telephone inquiries from qualified electors having additional questions about the procedure to follow in order to vote in this election may be made by calling (913)684-0421.

ADDITIONAL INFORMATION

The following additional information is provided by the City with respect to the effect of this ballot proposition. Passage of this ballot proposition would authorize the City to impose a 0.45 percent (0.45%) Citywide retailers' sales tax (the "Sales Tax"), the proceeds of which shall be used to finance recreation improvements and infrastructure improvements, including but not limited to improvements to DeSoto Road (collectively the "Project"), the collection of the Sales Tax to commence on October 1, 2017, or as soon thereafter as permitted by law, and to terminate twenty years after its commencement.

ELECTION INFORMATION

The election officer conducting the election will be the County Clerk of Leavenworth County, Kansas, whose address is: 300 Walnut Street, Suite 106, Leavenworth, Kansas

DATED: _____, 2017.

Janet Klasinski, County Clerk
Leavenworth County, Kansas