



City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, AUGUST 11, 2020 7:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube and Facebook Live

The Leavenworth City Commission meeting will be open to the public with limited seating capacity.
To reserve a seat, email cwilliamson@firstcity.org no later than 4:00 pm on August 11. Seats will be available on a first come first service basis. To mitigate the spread of COVID-19 face coverings and social distancing are REQUIRED to attend the meeting. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed on Channel 2 and via Facebook Live. The public is encouraged to continue to view the meeting via Facebook Live or Channel 2 and to submit public comments to be read during Public Comments portion of the meeting and questions on agenda items to be read during discussion on that topic. Submit your comments or question to cwilliamson@firstcity.org no later than 6:00 pm on August 11. For call in options related to commenting on agenda items, submit your inquiry to cwilliamson@firstcity.org

Call to Order – Pledge of Allegiance Followed by Silent Meditation

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

- 1. Minutes from July 28, 2020 Regular Meeting **Action:** Motion (pg. 3)

Second Consideration Ordinances:

- 2. Second Consideration Ordinance 8135 Establishing a Redevelopment District **Action:** Roll Call (pg. 12)
- 3. Second Consideration Ordinance 8136 Special Use Permit 1019 Ottawa Street **Action:** Roll Call (pg. 19)
- 4. Second Consideration Ordinance 8137 Special Use Permit 1906 Cleveland Terrace **Action:** Roll Call (pg. 22)
- 5. Second Consideration Ordinance 8138 Special Use Permit 4320 Hughes Road **Action:** Roll Call (pg. 24)
- 6. Second Consideration Ordinance 8139 CARES Act Funding **Action:** Roll Call (pg. 28)
- 7. Second Consideration Ordinance 8140 Special Assessments Unpaid 2018 Stormwater Fees **Action:** Roll Call (pg. 33)
- 8. Second Consideration Ordinance 8141 Special Assessments Unpaid Demolition Costs **Action:** Roll Call (pg. 38)
- 9. Second Consideration Ordinance 8142 Special Assessments Unpaid Nuisance Costs **Action:** Roll Call (pg. 41)

NEW BUSINESS:

Public Comment: * emails received by the public for public comment on non-agenda items will be read at this time.

General Items:

- 10. Review Unsafe Structure 1109 Spruce Damaged by Fire **Action:** Motion (pg. 48)

Public Hearings:

- 11. Public Hearing – Unsafe/Dangerous Fire Damaged Structure 723 S. 10th Street (pg. 50)
 - a. Open Public Hearing **Action:** Motion
 - b. Staff and Public Comments
 - i. **Dial in using your phone**
 United States: [+1 \(872\) 240-3311](tel:+18722403311)
Access Code: 429-420-261
 - c. Close Public Hearing **Action:** Motion

d. Adopt Resolution B-2259

Action: Motion

12. Public Hearing – 2021 Budget & Capital Improvement Plan

(pg. 54)

a. Open Public Hearing

Action: Motion

b. Presentation of 2021 Budget & Capital Improvements Plan
Staff & Citizen Comments

i. **Dial in using your phone**

United States: [+1 \(872\) 240-3311](tel:+18722403311)

Access Code: 429-420-261

c. Close Public Hearing

Action: Motion

d. Adopt 2021 City Operating Budget & 2021-2025 Capital Improvement Plan

Action: Motion

e. Adopt 2021 Housing Budget (Planters II) Resolution B-2260

Action: Motion

Resolution:

13. Resolution B-2261 Declaring Necessity to Appropriate Private Property Connected with the 16th Terrace & Thornton Phase 2 & Phase 3 Drainage Project

Action: Motions (pg. 66)

Bids, Contracts and Agreements:

14. Consider Diagonal Parking 400 Block of Chestnut Street; First United Methodist Church **Action:** Motion (pg. 71)

15. Consider Contract with SCS Engineers; Soil Testing Former City Garage Site North of 3rd and Marion Streets

Action: Motion (pg. 74)

16. Consider Award of the 2020/2021 Salt Bid

Action: Motion (pg. 94)

Consent Agenda:

Claims for July 25, 2020, through August 7, 2020, in the amount of \$1,501,816.90; Net amount for Payroll #16 effective July 31, 2020, in the amount of \$347,231.28 (No Police & Fire Pension).

Action: Motion

Other:

Adjournment

Action: Motion



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Myron J. (Mike) Griswold, Mayor Pro-Tem Nancy Bauder, and Commissioners Mark Preisinger and Camalla Leonhard; Not present: Commissioner Jermaine Wilson.

Others present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Police Chief Pat Kitchens, Parks & Recreation Director Steve Grant and Deputy City Clerk Cary L. Collins.

Other members participating via teleconference: City Attorney David Waters, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, City Planner Jacqueline Porter, and City Attorney David E. Waters.

Mayor Griswold read the following statement from the agenda index:

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Mayor Griswold asked everyone to stand for the pledge of allegiance followed by silent meditation.

Proclamation:

National Farmers Market Week August 2-8 - Mayor Griswold read the proclamation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Leonhard moved to approve the minutes from the July 14, 2020 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Second Consideration Ordinances:

Second Consideration Ordinance 8133; Amending Sec. 44-87 No Parking Anytime – Chief Kitchens presented ordinance 8133 for second consideration. The ordinance was presented at the July 14, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 4-0.

Second Consideration Ordinance 8134; Rescind Special Use Permit 1922 5th Avenue – City Manager Paul Kramer presented ordinance 8134 for second consideration. The ordinance was presented at the July 14, 2020 Commission meeting and placed on first consideration. There have been no changes since first reading.

Mayor Griswold called the roll and the ordinance passed unanimously 4-0.

NEW BUSINESS:

Public Comment: *emails received by the public for public comment on non-agenda items will be read at this time.* None received. No public comment from the attendees.

Public Hearing:

Public Hearing – Consideration of TIF Redevelopment District (Price Chopper Redevelopment)

- **Open Public Hearing:**

Commissioner Preisinger moved to open the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Staff Comments:

City Manager Paul Kramer reviewed the following:

- (a) That the notice of the public hearing was conducted on this date and made in accordance with the Act.

FACTS:

- On June 23, 2020 the City Commission adopted Resolution B-2256 setting the public hearing for July 28, 2020.
- On July 1, 2020 Notices and a copy of Resolution B-2256 were mailed via certified mail to owner and occupant of the land within the Redevelopment District, the Leavenworth Board of County Commissioners and the Board of Education USD 453.
- On July 16, 2020 Resolution B-2256 was published in the Leavenworth Times.

FACTS/FINDINGS: Copy of Blight Analysis prepared by Development Initiatives dated July 18, 2020

- (b) Based on the Report and additional testimony received at the public hearing, the City Commission finds that the subject property contains the presence of the following factors, which substantially impair or arrest the development and growth of the City or constitutes an economic or social liability or is a menace to the public health, safety, morals or welfare in its present condition and use:
 - (i) a substantial number of deteriorated or deteriorating structures;
 - (ii) deterioration of site improvements;
 - (iii) improper subdivision or obsolete platting or land uses;

- (iv) the existence of conditions which endanger life or property by fire or other causes; and
- (v) conditions which create economic obsolescence.

- (c) Based on the Report and additional testimony received at the public hearing, the City Commission further finds that the subject property has been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial investigation, feasibility study and remediation, or other similar state or federal action;
- (d) The proposed redevelopment district described in Resolution No. B-2256 constitutes a "blighted area" and is therefore an "eligible area" (as said terms are defined in the Act); and
- (e) The conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the City.

Developers Comments:

Mr. Kramer introduced Jim Potter, blight consultant for the developer. Mr. Potter attended via teleconference and provided a PowerPoint Presentation "Price Chopper TIF Blight Analysis July 2020" that included the following:

- Existing Conditions of the property
- Customer Viability
- TIF Blight Analysis
- Finding Study
- Blight Summary

Commissioner Bauder commented on the amount of toxic compounds found.

Mayor Griswold asked about mitigating the contaminated areas.

Paul Kramer stated that the areas that Mr. Potter referred to is city property. The property is adjacent to Price Chopper and is the site of the former City Garage. Mr. Potter mentioned that the party entered into a voluntary cleanup agreement. The city is that party and has entered into that agreement with KDHE (Kansas Department of Health and Environment) on some remediation and it will not affect this project at all.

Commissioner Leonhard confirmed with City Manager Kramer that the area is behind Price Chopper.

Pete Haven attended via teleconference lead counsel with Super Market Developers, 6201 College Blvd Overland Park, KS. Their plan is to have project completed by the end of this year. Equipment is arriving in August 2020 and store will remain open during renovations.

Commissioner Preisinger asked Mr. Haven to confirm that the project was estimated to be completed by the end of the year.

City Attorney David Waters stated that the action required on the policy report should read consensus to place on first consideration to create a redevelopment district as presented, not redevelopment project plan.

The Commissioners were all in favor of the project and no other questions were asked.

Citizen Comments: None

- **Close Public Hearing:**

Commissioner Preisinger moved to close the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

- **First Consideration Ordinance**

There was a consensus by the City Commission to place the ordinance on first consideration.

General Items:

Consider 2020 Edward Byrne Memorial Justice Assistance Grant Application – Police Chief Patrick Kitchens presented for consideration the annual Edward Byrne Memorial Justice Assistance Grant application and funds available to the City of Leavenworth in the amount of \$24,384.00. The application requires the city to share the allocation of the funds with Leavenworth County. The funds will be split with the city receiving \$14,384.00 and the county receiving \$10,000.00. The Leavenworth Police Department and the Leavenworth County Sheriff’s Office both plan to use the funds to purchase law enforcement equipment. The application requires the Mayor to sign an additional document entitled “Certifications and Assurances by the Chief Executive of the Applicant Government” and the City Manager and City Attorney to sign an Inter-local Agreement with Leavenworth County.

Commissioner Bauder moved to authorize the Police Department to apply for the 2020 Edward Byrne Memorial Justice Assistance Grant in the amount of \$24,384.00 of which \$10,000.00 will be given to Leavenworth County Sheriff’s Office. This action requires the City Manager and City Attorney to sign an inter-local agreement with Leavenworth County. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Resolutions:

Resolution B-2258 Notice of Public Hearing Creation of Community Improvement District – Assistant City Manager Taylour Tedder presented for consideration and adoption Resolution B-2258. The resolution will set the public hearing as August 25, 2020 to consider the creation of a Community Improvement District (CID) for Luxury & Imports located at 5239 S 4th Street. A petition for the CID was submitted by Ted A. Rea, Rea Holdings, LLC and requesting the city levy a .45% CID sales tax imposed on the selling of tangible personal property at retain or rendering or furnishing services within the Improvement District.

Commissioner Leonhard moved to adopt Resolution B-2258 to set the public hearing for August 25, 2020 for the creation of a community improvement district. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Request from Leavenworth Soccer Association to Adjust 2020 Fees – Parks & Recreation Director Steve Grant presented for consideration a request from the Leavenworth Soccer Association (LSA) to adjust the fees owed for rental of the city owned property for the 2020 soccer season. Per the agreement, approved by the City Commission on July 11, 2017, the rental fee for the 2020 season is \$8,250.00. Due to the COVID-19 pandemic, LSA cancelled their spring season. As of this time, they plan to move forward with the fall season. As such, they are requesting a 50% reduction in the 2020 fee paid to the city or \$4,125.00. Staff recommends approval and asks the commission to approve city staff to make a similar adjustment to the fall season if needed due to the pandemic.

Mr. Riley Anderson, President of Leavenworth Soccer Association was in attendance and stated that they have not started the season yet or charged anyone. Association will make decision on August 20 whether or not to proceed based on number of reservations received.

Commissioner Preisinger invited the other two Leavenworth Soccer Association members in attendance; Margaret Howards, Adult Coordinator and Laura Stermer, Competitive Director to come to the podium and introduce themselves.

Commissioner Bauder moved to reduce the fees owed to the city by LSA in the amount of \$4,125.00. In addition, moved to approve city staff to make a similar adjustment later this year should cancellation of the fall season be required due to the pandemic. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider New Leavenworth Soccer Association Agreement – The current three-year agreement with the Leavenworth Soccer Association (LSA) expires on July 31, 2020. A new operating agreement is before the commission for approval and if approved would be effective August 1, 2020. The fees proposed in the new agreement are \$8,000.00 per year with \$4,000.00 paid at the end of each season.

Commissioner Bauder moved to approve the agreement with the Leavenworth Soccer Association as written and authorized the City Manager to sign the agreement. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider a Memorandum of Understanding (MOU) with the City of Lansing for K-7/Eisenhower Road Improvements Cost Share – City Manager Paul Kramer presented for consideration an MOU between the City of Leavenworth and the City of Lansing for the Eisenhower and K-7 Highway intersection. The two cities have been awarded a \$1,680,000.00 grant from Kansas Department of Transportation (KDOT) for safety and traffic flow improvements to the intersection. The MOU has already been presented and approved by the Lansing City Council.

Commissioner Bauder moved to approve the MOU between the City of Leavenworth and City of Lansing for the K-7/Eisenhower intersection improvements. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider Bids for 2020 Stormwater Project 2019-921 – Public Works Director Mike McDonald presented for consideration the bids for the 2020 Stormwater Project 2019-921. Staff recommends awarding the

contract to the low bidder, Pruett Construction in the amount not to exceed \$146,033.20. Bids were opened on July 15, 2020 and were as follows:

Company	City	Total Bid
Pruett Construction	Lancaster KS	\$146,033.20
Blue Nile Construction	Birmingham MO	\$161,129.80
Linaweaver Construction	Lansing KS	\$182,005.00
Westland Construction	Basehor KS	\$192,364.25
Engineer's Estimate:		\$176,655.00

Commissioner Bauder moved to accept the low bid received from Pruett Construction in the amount of \$146,033.20 for the 2020 Stormwater Project. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Consider Bids for 2020 Pavement Management Program - Public Works Director Mike McDonald presented for consideration the bids for the 2020 Pavement Management Program. Staff recommends that the City Commission approve the Base Bid and Alternate # 5 by Little Joe’s Asphalt, Inc. for the 2020 Pavement Management Program, in the amount of \$1,804,693.90. Bids were opened on July 24, 2020. Three bids were received; two submitted all the required documents and were read. The bids and were as follows:

Company	City	Base Bid	Alt 1	Alt 2	Alt 3	Alt 4	Alt 5
	Bonner Springs						
Little Joe's Asphalt	KS	\$1,674,039.45	\$36,425.85	\$183,062.45	\$343,468.55	\$42,701.30	\$130,654.45
Fahey Construction	Grandview MO	\$1,725,596.30	\$38,465.85	\$186,044.75	\$355,503.30	\$39,791.20	\$122,432.50
Superior Bowen	Kansas City MO				Not Read		
Engineer's Base Estimate		\$2,051,176.00					

Commissioner Preisinger moved to approve the Base Bid and Alternate # 5 by Little Joe’s Asphalt, Inc. for the 2020 Pavement Management Program, in the amount of \$1,804,693.90. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

First Consideration Ordinances:

First Consideration Ordinance Special Use Permit 1019 Ottawa Street; Two-Family Dwelling in R1-6 District - City Planner Jacqueline Porter presented for first consideration an ordinance to allow for a special use permit at 1019 Ottawa Street for a two-family dwelling in an R1-6 zoning district. The City Planning Commission considered the request at their July 13, 2020 and voted to recommend approval.

David Anaya, 312 W. Gilman Rd., Lansing, KS was in attendance and addressed the commission in regards to his building plans for the two-family dwelling at 1019 Ottawa St. He stated that there will be off street parking available in the back.

Commissioner Bauder stated that she has concerns, since this is a single-family neighborhood. She asked if neighbors were notified and do they have input. City Manager Kramer stated that by State statute notifications were mailed out to property owners within a 200' radius of the property and staff received no comments as a result of that mailing. Commissioner Bauder stated that she has a problem with it and will vote no, just her own issue.

Mayor Griswold asked Mr. Anaya if he had built homes before. Mr. Anaya stated that he has built several homes in Lansing.

There was a consensus by the City Commission to place on first consideration.

First Consideration Ordinance Special Use Permit 1906 Cleveland Terrace; Two-Family Dwelling in R1-6 District - City Planner Jacqueline Porter presented for first consideration an ordinance to allow for a special use permit at 1906 Cleveland Terrace for a two-family dwelling in an R1-6 zoning district. The City Planning Commission considered the request at their July 13, 2020 meeting and voted to recommend approval.

There was a consensus by the City Commission to place on first consideration.

First Consideration Ordinance Special Use Permit 4320 Hughes Road; Communication Tower- City Planner Jacqueline Porter presented for first consideration an ordinance to allow for a special use permit at 4320 Hughes Road to allow a 196 foot tall monopole type communication tower and related ground equipment in a R1-9 zoning district. The City Planning Commission considered the request at their July 13, 2020 meeting, there was one objection; however, they voted to recommend approval.

Glen Klocke on behalf of Network Real Estate commissioned by AT & T Wireless Communications, was in attendance and addressed the commission. He stated that this location is a much needed improvement as it affects service to the area surrounding the Veteran's Administration and Saint John's Hospital.

Commissioner Leonhard asked how long the installation will take. Mr. Klocke stated it would take approximately 6 to 8 weeks.

Mayor Griswold asked Ms. Porter, City Planner if she remembered what the City Planning Commission member's objection was. Ms. Porter stated that the board member did not comment why she objected.

There was a consensus by the City Commission to place on first consideration.

First Consideration Ordinance Coronavirus Relief Fund – City Manager Paul Kramer presented for first consideration an ordinance to allow the City to accept the allocated share of Coronavirus Relief Funds from Leavenworth County.

There was a consensus by the City Commission to place on first consideration.

First Consideration Ordinance Special Assessment of Unpaid 2018 Stormwater Fees – Deputy City Clerk Cary L. Collins presented for first consideration an ordinance to levy special assessments for unpaid 2018 manual stormwater service fees. The City provided a list of properties and fees to the Leavenworth County Clerk for collection of stormwater fees to the county ad valorem property tax statements in 2018. After the fees were submitted and after the deadline to make any corrections, it was determined that 201 properties were inadvertently omitted from the list. The city did a direct billing to those property owners that were omitted. The City has continued to accept payments however; some are still unpaid. Staff recommends levying the unpaid balance on the properties as special assessments.

There was a consensus by the City Commission to place on first consideration.

First Consideration Ordinance Special Assessments Demolition Fees - Deputy City Clerk Cary L. Collins presented for first consideration an ordinance to levy special assessments for unpaid demolition costs.

There was a consensus by the City Commission to place on first consideration.

First Consideration Ordinance Special Assessments Nuisance Fees - Deputy City Clerk Cary L. Collins presented for first consideration an ordinance to levy special assessments for unpaid nuisance abatement costs. The list represents consolidated fees from July 2019 through July 13, 2020.

There was a consensus by the City Commission to place on first consideration.

CONSENT AGENDA:

Commissioner Leonhard moved to approve claims for July 11, 2020, through July 24, 2020, in the amount of \$498,738.87; Net amount for Payroll #15 effective July 17, 2020, in the amount of \$353,994.98 (Includes Police & Fire Pension in the amount of \$11,839.36). Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Other:

Commissioner Preisinger:

- First Judicial Branch Judge Gibbons retired. Spent majority of day with First Judicial District Nominating Commission reviewing applicants; six applied, and three applications will be hand delivered to the Governor on Wed., July 29: Ms. Joan Loyden, County Attorney’s Office; Kita Kelly, Private Practice; and Mike Jones Private Practice.
- What we accomplished tonight was a lot and is what we were elected to do, to make our city a better place to live, work, invest, and raise a family in. A couple of things we did:
 - started the process to keep a major grocery store in the community and to improve it
 - started process to help major tax producing entity, Luxury & Imports improve their property so they can become a bigger tax producer for this town
 - Adjustments to youth soccer program, biggest youth participatory sport in town
 - Approving Pavement Management and Stormwater Projects
 - MOU with City of Lansing to include improvements to intersection at 4th and Eisenhower, a huge intersection that needs a lot of work
 - Approving participation in Grant process for PD & Sheriff’s Office

- This is what your government is charged to do and we did it well tonight.
- In favor of bringing Mask Ordinance to a vote.
- Encourages everyone to wear a mask, it's the patriotic and Christian thing to do.

Commissioner Bauder

- Rises of COVID-19 cases in our County.
- Disappointed that when County Health Officer strongly supports a mask ordinance and county commissioners does not support it despite increase in numbers.
- Currently 440 cases in county and 202 in the city.
- Other cities have adopted mask ordinances.
- City of Leavenworth has a draft ordinance and thinks commission should be vote on it.
- Asking for consensus to move forward with ordinance.
- Governor's orders meant for Western, less populated counties to be exempt and not Leavenworth County that has significant COVID-19 numbers.

Mayor Griswold

- Appreciates what Commissioner Bauder has presented.
- Commission decided at last meeting to place draft ordinance on the shelf.
- Last week Commission supported status quo and to leave it to Leavenworth County Commissioners.
- Not sure that it is that much worse a week later than it was when commission decided to keep it on the shelf.
- Not supportive of bringing the draft ordinance in front of the commission for a vote at this time.
- County will meet again tomorrow.
- We do not have a consensus tonight to move forward, but perhaps could re-evaluate at each meeting.

Commissioner Leonhard

- Discussed mask ordinance at last meeting and agreed to shelf it unanimously at that time.
- Want more time to evaluate new data.
- There is more than one component to the mask; there is social distancing, hand washing and hand sanitizing is vital as well.

Adjournment:

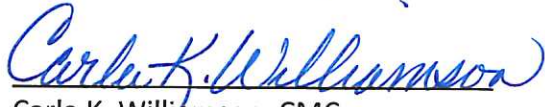
Commissioner Preisinger moved to adjourn the meeting. Commissioner Leonhard seconded the motion and the motion was unanimously approved.

Time Meeting Adjourned 8:52 p.m.

Minutes taken by Deputy City Clerk Cary L. Collins, CMC

POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8135
ESTABLISHING A REDEVELOPMENT DISTRICT
PRICE CHOPPER PROJECT

AUGUST 11, 2020



Carla K. Williamson, CMC
City Clerk



for Paul Kramer
City Manager

BACKGROUND:

At the July 28, 2020 City Commission Regular meeting the City Commission held a public hearing heard the facts and findings and placed on first consideration:

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (PRICE CHOPPER PROJECT).

There have been no other changes since first consideration.

Ordinance No. 8135 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8135

(Published in the Leavenworth Times on _____, 2020)

ORDINANCE NO. 8135

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (PRICE CHOPPER PROJECT).

WHEREAS, the City of Leavenworth, Kansas (the "City"). desires to promote, stimulate and develop the general and economic welfare of the City and the state of Kansas (the "State") and to assist in the development and redevelopment of eligible areas within the City, thereby promoting the general welfare of the citizens of the State and the City, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto;

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the "Act"), the City is authorized to establish redevelopment districts within eligible areas of the City, as said terms are defined in the Act, to approve redevelopment district plans for the completion of redevelopment projects within such redevelopment project areas, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the City or special obligation tax increment bonds of the City payable from such described revenues;

WHEREAS, an "eligible area," as defined in the Act, includes a "blighted area," as defined in the Act;

WHEREAS, prior to the creation of any redevelopment district the governing body of the City must adopt a resolution stating that the City is considering the establishing of a redevelopment district, which resolution shall: (1) Give notice that a public hearing will be held to consider the establishment of a redevelopment district and fix the date, hour and place of such public hearing, which public hearing shall be held not less than thirty (30) days, nor more than seventy (70) days, following adoption of such resolution, (2) describe the proposed boundaries of the redevelopment district, (3) describe a proposed redevelopment district plan, (4) state that a description and map of the proposed redevelopment district are available for inspection at a time and place designated, and (5) state that the governing body will consider findings necessary for the establishment of a redevelopment district;

WHEREAS, notice of such public hearing shall be given by mailing a copy of the resolution calling the public hearing via certified mail return, receipt requested, to the board of county commissioners of the county, the board of education of any school district levying taxes on property within the proposed redevelopment project area, and to each owner and occupant of land within the proposed redevelopment district not more than ten (10) days following the date of the adoption of such resolution and by publishing a copy of such resolution once in the official City newspaper not less than one (1) week or more than two (2) weeks preceding the date fixed for the public hearing, which publication shall include a sketch clearly delineating the area in sufficient detail to advise the reader of the particular land proposed to be included within the redevelopment district area;

WHEREAS, upon the conclusion of such public hearing, the governing body may pass an

ordinance which shall: (1) make findings that the redevelopment district proposed to be redeveloped is in an "eligible area," as defined in the Act, and that the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the city (2) contain the redevelopment district plan as approved, (3) contain the legal description of the redevelopment district, and (4) may establish the redevelopment district, provided that the boundaries of the redevelopment district shall not include any area not designated in the notice of public hearing on the creation of the redevelopment district;

WHEREAS, no privately-owned property subject to ad valorem taxes shall be acquired and/or redeveloped under the provisions of the Act, if the board of county commissioners or the board of education levying taxes on such property determines by resolution adopted within thirty (30) days following the conclusion of the hearing for the establishment of the redevelopment district that the proposed redevelopment district will have an adverse effect on such county or school district;

WHEREAS, upon the creation of a redevelopment district pursuant to the Act, the City may propose to undertake one or more redevelopment projects and shall prepare a redevelopment project plan, which may be implemented in separate development stages, in consultation with the City's planning commission;

WHEREAS, the City Commission has heretofore adopted Resolution No. B-2256, which made a finding that the City is considering the establishment of a redevelopment district pursuant to the Act, set forth the boundaries of the proposed redevelopment district, provided a summary of the proposed redevelopment district plan, called a public hearing concerning the establishment of a redevelopment district for July 28, 2020, and provided for notice of such public hearing as provided in the Act;

WHEREAS, a public hearing was held on July 28, 2020, after duly published, delivered and mailed notice in accordance with the provisions of the Act;

WHEREAS, at the public hearing the governing body received a report (the "Report") from Development Initiatives, a consultant engaged by the owner/developer of the subject property, about the condition of the area within the proposed redevelopment district, including that the property constitutes a "blighted area" as defined in the Act, and which Report provided factual evidence concerning the presence or absence within the proposed redevelopment district of a majority of the factors defining a "blighted area," as set forth in K.S.A. 12-1770a(c); and

WHEREAS, upon and considering the information and public comments received at the public hearing conducted this date, the City Commission hereby deems it advisable to make certain findings and to create the redevelopment district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. Findings. The City Commission hereby finds and determines that:

(a) notice of the public hearing conducted this date was made in accordance with the provisions of the Act;

(b) based on the Report and additional testimony received at the public hearing, the City Commission finds that the subject property contains the presence of the following

factors, which substantially impair or arrest the development and growth of the City or constitutes an economic or social liability or is a menace to the public health, safety, morals or welfare in its present condition and use: (i) a substantial number of deteriorated or deteriorating structures; (ii) deterioration of site improvements; (iii) improper subdivision or obsolete platting or land uses; (iv) the existence of conditions which endanger life or property by fire or other causes; and (v) conditions which create economic obsolescence;

(c) based on the Report and additional testimony received at the public hearing, the City Commission further finds that the subject property has been identified by any state or federal environmental agency as being environmentally contaminated to an extent that requires a remedial investigation, feasibility study and remediation, or other similar state or federal action;

(d) the proposed redevelopment district described in Resolution No. B-2256 constitutes a "blighted area" and is therefore an "eligible area" (as said terms are defined in the Act); and

(e) the conservation, development or redevelopment of such area is necessary to promote the general and economic welfare of the City.

Section 2. Creation of Redevelopment District. A redevelopment district is hereby created within the City in accordance with the provisions of the Act, which shall consist of the real estate legally described on Exhibit A attached hereto, which is incorporated herein by reference (the "Redevelopment District"). A map depicting the boundaries of the Redevelopment District is attached hereto as Exhibit B, which is incorporated herein by reference. The boundaries of the Redevelopment District do not contain any property not referenced in Resolution No. B-2256, which provided notice of the public hearing on the creation of the Redevelopment District.

Section 3. Redevelopment District Plan. The preliminary plan for the proposed Redevelopment District (the "District Plan"), as presented to the City Commission this date, is hereby approved. The buildings and facilities to be constructed or improved in the Redevelopment District may be described in a general manner as follows: The District Plan provides for the redevelopment of the existing Price Chopper grocery store within the Redevelopment District, within one project area, and associated infrastructure improvements and other improvements, including potential environmental improvements, and all related expenses to redevelop and finance the redevelopment project.

Section 4. Approval of Other Governmental Units. No privately owned property subject to ad valorem taxation within the Redevelopment District shall be acquired and redeveloped pursuant to the Act, if the Board of County Commissioners of Leavenworth County, Kansas, or the Board of Education of Unified School District No. 453 determines by resolution adopted within thirty (30) days following the public hearing held by the City on July 28, 2020, that the Redevelopment District will have an adverse effect on Leavenworth County or Unified School District No. 453, respectively. As of this date, the City has not received a copy of any such resolution and is not aware of the adoption of any such resolution by the governing body Leavenworth County or Unified School District No. 453.

Section 5. Further Action. The Mayor, City Manager, City Clerk, City Attorney, and other officials and employees of the City, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 6. Effective Date. Subject to the provisions of Section 4 above, this Ordinance shall be effective upon its passage by the City Commission of the City of Leavenworth, Kansas, and publication one time in the official City newspaper.

PASSED by the City Commission of the City of Leavenworth, Kansas on this 11th day of August, 2020.

APPROVED:

Myron J. "Mike" Griswold, Mayor

ATTEST:

Carla K. Williamson CMC, City Clerk

{Seal}

EXHIBIT A

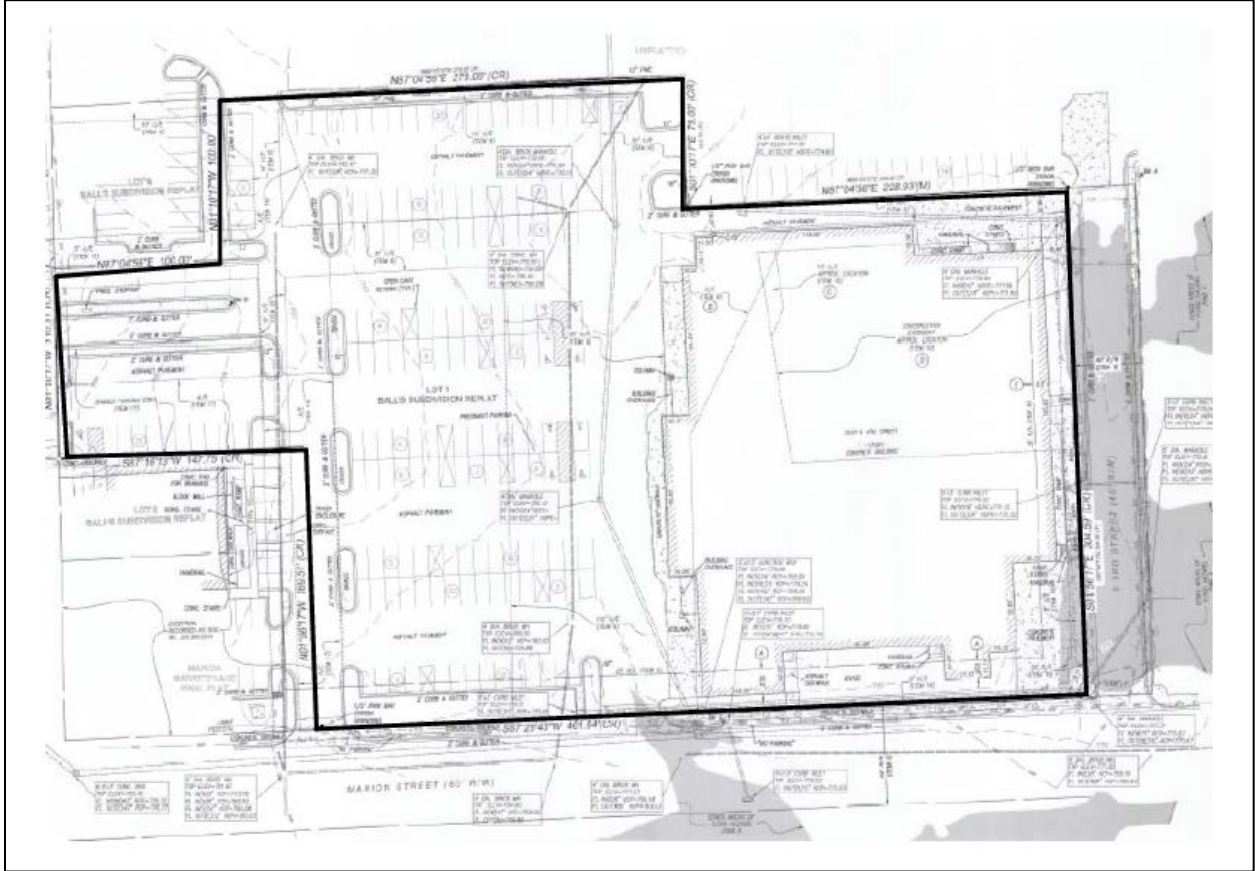
DESCRIPTION OF PROPOSED REDEVELOPMENT DISTRICT

Lot 1, BALL'S SUBDIVISION REPLAT, a subdivision in the City of Leavenworth, Leavenworth County, Kansas except that part conveyed by the deed recorded as Doc. No. 2015R03578

Parcel ID No 1010104002003020

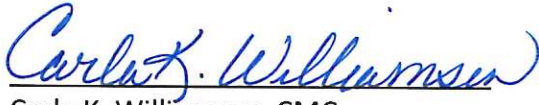
EXHIBIT B

MAP OF PROPOSED REDEVELOPMENT DISTRICT



POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8136
SPECIAL USE PERMIT FOR A TWO-FAMILY DWELLING
LOCATED AT 1019 OTTAWA STREET

AUGUST 11, 2020



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the July 28, 2020 City Commission Regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A R1-6 ZONING DISTRICT LOCATED AT 1019 OTTAWA STREET IN THE CITY OF LEAVENWORTH, KANSAS.

There have been no other changes since first consideration.

Ordinance No. 8136 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8136

(Summary Published in the Leavenworth Times on August 14, 2020)

ORDINANCE NO. 8136

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A R1-6 ZONING DISTRICT LOCATED AT 1019 OTTAWA STREET IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under the Appendix A of the City Code of Ordinances, Development Regulations, of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 1st day of June, 2020 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 8th day of May 2020; and

WHEREAS, upon a motion made, duly seconded, and passed the City Planning Commission tabled the items on the 1st day of June 2020 to be held over to the next City Planning Commission to on the 13th day of July 2020; and

WHEREAS, the City Planning Commission did hear on the 13th day of July 2020 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a R1-6 zoning district located at 1019 Ottawa Street, Leavenworth, Kansas; and

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein in Section 1.

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

Section 1. That a special use permit be issued for a two-family dwelling on the following described property:

Lot 17, 18 and 19, Block 4, Ewing, Roelofson and Company's Subdivision, City of Leavenworth, Leavenworth County, Kansas and **more commonly referred to as 1019 Ottawa Street**, Leavenworth, Kansas.

Section 2: That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

PASSED AND APPROVED by the Leavenworth City Commission of the City of Leavenworth, Kansas on this 11th day of August 2020.

Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8137
SPECIAL USE PERMIT FOR A TWO-FAMILY DWELLING
LOCATED AT 1906 CLEVELAND TERRACE

AUGUST 11, 2020



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the July 28, 2020 City Commission Regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A R1-6 ZONING DISTRICT LOCATED AT 1906 CLEVELAND TERRACE IN THE CITY OF LEAVENWORTH, KANSAS.

There have been no other changes since first consideration.

Ordinance No. 8137 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8137

(Summary Published in the Leavenworth Times on August 14, 2020)

ORDINANCE NO. 8137

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A R1-6 ZONING DISTRICT LOCATED AT 1906 CLEVELAND TERRACE IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under the Appendix A of the City Code of Ordinances, Development Regulations, of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 13th day of July, 2020 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 17th day of June 2020; and

WHEREAS, upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a R1-6 zoning district located at 1906 Cleveland Terrace Leavenworth, Kansas.

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein.

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

Section 1. That a special use permit shall be issued for a two-family dwelling on the following described property:

Lots 17, 18, and 19, Block 5, Fenn’s Broadway Subdivision, a subdivision in the City of Leavenworth, Leavenworth County, Kansas, and **more commonly referred to as 1906 Cleveland Terrace**, Leavenworth, Kansas.

Section 2: That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

PASSED AND APPROVED by the Leavenworth City Commission of the City of Leavenworth, Kansas on this 11th day of August 2020.

Myron J. “Mike” Griswold

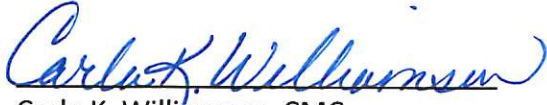
ATTEST:

Carla K. Williamson, CMC, City Clerk

{Seal}

POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8138
SPECIAL USE PERMIT FOR A 196' TALL COMMUNICATION TOWER
AND RELATED GROUND EQUIPMENT AT 4320 HUGHES ROAD

AUGUST 11, 2020



Carla K. Williamson, CMC
City Clerk


for Paul Kramer
City Manager

BACKGROUND:

At the July 28, 2020 City Commission Regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE ALLOWING A SPECIAL USE FOR A 196' TALL COMMUNICATION TOWER AND RELATED GROUND EQUIPMENT A R1-9 ZONING DISTRICT LOCATED AT 4320 HUGHES ROAD IN THE CITY OF LEAVENWORTH, KANSAS.

There have been no other changes since first consideration.

Ordinance No. 8138 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8138

(Summary Published in the Leavenworth Times on August 14, 2020)

ORDINANCE NO. 8138

AN ORDINANCE ALLOWING A SPECIAL USE FOR A 196' TALL COMMUNICATION TOWER AND RELATED GROUND EQUIPMENT IN AN R1-9 ZONING DISTRICT LOCATED AT 4320 HUGHES ROAD IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, under the Appendix A of the City Code of Ordinances, Development Regulations, of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to locate special uses in each zoning district by ordinance within said City; and

WHEREAS, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 13th day of July, 2020 in the Commission Room, 1st Floor of City Hall, 100 N. 5th Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 17th day of June 2020; and

WHEREAS, upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for 196' tall communication tower and related ground equipment in a R1-9 zoning district located at 4320 Hughes Road, Leavenworth, Kansas.

WHEREAS, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to allow special use for a two-family dwelling for the property described herein.

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

Section 1. That a special use permit shall be issued for a 196' tall communication tower and related ground equipment on the following described property:

That part of Block 1, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of Section 12; Township 9 South, Range 22 East of the 6th P.M.; Thence North 00° 03' West, 149.28 feet; Thence South 88° 52' 21" West 30 feet to the West right of way of Hughes Road and the point of beginning, said point being the Northeast corner of a tract of land conveyed to David M. Graham by deed recorded in Book 565, Page 180; Thence North 00° 03' 30" West, 180.40 feet along the West line of Hughes Road to the Northeast corner of Block 1; Thence South 88° 50' 30" West along the North line of Block 1, 391.12 feet; Thence South 00° 03' 31" East 165.00 feet to a point on the North line of Hessenflow Subdivision; Thence North 88° 52' 21" East along said North line 251.11 feet to the Northeast corner of Lot 6, Hessenflow Subdivision; Thence South 00° 03' 30" East along the East line of Lot 6, Hessenflow Subdivision, 15.72 feet to the Northwest corner of said Graham tract; Thence North 88° 52' 21" East along said North line of said Graham Tract, 140.00 feet to the point of beginning. AND That part of Block 1, in Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northwest corner of Block 1, Pleasant Ridge Subdivision; Thence North 88° 50' 30" East

238.89 feet; Thence South 00° 03' 30" East 165.00 feet to the North line of Hessenflow Subdivision; Thence South 88° 52' 21" West along the North line of Hessenflow Subdivision, 238.89 feet to the West line of Block 1, Pleasant Ridge Subdivision; Thence North 00° 03' 31" West, 165.00 feet along said West line to the Northwest corner of said Block 1, Pleasant Ridge Subdivision the point of beginning. AND Tract A; That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of Block 2, the point of beginning, Thence South 00° 03' 30" East along the East line of Block 2, and the West right of way of Hughes Road, 182.83 feet, Thence South 88° 50' 30" West parallel to the North line of Block 2, 136.00 feet, Thence North 00° 03' 30" West parallel to the East line of Block 2, 182.83 feet, Thence North 88° 50' 30" East along the North line of Block 2, 136.00 feet to the point of beginning. Tract B: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of said Block 2, thence North 00° 03' 50" West, 147.65 feet along the East line of Block 2, Thence South 88° 50' 30" West parallel to the North line of Block 2, 247.8 feet, Thence South 00° 03' 30" East parallel to the East line of Block 2, 75.20 feet, Thence South 88° 52' 21" West 143.31 feet, Thence South 00° 03' 30" East parallel to the East line of said Block 2, 72.00 feet, Thence North 88° 50' 30" East along the South line of Block 2, 391.12 feet to the point of beginning. Tract E: Block numbered Two (2), in Pleasant Ridge Subdivision of the Southwest Quarter of Section numbered Twelve (12), in Township numbered Nine (9), and Range numbered Twenty-two (22), according to the map or plat thereof on record in the Office of the Register of Deeds in and for said County. LESS the following described tract: Tract A: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of Block 2, the point of beginning, Thence South 00° 03' 30" East along the East line of Block 2, and the West right of way of Hughes Road, 182.83 feet, Thence South 88° 50' 30" West parallel to the North line of Block 2, 136.00 feet, Thence North 00° 03' 30" West parallel to the East line of Block 2, 182.83 feet, Thence North 88° 50' 30" East along the North line of Block 2, 136.00 feet to the point of beginning. ALSO LESS the following described tract: Tract B: That portion of Block 2, Pleasant Ridge Subdivision, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southeast corner of said Block 2, Thence North 00° 03' 50" West, 147.65 feet along the East line of Block 2, Thence South 88° 50' 30" West parallel to the North line of Block 2, 247.8 feet, Thence South 00° 03' 30" East parallel to the East line of Block 2, 75.20 feet, Thence South 88° 52' 21" West 143.31 feet, Thence South 00° 03' 30" East parallel to the East line of said Block 2, 72.00 feet, Thence North 88° 50' 30" East along the South line of Block 2, 391.12 feet to the point of beginning.

AND more commonly referred to as 4320 Hughes Road, Leavenworth, Kansas. LEASE AREA DESCRIPTION: that part of Tract E, Block Two, Pleasant Ridge Subdivision, located in the Southwest Quarter of Section Twelve, Township Nine, Range Twenty-two, Leavenworth County, Kansas and being more particularly described as follows: Referring to the South Quarter corner of said Section 12, a Brass cap in monument box found for corner; thence northerly, on a Grid bearing of North 01° 47' 31" West, on the East line of the Southwest Quarter of said Section 12, 362.10 feet; thence departing the East line of the Southwest Quarter of said Section 12, westerly South 87° 07' 38" West, 420.78 feet, to the Point of Beginning for the described Lease Area; thence following the perimeter of the Lease Area on the following bearings and distances: westerly South 88° 12' 30" West, 70.00 feet; thence northerly North 01° 47' 30" West, 70.00 feet; thence easterly North 88° 12' 30" East, 70.00 feet; thence southerly South 01° 47' 30" East, 70.00 feet, to the Point of Beginning. Containing a total calculated area of 4,900 square feet or 0.112 acres, more or less.

Section 2: That this Ordinance shall take effect and be in force from and after its passage by the Governing Body, and its publication once in the official City newspaper.

PASSED AND APPROVED by the Leavenworth City Commission of the City of Leavenworth, Kansas on this 11th day of August 2020.

Myron J. "Mike" Griswold

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8139
CORONAVIRUS RELIEF FUNDS

AUGUST 11, 2020



Carla K. Williamson, CMC
City Clerk


Per Paul Kramer
City Manager

BACKGROUND:

At the July 28, 2020 City Commission Regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE OF THE CITY OF LEAVENWORTH KANSAS RELATED TO THE
CORONAVIRUS RELIEF FUND**

There have been no other changes since first consideration.

Ordinance No. 8139 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8139

(Publish in the Leavenworth Times on August 14, 2020)

ORDINANCE NO. 8139

**AN ORDINANCE OF THE CITY OF LEAVENWORTH KANSAS
RELATED TO THE CORONAVIRUS RELIEF FUND**

WHEREAS, securing the health, safety, and economic well-being of our residents is this City of Leavenworth’s top priority; and

WHEREAS, the City of Leavenworth is facing both a public health and economic crisis—the pandemic and public health emergency of COVID-19—which has resulted in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens; and

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020; and

WHEREAS, as of this date, in Leavenworth County there have been 1,285 reported positive cases of COVID-19, including seven (7) deaths with a likely second wave of COVID-19 cases expected in the Fall; and

WHEREAS, the City of Leavenworth must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously beginning the process of safely, strategically, and incrementally reopening business and facilitating economic recovery and revitalization; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of my responsibility to provide for and ensure the health, safety, security, and welfare of the people of the City of Leavenworth, has determined that the evolving public health and economic threats posed by COVID-19 require a proactive approach to provide immediate financial relief and long-term economic investment in the City of Leavenworth; and

WHEREAS, in these challenging times, the City of Leavenworth will do whatever it can to avoid immediate dangers to the health, safety, and welfare of our constituents and prepare for future waves of COVID-19; and

WHEREAS, on June 16, 2020 the State Finance Council approved the Strengthening People and Revitalizing Kansas (SPARK) Taskforce’s proposal to distribute money to Leavenworth County to help address the health and economic challenges inflicted by COVID-

19 based on Leavenworth County’s population and impact from COVID-19 with funds provided for reimbursement of COVID-19 related costs and as direct aid unless otherwise approved by the SPARK Taskforce; and

WHEREAS, to ensure that all educational and municipal entities within counties receive Coronavirus Relief Funds to meet their respective health and economic challenges, the SPARK Taskforce Executive Committee passed a motion on June 2, 2020, to direct counties to allocate and share Coronavirus Relief Funds with public educational and municipal entities within their counties; and

WHEREAS, Leavenworth County adopted a Resolution to accept and distribute funds to cities within Leavenworth County.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS: pursuant to the authority vested in the City Commission of the City of Leavenworth, including the authority granted to this body by constitutional home rule in order to begin the process of safely, strategically, and proactively providing the resources the city needs to both mitigating the spread of COVID-19 and invest in long-term economic recovery, the Leavenworth City Commission accepts any funds appropriated to the City of Leavenworth by the State of Kansas through the State’s Coronavirus Relief Fund and distributed by Leavenworth County pursuant to the following terms designed to ensure the lawful use of funds and transparency, equity, and accountability:

1. Section 5001 of the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, as codified in 42 U.S.C. § 801, provides the eligible purposes for which Coronavirus Relief Fund (“CRF”) payments may be used. Under 42 U.S.C. § 801(d) funds may be used for:
 - a. necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);
 - b. not accounted for in the budget most recently approved for the county as of March 27, 2020; and
 - c. incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.
2. The following are examples of public health expenditures allowed pursuant to paragraph 1.a. above and 42 U.S.C. § 801(d):
 - COVID-19 related expenses of public hospitals or clinics
 - COVID-19 testing and quarantine costs
 - Payroll of employees substantially dedicated to COVID-19 mitigation or response
 - Expenses for establishing and operating public telemedicine capabilities
 - Technological improvements to facilitate distance learning
 - Improving telework capabilities
 - Grants to small businesses to reimburse the costs of business interruption caused by required closures
 - Government payroll support program
 - Unemployment insurance costs related to COVID-19

3. The following are examples of public health expenditures NOT allowed pursuant to paragraph 1.a. above and 42 U.S.C. § 801(d):
 - Damages covered by insurance
 - Payroll or benefits for employees not substantially dedicated to mitigating or responding to COVID-19
 - Expenses that will be reimbursed under any federal program
 - Reimbursement to donors for donating items or services
 - Workforce bonuses other than hazard pay or overtime
 - Severance pay
 - Legal settlements
4. Additionally, as outlined in guidance issued by the Congressional Research Service on April 14, 2020, “Coronavirus Relief Fund payments may not be used to directly account for revenue shortfalls related to the COVID-19 outbreak. Such funds, however, may indirectly assist with revenue shortfalls in cases where expenses paid for by the Coronavirus Relief Fund would otherwise widen the gap between government outlays and receipts.”
5. To ensure effective and timely oversight of local spending, the City of Leavenworth will comply with reporting requirements established by Leavenworth County.
6. To ensure transparency and accountability in the deliberation, expenditure, and oversight processes associated with CRF funds, the City of Leavenworth, will comply with all requirements of the Kansas Open Meetings Act.
7. The COVID-19 pandemic has disproportionately impacted racial minorities within the State of Kansas, illustrating long-standing health disparities for African-American, Latino, and other racial minority populations in the United States. Accordingly, the City of Leavenworth will consider and incorporate efforts to address such disproportionate impacts on racial minorities in its direct aid plan.
8. As provided in 42 U.S.C. § 801(f), the Inspector General of the Department of the Treasury determines whether CRF payments have been used for eligible purposes. Fund payments that are deemed to have been used for ineligible purposes are treated as a debt owed by the implementing government to Treasury. This resolution signifies that, upon approval, the City of Leavenworth agrees to cooperate with any audits or inquiries by the Department of the Treasury concerning CRF funds and agrees to pay any debt incurred to the Department of the Treasury due to ineligible expenditures of appropriated CRF funds.
9. The City of Leavenworth understands that the United States Department of the Treasury or the Governor’s Office of Recovery may issue guidance regarding the transfer, expenditure, reimbursement, or other use of CRF funds.
10. The City of Leavenworth understands and agrees that any unspent funds must be returned to the State for recoupment. The City of Leavenworth understands that Leavenworth

County must return all unspent funds no later than December 30, 2020, and will make any unspent funds available for return prior to December 30, 2020. All reconciliation documents submitted to the SPARK Taskforce will be made publicly available by the Governor's Office of Recovery, including supporting documentation submitted by the City of Leavenworth to Leavenworth County.

PASSED AND APPROVED by the Leavenworth City Commission of the City of Leavenworth, Kansas on this 11th day of August 2020.

Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

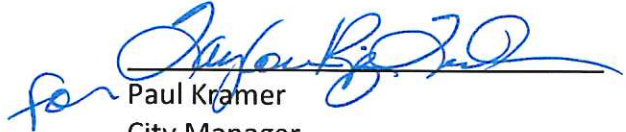
Carla K. Williamson, CMC, City Clerk

POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8140
SPECIAL ASSESSMENTS TO COLLECT UNPAID 2018 MANUAL
STORMWATER SERVICE FEES

AUGUST 11, 2020



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the July 28, 2020 City Commission Regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF COLLECTING THE UNPAID BALANCE OF 2018 MANUAL STORMWATER SERVICE FEES.

There have been no other changes since first consideration.

Ordinance No. 8140 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8140

(Published in the Leavenworth Times on August 14, 2020)

ORDINANCE NO. 8140

AN ORDINANCE ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF COLLECTING THE UNPAID BALANCE OF 2018 MANUAL STORMWATER SERVICE FEES.

WHEREAS, The Governing Body of the City of Leavenworth did approve a Stormwater Management Program whereby Section 103-07 of the City of Leavenworth Code of Ordinances provides for the collection of Stormwater Management Service fees; and

WHEREAS, the collection of the aforementioned Stormwater Management Service fees were first collected in 2018 through the county's annual ad valorem property tax statement; and

WHEREAS, 201 properties were inadvertently left off the list of fees provided to the county for inclusion on the 2018 annual advalorem property tax statement. Those properties were billed separately and directly to the property owners by the City of Leavenworth; and

WHEREAS, the lots of land hereinafter set forth remain unpaid and are legally liable to pay the stormwater management fee provided by the Code of the City of Leavenworth, Kansas; and

WHEREAS, the fees of such lots of land has been ascertained as provided by law and fixed and distributed and apportioned as in this ordinance set forth.

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

Section 1. That for the purpose of paying the 2018 Stormwater Management Service Fee in the City of Leavenworth, Kansas, there shall be and hereby is apportioned to be levied and assessed on and against the lots of land liable; therefore, special assessments hereinafter set out in such amounts, as are set out in **Attachemnt A**.

Section 2. Such amounts so levied and assessed are set forth in Section 1 of this ordinance, shall be due and payable from and after publication of this ordinance, and the City Clerk shall certify same to the County Clerk for collection as other special assessments are collected and such amounts so certified shall be placed on the tax rolls and collected as special assessments.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 11th day of August 2020.

Myron J. "Mike" Griswold, Mayor

{SEAL}

ATTEST:

Carla K. Williamson CMC, City Clerk

ATTACHMENT A

Ordinance No. 8140

CAMA	Owner	Property Address: Leavenworth KS 66048	Total Fee
105-15-0-00-00-099.00-0	DIETSCH, MARTHA R; TRUST	2108 BIRCH ST	\$42.00
077-26-0-13-04-006.00-0	HEIKE, BRUCE KELLY & RUFFLER, SANDY K	913 METROPOLITAN AVE	\$84.00
077-26-0-14-04-002.00-0	NARRAMORE, RALPH	707 CHEYENNE ST	\$84.00
077-26-0-14-09-003.00-0	LEWIS, REDIE	705 PAWNEE ST	\$84.00
077-26-0-14-09-022.00-0	BRANTLEY, STEVEN A	901 N 7TH ST	\$84.00
077-26-0-30-10-002.00-0	RANDOLPH, CHRISTOPHER R & LESA	1308 OTTAWA ST	\$84.00
077-26-0-31-03-005.00-0	NANNEN, STEVEN F	714 N 11TH ST	\$84.00
077-26-0-34-03-009.00-0	SMITH, RICKY L & CONLEY, LINDA S	1033 OSAGE ST	\$84.00
077-26-0-41-01-002.01-0	SHAUL, FRANKLIN LOUIS	708 IOWA ST	\$84.00
077-26-0-41-05-005.00-0	BANKERS TRUST CO OF CA	627 KICKAPOO ST	\$84.00
077-26-0-41-05-007.00-0	LONG, FLORANNE	630 OTTAWA ST	\$84.00
077-26-0-41-07-029.00-0	DODGE, CHARLES K JR & JESSICA R	517 N 7TH ST	\$84.00
077-26-0-41-10-028.00-0	PATTERSON, JAMES L	704 OSAGE ST	\$84.00
077-26-0-42-08-004.00-0	REHBERG, JOHN R	815 KICKAPOO ST, APT #1	\$84.00
077-35-0-10-01-003.00-0	WEST, ROBERT L SR & ROBERTA L	765 SHAWNEE ST	\$84.00
077-35-0-10-02-004.00-0	PATTERSON, JAMES L SR & FRANCES L	793 SHAWNEE ST	\$84.00
077-35-0-20-05-006.01-0	HOFFMAN, CHRISTOPHER A	1326 DELAWARE ST	\$84.00
077-35-0-30-17-005.00-0	REED, JENNIFER A	1316 QUINCY ST	\$84.00
077-36-0-20-10-004.00-0	HALT INC	409 S 7TH ST	\$84.00
077-36-0-20-36-007.00-0	ABBOTT, WILLIAM P	711 S 5TH ST	\$84.00
077-36-0-20-37-013.00-0	MOXLEY, SUNG I & WILLIAM H	712 S 5TH ST	\$84.00
077-36-0-20-37-011.00-0	BRENNEMAN, NORMA JEAN	506 OLIVE ST	\$84.00
077-36-0-40-06-006.00-0	FERGUSON, ROBERT S	1317 S 2ND ST	\$84.00
077-36-0-40-07-002.00-0	MC BROOM, DEBORAH	1400 S ESPLANADE ST	\$84.00
101-01-0-20-01-026.00-0	NELSON, GARY A & TONIA L	1708 S 4TH ST	\$84.00
101-01-0-40-10-001.00-0	NELSON, GARY A	2604 S 4TH ST	\$84.00
101-01-0-40-10-014.00-0	NELSON, GARY A	2606 S 4TH ST	\$84.00
101-01-0-40-10-013.00-0	EAGLE, ROGER D JR	2608 S 4TH ST	\$84.00
101-01-0-40-10-012.00-0	ALTON, JARED S	2612 S 4TH ST	\$84.00
101-01-0-40-10-011.00-0	WOODRUFF, HEATHER ALYCE	2616 S 4TH ST	\$84.00
101-01-0-40-04-045.00-0	CHRIS URBAN RENTALS INC	311 VILAS ST	\$84.00
101-01-0-40-04-054.00-0	COLE, O CHESTER & STACEY L	208 LOGAN AVE	\$84.00
101-01-0-40-17-002.00-0	BARKER, BETTY LEE & TRUE, GEORGE WILLIAM	207 LOGAN AVE	\$84.00
101-02-0-40-03-005.00-0	STEPP, KENNETH L & MADELINE	768 MARION ST	\$84.00
101-02-0-40-17-011.00-0	HARRIS, ROBERT J & AUDREY A	774 LIMIT ST	\$84.00
101-12-0-20-02-008.00-0	COVINGTON, HENRY E & MARY A	522 UTAH ST8	\$84.00
106-13-0-10-01-009.00-0	TIPPITT, MICHELLE M	433 MUNCIE RD	\$84.00

106-13-0-10-01-010.00-0	PATRICIA MARIE DAVIS TRUST	437 MUNCIE RD	\$84.00
106-13-0-10-01-011.00-0	ROSSON, EVA	441 MUNCIE RD	\$84.00
106-13-0-10-01-012.00-0	SMART, LAWRENCE H JR	445 MUNCIE RD	\$84.00
106-13-0-10-01-022.00-0	NORBERTO, APRIL D	428 MUNCIE TER	\$84.00
102-09-0-00-00-019.01-0	PAXTON, BRIAN K & KIMBERLY D	27622 TONGANOXIE DR	\$84.00
106-13-0-10-01-015.00-0	POTTER, HOWARD N	457 MUNCIE RD	\$84.00
105-15-0-00-00-111.00-0	ALLEN, CHRISTOPHER THOMAS & JENNIFER M	2152 BIRCH ST	\$84.00
077-35-0-10-33-001.00-0	PALMER, KASSONDRA	801 S 9TH ST	\$84.00
102-10-0-00-00-032.00-0	RAMOS, RAYMOND & STACY LYNETTE	2139 SHENANDOAH DR	\$84.00
077-25-0-33-06-010.00-0	JACKSON, MARY W	308 SENECA ST	\$162.50
077-26-0-14-05-008.00-0	PROCTOR, AREE	1000 N 7TH ST	\$162.50
077-26-0-43-08-007.00-0	FOSTER, MARK	829 MIAMI ST	\$168.00
077-36-0-20-43-011.00-0	THOMAS, NICOLE R; TRUST	512 SPRUCE ST	\$168.00
077-36-0-40-09-010.00-0	FRUECHTING DREI LLC	1408 S 2ND ST	\$168.00
077-25-0-32-04-015.00-0	EUBANK, LARY M	603 N 5TH ST	\$337.50
077-35-0-10-23-007.00-0	TREXLER, RONALD J & KATHLEEN G	00000 OLIVE ST	\$337.50
077-36-0-20-12-014.00-0	JB MC KEE PROPERTIES LLC	520 S 4TH ST	\$504.00
101-01-0-20-06-005.00-0	BROOM, RUSSELL O	1540 5TH AVE	\$512.00
		Total:	\$6,342.00

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8141
SPECIAL ASSESSMENTS TO COLLECT DEMOLITION COSTS**

AUGUST 11, 2020



Carla K. Williamson, CMC
City Clerk



for Paul Kramer
City Manager

BACKGROUND:

At the July 28, 2020 City Commission Regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF DEMOLITION AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

There have been no other changes since first consideration.

Ordinance No. 8141 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8141

(Published in the Leavenworth Times on August 14, 2020)

ORDINANCE NO. 8141

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF DEMOLITION AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, by due and legal proceedings heretofore carried into effect by the City of Leavenworth, Kansas, certain unsafe structures have been abated; and

WHEREAS, several lots pieces, parcels and tracts of land hereinafter set forth are legally liable to pay the costs or proportionate costs hereof as provided by the Code of the City of Leavenworth, Kansas; and

WHEREAS, the cost of such abatement has been ascertained as provided by law and fixed and distributed and apportioned as in this ordinance set forth.

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

Section 1. That for the purpose of paying the costs to demolish unsafe structures in the City of Leavenworth, Kansas, there shall be and hereby is apportioned to be levied and assessed on and against certain lots, pieces, parcels and tracts of land liable; therefore, special assessments hereinafter set out in such amounts, as are set out as follows:

Property Owner	Street Address	Legal Address	Demolition Costs
Tyler, Sheila Darlene; Brown, Ralph & Margie	603 Rees St	Lots 1 & 2, Block 18, Rees, Doniphan and Thornton Addition to the City of Leavenworth, together with that portion of the vacated alley accruing thereto, in Leavenworth County, Kansas	\$6,954.01
Nelson, Gary A & Tonia L	1708 S 4 th St	The North ½ of Lot 38, LESS the South 5 feet thereof, and all of Lots 39, 40, 41, 42, 43, 44, 45 and 46, Block 2, Flesher's Riverview Subdivision, City of Leavenworth, Leavenworth County, Kansas	\$9,215.00
Rich, Shari A	1916 Montezuma	Lots 25 and 26, Block 1, Fenns Broadway Subdivision, City of Leavenworth, Leavenworth County, Kansas	\$9,150.00
Russell, William & Kristina	1214 Pottawatomie	Lot 12, Herrig's Subdivision, of Block 89, Central Subdivision, in the City of Leavenworth, Leavenworth County, Kansas	\$7,050.00
		Total	\$32,369.01

Section 2. Such amounts so levied and assessed are set forth in Section 1 of this ordinance, shall be due and payable from and after publication of this ordinance, and the City Clerk shall certify same to the County Clerk for collection as other special assessments are collected and such amounts so certified shall be placed on the tax rolls and collected as special assessments.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 11th day of August 2020.

Myron J. "Mike" Griswold, Mayor

{SEAL}


ATTEST:

Carla K. Williamson CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8142
SPECIAL ASSESSMENTS TO COLLECT COSTS OF ABATEMENT OF NUISANCES**

AUGUST 11, 2020


Carla K. Williamson, CMC
City Clerk


for Paul Kramer
City Manager

BACKGROUND:

At the July 28, 2020 City Commission Regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF ABATEMENT OF NUISANCES AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

Attachment A has been updated and any payments of costs received since first consideration on July 28, 2020 have been removed.

Ordinance No. 8142 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8142

(Published in the Leavenworth Times on August 14, 2020)

ORDINANCE NO. 8142

AN ORDINANCE LEVYING AND ASSESSING SPECIAL ASSESSMENTS FOR CERTAIN LOTS, PIECES AND TRACTS OF LAND IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, FOR THE PURPOSE OF PAYING THE COSTS OF ABATEMENT OF NUISANCES AND PRESCRIBING FOR PAYMENT AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, by due and legal proceedings heretofore carried into effect by the City of Leavenworth, Kansas, certain nuisances have been abated; and

WHEREAS, several lots pieces, parcels and tracts of land hereinafter set forth are legally liable to pay the costs or proportionate costs hereof as provided by the Code of the City of Leavenworth, Kansas; and

WHEREAS, the cost of such abatement has been ascertained as provided by law and fixed and distributed and apportioned as in this ordinance set forth.

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

Section 1. That for the purpose of paying the costs of abatement of nuisances in the City of Leavenworth, Kansas, there shall be and hereby is apportioned to be levied and assessed on and against several lots, pieces, parcels and tracts of land liable; therefore, special assessments hereinafter set out in such amounts, as are set out as follows:

ATTACHED GRASS AND WEEDS NUISANCE ASSESSMENTS – EXHIBIT A

Section 2. Such amounts so levied and assessed are set forth in Section 1 of this ordinance, shall be due and payable from and after publication of this ordinance, and the City Clerk shall certify same to the County Clerk for collection as other special assessments are collected and such amounts so certified shall be placed on the tax rolls and collected as special assessments.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 11th day of August 2020.

Myron J. “Mike” Griswold, Mayor

{SEAL}

ATTEST:

Carla K. Williamson CMC, City Clerk

Property Owner Name	Property Address	CAMA	Legal Description	Billed Amount
ALSPAUGH, JAMES D	109 ALLEN STREET	0782704011028000	ALLEN & STREET'S ADDITION, BLOCK 1, PT BLK 1;BEG 167'N OF SE COR BLK 1,W185'(S),N96',E181.5', S96' TO POB (SCALED)	\$163.59
PATTERSON, JAMES L JR & JAMI R	1063 CENTRAL AVENUE	0773504009004000	BENZ'S SUBDIVISION, BLOCK 2, Lot 10	\$115.00
STANDIFER, BIANCIA	222 DAKOTA STREET	0772502008006000	BRIDGEPORT SUBDIVISION, S25, T08, R22E, BLOCK 2, Lot 18	\$975.02
ZIELINSKI, DANIEL R & PAMELA A	513 BUTTINGER PLACE	1010102028002000	BUETTINGERS PLACE, BLOCK 1, Lot 33 - 34	\$525.00
MONROE, DANIEL R	524 BUTTINGER PLACE	1010102029017000	BUETTINGERS PLACE, S01, T09, R22E, BLOCK 1, Lot 50 - 51	\$126.52
H&P DEVELOPMENT LLC	2101 2ND AVENUE	1010103002004000	BYINGTONS SUB, N145' BLK 5 EXC E180' BYINGTONS SUB & N145' BLK 16 JOHNSONS SUB (SCALED)	\$1,375.00
DENNEY, SHIRLEY G	620 LAWRENCE AVENUE	0773501024005000	CENTRAL SUBDIVISION, BLOCK 11, Lot 1 - 4, (SCALED)	\$1,100.00
WESLEY, MONTARIAL A & LAKISHA	213 SOUTH 10TH STREET	0773502010005000	CENTRAL SUBDIVISION, BLOCK 15, Lot 26	\$2,947.44
HENRY, DEBORAH A	911 CHEROKEE STREET	0773501015002000	CENTRAL SUBDIVISION, BLOCK 16, Lot 25 - 27	\$1,106.28
DUCKWORTH, HARLAN J & HOOTEN, SHARLEE S	1002 CHEROKEE STREET	0773502009016000	CENTRAL SUBDIVISION, BLOCK 26, E38'LTS 1-4	\$1,269.21
H&P DEVELOPMENT LLC	1131 METROPOLITAN AVENUE	0772602004009000	CENTRAL SUBDIVISION, BLOCK 35, Lot 14 - 18, (SCALED)	\$1,058.16
TJ FUTURES LLC	1217 CHEROKEE STREET	0773502016003000	CENTRAL SUBDIVISION, BLOCK 39, E60'OF W169'OF N140'BLK 39	\$130.43
RUEBHAUSEN, DOUGLAS P & DE ANNE S	201 SOUTH 13TH STREET	0773502007007000	CENTRAL SUBDIVISION, BLOCK 40, LTS 20 & 21 & N27'LT 22	\$137.87
RAMNARINE, RAPHAEL	1523 CHOCTAW STREET	0783401017005010	CENTRAL SUBDIVISION, BLOCK 58, Lot 18 - 21	\$317.40
LIGHTFOOT, DAVID V & SANDRA L	415 NORTH 13TH STREET	0772603018001000	CENTRAL SUBDIVISION, BLOCK 81, Lot 6 - 9	\$125.00
NEXIA HOLDINGS, INC	431 NORTH 12TH STREET	0772603016001000	CENTRAL SUBDIVISION, S26, T08, R22E, BLOCK 88, TR BLK 88 CENTRAL SUB; BEG INTER POTTAWATOMIE ST & 12TH ST; S27', W115', NWLY37.3', E143' TO POB & ABAN RR ROW ADJ	\$1,996.12
KIM, WON I	610 LAWRENCE AVENUE	0773501024006000	CENTRAL SUBDIVISION, S35, T08, R21E, BLOCK 11, Lot 5 - 9	\$157.50
WACKER, THOMAS E	854 SHERMAN AVENUE	0773501014002000	CENTRAL SUBDIVISION, S35, T08, R22E, BLOCK 13, PT BLK 13;BEG W69' FROM NE COR SE60'(S), SW43', NW75' (S), E28' TO POB (SCALED)	\$2,141.05
OUR OCEAN VIEW LLC	208 SOUTH 10TH STREET	0773502009017000	CENTRAL SUBDIVISION, S35, T08, R22E, BLOCK 26, Lot 5 - 6	\$130.46
HOME RUN RENOVATIONS LLC	1100 SPRUCE STREET	0773502041020000	CENTRAL SUBDIVISION, S35, T08, R22E, BLOCK 35, Lot 45 - 46	\$128.70
SPARKS, RANDY	314 GRAND AVENUE	0773502013010000	CENTRAL SUBDIVISION, S35, T08, R22E, BLOCK TE, BEG SE COR LT 6 HULSECUTTERS SUB, S48.33', W132', N48.33', E132' TO POB	\$121.73
WILLIAMSON, ANDY T L	616 SPRUCE STREET	0773602042012000	CLARK & REES ADDITION, BLOCK 30, Lot 12, (SCALED)	\$168.25
CHISHTI REAL ESTATE INC	619 OAK STREET	0773602022004000	CLARK & REES ADDITION, BLOCK 33, Lot 5	\$121.42
HUDSPETH, CHADWICK G	625 OAK STREET	0773602022006000	CLARK & REES ADDITION, BLOCK 33, Lot 7	\$3,526.90
WATT, BRUCE D	212 OLIVE STREET	0773602034008010	CLARK & REES ADDITION, S36, T08, R22E, BLOCK 9, Lot 12 - 13	\$994.38
BARBUTO, DANIEL G	1439 VILAS STREET	1020304012002000	CLEVELAND PARK SUB, BLOCK 12, N30' LT 13 & LT 14 & W1/2 VAC ALLEY ADJ	\$136.04
JORDAN, BILLY J JR & BARBARA A	1511 VILAS STREET	1020304014001000	CLEVELAND PARK SUB, BLOCK 24, N172.14' OF E162.65' OF BLK 24	\$130.00
TIMON, KATHY M	800 POTTAWATOMIE STREET	0772604211028000	COCHRAN & MULLIGAN'S SUB, BLOCK 23, LT 23 & E15'LT 24 (SCALED)	\$116.61

Property Owner Name	Property Address	CAMA	Legal Description	Billed Amount
SMITH, AMY R	926 POTTAWATOMIE STREET	0772603108007000	COCHRAN & MULLIGAN'S SUB, BLOCK 24, Lot 38 - 39	\$1,444.44
ADAMS, YOLANDA	721 SPRUCE STREET	0773504001004000	DAVIS, JAMES, ADD, BLOCK 1, E1/2 LTS 11 & 12	\$132.09
STANCIL, ASHLEY	1011 COLUMBIA AVENUE	0773504011004000	DAVIS, JAMES, ADD, BLOCK 6, Lot 10	\$150.00
JIBRIL-NEUSE TRUST	1000 SOUTH BROADWAY STREET	0773504011001000	DAVIS, JAMES, ADD, BLOCK 6, Lot 6	\$115.00
DWYER, ALLEN	733 PAWNEE STREET	0772601409007000	DAY & MACAULAY'S SUB, BLOCK 102, Lot 30	\$1,250.00
JAMERSON, CHARLES E III & KIMBERLY R	1011 NORTH BROADWAY STREET	0772601307001000	DAY & MACAULAY'S SUB, BLOCK 107, Lot 6	\$399.98
DODGE, CHARLES K JR & JESSICA R	517 NORTH 7TH STREET	0772604107029000	DAY & MACAULAY'S SUB, BLOCK 98, S67'LTS 43-46	\$126.79
ALEXANDER, LUTHER C JR & ALEXANDER, KARO	719 DAKOTA STREET	0772601410006000	DAY & MACAULAY'S SUB, S26, T08, R22E, BLOCK 101, Lot 37 - 38	\$390.20
ROSS, LEE A	714 KIOWA STREET	0772604101005000	DAY & MACAULAY'S SUB, S26, T08, R22E, BLOCK 101, LT 6 LESS W2'	\$175.00
DUCKS CARPET CLEANING LLC	902 NORTH 7TH STREET	0772601408009010	DAY & MACAULAY'S SUB, S26, T08, R22E, BLOCK 95, Lot 7 - 16	\$375.00
SANTEE, DAVID ROY	615 PROSPECT STREET	0773603039004000	DAY'S SUBDIVISION, BLOCK 18, W1/2 LT 6 & ALL LT 7	\$2,072.88
CLARK, MATTHEW J & DONA A	1024 2ND AVENUE	0773603010012000	DAY'S SUBDIVISION, BLOCK 8, Lot 22	\$1,030.74
CAMMACK, CURTIS W	617 MIDDLE STREET	0773603024005000	DAY'S SUBDIVISION, S36, T08, R22E, BLOCK 15, Lot 6 - 7	\$1,091.40
BRUNDY, JOSEPH W JR & DOROTHY E	1416 4TH AVENUE	0773603040011000	DAY'S SUBDIVISION, S36, T08, R22E, BLOCK 19, Lot 19	\$750.00
WILLEY, MARY S	823 KICKAPOO STREET	0772604208007000	EWING, ROELOFSON & CO., BLOCK 13, Lot 16 - 17	\$126.38
HIATT, DONALD L	611 NORTH 8TH STREET	0772604208025000	EWING, ROELOFSON & CO., BLOCK 13, LTS 5 & 6 & S28.5'LT 7	\$3,215.65
LOPEZ, JULIO C & ANGELA L	809 SENECA STREET	0772604313002000	EWING, ROELOFSON & CO., BLOCK 17, Lot 10 - 14	\$236.00
NANNEN, STEVEN F	714 NORTH 11TH STREET	0772603103005000	EWING, ROELOFSON & CO., BLOCK 6, Lot 20 - 22	\$141.82
SCHOWENGERDT, PETER	715 NORTH 10TH STREET	0772603103001000	EWING, ROELOFSON & CO., BLOCK 6, Lot 6 - 9	\$156.97
SALYERS, VICTORIA A	1117 POTTAWATOMIE STREET	0772603015003000	EWING, ROELOFSON & CO., BLOCK 8, Lot 12	\$890.66
MATHIS, REGINA D	430 NORTH 12TH STREET	0772603015007000	EWING, ROELOFSON & CO., BLOCK 8, LTS 20-21 & N1/2 LT 22	\$1,279.34
THE ZENITH SHOP	829 KICKAPOO STREET	0772604208009000	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 13, LT 19 LESS TR BEG NE COR S63', W8.4', NE63', E1.2' TO POB	\$1,919.41
NEW CHRISTY MINSTRELS FOUNDATION	617 NORTH 8TH STREET	0772604208001000	EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 13, PT BLK 13; BEG 1.5'S OF SE COR LT 8, W120', N70'(S), NE150'(S), S90'(S) TO POB (SCALED)	\$137.56
R & M INVESTMENT GROUP LLC	500 ELM STREET	0773603026009000	FACKLERS ADDITION, BLOCK 28, Lot 13 - 16	\$3,750.00
ADAMS, RYAN M	508 MAPLE STREET	0773603033011000	FACKLERS ADDITION, S36, T08, R22E, BLOCK 30, LTS 13 & 14 EXC E10' LT 14	\$200.00
BALDWIN, ELIZABETH K	1912 MONTEZUMA AVENUE	1010201016021000	FENNS BROADWAY SUB, BLOCK 1, Lot 27 - 28	\$123.33
LD DEVELOPMENT LLC	1460 QUINCY STREET	0783404003013000	FOOTE'S SUBDIVISION, S132' OF W132' LT 2	\$161.47
LD DEVELOPMENT LLC	1440 QUINCY STREET	0783404003014000	FOOTE'S SUBDIVISION, S34, T08, R22E, ACRES 4.31, LT 2 EXC S132' OF W132'	\$130.00
H&P DEVELOPMENT LLC	800 NORTH 17TH STREET	0782704005001000	FOWLER'S ADDITION, Lot 4, ACRES 2.21	\$1,950.00
MAHANA, JIMMIE C	2604 SOUTH 16TH TERRACE	1020304003027000	FRAZIER ADDITION #2, Lot 10	\$136.77

Property Owner Name	Property Address	CAMA	Legal Description	Billed Amount
WILLIAMS, SHAMAR V R	2048 MARJORIE CIRCLE	0783402003037000	GREENAMYRE'S REPLAT, S34, T08, R22E, BLOCK 2, Lot 13	\$120.00
2024 SOUTH 4TH STREET LLC	2024 SOUTH 4TH STREET	1010102032001000	GWIN'S, N. A. SUB, BLOCK 1, Lot 5 - 9	\$1,109.51
THOMPSON, WILLIAM L	1107 NORTH 10TH STREET	0772602003014000	HANNON'S ADDITION, BLOCK 4, Lot 3 - 5	\$1,230.36
BRAMMELL, RORY S	923 NORTH 10TH STREET	0772602013001000	HANNON'S ADDITION, S26, T08, R22E, BLOCK 2, Lot 8 - 9	\$152.68
LIS, KEVIN	2605 FOLSOM STREET	1020304009006000	HATTOCK'S MEADOW, S03, T08, R21E, Lot 12	\$279.51
LOVELADY, ROY L	1905 THORNTON STREET	1020303001006000	HICKORY OAKS SUB, Lot 6	\$142.48
GREEN, JENNIFER K	1430 9TH AVENUE	0773504030018000	INSLEY & SHIRE'S SUB, BLOCK 5, Lot 9 - 10	\$122.90
REYNOLDS, DIANA D	1435 CENTRAL AVENUE	0773504030010000	INSLEY & SHIRE'S SUB, BLOCK 5, S16'LT 42 & N20'LT 43	\$115.73
STONEHOUSE RENTALS INC	1320 9TH AVENUE	0773504022016000	INSLEY & SHIRE'S SUB, S35, T08, R22E, BLOCK 2, Lot 3 - 4, (SCALED)	\$122.98
FRESH AIR FOUNDATION	2227 2ND AVENUE	1010103009006000	JOHNSON'S SUBDIVISION, PT BLK 15 JOHNSONS SUB & PT BLK 6 BYINGTONS SUB,BEG SW COR BLK 15 JOHNSONS SUB,N60',E125' S60',W125' TO POB	\$404.37
MIDWEST RESIDENTIAL LLC	1002 COLUMBIA AVENUE	0773504010001000	KELLYS, JOHN, RESURVEY, Lot M	\$112.51
GAY, RICKEY J & BONNIE L	4927 GIRARD STREET	1061400001004110	LAKESIDE VIEW SUB, Lot 10, SECTION 14 TOWNSHIP 09 RANGE 22E	\$141.26
KORANDA, DIANE M & FRANK C	1816 THORNTON STREET	1020302003013000	LARKIN EST PH #1, BLOCK 2, Lot 5	\$128.51
GENESIS ONE LLC	729 CHESTNUT STREET	0773501030002000	LATTA'S ADDITION, BLOCK 27, Lot 3	\$2,245.15
MATHER ENTERPRISES	5100 SOUTH 13TH STREET	1061400002003060	LEAV AREA BUSINESS CENT, S14, T09, R22E, Lot 1, ACRES 5.55, SECTION 14 TOWNSHIP 09 RANGE 22E	\$370.00
SWEENEY 2 LLC	520 PAWNEE STREET	0772601406013000	LEAVENWORTH,PLT ORIG, BLOCK 60, Lot 11	\$1,536.18
JACKSON, WINNIE	519 PAWNEE STREET	0772601407003000	LEAVENWORTH,PLT ORIG, BLOCK 61, Lot 23	\$260.49
GLZ SOLUTIONS LLC	625 KIOWA STREET	0772604103011000	LEAVENWORTH,PLT ORIG, BLOCK 93, Lot 20	\$3,023.71
BRUNGARDT, SANDIE	619 KIOWA STREET	0772604103008000	LEAVENWORTH,PLT ORIG, BLOCK 93, Lot 23	\$110.15
ALEXANDER, JUSTINE	116 OTTAWA STREET	0772503101005000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 12, Lot 17 - 19	\$1,618.41
PALLESEN, RANDALL D	119 SENECA STREET	0772503405004000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 17, Lot 15 - 16	\$3,017.82
MEDARIS, CATHY ANN	201 OSAGE STREET	0772503107001000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 26, Lot 32	\$2,416.58
FRUECHTING DREI LLC	301 OTTAWA STREET	0772503207001000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 39, Lot 30 - 32	\$136.42
MULLINS, BRIAN ALAN	317 POTTAWATOMIE STREET	0772503212005000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 40, E1/2 LT 25 & ALL LT 26	\$2,448.82
OLD CANAL FINANCIAL	323 OSAGE STREET	0772503213008000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 41, Lot 21	\$2,926.30
INVERSE ASSET FUND LLC	420 OTTAWA STREET	0772503205013000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 55, Lot 11	\$1,904.37
PAYNE, HARRY F	506 DAKOTA STREET	0772502011007000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 61, Lot 3 - 4	\$1,363.76
MARRERO, ANGELINA S	507 SHAWNEE STREET	0772503312002000	LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 70, E7.2'LT 28 & ALL LT 29	\$776.60
RICHMOND, LANCE WILLIAM & SULLIVAN, TES	1517 9TH AVENUE	1010201004006000	MARSHALL'S SUBDIVISION, BLOCK 1, N40' OF S180' OF BLK 1	\$2,496.44
BARR, TYLER A	934 OSAGE STREET	0772603401006000	MIX'S SUBDIVISION, BLOCK 2, Lot 17	\$379.16

Property Owner Name	Property Address	CAMA	Legal Description	Billed Amount
AILIN, RACHEL RS	836 MIAMI STREET	0772604305014000	MIX'S SUBDIVISION, BLOCK 4, Lot 22 - 24	\$984.55
LOUGH, MANDI & CHAD A	807 NORTH 12TH STREET	0772603002018000	MORRIS METRO SUB BL 1-4, BLOCK 1, N1/2 LT 4 & ALL LT 5	\$340.34
FORD, EDESEL DALLAS;TRUST & FORD, LINDA	2501 GIRARD AVENUE	1010204013002000	NEELY'S FOREST ADDITION, BLOCK 7, N1/2 LT 6 & ALL LT 7	\$125.00
LUDWIG, BETTY L; TRUST	1066 FRANKLIN STREET	0773503014011000	NORTON, WILLIAMS & THOMAS ADDITION, S35, T08, R22E, BLOCK 9, Lot 10 - 11	\$120.00
WHITE, STACY M	1229 SPRUCE STREET	0773503005002000	NORTON,WILLIAMS&THOMAS ADD, BLOCK 3, Lot 17	\$139.58
COPPER TOP LLC	603 13TH TERRACE	0782704004034000	OTTAWA SUBDIVISION, BLOCK 2, Lot 1, (SCALED)	\$129.79
KNOX, RICHARD K & ETHEL R	812 KICKAPOO STREET	0772604205020000	RAINTREE SUBDIVISION REPLAT, Lot 12	\$370.00
BROWN, FLOSSIE & KING, DELORES	651 SOUTH STREET	1010102019001000	REES' DONIPHANÞTON'S, BLOCK 14, LT 1 & VAC ALLEY ADJ	\$2,728.04
KING, CHARLES LEROY & BROWN, FLOSSIE	653 SOUTH STREET	1010102019001010	REES' DONIPHANÞTON'S, BLOCK 14, LT2 & VAC ALLEY ADJ	\$1,975.93
NEU, DOUGLAS LEE	1921 5TH AVENUE	1010102023011000	REES' DONIPHANÞTON'S, BLOCK 19, LTS 10&11 & W1/2 VAC ALLEY ADJ	\$156.70
PITTS, LEE & THERESA	2020 5TH AVENUE	1010102025001000	REES' DONIPHANÞTON'S, BLOCK 21, LTS 1-3 & N40' LT 4	\$184.57
WINN, RICHARD & MEYER, NICHOLAS	805 OHIO STREET	1010201005006000	ROELAND ADDITION, Lot 5	\$126.95
SOUTH HILLSIDE DEVELOPMENT LLC	2300 WILSON AVENUE	1010104006001130	RUTTER'S REPLAT, S01, T09, R22E, Lot 4	\$2,597.62
DODGE, CHARLES K & & JESSIANNA C	636 LIMIT STREET	1010103017005000	S01, T09, R22E, ACRES 2.2, PT SW1/4 SW1/4 BEG N R/W LI LIMIT ST 170' E SW COR SW1/4 SW1/4, E223', N360'(S) TO SLY AT&SF R RR/W, NWLY ALG AT&SF RR R/W W 140'(S), W100'(S), S432 TO POB & ABAN RR ROW ADJ (SCALED)	\$1,703.38
HUD	644 LIMIT STREET	1010103017004000	S01, T09, R22E, PT SW1/4 SW1/4; BEG 30' N & 30' E OF SW COR SW1/4 SW1/4, N108', E140', S108', W140' TO POB	\$479.28
KARPIERZ, RYON N	549 UTAH STREET	1011202005008000	SHAMROCK ACRES ADDITION, BLOCK 2, W39'LT 9 & ALL LT 10	\$150.11
ALLEN, DUANE AARON & TINA	46 VILAS STREET	0930603005007000	SOUTHSIDE PARK SUB, BLOCK 27, W50' LT 43 (SCALED)	\$128.16
HERNANDEZ, KETZY	50 LOGAN AVENUE	1010104013009000	SOUTHSIDE PARK SUB, BLOCK 33, Lot 12	\$1,692.86
MYUS SYNERGY LLC- MERCURY SERIES	68 LOGAN AVENUE	1010104013006000	SOUTHSIDE PARK SUB, BLOCK 33, Lot 18	\$246.07
ASSOCIATION OF THE HEARTLA	150 MARION STREET	1010104001006000	SOUTHSIDE PARK SUB, BLOCK 4, LTS 1-3 & LT 20-22 & S1/2 VAC THORNTON ADJ & VAC ALLEY ADJ	\$200.00
CAMMACK, CURTIS W	617 MIDDLE STREET	0773603024005000	SOUTHSIDE PARK SUB, S01, T09, R22E, BLOCK 36, Lot 10 - 11	\$429.96
MATZEDER, ROBERT A	51 LOGAN AVENUE	1010104019001000	SOUTHSIDE PARK SUB, S01, T09, R22E, BLOCK 36, Lot 10 - 11	\$2,653.18
ERICKSON, ERIC J & RABEKAH M	2928 SPRING GARDEN ROAD	1011101004009070	SOUTHWINDS SUB, Lot 7	\$130.02
GUTIERREZ, AMY NICOLE & ALEJANDRO VALDEZ	2609 SOUTH 16TH TERRACE	1020304003053000	STIEFF REPLAT, Lot 1	\$156.31
CONREX RESIDENTIAL PROPERTY GROUP 2013-9	1608 SOUTH 5TH STREET	1010102002013000	STILLE'S SUBDIVISION, BLOCK 1, LTS 25,S6.9'LT 26,N28'LT 24 & E1/2 VAC ALLEY ADJ	\$413.56
GREEN, MICHAEL J	1314 GRAND AVENUE	0773503022010000	STILLING'S BLKS 12-17, BLOCK 13, Lot 38	\$1,678.88
HAAS JEREMY	1220 KINGMAN STREET	0773503021017000	STILLING'S BLKS 12-17, BLOCK 14, LT 26 & N24'LT 27	\$120.74
JIPSON, JOSHUA	1230 10TH AVENUE	0773503020013000	STILLING'S BLKS 12-17, BLOCK 15, S1/2 LT 45 & LTS 46-49	\$150.95

Property Owner Name	Property Address	CAMA	Legal Description	Billed Amount
GILES, MARNETTE J	1028 RANDOLPH STREET	0773503010015000	STILLING'S BLKS 4-8, BLOCK 6, S164'LT 10 & 11	\$131.07
H&P DEVELOPMENT LLC	1009 KENTON STREET	0773503010004000	STILLING'S BLKS 4-8, S35, T08, R22E, BLOCK 6, N125.5' LTS 19 & 20	\$1,988.97
DSV SPV3 LLC	1028 KENTON STREET	0773503001013000	STILLING'S, BLKS 1-3, BLOCK 1, Lot 26 - 29	\$150.78
DONALD, PHELPS M & ROSE M	1118 KENTON STREET	0773503002009000	STILLING'S, BLKS 1-3, BLOCK 2, Lot 16 - 18	\$1,138.07
PEDERSON, HAROLD C	1001 10TH AVENUE	0773504008002000	STOCKTONS SUBDIVISION, BLOCK 5, Lot 8 - 15	\$1,050.00
MILLER, GIOVNNINO Z & MARTIZA I	1000 CENTRAL AVENUE	0773504006003000	STOCKTONS SUBDIVISION, S35, T08, R22E, BLOCK 3, Lot 1 & 2, N1/2 LOT 10 & LT 11 BLK 6 & VAC STOCKTON ST	\$1,277.10
BARR, DANIAL	771 OTTAWA STREET	0772604212004000	WESTERN ADDITION, BLOCK 112, Lot 21 - 22	\$160.00
O'NEAL, KELLY M	1922 ROSE STREET	1010102030013000	WOLLMAN PLACE, S01, T09, R22E, LTS 16-19 & VAC ALLEY ADJ	\$298.73
GORDON, BETTY	1529 10TH AVENUE	1010201006005000	WOLLMAN'S SUB OF W1/2 BLK #4, S02, T09, R22E, Lot 13 - 15	\$2,731.30
WOODS ON MUNCIE ASSOC	1150 MUNCIE ROAD	1011103004026000	WOODS ON MUNCIE, S11, T09, R22E, BLOCK 1, Lot TRACT A, ACRES 3.45	\$175.00
			Grand Total	\$106,026.67

**POLICY REPORT PWD NO. 20-37
UPDATE FOR UNSAFE STRUCTURE
1109 SPRUCE STREET**

August 11, 2020

Prepared by:



Harold D. Burdette,
Chief Building Inspector

Reviewed by:



Michael G. McDonald, P.E.
Director of Public Works

Reviewed by:



for Paul Kramer,
City Manager

ISSUE:

Consider current status of the structure located at 1109 Spruce Street.

BACKGROUND:

This structure was damaged by fire on October 25, 2019. The City received a check from insurance proceeds for \$10,500. A Public Hearing was held on May 12, 2020, regarding the status of repairs. The Commission adopted Resolution No. B-2248, which stated that the owner was to begin repairs and the City Commission would review the status of the project after 90 days.

Progress has been made, and the Building Inspections staff has been performing inspections on the structure. The repairs to the exterior of the structure are close to being completed, and the interior work has progressed, but not all of the electrical, mechanical and plumbing work has been completed and inspected so that the interior wall finishes can be installed.

When structures are damaged by fire and other hazards and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used to either remove the structure if the owner decides not to repair it, or be returned to the property owner once repairs have progressed to a reasonable point or are completed and the structure is ready for occupancy. In this situation, the money will be returned to the previous property owner when released.

RECOMMENDATION:

Staff recommends that the City Commission allow up to another 90 days for repairs to be made to 1109 Spruce Street.

ATTACHMENT:

Photos of structure

1109 Spruce Street

August 11, 2020 Commission Meeting



**POLICY REPORT PWD NO. 20-36
PUBLIC HEARING FOR UNSAFE STRUCTURE
723 S. 10TH STREET**


August 11, 2020

Prepared by:



Harold D. Burdette,
Chief Building Inspector

Reviewed by:



Michael G. McDonald, P.E.
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Conduct a Public Hearing regarding the unsafe or dangerous structure located at 723 S. 10th Street.

BACKGROUND:

On June 23, 2020, the City Commission was presented a resolution regarding setting a date for a public hearing related to the structure located at 723 S. 10th Street that was damaged by fire. The Commission approved Resolution No. B-2255, setting August 11, 2020, as the date for a public hearing for the purposes of Chapter 50, Article I, Section 50-5, of the City Code of Ordinances.

The structure was damaged by fire on April 3, 2019. A building permit was issued on May 13, 2020, and significant work has been completed. The roof structure has been replaced, windows have been installed, and the interior work has progressed to the point that wall finish has been installed and painting has begun. The exterior siding is not yet available due to manufacturing delays, but it should be available soon.

When structures are damaged by fire and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used to either remove the structure if the owner decides not to repair it, or be returned to the property owner once repairs have progressed to a reasonable point, which is when the exterior has been repaired and the interior is ready for wall finishes to be installed. The City has received proceeds from the insurance company for this property in the amount of \$22,753.74. The money will be returned to property owner when repairs have been completed to the point that the City typically releases the funds.

NOTIFICATION PROCEDURES:

On July 1, 2020, a copy of said resolution was mailed by certified, restricted delivery mail to the owners at their last known place of residence. The City Clerk published the resolution on the dates stated in the resolution.

RECOMMENDATION:

Staff recommends that the owner is given 90 days to complete the repairs to the point that the exterior repairs are completed and the interior has been inspected and approved so that the interior finish work can proceed. If the repairs are not completed at that time, then additional time may be given, and the money can be returned at a later date once the repairs have been completed to a point in the repair process that there is no need to consider demolition.

COMMISSION ACTION:

The Commission is asked to approve Resolution No. B-2259 giving the owners 90 days to complete the repairs, or another date decided by the Commission.

ATTACHMENT:

Resolution No. B-2259
Photos of structure

723 S 10th

August 11, 2020 Commission Meeting



(To Be Published in the Leavenworth Times on August 18, 2020)

RESOLUTION NO. B-2259

A FINDING THAT A CERTAIN FIRE DAMAGED STRUCTURE LOCATED AT 723 S. 10TH STREET AND HEREIN DESCRIBED IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the City Inspector of the City of Leavenworth, Kansas, did on the 23rd day of June, 2020 file with the Governing Body a statement in writing that a fire damaged structure hereinafter described as “A single-family structure located at **723 S 10th Street**. The property is legally described as: Lots 22 and 23 Block 19 CENTRAL SUBDIVISION, of the City of Leavenworth, Leavenworth County Kansas.” is unsafe and dangerous; and

WHEREAS, the Governing Body did adopt Resolution No. B-2255 fixing the time and place of a hearing at which the owner, their agents, any lienholders of record, and occupants of such structures could appear and show cause why such structure should not be condemned and ordered repaired or demolished and providing for giving notice thereof as provided by law; and

WHEREAS, Resolution No. B-2255 was published in the official City newspaper on June 30, 2020 and July 7, 2020, and a copy of said Resolution was mailed and served on the owner, agents and/or lienholder of record of such structure as provided by law; and

WHEREAS, on August 11, 2020 the Governing Body heard all evidence submitted by the environmental officer of the City and heard any evidence submitted by the owner, agents, or lienholders of records via teleconference as allowed under the Kansas Open Meetings Act (KOMA).

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

Section 1. That the Governing Body hereby finds that the fire damaged property described above is an unsafe and dangerous structure. The owner of the structure is hereby directed to commence repair or removal of such structure on or before that date listed in Section 2, and if such owner fails to commence such repair or removal within the time stated or fails to diligently prosecute the same until the work is complete, said Governing Body shall cause the structure to be razed and removed and the cost of such razing and removing, less salvage, if any, will be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

Section 2. The property is hereby given **90-days** for repair or removal at which time the City Commission will review at the next scheduled meeting.

Section 3. Be it further resolved that the City Clerk shall cause this Resolution to be published once in the official City newspaper and a copy mailed to the owner, agents, and/or lienholder of record, and occupants or served personally as provided by law.

PASSED AND ADOPTED by the City Commission of the City of Leavenworth, Kansas on this 11th day of August 2020.

Myron J. "Mike" Griswold, Mayor

{SEAL}

ATTEST:

Carla K. Williamson, CMC City Clerk

DRAFT

Policy Report No. FIN-20-03
Public Hearing on the Proposed 2021 Budget & Capital Improvement Plan

August 11, 2020

Prepared By:



Ruby Maline
Finance Director

Approved By:


for Paul Kramer
City Manager

Issue:

According to State statute, the City Commission must hold a Public Hearing prior to adopting the 2021 City Budget in order to receive citizen comment. Attached please find a copy of the notice of public hearing that was published in *The Leavenworth Times*.

By resolution, the Commission must also adopt the 2021 Housing Budget.

At the July 10th City Commission Budget & Capital Improvement Program (CIP) Work Session, the governing body reviewed the recommended 2021 budget and the 2021 - 2025 Capital Improvement Program (CIP). The CIP is a comprehensive plan outlining all capital improvements (and funding source) and projects proposed to be pursued by the City for the next five years as constrained, of course by limited financial resources.

Recommendation:

Staff recommends that the City Commission:

- Hold the required public hearing and then consider the adoption of the proposed 2021 budget and 2021 - 2025 CIP with or without amendment, and
- Adopt the 2021 Housing budget.

Background:

Last month, staff presented to the City Commission the proposed 2021 budget and 2021-2025 CIP. Attached is the budget transmittal letter that provides an overview of 2021 budget and CIP issues, budget summary, and a resolution adopting the 2021 Housing budget.



July 9, 2020

Mayor and City Commission
City of Leavenworth
Leavenworth, Kansas

Dear Mayor and Commissioners:

The City of Leavenworth Management Team is pleased to present the 2021 Operating Budget and 2021-2025 Capital Improvements Program (CIP). The two budget processes were combined in 2019 to provide the Commission and residents of Leavenworth with a clearer comprehensive view of total city resources and expenditures. The change also reflects the interconnectivity between the budgets.

I. OPERATING BUDGET

The 2021 Operating Budget is balanced, as required by law, and builds on the City's goal to provide high-quality services while maintaining sound financial standing. The budget contains revenue and expenses for all City funds and includes a "pass-through" levy as mandated by the Library Ordinance. The City supported portion of the mill levy is essentially flat from 26.898 in 2020 to 26.902 in 2021, and there is a slight increase from 4.83 to 4.904 in the Library funds.

The 2021 Operating Budget was crafted in the most fiscally uncertain period in recent history. The historic COVID-19 pandemic devastated the national economy, left 40 million people unemployed, and created both immediate and future budget implications. However, for all of the hardships created by the pandemic related to the City's financial resources, the most challenging aspect is setting a 2021 Operating Budget before there is any indication how the economy will respond in the next 6-18 months.

The Management Team has evaluated economic trends, data available, City Commission priorities and adopted goals, public discourse and feedback, staff recommendations and many other factors while drafting the operating and capital budgets. The following issues, in context of their relation to available resources, were discussed at length in development of the 2021 budget:

- The effect of flat or negative sales tax growth on projects, initiatives and priorities.
- Funding and implementing a public transit program in 2021.
- Ensuring that the conservative budgeting and spending practices directed by the Commission to reach and surpass budget reserve goals are not squandered due to economic turmoil.
- Continuing the implementation of the City employee classification and compensation program to invest in the recruitment, development and retention of employees.
- Employee health/welfare and retirement expenses.
- How to account for potential positive economic news that occurs after the adoption of the budget.

General Fund

The City's General Fund accounts for core municipal functions and services such as Police, Fire, Parks and Recreation, Public Works, Planning and Administration. This is an operating budget focused primarily on revenues coming and going in a particular fiscal year. The primary revenue streams that support the General Fund budget are: 1) Sales and Use Taxes; 2) Property Taxes; 3) Charges for Services; 4) Fines and Forfeitures; and 5) Franchise Fees. Fluctuations in these revenue streams affect how the City is able to pay for and maintain core services.

Revenue Highlights

- The City experienced an increase in initial assessed valuation from \$219,502,504 in 2020 to \$228,946,404 in 2021 – an increase of 4.0%.
- Total sales tax revenues in the Tax Funds and court fines and fees are budgeted to remain flat at the 2020 levels. The only budgeted revenue increase is property tax (\$317,868). Several revenue sources are expected to decrease, including the most substantial declines in state and county gas tax (-\$133,500), franchise fees (-\$195,290) and interest income (-\$50,000).

The General Fund includes a budgeted reserve of \$3,014,100, which is available to support unanticipated expenses or underperforming revenues. The 2021 budgeted reserve represents 27.1%, which is still well above the City's reserve target of 16.67%. The ending reserve position on Dec. 31, 2019 was 27%, which the Management Team has worked to keep stable through the pandemic of 2020 and the uncertainty of 2021. While budgeting use of reserves in a national recession is common, the Management Team has not elected to change the reserve position at this time. As was reinforced in our 2020 review by Moody's Investor Services, a stable and healthy reserve is critical to maintaining the City's Aa2 bond rating.

Expense Highlights

- The Community Center and Parks and Recreation have been moved from the Operating Budget to the CIP, as the decrease in budgeted revenue left insufficient resources for these functions.
- City contributions to the Police and Fire KP&F State Pension system and the KPERS State Pension system for all City employees saw an \$18,243 increase for 2021.
- Health insurance costs are budgeted to increase 8% (which would equate to \$169,381), although the exact amount is unknown at this time.
- The 2021 portion of the 5-year phased implementation of the employee classification and compensation study of \$123,218.

The 2021 employee compensation plan recommendation is to include a 2.5% across the board increase for employees, implemented mid-year. The compensation plan is in line with those being provided by most municipalities in the region. When combined with the classification and compensation allocation, the City remains competitive in the region for employee investment.

Other budgets included

It is again useful to consider the 2021 budget document as consisting of four separate budgets: Library Funds, Federal Grant Funds, Non-Tax Funds and Tax Funds.

Library

The Library Ordinance establishes a mill rate not to exceed 3.75 mills to support Library operations. For 2021, the Library's submitted budget requires all 3.75 mills, which generates \$858,569 for 2021 operations. Additionally, there is a second levy for the Library Employee Benefits Fund (EBF). That levy

fluctuates based on cost and the 2021 request is 1.154 mills, which will generate \$264,228. The library also receives other (motor vehicle and delinquent taxes) funding.

Federal Grant Funds

The City receives grants each year for Planters II, Section 8, Community Development, and Comprehensive Improvements Assistance Program (CIAP) activities. The 2021 Planters II expense budget remained the same while personnel expenses increased \$12,822 over 2020. Increases in expenditures are due to increased health insurance and the 2.5% pay increase. Other areas were reduced to keep the fund at the same level as the 2020 budget. The financial condition of the fund is stable. The 2021 Section 8 Fund expense budget include a \$5,359 increase in personnel costs, but mostly stays the same as 2020.

The 2021 Community Development Block Grant funds are estimated to increase to \$342,514. Due to COVID-19, there is estimated to be a \$200,000 carryover. Of that total budget, \$83,168 may be used for administrative purposes; the balance, or \$459,346, is used for a variety of community projects in accordance with CDBG guidelines.

The CIAP Fund (Planters II Capital Fund) was established to account for federal grants received each year for repairs and renovations to the Planters II facility. The Fund will begin 2021 with a balance of \$86,449 while federal grant revenue of \$145,880 is budgeted for the year. Thus, total resources in 2021 are \$232,329 and are budgeted for building improvements. This is lower than 2020 due to the completion of the extensive building maintenance project (replacing all the water/sewer pipes).

Non-Tax Funds

These funds derive their financial support from sources other than ad valorem taxes. Expense budget levels for these Funds are generally dependent upon the availability of revenue generated through the pursuit of the Fund's activity. For example, the Sewer Fund expense budget is dependent upon funds generated from the sale of sewer services.

The 2021 expense base budget for this group of Funds increases \$31,825 or 0.14%, to \$23,489,500. This increase is due to project completions which began in 2019 and were completed during 2020 such as the RFCC Stone replacement in CIP Sales Tax (-\$769,544); the reduction of activities due to COVID-19 in CVB (-\$74,899); the capital projects from streets (-\$429,431); but mostly due to increased activity in the storm water fund.

	<u>2020</u>	<u>2021</u>
CVB Fund	917,281	842,382
Probation Fund	222,798	328,536
Streets	2,460,302	2,030,871
Eco Development Fund	942,230	1,251,660
CIP Sales Tax	4,045,366	3,179,316
County Wide Sales Tax	3,162,019	3,535,436
Sewer	6,126,264	5,735,268
Refuse/Refuse Restricted	2,656,336	2,598,581
Storm Water Fund	1,100,000	2,106,210
Auto TIF Fund (Zeck)	980,544	943,165
Hotel TIF Fund	537,451	639,304
Home Depot TIF Fund	307,084	298,771
	<u>\$23,457,675</u>	<u>\$23,489,500</u>

The 2021 Streets Fund operating budget increases \$15,978, or 1.3%, from the 2020 budget due to increases in personnel costs. A transfer to capital projects is budgeted at \$744,745 (FFE funds). There is an anticipated subsidy transfer from the General Fund of \$133,500 due to reduced funding from State and County Highway Gas Tax Funds. These revenues were reduced due to COVID-19 ramifications.

The Convention and Visitor's Bureau Fund was established in 2014 to account for the receipt of transient guest tax revenue that had previously been accounted for in the General Fund. The Fund began 2020 with \$411,993 and an additional \$550,000 in revenue was budgeted during 2021. The increase in revenues is related to anticipated revenues from the City festival and a reduction of revenues from transient guest tax due to COVID-19. Budgeted expenses are \$736,298, which includes funding for the City festival. Operating Reserves are budgeted at \$106,084 to be available should other projects become identified. The 2021 expense budget is \$278,333 higher than 2020, due to increases in grant payouts, promotional activities, the City festival, and professional services.

The 2021 Sewer Fund budget is \$125,962 higher than 2020; long-term financing analysis of the fund indicates that a utility rate increase of 3% will be required for expenditures at the sewer plant and will generate an additional \$110,054 in utility revenue this year. This increase is necessary for the replacement of the UV lamps and to help offset the lost revenues from the Fort (estimated to be -\$60,000), V.A. (estimated to be -\$57,500), and USP (-\$27,900).

The 2021 Refuse Fund long-term financing analysis indicates that a utility rate increase will not be required for 2021. The increase in budget for the Refuse Fund includes the mowing and erosion control expenses of the landfill, which were in the Refuse Restricted fund. The current funding level allows for the vehicle replacement schedule to be maintained and for operating reserves requirement to be met.

The 2021 Refuse Restricted Fund is consolidated with the Refuse Fund; a transfer of \$9,545 to the Refuse Fund will close the fund. Budgeted 2021 expenditures include \$15,000 mowing and erosion control activities.

The Home Depot Tax Increment Fund was established to account for the receipt and distribution of funds received from Home Depot as required by the tax increment financing agreement initiated in 2003. It is estimated that approximately \$298,771 will be paid to Home Depot in accordance with the agreement. The agreement expires Sept. 1, 2021. Sales taxes collected after Sept. 1, 2021 will be available for City operations.

Two additional TIF funds were added to account for the collection and distribution of funds as required by tax increment financing agreements with Zeck Ford, First City Hotels, and Home 2 Suites Hotel. Zeck Ford TIF fund is anticipated to have \$938,165 paid out and the Hotel TIF funds are anticipated to have \$639,304 paid out.

Bond and Interest Fund

The 2021 Bond and Interest Fund expense budget decreases \$625,871 due to decreased debt service payments. Budgeted 2021 payments consisted of principal of \$2,870,000 and interest of \$513,891. New debt payment for 2021 includes principal of \$130,000 and interest of \$50,000 for the 2020 general improvements bonds and principal of \$130,000 and interest of \$50,000 for the fire truck. These are estimates based on current market data and subject to change. The budgeted amount also reflects the retirement of debt, which offsets the amount added in 2020. The increase in mills is because some of the debt retirement was related to CIP and County wide, so their transfers went down.

Assessed Valuation

Based upon information recently received from the County Clerk, the City of Leavenworth experienced an increase in assessed valuation from \$219,502,504 to \$228,946,404. This is about a 4.0% increase in assessed valuation; however, tax abated property values are \$3,536,616 (about 1.5%).

	2020 Budget	2021 Budget	Variance
Real Property	\$202,828,770	\$211,835,038	\$9,006,310
Personal Property	3,894,684	3,698,081	-\$196,603
State Assessed Utilities	12,779,050	13,412,332	633,282
Total	\$219,502,504	\$228,946,404	\$9,443,900

Ad Valorem Taxes

The following table illustrates the 2021 ad valorem tax levy (prior to the delinquency rate calculation) required by each City Fund.

Fund	2020 Budget	2021 Budget	Variance
General Fund	\$3,675,224	\$3,942,569	6.80%
Recreation	449,291	414,022	-7.84%
Bond & Interest	1,676,576	1,780,810	5.85%
Fire Pension	90,028	9,278*	-89.7%
Police Pension	13,317	12,673	-4.84%
Subtotal - City	5,964,746	6,159,352	3.2%
Library Fund	823,143	858,569	4.10%
Library Employee Benefits	237,167	264,228	10.2%
Subtotal - Library	1,063,310	1,122,797	5.3%
Total	\$ 6,964,746	\$7,282,149	4.40%

**The Fire Pension obligations are known, and there is an unnecessarily high reserve level in that fund, therefore we will reduce the 2021 expense in a one-time move to reduce the reserve level.*

Mill Levies

The table below illustrates the 2021 mill levy rate for each City Fund requiring ad valorem tax support given the assessed valuation data provided by the County Clerk.

Fund	2020 Budget	2021 Budget	Variance
General Fund	16.743	17.220	.477
Recreation	2.047	1.808	-0.239
Bond & Interest	7.638	7.778	0.140
Fire Pension	0.410	0.041	-0.369
Police Pension	0.061	0.055	-0.006

Subtotal – City	26.899	26.902	0.003
	2020	2021	
Fund	Budget	Budget	Variance
Library Fund	3.750	3.750	0.000
Library Employee Benefits	1.080	1.154	0.074
Subtotal - Library	4.830	4.904	0.148
Total	31.728	31.806	0.078

I. CAPITAL IMPROVEMENTS BUDGET (CIP)

The CIP is comprised of three sources: 1) ¼ of the City’s local sales tax, 2) The City’s portion of the countywide sales tax, and 3) General Obligation Bonds issued by the City for the road maintenance program. The CIP is allocated for a number of bond financed and pay-as-you-go projects, buildings, equipment needs, operating transfers and infrastructure items. Projects included in the CIP are prioritized by staff evaluation of operations, equipment, building and infrastructure conditions along with Commission priorities and direction. Although the CIP represents a five-year-look-ahead, the program is evaluated on a yearly basis to offer the most flexibility to the Commission and the community.

Tiered approach

The non-pavement management portion of the CIP is fully funded by sales tax, and therefore is subject to the full uncertainty created by the COVID-19 pandemic. For the 2020 budget, approximately \$400,000 of projects have been delayed, and for the 2021 budget, the revenues are budgeted flat. However, the Management Team worked to create a program whereby if second half 2020 revenue and/or 2021 revenues are more positive than expected, alternative projects could move forward. The resulting CIP funds “Tier 1” projects to include public safety and infrastructure immediately and creates multiple tiers of properties to be approved as revenue allows. Therefore, although Tier 2 projects are presented as 2022 projects, it is our hope that many of them will be possible in 2021.

2021 CIP Highlights Include

- Funding for the City’s portion of a public transit grant program.
- The inclusion of \$650,000 of CIP sales tax funds to go along with the \$1.35 million in GO bonds to maintain the 2021 road expenditure program to \$2 million.
- Additional storage for the Police Department’s video footage.
- Budgeting for the replacement of the 1992 Fire Department Aerial Truck.
- The replacement of two (2) Police patrol vehicles, one (1) detective vehicle, one (1) Animal Control van and a replacement of the Police K-9.
- Ongoing debt allocations for the Business and Technology Park, Thornton and 10th Avenue street projects, the Animal Control facility and three (3) Fire Trucks.
- The replacement of the playground equipment structure at Dougherty Park (Tier 2).

Conclusion

The recommended 2021 Operating Budget and 2021-2025 CIP reflect a cautious approach to the fluctuations in the local, state and federal economy due to the COVID-19 pandemic. The recommended

budget proposes to invest heavily in the City's infrastructure, to invest in employee development and workforce stabilization while making modest enhancements in parks and recreation, community resources and City capabilities with a flat mill rate. Additionally, careful consideration of expenses in the previous few years has allowed the City to reach a stable reserve position.

As with any budget process, certain areas were selected for enhancements, while others that were equally affected by cuts in previous years remained unchanged. We hope the proposed budget matches the goals and expectations of the residents of Leavenworth and the City Commission.

We appreciate the support of the staff in the preparation and presentation of the City Manager's recommended 2021 Operating Budget and 2021-2025 CIP and we look forward to reviewing its contents with the City Commission.

Sincerely,



Paul Kramer
City Manager



Ruby Maline
Finance Director

Leavenworth Times Affidavit of Publication

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she (he) is a Legal Representative of the Times a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for a least Fifty (50)

at least five (5) years prior to that said newspaper has a yearly basis in Leavenworth or fraternal publication and Leavenworth County, Kansas and has a copy of the attached Notice was attached to each issue of said newspaper.

Publication was made on the 29th day of July, 2020.

Publication was made on the day of July, 2020.

Publication was made on the day of July, 2020.

Publication was made on the day of July, 2020.

Publication was made on the day of July, 2020.

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Publication was made on the day of July, 2020.

Published in the Leavenworth Times, July 29, 2020 State of Kansas
City
2021

NOTICE OF BUDGET HEARING

The governing body of
City of Leavenworth
will meet on August 11, 2020 at 7:00 PM at City Hall for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of ad valorem tax. Detailed budget information is available at City Hall and Leavenworth Public Library and will be available at this hearing.

BUDGET SUMMARY
Proposed Budget 2021 Expenditures and Amount of 2020 Ad Valorem Tax establish the maximum limits of the 2021 budget. Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual for 2019		Current Year Estimate for 2020		Proposed Budget Year for 2021		
	Expenditures	Actual Tax Rate *	Expenditures	Actual Tax Rate *	Budget Authority for Expenditures	Amount of 2020 Ad Valorem Tax	Estimate Tax Rate *
General	19,397,846	16.743	18,567,079	16.743	22,495,283	3,942,544	17.220
Debt Service	3,464,552	7.637	10,499,762	7.637	3,245,404	1,780,810	7.728
Library	895,069	3.750	938,000	3.750	969,500	838,568	3.750
Library Einn Benefit	281,111	1.080	265,895	1.080	293,000	264,228	1.154
Recreation	1,649,457	2.047	1,346,685	2.047	2,742,225	414,011	1.808
Police Pension	15,159	0.061	15,950	0.061	170,349	13,673	0.055
Fire Pension	125,618	0.410	133,000	0.410	508,325	9,278	0.041
Special Highway	1,703,363		1,601,942		2,030,871		
Economic Develop	331,832		346,990		1,351,660		
CVB	615,304		457,965		842,382		
CIP Sales Tax	2,053,608		3,191,971		3,179,315		
County Wide Sales	2,159,192		2,836,939		3,535,436		
Prohibition	181,038		214,537		297,966		
Auto TIF	624,715		640,208		943,165		
Hotel TIF	400,976		537,451		647,162		
Retail TIF	294,042		393,275		298,771		
Sewer	4,540,355		8,684,306		5,735,268		
Refuse Restricted	6,500		17,500		9,545		
Refuse	1,886,380		2,185,238		2,889,036		
Storm Water	240,079		1,686,020		3,941,502		
Non-Budgeted Funds-A	10,122,334						
Non-Budgeted Funds-B	206,946						
Totals	51,195,476	31.728	54,441,214	31.728	56,527,164	7,282,112	31.806
Less: Transfers	3,875,612		6,043,889		7,241,503		
Net Expenditure	47,319,864		48,397,325		49,285,261		
Total Tax Levied	6,964,499		6,964,499		XXXXXXXXXXXXXXX		
Assessed Valuation	219,502,504		219,192,469		228,946,404		
Outstanding Indebtedness:							
January 1,	2018		2019		2020		
G.O. Bonds	38,990,000		26,870,000		19,535,000		
Revenue Bonds	0		0		3,160,000		
Other	0		0		9,190,000		
Lease Purchase Principal	314,132		539,840		254,321		
Total	39,274,132		27,409,840		34,139,321		

*Tax rates are expressed in mills

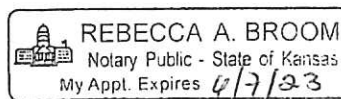
103856



Subscribe and sworn before me, this the 29 day of July, 2020.

Rebecca A. Broom

Notary Public
My Commission Expires: 6/7/23



RESOLUTION B-2260

**A RESOLUTION ESTABLISHING THE 2021 HOUSING BUDGET
AND SPECIFICALLY THE OPERATING BUDGET FOR
PLANTER'S II, LEAVENWORTH, KANSAS**

**BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION, ACTING AS
THE PUBLIC HOUSING AUTHORITY (PHA) FOR LEAVENWORTH, KANSAS, that;**

Section 1. The 2021 Operating Budget for Planter's II is hereby adopted.

Section 2. The Proposed expenditures are necessary in the efficient and economical operation of the Housing agency for the purpose of serving low-income families.

Section 3. The financial plan is reasonable in that: it indicates a source of funding to cover all proposed expenditures and it does not provide for use of federal funds in excess of that payable under the provisions of 24 CFR 890, Subpart A.

Section 4. All proposed rental charges and expenditures will be consistent with the provisions of law and the annual contributions contract.

Section 5. Pursuant to Section 960.209 of the final rule effective May 21, 1984, the PHA is re-examining the incomes of all families living in the project at least once a year.

Section 6. No PHA employee reflected in the proposed operating budget is serving in a variety of positions which will exceed a 100% allocation of his/her time.

Section 7. This resolution also adopts the budget of expenditures and revenue earnings from administrative fees associated with Section 8 - existing housing assistance payments made on behalf of participant - tenants in the certificate, voucher and HOME tenant based assistance programs.

Section 8. This resolution shall be effective January 1, 2021.

PASSED and ADOPTED this 11th day of August, 2020.

Myron J. "Mike" Griswold, Mayor

{SEAL}

ATTEST:

Carla K. Williamson, City Clerk, CMC


POLICY REPORT PWD NO. 20-42

CONSIDER A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE
PRIVATE PROPERTY CONNECTED WITH THE
16TH TERRACE & THORNTON PHASE 2 AND PHASE 3 DRAINAGE PROJECT

City Project 2018-897

August 11, 2020

Prepared by:


Michael G. McDonald, PE
Director of Public Works

Reviewed by:


for Paul Kramer,
City Manager

ISSUE:

Consider approval of Resolution B-2261 to start the process for appropriation of private property for public purposes on the 16th Terrace & Thornton Phase 2 and Phase 3 Drainage Project.

BACKGROUND:

The City of Leavenworth has completed the design of project 2018-897, 16th Terrace & Thornton Drainage Project from Thornton Street to Vilas Street and between 16th Street and 16th Terrace. This project is expected to begin construction in Fall 2020. The plans have identified thirty (30) properties with thirty (30) temporary and four (4) permanent easements necessary to allow construction of the project.

These temporary easements are typically related to allow access onto private property to slope the banks back to a mowable slope, allow access during construction, and similar items. The permanent easements are generally associated with providing access to the drainage systems for maintenance, or a utility company to place their lines to avoid a conflict.

Staff has mailed packets containing project information with easement diagrams and descriptions to all property owners of record and have had at least one on-site meeting with property owners to discuss the project. Several owners returned the necessary documents after the meeting, and additional easements were returned after further contact from city staff. A contract with John Amrein of The Land Company was obtained to further contact owners regarding the project. There are currently seventeen (17) property owners with a total of nineteen (19) easements that have not been signed. The remaining easements are necessary for the construction of the project that is expected to begin in early December.

In a general sense, the unreturned easement documents may be associated with people who do not like the project, have been out of town for an extended period of time, someone that does not like to open mail from the City, or other perfectly understandable reasons.

The easements are needed for the project. The protection of private property rights is a key "American" principle. The law also allows for the government to acquire private property for public purposes with "just compensation". Processes have been established to ensure that the power of the government is not unreasonably applied to the citizens for this purpose, KSA 26-201. The approval of this resolution is simply the first step of a larger process summarized below.

General Outline of Eminent Domain Actions

1. Government approves a resolution declaring their intent to use the power of eminent domain ("condemnation") for a specific project. This is the action recommended in this policy report.
2. Government adopts an ordinance identifying the legal descriptions of the property in question and the names of the owners.
3. After the ordinance is effective, an action is filed in District Court.
4. After a Judge is assigned to the case, there are three (3) appraisers appointed by the judge to review the documents, inspect the property and determine the value of compensation to be paid to the owner.
5. The appraisers will hold a hearing where the city and the owners can talk about their concerns and the amount of compensation.
6. After the hearing, and assuming the judge finds the needs of the city to be reasonable, the judge will issue an order listing the value of compensation for each easement. After this value has been paid to the court by the city and recorded in District Court, the easements are available for use by the city. The city can object to any of the amounts and "not pay", but the easement will not be available for the project.
7. Should an owner believe the easements were undervalued, this can be appealed to the court system. It is important to note that the appeal is **ONLY** to the value, not the actual need for the easement.

There are costs to the city for this process. The city is responsible for its own attorney fees, filing fees, appraiser fees, and any compensation recommended by the court. The process is somewhat lengthy, and usually is complete within 60 days. City staff will continue to work with owners and The Land Company to obtain signed easements throughout the process.

RECOMMENDATION:

Staff recommends that the City Commission approve Resolution B-2261 regarding the appropriation of private property for public purposes.

ATTACHMENTS:

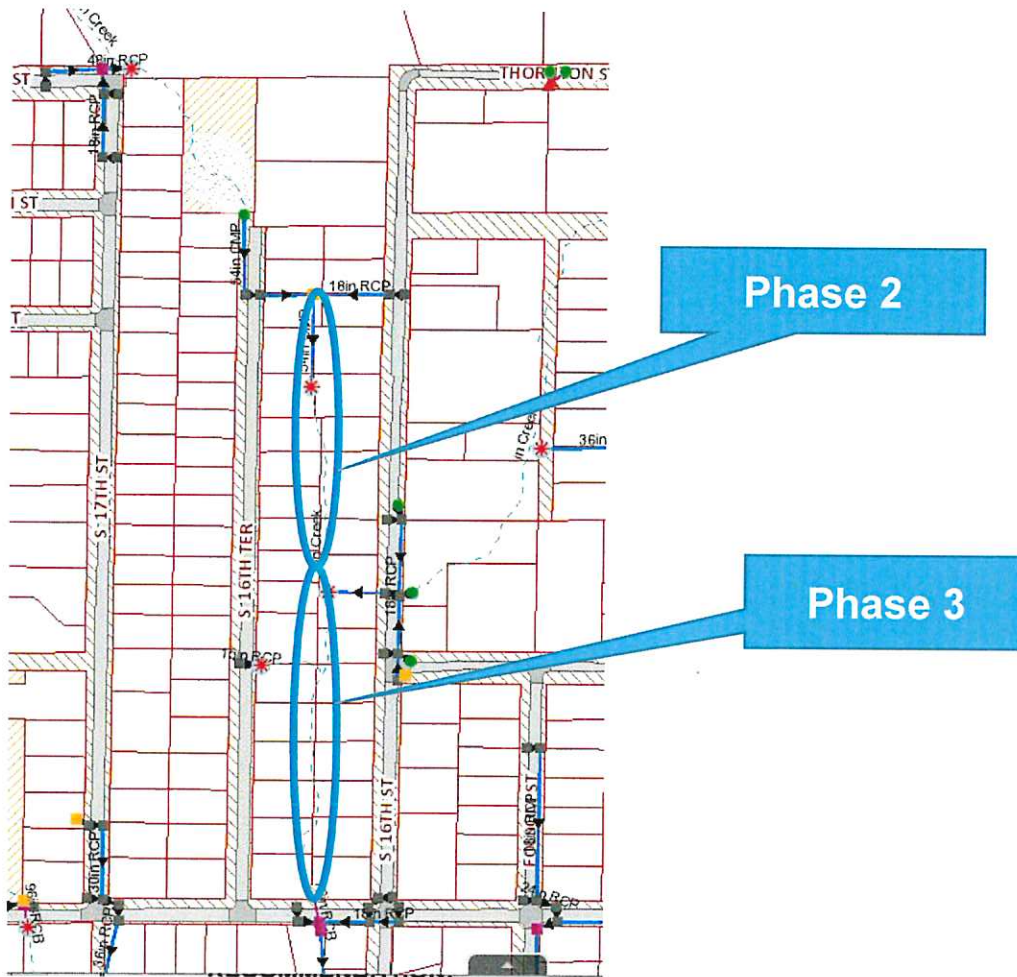
Map

Resolution B-2261

KSA 26-201 related to Kansas condemnation power

General Map of Project Location

Project 2018-897
August 11, 2020



26-201. Cities; authority to condemn; interest acquired; resolution, notice, ordinance; exercise of power. A city shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, but cities shall not have the right to acquire a fee simple title to property condemned solely for street purposes. Whenever it shall be deemed necessary by the governing body of any city to appropriate private property for the use of the city for any purpose whatsoever, the governing body shall by resolution declare such necessity and authorize a survey and description of the land or interest to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and filed with the city clerk. Such resolution shall be published once in the official city newspaper. Upon the filing of the survey and description of the land or interest to be condemned the governing body shall by ordinance authorize and provide for the acquisition of such land or interest, setting forth such condemnation, the interest to be taken and for what purpose the same is to be used. If in the opinion of the governing body any property is specially benefited by the proposed improvement such property shall be designated as the benefit district and the same shall be fixed by the ordinance authorizing and providing for the acquisition of the land or interest. The governing body, as soon as practicable after passage of the ordinance authorizing and providing for the appropriation of such land or interest and the fixing of the benefit district, if any is fixed, shall proceed to exercise the power of eminent domain in accordance with the eminent domain procedure act.

(Publish in the *Leavenworth Times* on August _____, 2020)

RESOLUTION NO. B-2261

A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY CONNECTED WITH THE 16th TERRACE & THORNTON STREET PHASE 2 AND PHASE 3 DRAINAGE PROJECT, CITY PROJECT NO. 2018-897 FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION LAND OR INTEREST TO BE CONDEMNED TO BE PREPARED

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1: That the Governing Body of the City of Leavenworth, Kansas, does hereby deem it necessary to appropriate private property for the use of the City for the purpose of rights-of-way, permanent easements and temporary construction easements to complete the Thornton Street Improvement Project to include curb and gutter, sidewalks, asphalt pavement, storm drainage systems, sanitary sewer systems and other improvements as shown on the plan documents.

Section 2: That the Governing Body of the City of Leavenworth, Kansas, does hereby authorize a survey and description of the land or interest to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and filed with the City Clerk.

Section 3: That this resolution shall be published once in the official city newspaper as provided by K.S.A. 26-201.

Section 4: This resolution shall be effective upon passage and publication as provided by law.

Passed and approved this 11th day of August 2020.

Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

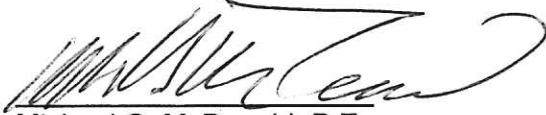
Carla K. Williamson, CMC, City Clerk

POLICY REPORT PWD NO. 20-38

CONSIDER DIAGONAL PARKING IN THE 400 BLOCK OF CHESTNUT STREET
FIRST UNITED METHODIST CHURCH

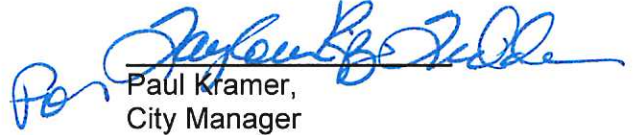
August 11, 2020

Prepared By:



Michael G. McDonald, P.E.,
Director of Public Works

Reviewed By:



Paul Kramer,
City Manager

ISSUE:

Consider allowing the First United Methodist Church to construct new off-street diagonal parking in the street right-of-way in the 400 block of Chestnut Street.

BACKGROUND:

The First United Methodist Church at 422 Chestnut purchased the old school property located on the northwest corner of 4th Street and Chestnut for an undetermined future use. Their current plans call for the construction of diagonal parking off the alley on private property and the conversion of the on-street parallel parking along Chestnut to diagonal parking in the right-of-way on Chestnut (see attached plan). The new parking will require the granting of a sidewalk easement for the new sidewalk to be installed on the north side of the Chestnut Street parking.

Plans were drawn by Napier Engineering with construction being done by KAAZ Construction.

The construction of the new parking will meet current City standards to include new sidewalk and ADA ramps where required.

Staff will provide construction inspection for all improvements within the right-of way.

RECOMMENDATION:

Staff recommends the Commission approve the conversion of the on-street parallel parking to diagonal parking in the right-of-way on Chestnut Street and accept the sidewalk easement as described in the attached document.

ATTACHMENT:

Napier Plans
Sidewalk Easement Exhibit "A"

FINAL SITE PLAN FIRST UNITED METHODIST CHURCH PARKING LOT EXPANSION

SHEET - C1

SITE PLAN

2019-11-3
FIRST UNITED METHODIST CHURCH
PARKING LOT EXPANSION
FINAL SITE PLAN

PREPARED FOR:
FIRST UNITED METHODIST CHURCH
422 S. CHESTNUT STREET
LEAVENWORTH, KS 66048

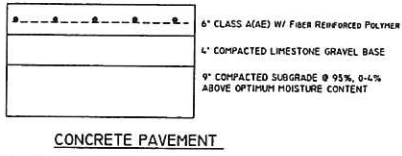
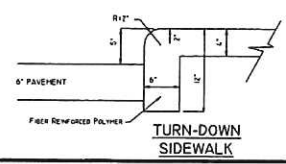
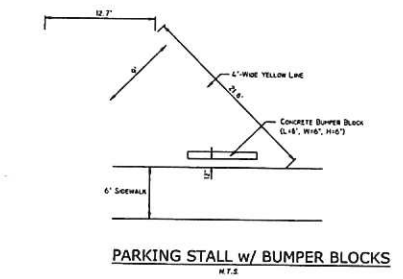
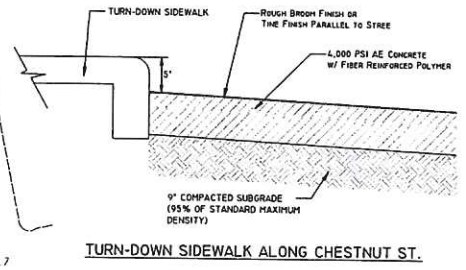
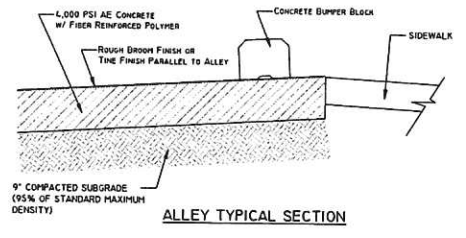
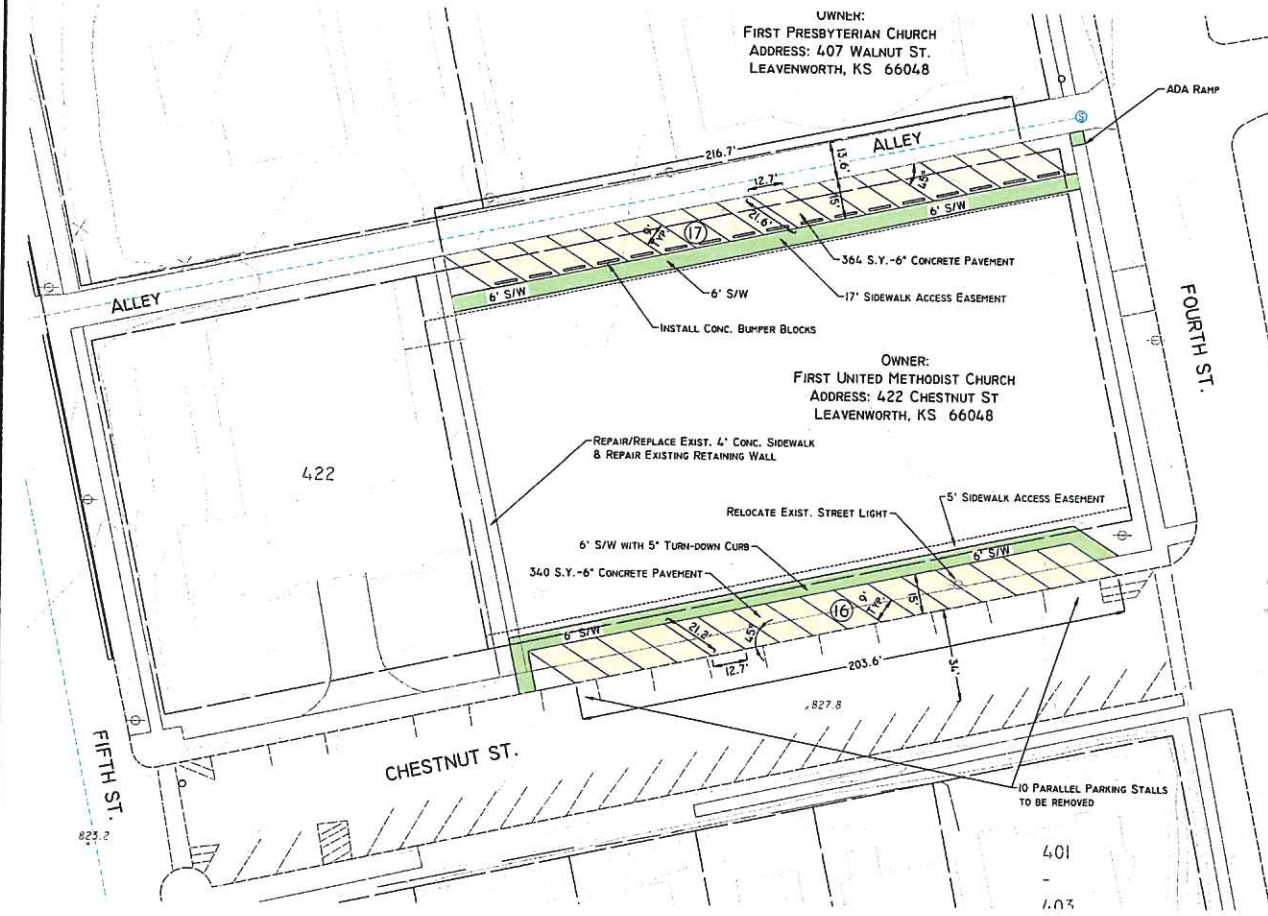
NAPIER
ENGINEERING, LLC

207 S. 5TH STREET
LEAVENWORTH, KS 66048
913.378.0422
BRETT@NAPIERENG.COM

DATE OF PREPARATION:
AUGUST 28, 2019

REVISED DATE:
NOVEMBER 14, 2019
NOVEMBER 18, 2019
FEBRUARY 20, 2020
JUNE 29, 2020

4TH
SUBMITTAL



SITE SUMMARY	
No. of Parallel Stalls Removed:	10
No. of Parking Spaces Added:	33
Total No. of Stalls Added:	23

- LEGEND
- 6" CONCRETE PAVEMENT
 - 4" THICK CONCRETE SIDEWALK
 - PROPOSED NUMBER OF PARKING STALLS

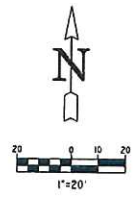
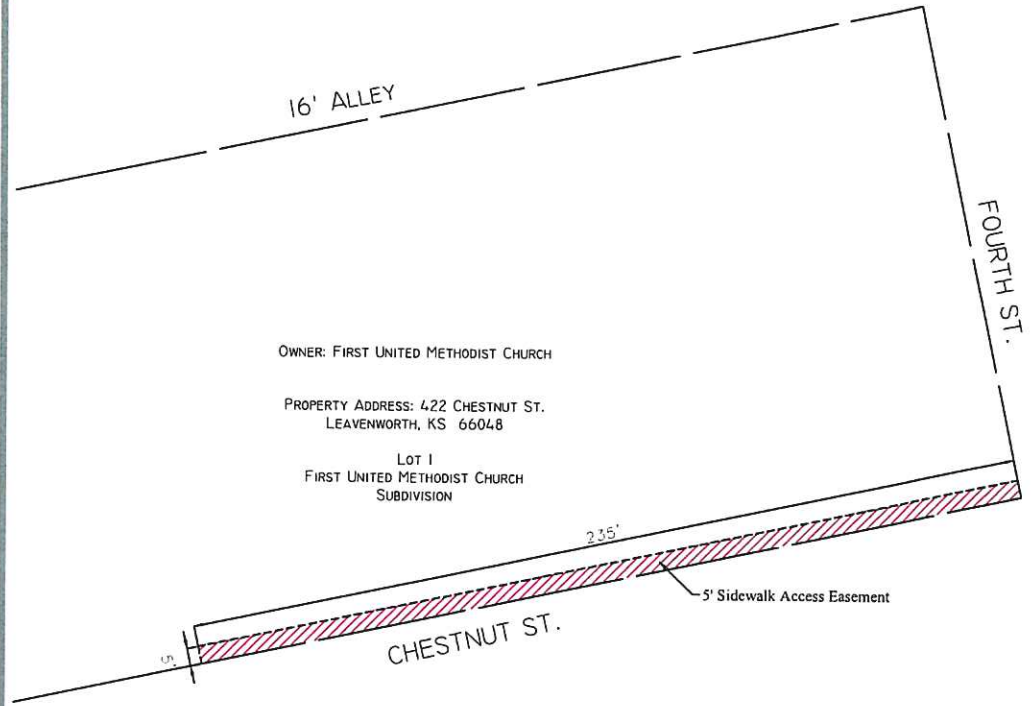


Exhibit A

Permanent Sidewalk Easement

Description: Permanent Sidewalk Easement

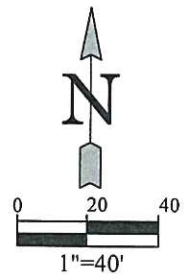
The East 235.00 feet of the South 5.00 feet of Lot 1, FIRST UNITED METHODIST CHURCH SUBDIVISION, a subdivision of land in the City of Leavenworth, Leavenworth County, KS; containing 1,175 sq. ft., more or less.



PERMANENT SIDEWALK EASEMENT (±3,055 Sq. Ft.)

Prepared For:

First United Methodist Church
422 Chestnut Street
Leavenworth, KS 66048



SEC. 36, T08S, R22E LEAVENWORTH COUNTY, KANSAS

ATLAS SURVEYORS, LLC.

Taking Care of Your Needs

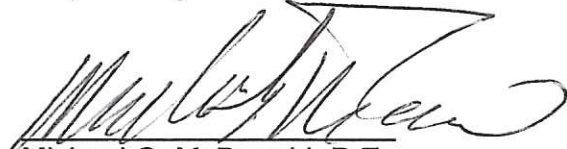
207 S. 5th Street | Leavenworth, Kansas 66048 | 913.530.8422 | 913.682.8606 (F)

POLICY REPORT PWD NO. 20-40

APPROVE CONTRACT WITH SCS ENGINEERS
RELATED TO CONTAMINATION AT FORMER CITY GARAGE SITE
NORTH OF 3RD AND MARION STREETS

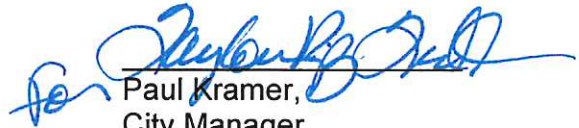
August 11, 2020

Prepared By:



Michael G. McDonald, P.E.,
Director of Public Works

Reviewed By:



Paul Kramer,
City Manager

ISSUE:

Consider approval of proposal from SCS Engineers for an "Action Plan" associated with the former City Garage site on 3rd Street north of Marion Street.

BACKGROUND:

The City was notified February 24, 2020 by KDHE that soil samples obtained from City owned and other adjacent property during the recent sale of the Price Chopper Store showed elevated levels of regulated components. KDHE was going to begin an investigation into the situation and suggested the City review and consider entering the "Voluntary Cleanup Program" offered by KDHE.

Staff contacted Doug Dreiling of SCS Engineers for assistance in understanding the likely actions by KDHE. Mr. Dreiling has assisted the City resolve environmental issues at other City facilities - most notably the landfill on Gilham Road south of Lansing. He has also been involved with a variety of soils testing initiatives by KDHE related to the industrial past of greater downtown Leavenworth as both a contractor and as a consultant.

SCS initial contract was to review the historical uses of the site, evaluate the significance of the different testing results available since 1989, and assist the City in entering the VCP (Voluntary Clean-Up Program). It also included preparation of an action plan for implementation through the VCP. SCS Engineers reviewed the site history and previous testing performed by EPA and the City of Leavenworth and recommended that the City enter the VCP. This program allows the City greater flexibility in the direction that any assessment or clean-up effort will take.

The City did enter the VCP earlier in 2020. The action plan (attached) is complete and ready for submission to KDHE. This will include soil sampling, testing and evaluation of the results as required by the VCP. SCS will also be involved with coordinating sampling and record keeping efforts with KDHE. A report after the completion of the various sampling and testing efforts will provide guidance to the City and KDHE on how best to manage the site to protect public health into the future.

STAFF RECOMMENDATION:

Staff recommends that the City Commission approve the Action Plan submitted by SCS Engineers in an amount not to exceed \$33,248.

ATTACHMENTS:

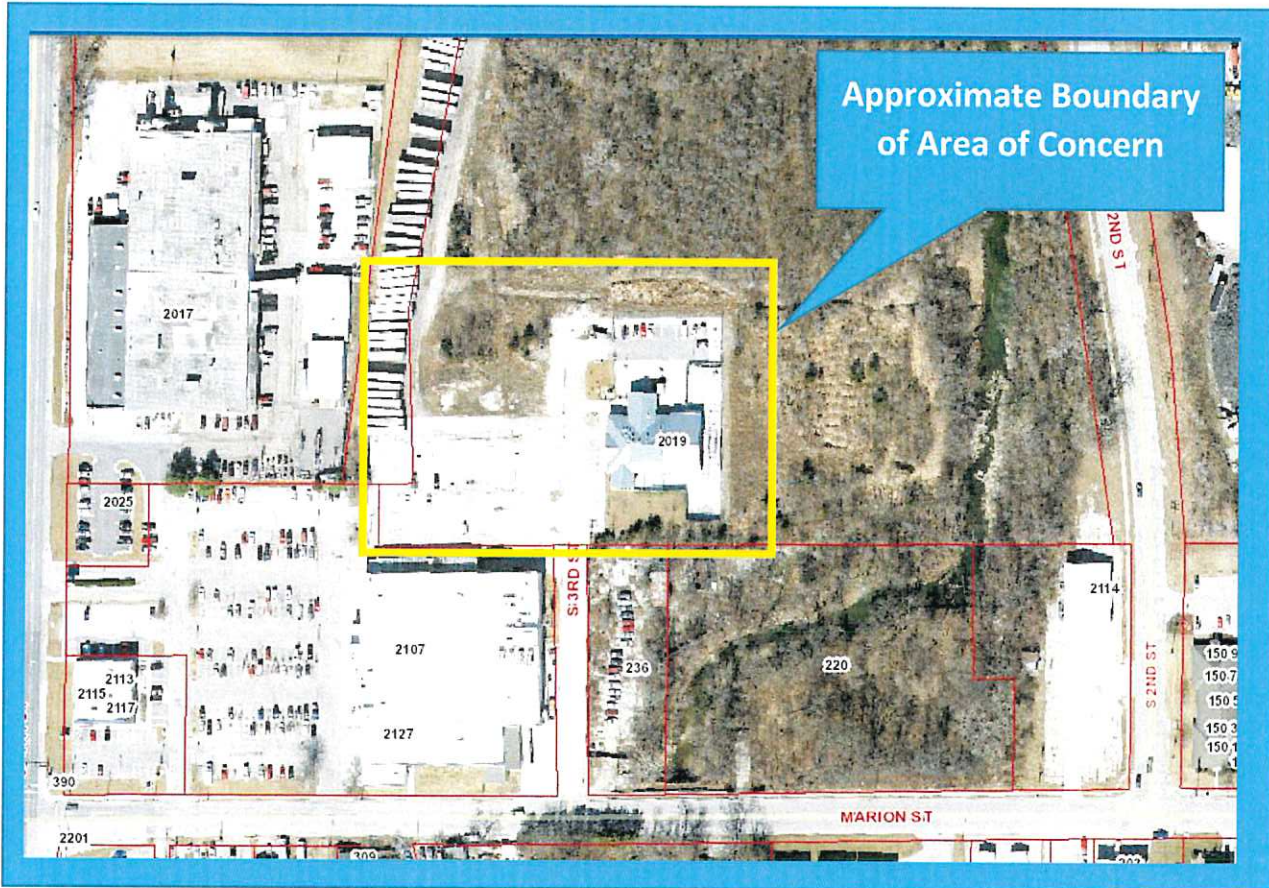
Map of the site

KDHE letter of acceptance into the VCP

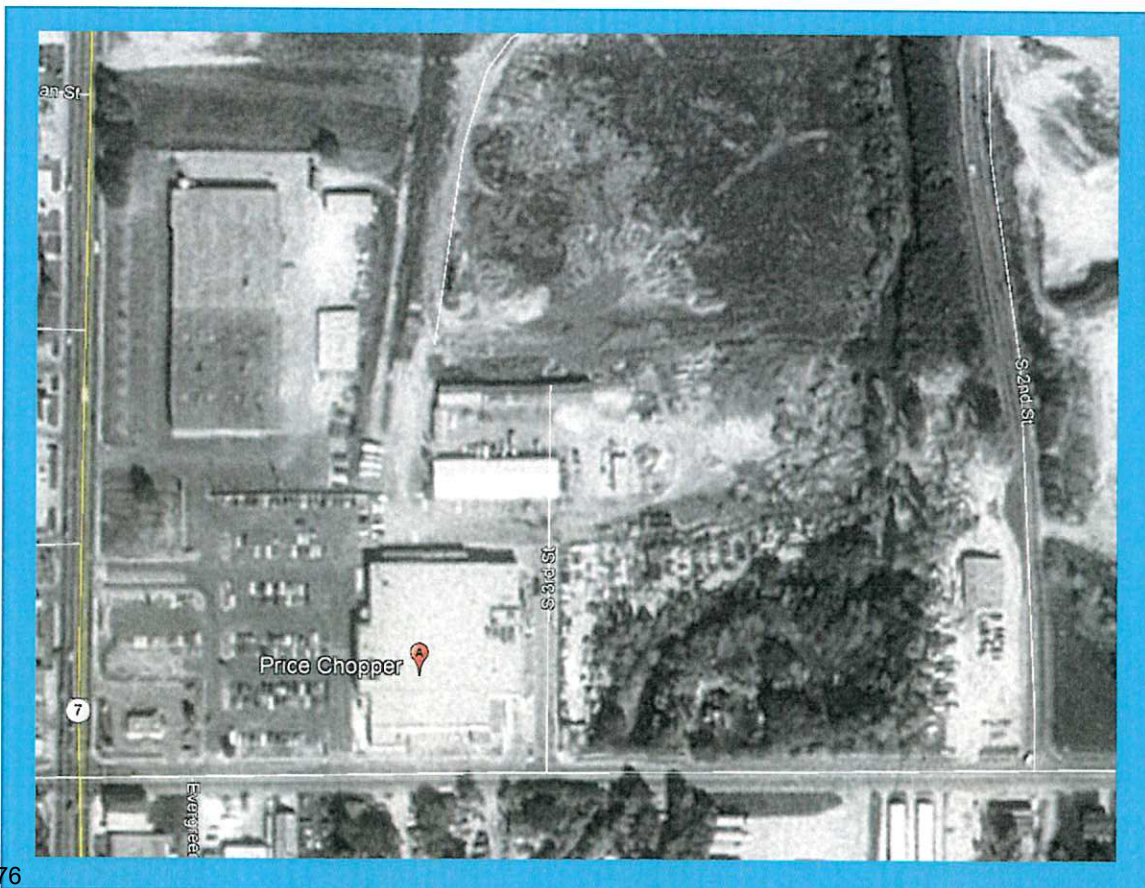
SCS Action Plan

Policy Report 20-40, August 11, 2020

2018 Aerial Photo



1991 Aerial Photo



Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

July 15, 2020

RECEIVED JUL 20 2020

Mr. Paul Kramer
City of Leavenworth
100 N. 5th St.
Leavenworth, KS, 66048

**Re: Application to the Voluntary Cleanup and Property Redevelopment Program
City of Leavenworth, Leavenworth, Kansas**

Dear Mr. Brooks:

Enclosed for your records is a copy of Voluntary Agreement VA #20VCP0003, executed pursuant to the Voluntary Cleanup and Property Redevelopment Program (VCPRP) for the above referenced property. The Secretary of the Kansas Department of Health and Environment (KDHE) signed the agreement on July 10, 2020.

KDHE has reviewed the existing information submitted with your application and determined that further investigation is necessary at the property. Please note that I have been assigned as Project Manager to provide KDHE oversight for the 2109 S. 3rd, Leavenworth, Kansas site.

At this time, City of Leavenworth should contract with a qualified environmental consultant to prepare a Voluntary Cleanup Investigation (VCI) Work Plan that addresses these concerns. This document should be prepared in accordance with the appropriate guidelines in the VCPRP Manual (please reference Appendix F of the manual for the appropriate parameters when preparing this document) and submitted to KDHE for review by no later than October 13, 2020. The VCPRP Manual is posted online at the KDHE website. If you and your consultant have any questions about this process, please contact me either via email (christopher.girardi@ks.gov) or at (785) 296-6380.

Sincerely,

Chris Girardi
Voluntary Cleanup Unit
Redevelopment Section
Bureau of Environmental Remediation

CG

Enclosure

c: Jorge Jacobs (w/o encl)>Deanna Ross>Chris Girardi >File (C4-052-73682, 1.0)
Enclosure>File (C4-052-73682, 2.0)
Jaime Wilson, (w/o encl)>District Geologist, KDHE-NEDO
Teresa Hattan> Alyssa Miller, KDHE (w/encl)

STATE OF KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT
VOLUNTARY AGREEMENT

City of Leavenworth

2109 S. 3rd, Leavenworth, Leavenworth County, Kansas
 SE ¼, NE ¼, Section 01, T 09S, R22E

20VCP0003

I. Voluntary Agreement. This Voluntary Agreement is entered by City of Leavenworth ("Applicant") and the Kansas Department of Health and Environment ("Department") pursuant to The Voluntary Cleanup and Property Redevelopment Act; Kansas Statutes Annotated Chapter 65-34,161, *et seq.* The terms of this Voluntary Agreement are not negotiable.

II. Purpose. In entering into this Voluntary Agreement, the mutual objectives of the Department and the Applicant are to ensure that the public health, welfare and the environment at or near the above-mentioned property ("Property") are protected from any release or threat of release of contaminants. The Applicant explicitly denies any and all legal liability pertaining to the Property or derived there from under any federal or state statute, regulation(s) or ordinance(s) or common law.

III. Terms of Agreement.**APPLICANT AGREES AS FOLLOWS:**

- A. The Applicant shall conduct a Voluntary Cleanup Investigation ("VCI"), that meets the objectives of the Department's Scope of Work. If the Department determines that information from existing investigations may satisfy such objectives, further investigation may not be required by the Department.
- B. If the Department determines that further investigation is necessary, the Applicant shall:
1. Submit a draft VCI Work Plan including an implementation schedule for the review of the Department within ninety (90) days from the date of this Voluntary Agreement. The Department shall review the work plan and either provide written comments for revision or written approval.
 2. Upon approval of the Department, implement the approved VCI Work Plan.
 3. Document the results of the investigation in a VCI Report. The Applicant shall submit the report to the Department for review. The Department shall review the report and either provide written comments for revision or written approval.
- C. The Applicant shall provide Property access to the Department, its employees and contractors throughout the period of this Agreement for the purposes of oversight, including split sampling and verification.
- D. If the Department determines remediation or monitoring is necessary, the Applicant shall:

1. Submit to the Department for review and approval a Voluntary Cleanup Remediation Proposal ("VCRP") including an implementation schedule for review by the Department within ninety (90) days from the determination and notification to the Applicant that remediation and/or monitoring is necessary. The Applicant shall develop the VCRP based on a Scope of Work provided by the Department.
 2. If the Department approves the VCRP, the Applicant shall submit a Voluntary Cleanup Plan. The Voluntary Cleanup Plan shall conform to the Department's Scope of Work.
- E. Following the public comment period and approval of the Voluntary Cleanup Plan, the Applicant shall implement the plan within six (6) months and complete the plan within twenty-four (24) months, not including long term operation, maintenance, and monitoring of the system beyond the twenty-four (24) months if required.
- F. Applicant shall notify the Department at least seven (7) days before conducting any well drilling, installation of equipment, or sampling. At the request of either party, the party collecting samples shall provide or allow the other party or its authorized representatives to take split samples of all samples collected pursuant to this Voluntary Agreement.

THE DEPARTMENT AGREES AS FOLLOWS:

- G. The Department shall make a determination as to any further required actions based on the results of the VCI Report. If no further action is determined by the Department, the Department shall issue a "No Further Action Determination" to the Applicant.
- H. If the Department accepts the Voluntary Cleanup Plan, the Department shall publish a notice of the Department's determination.
- I. The Department shall review the Voluntary Cleanup Plan and public comments, if any, to determine written revisions or written approval of the plan.

THE DEPARTMENT AND APPLICANT MUTUALLY AGREE AS FOLLOWS:

- J. Upon receipt of written assurance that the Voluntary Cleanup Plan has been completed by the Applicant, the Department and Applicant will conduct verification monitoring to confirm that the Property has been addressed as described in the Voluntary Cleanup Plan.
- K. The Department may request the Applicant to perform additional tasks not mentioned in, but consistent with the scope and intent of this Voluntary Agreement to protect public health and the environment.
- L. By entering into this Voluntary Agreement, Applicant does not admit any liability with respect to the Property, and nothing in this Voluntary Agreement shall be construed as an admission as to any issue of law or fact related to the Property.
- M. The Applicant shall, pursuant to the provisions of the Act, reimburse the Department for response and oversight costs. In the event that such costs are not paid by the Applicant, the Department will not continue work under this Agreement until reimbursement has occurred.
- N. The Department agrees that the activities being undertaken by the Applicant for this Property constitute the only response actions which the Department is undertaking or is causing to be undertaken for the Property. However, this shall not preclude the Department from undertaking or causing to be undertaken any response actions that may be necessary to study conditions at or

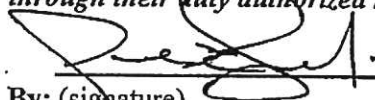
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JUN 26 2020

near the Property which present actual or potential threats to the public health or welfare or the environment.

- O. The provisions of this Agreement shall apply to the Applicant and upon any successors, assigns, or other entities or persons by transfer of ownership or operation of the Applicant associated with the Property. At least thirty (30) days prior to such transfer, Applicant shall provide written notice of the prospective transfer to the Department and the name and contact information of the prospective successor. Applicant or Applicant's successor shall provide notice within fourteen (14) days after such transfer is executed and final.
- P. Neither the State of Kansas, the Department, the Applicant, nor any agent thereof shall be liable for any injuries or damage to persons or property from acts or omissions of the others, their employees, contractors, agents, receivers, trustees, successors or assigns in carrying out activities required of the parties to this Voluntary Agreement. Neither the State of Kansas, nor any agency thereof, shall be considered a party to any contract entered into by the Applicant in carrying out activities pursuant to this Voluntary Agreement.
- Q. This Voluntary Agreement shall be effective as of the date signed by the Secretary of the Kansas Department of Health and Environment.
- R. The provisions of this Voluntary Agreement shall be deemed satisfied thirty (30) days after completion of the requirements of Article III and the payment or refund of response and oversight costs incurred by the Department in accordance with Article VI. The Department shall use its best efforts to issue to the Applicant a certification that the responsibilities under this Voluntary Agreement have been completed and successfully discharged within thirty (30) days. Such certification shall be in the form of a "No Further Action Determination".
- S. The Applicant may terminate this Agreement prior to its completion provided that, from a human health and environmental perspective, the Property is in no worse condition at the time of termination than when the Applicant initiated activities under this Agreement.
- T. The terms and provisions of this Agreement shall be construed pursuant to the laws of the State of Kansas.

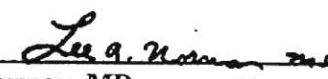
IN WITNESS WHEREOF, the Department and the Applicant have executed this Voluntary Agreement through their duly authorized representatives on the respective dates written hereunder.


By: (signature)

Paul Kramer
Printed Name

City Manager
Title
City of Leavenworth

Organization
6-10-20
Date


Lee Norman, MD
Secretary
Kansas Department of Health and Environment

7-10-2020
Date

July 20, 2020

Mike McDonald, P.E.
Director of Public Works
City of Leavenworth
100 North 5th Street
Leavenworth, Kansas 66048

Subject: Cost Proposal for Phase II Environmental Site Assessment Services

Former City Garage
2109 South 3rd Street
Leavenworth, Kansas

Dear Mr. McDonald:

SCS Engineers (SCS) is pleased to submit this proposal to the City of Leavenworth – Public Works Department (City) to prepare a Phase II Environmental Site Assessment (ESA) work plan and conduct the planned field assessment for the Former City Garage located at 2109 South 3rd Street in Leavenworth, Kansas (Subject Site).

INTRODUCTION

As you are aware, SCS has recently provided environmental consulting services to support your response to the Kansas Department of Health & Environment (KDHE) – Bureau of Environmental Remediation (BER) for correspondence sent to the City dated February 24, 2020 and February 25, 2020. The first letter requested the City to address environmental contamination identified at the Price Chopper Supermarket property, assumed by KDHE to have originated from the Former City Garage operations. In this letter, they also recommended the Subject Site be enrolled in the KDHE Voluntary Cleanup and Property Redevelopment Program (VCPRP). The letter dated February 25, 2020 was issued by the BER Site Assessment Section. This letter requested access from the City to proceed with the collection of soil, groundwater and surface water samples for a project location specified as “Dinitrotoluene South 4th Street”.

The City authorized SCS to proceed with environmental consulting support as specified in our proposal dated March 2, 2020. This previously authorized contract amount of \$10,000 has been invoiced through June 2020. Additional project work requested by the City is described herein.

PROPOSED SCOPE OF WORK

This proposal includes additional work tasks necessary to fulfill requirements of the VCPRP enrollment; they include:

- **Site History Narrative:** SCS is working with City personnel to research and develop a Subject Site history summary for the Voluntary Cleanup Investigation (VCI) Work Plan to be submitted

to the VCPRP. This effort includes \$715 of consulting labor exceeding the initial \$10,000 original contract amount.

- **Assessment Design and VCI Work Plan:** SCS will develop a Phase II ESA design approach for the planned field investigation and prepare the VCI Work Plan. The work plan will be developed in accordance with requirements of the VCPRP as detailed in the KDHE *Voluntary Cleanup and Property Redevelopment Program Manual* dated January 2020 (Appendix E).
- **Phase II ESA:** SCS will conduct the Phase II ESA as presented in the VCI Work Plan following approval by the VCPRP. The scope of work includes the following primary subtasks:

Advancing up to eight direct-push technology borings for the collection of soil and groundwater samples as shown on the attached Figure 1. The borings will be advanced at least five feet into groundwater, estimated to be a maximum depth of 20 feet below ground surface (bgs). Two soil samples per boring will be collected for up to four borings. Groundwater samples will be collected from all eight borings. The soil and groundwater samples will be submitted to a laboratory for analysis. The types and quantities of analyses are shown on the attached Proposed Costs for Scope of Services.

SCS also proposes to collect two air samples from inside the Leavenworth Animal Control building to evaluate the possibility of volatile organic compounds (VOCs) being present in indoor air. A sample of ambient (background) air will also be collected outside of the building for comparative purposes. The samples will be submitted to a laboratory for analysis.

- **Reporting:** Following completion of the Phase II ESA, SCS will prepare a Voluntary Cleanup Investigation Report for submission to the VCPRP. The report will be prepared to satisfy requirements of the VCPRP as detailed in the KDHE *Voluntary Cleanup and Property Redevelopment Program Manual*.

PRICING & TERMS

Our proposed cost to complete the scope of work provided above is estimated at **\$33,248** as shown on the attached *Proposed Cost for Scope of Services*. Invoicing will be for actual work completed on a Time & Material/Unit Cost basis, not-to-exceed the proposed amount. The attached SCS Engineers 2020 Standard Fee Schedule is in effect for Time and Material billing.

All work will be performed in accordance with the attached Terms and Conditions; work will be initiated upon receipt of the completed signature block found at the end of this document. SCS will devote our best effort to perform the work and accomplish the tasks presented in this cost proposal. If our findings and recommendations indicate the need for further or modified environmental study, you will be notified immediately prior to proceeding with a work task not previously authorized. No additional work will be conducted prior to receiving written authorization from the City.

LIMITATIONS

It should be understood that our findings and conclusions will not be scientific certainties, but rather opinions based on our professional judgment concerning the significance of the data gathered during

Mr. McDonald
July 20, 2020
Page 3

the course of the approved scope of work. SCS will not be able to represent that the Subject Site contains no hazardous waste or materials, petroleum products, or other latent conditions.

If this proposal meets with your approval and you are in agreement with the *SCS Terms and Conditions for Professional Services* (attached), please sign and return to our office. This proposal is valid for a period of 30 days from the date of submittal. Please contact us at (913) 749-0706 if you have questions regarding this proposal.

Sincerely,



Jeff Janzen
Staff Professional
SCS Engineers

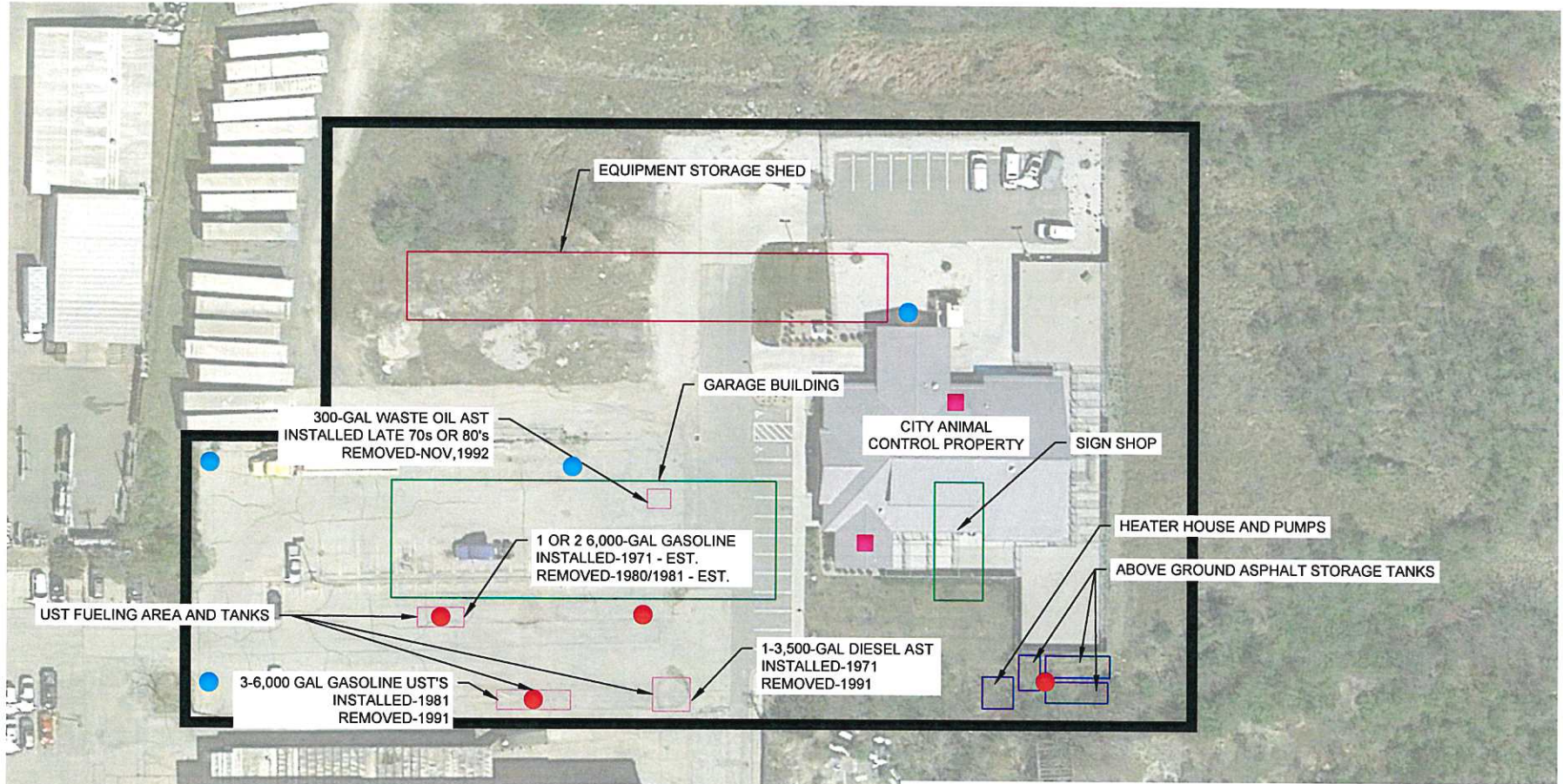


Doug Dreiling, LRC
Senior Environmental Consultant
SCS Engineers

JDJ/DND

Attachments: Figure 1 – Proposed Phase II Environmental Site Assessment
Proposed Costs for Scope of Services
2020 Standard Fee Schedule
Terms & Conditions for Professional Services

T:\17220105\05>Data and Calculations\DWG\Figure 1 - Proposed Phase II Environmental Site Assessment.dwg Jul 20, 2020 - 8:23am Layout Name: 1 Bp: 4270dsw



- FORMER CITY OPERATION FACILITIES:**
- FORMER GARAGE BUILDING
 - SIGN SHOP
 - UST AND AST FUELING AREAS AND TANKS
 - EQUIPMENT STORAGE SHED
 - ASPHALT OIL TANKS AND HEATER HOUSE

- LEGEND**
PLANNED BORING LOCATIONS:
- SOIL AND GROUNDWATER SAMPLING LOCATION
 - GROUNDWATER SAMPLING LOCATION
 - INDOOR AIR SAMPLING LOCATION



SHEET TITLE FIGURE 1 - PROPOSED PHASE II ENVIRONMENTAL SITE ASSESSMENT	REV	DATE							
	1								
PROJECT TITLE CITY OF LEAVENWORTH									
CLIENT FORMER CITY OF LEAVENWORTH GARAGE 2109 S. 3RD STREET LEAVENWORTH, KANSAS 66648 KDHE PROJECT CODE CH-052-73682									
SCS ENGINEERS 823 W. 11th St., Ste. 100 Leavenworth, KS 66648 PH: (785) 841-3333 FAX: (785) 841-0212	DATE	7/17/20							
	DRAWING NO.	1							

July 20, 2020

PROPOSED COSTS FOR SCOPE OF SERVICES
CITY OF LEAVENWORTH, KANSAS
Phase II Environmental Site Assessment
Old City Garage Property - KDHE Voluntary Cleanup Program
South 3rd and Marion Streets - North Area
Leavenworth, Kansas

Prepared by: SCS Engineers

Limited Phase II Environmental Site Assessment

- 1) Assist City with researching site history and prepare Voluntary Cleanup Investigation Work Plan for submission to the VCPRP.
- 2) Drill up to 8 borings to an approximate depth of 20 feet below ground surface (bgs) using a direct-push technology rig. Groundwater samples will be collected from all borings. Soil samples (two per boring) will be collected from four of the borings.
- 3) All soil samples will be analyzed for VOCs, total petroleum hydrocarbons - Low-Range, Mid-Range and High-Range hydrocarbons, pesticides and RCRA metals. Additionally, soil samples will be analyzed for semi-volatile organic compounds (SVOCs) where TPH-MRH or TPH-HRH is identified (4 assumed) and PCBs (3 borings).
- 4) All groundwater samples will be analyzed for VOCs, total petroleum hydrocarbons - Low-Range, Mid-Range and High-Range hydrocarbons, and SVOCs. Additionally, samples will be analyzed for organochlorine pesticides (5 borings) and RCRA metals (filtered - 5 borings).
- 5) Install 1-inch diameter PVC piezometers in the direct-push boreholes if groundwater does not immediately accumulate.
- 6) Collect two air samples from inside the Animal Control Building and analyze for VOCs. Also collect and analyze one sample from ambient outdoor air.
- 7) Collect QA/QC samples including trip blanks, duplicates for all media sampled, equipment blanks and field blanks. Analysis shown below.
- 8) Prepare Phase II ESA report for submission to the KDHE VCP.

	<u>Unit</u>	<u>Unit Price</u>	<u># of Units</u>	<u>Total</u>
<u>Prepare Voluntary Investigation Work Plan</u>				
Assist City to Develop History Narrative (invoiced June)	Lump Sum	\$715.00	1	\$715.00
Phase VI Work Plan	Lump Sum	\$6,000.00	1	<u>\$6,000.00</u>
			Subtotal	\$6,715.00
<u>Utility Clearance, Obtain Right of Way Access and Field Preparation</u>				
Field Geologist	Hour	\$90.00	4	\$360.00
Staff Professional	Hour	\$110.00	2	\$220.00
Senior Project Professional	Hour	\$185.00	1	<u>\$185.00</u>
			Subtotal	\$765.00

Field Labor - Phase II ESA

Field Geologist (field activities)	Hour	\$90.00	24	\$2,160.00
Senior Project Professional (field technical oversight)	Hour	\$185.00	2	\$370.00
			Subtotal	\$2,530.00

Direct-Push Drilling

Rig Mobilization	Lump Sum	\$175.00	1	\$175.00
Geoprobe Rig (Track)	Day	\$1,000.00	2	\$2,000.00
Support Truck with Trailer	Day	\$150.00	2	\$300.00
Mileage - Support Truck with Trailer	Mile	\$0.85	160	\$136.00
Field Technician (drilling)	Hour	\$85.00	20	\$1,700.00
(1"x5')Sch. 40 PVC Screens	Each	\$21.00	8	\$168.00
(1"x5')Sch. 40 PVC Risers	Each	\$15.00	24	\$360.00
1" PVC Endpoint	Each	\$12.00	8	\$96.00
Backfill Borings	Foot	\$1.00	160	\$160.00
Mini-Bailers	Each	\$10.00	8	\$80.00
			Subtotal	\$5,175.00

Laboratory - Soil

Full Scan VOCs	Sample	\$100.00	8	\$800.00
RCRA-8 Metals	Sample	\$85.00	8	\$680.00
TPH-LRH/MRH and HRH	Sample	\$85.00	8	\$680.00
SVOCs - full list	Sample	\$195.00	4	\$780.00
Organophosphorous Pesticides	Sample	\$155.00	8	\$1,240.00
PCBs	Sample	\$75.00	6	\$450.00
			Subtotal	\$4,630.00

Laboratory - Groundwater

Full Scan VOCs	Sample	\$90.00	8	\$720.00
RCRA-8 Metals (filtered)	Sample	\$85.00	5	\$425.00
TPH-LRH/MRH and HRH	Sample	\$85.00	8	\$680.00
SVOCs - full list	Sample	\$195.00	8	\$1,560.00
Organophosphorous Pesticides	Sample	\$155.00	5	\$775.00
			Subtotal	\$4,160.00

Laboratory - Soil Gas

Full Scan VOCs (TO-15)	Sample	\$125.00	3	\$375.00
summa canister rental	Sample	\$175.00	3	\$525.00
			Subtotal	\$900.00

QA/QC Sampling Requirements

Trip Blank				
Full Scan VOCs	Sample	\$100.00	2	\$200.00
Field Blank (one each for soil and groundwater sampling - except for PCBs - soil only)				
Full Scan VOCs	Sample	\$100.00	2	\$200.00
RCRA-8 Metals	Sample	\$85.00	2	\$170.00
TPH-LRH/MRH and HRH	Sample	\$85.00	2	\$170.00
SVOCs - full list	Sample	\$195.00	2	\$390.00
Organophosphorous Pesticides	Sample	\$155.00	2	\$310.00
PCBs	Sample	\$75.00	1	\$75.00
Field Duplicate (one per 10 samples - soil and groundwater -except for PCBs -soil only)				
Full Scan VOCs	Sample	\$100.00	2	\$200.00
RCRA-8 Metals	Sample	\$85.00	2	\$170.00

	TPH-LRH/MRH and HRH	Sample	\$85.00	2	\$170.00
	SVOCs - full list	Sample	\$195.00	2	\$390.00
	Organophosphorous Pesticides	Sample	\$155.00	2	\$310.00
	PCBs	Sample	\$75.00	1	\$75.00
Field Duplicate (indoor air sampling)					
	Full Scan VOCs (TO-15)	Sample	\$125.00	1	\$125.00
	summa canister rental	Sample	\$175.00	1	\$175.00
Equipment Blank (soil only)					
	Full Scan VOCs	Sample	\$100.00	1	\$100.00
	RCRA-8 Metals	Sample	\$85.00	1	\$85.00
	TPH-LRH/MRH and HRH	Sample	\$85.00	1	\$85.00
	SVOCs - full list	Sample	\$195.00	1	\$195.00
	Organophosphorous Pesticides	Sample	\$155.00	1	\$155.00
	PCBs	Sample	\$75.00	1	<u>\$75.00</u>
				Subtotal	\$3,825.00
<u>Field Equipment</u>					
	PID	Day	\$100.00	2	\$200.00
	Water Level Meter	Day	\$30.00	2	\$60.00
	Vehicle Mileage	Mile	\$0.70	240	\$168.00
	Field Vehicle (1/2 ton truck)	Day	\$40.00	3	<u>\$120.00</u>
				Subtotal	\$548.00
<u>Prepare Comprehensive Phase II ESA Report</u>					
	Phase II ESA Report to KDHE	Lump Sum	\$4,000.00	1	<u>\$4,000.00</u>
				Subtotal	\$4,000.00

TOTAL ESTIMATED PROJECT COST	\$33,248.00
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2020 STANDARD FEE SCHEDULE

Labor Category	Rate
Senior Project Advisor.....	\$225
Senior Project Director.....	\$200
Project Director	\$185
Project Advisor.....	\$175
Senior Project Manager	\$165
Project Manager.....	\$145
Senior Project Professional	\$130
Project Professional	\$115
Staff Professional.....	\$105
Associate Professional.....	\$95
Designer.....	\$85
CADD/Graphics	\$70
Senior Technician.....	\$75
Technician	\$65
Project Administrator	\$85
Administrative Assistant	\$60

Note: Increase hourly rate by 1.5 for Saturday, Sunday, and holiday work or off-shift work when required by client.

General Terms:

1. Rates for Principals, expert services (expert reports and testimony), and special limited consultations, may be negotiated on a project-specific basis.
2. Schedule rates are effective through December 31, 2020. Work performed thereafter is subject to a new Fee Schedule.
3. Schedule labor rates include overhead and profit on labor. Costs for sub-consultants, sub-contractors, job-related employee travel and subsistence, equipment, supplies, and other direct costs are billed at cost plus a 15 percent administration fee.
4. A communication fee of 1 percent of project labor will be charged for telephone, copying, postage, IT, and similar project production costs.
5. Invoices will be prepared monthly or more frequently for work in progress unless otherwise agreed. Invoices are due and payable upon receipt. Invoices not paid within 30 days are subject to a service charge of 1.5 percent per month on the unpaid balance.
6. Payment of SCS invoices for services performed will not be contingent upon the client's receipt of payment from other parties, unless otherwise agreed in writing. Client agrees to pay legal costs, including attorney's fees, incurred by SCS in collecting any amounts past due and owing on client's account.

Printing Services

24-inch by 36-inch plots	\$25.00 each
36-inch by 48-inch plots	\$25.00 each
Additional Report Copies (varies depending on report)	\$25.00 - \$50.00 per report

Support Vehicles

Support Vehicle	\$0.70 per mile
SCS Support Truck.....	\$40.00 per day plus \$0.70 per mile
SCS Support Truck with Trailer	\$60.00 per day plus \$0.85 per mile
SCS Utility Truck.....	\$60.00 per day plus \$0.70 per mile
Rental Vehicle.....	Cost plus 15%

Per Diem and Travel

Hotel, Airfare	Cost plus 15%
Full-Day Meal Allowance	\$46.00 per day
Half-Day Meal Allowance.....	\$23.00 per day

Field Equipment and Supplies

Track-mounted Geoprobe®	\$750.00 per day
All Terrain Vehicle (ATV/UTV)	\$75.00 per day
Field Sampling Trailer.....	\$350.00 per day
GPS Surveying System	\$225.00 per day
Total Station Survey Equipment	\$120.00 per day
Misc. Survey Tools/Equipment.....	\$10.00 per day
Nuclear Density Gauge.....	\$100.00 per day
Photoionization Detector (PID)	\$100.00 per day
Water Level Indicator (≤300 foot)	\$30.00 per day
Oil/Water Interface Probe	\$60.00 per day
pH/Temperature/Conductivity Meter (for water)	\$20.00 per day
Peristaltic Pump.....	\$40.00 per day
Hand Augers (10-foot).....	\$15.00 per day
Measuring Tape/Wheel.....	\$5.00 per day
Hand-held GPS Unit.....	\$25.00 per day
Generator	\$75.00 per day
Air Compressor (5 gallon).....	\$25.00 per day
Electro fusion Machine	\$120.00 per day
Flow-Thru Multi-Parameter Meter.....	\$150.00 per day
Turbidimeter	\$35 per day
Composite Sampler	\$75 per day
QED Pump Controller.....	\$100 per day
GEM 2000.....	\$150 per day
Flow Probe (15-foot).....	\$15 per day
Digital Camera	\$10 per day
Expendable Equipment, Supplies & Rentals	Cost + 15%

Note: The rates shown above are effective through December 31, 2020 and are subject to revision.

SCS ENGINEERS

TERMS AND CONDITIONS FOR PROFESSIONAL CONSULTING SERVICES

- 1. SCOPE OF SERVICES:** SCS Engineers will perform the services set forth in the Scope of Service Proposal for this project, of which these terms and conditions are a part. Initiation of services by SCS Engineers will automatically incorporate these terms and conditions into this project. All amendments to the Scope of Service Proposal shall be made in writing, and signed by SCS Engineers and Client.
- 2. PAYMENTS:** SCS Engineers will submit invoices to Client monthly and a final bill upon completion of services. Unless expressly provided and denominated as such in a Scope of Services Proposal, no retainage shall be withheld by Client. Time is of the essence in payment of invoices and timely payment is a material part of the consideration of this Agreement. Payment is due upon presentation of invoice, and is past due thirty 30 days from the date of invoice. Client agrees to pay a finance charge of one and one half percent per month on past due accounts. Client also agrees to pay all costs and expenses, including reasonable attorney fees incurred by SCS Engineers relating to collection proceedings on overdue accounts. Failure of client to abide by the provisions of this section will be considered grounds for termination by SCS Engineers.
- 3. OWNERSHIP OF DOCUMENTS:** All documents, including but not limited to, reports, plans, designs, boring logs, field data, field notes, laboratory test data, calculations, estimates, and all electronic media prepared by SCS Engineers are considered its work product and to be instruments of service. SCS Engineers shall retain all common law, statutory and other reserved rights, including the copyrights on said work product and instruments of service. However, all work product and instruments of service specific to an executed Scope of Services Proposal shall be supplied to Client for use, but not ownership. SCS Engineers shall not be responsible for any conclusions, interpretations, or recommendations generated or made by others, which are based, in whole or in part, on SCS Engineers generated work product or instruments of service. Any reuse of work product or instruments of service by Client without a specific agreement with SCS Engineers in each case shall be at Client's risk. At Client's request, SCS Engineers may provide a letter authorizing limited reliance on certain documents by a third party, but only if the third party agrees to pay a reliance fee and be bound by the terms and conditions in this Agreement between SCS Engineers and Client
- 4. INSURANCE:** SCS Engineers will maintain appropriate workers compensation/employers liability; automobile; general liability; and professional liability insurance coverages at all times. An insurance certificate will be provided upon request.
- 5. INDEMNITY:** To the fullest extent permitted by law, SCS Engineers hereby indemnifies and agrees to hold harmless Client, including Client's officers, directors, agents, and employees, to the extent a loss, damage, expense (including reasonable attorney's fees), or injury is caused by SCS Engineers, or its employees by the negligent performance of professional services, limited, however, as provided elsewhere in this Agreement.

To the fullest extent permitted by law, Client hereby indemnifies, releases, and agrees to hold harmless SCS Engineers including SCS Engineers' officers, directors, agents, and employees, to the extent a loss, damage, expense (including reasonable attorney's fees), or injury is: (a) caused by any cause other than the negligent errors or omissions of SCS Engineers, or (b) is based on a claim that SCS Engineers is a generator, disposer, or arranger of hazardous materials or substances at Clients site.

The terms of this Article shall survive the expiration or termination of this Agreement.

6. **STANDARD OF CARE:** SCS Engineers agrees to perform its services in a manner consistent with that level of care and skill ordinarily exercised by other members of its profession currently practicing under similar circumstances, in the same locale, at the time the services are performed and with the information available to SCS Engineers.
7. **LIMITATION OF LIABILITY:** Client agrees that, to the fullest extent permitted by law, SCS Engineers' total aggregate liability per Scope of Services Proposal to Client for injuries, claims, losses, expenses, damages, or claim expenses arising out of this Agreement from any cause(s), shall not exceed the fee in the Scope of Services Proposal which included the services under which the claim arose, or \$50,000, whichever is greater, and Client releases SCS Engineers from any liability above such amount. This release applies to any loss and all damages, injuries, claims, and expenses (including attorney's fees and expert witness fees and expenses), regardless of the cause, whether, but not limited to, strict liability, statutory liability, the negligence, errors or omissions of SCS Engineers, breach of contract, breach of warranty, negligent misrepresentation, or other contract or tort claims, and whether, but not limited to, special, indirect, or consequential or punitive damages. SCS Engineers shall not be responsible for damages or costs resulting from hidden conditions or latent defects in design, materials, or construction of existing facilities. Unless expressly provided and denominated as such on a Scope of Services Proposal, there shall be no liquidated damages.
8. **MUTUAL WAIVER OF CONSEQUENTIAL DAMAGES:** SCS Engineers and Client agree that neither shall be liable to the other, or anyone claiming on their behalf, for any special, indirect or consequential damages of any type, whether arising in tort (including negligence), contract, warranty (express or implied), strict liability, statutory liability or any other cause of action, including but not limited to loss of profit, loss of use, loss of business, reputation or financing.
9. **SAFETY:** SCS Engineers is not responsible and shall not be liable for injuries or damages incurred by third parties who are not employees of SCS Engineers. It is agreed that SCS Engineers is not responsible for job or site safety on this project, unless specifically agreed to in writing. Job site safety in, on or about the site is the sole and exclusive responsibility of the contractor.
10. **THIRD PARTY RELIANCE:** All documents produced by SCS Engineers are for client's use only. At Client's request, SCS Engineers may provide a letter authorizing limited reliance on certain documents by a third party, but only if the third party agrees to pay a fee and be bound by the terms and conditions in this Agreement between SCS Engineers and Client.
11. **UTILITIES AND SUBTERRANEAN STRUCTURES:** SCS Engineers will take reasonable precautions to avoid causing damage to utilities and subterranean structures. SCS Engineers is not responsible for any loss, damage or injury arising from damage to, or contact with, any utilities or subterranean structures that were not properly called to SCS Engineers' attention, were not properly located on drawings, or was caused by the providing of inaccurate or incomplete information regarding their location.
12. **CHANGED CONDITIONS:** If, during the performance of this Agreement, unexpected conditions or circumstances are discovered, SCS Engineers will notify Client and the parties will renegotiate the previously agreed upon Scope of Services Proposal. SCS Engineers and Client will promptly and in good faith enter into a renegotiation process. If renegotiated terms cannot be agreed to within sixty (60) days, SCS Engineers will have the right to terminate this Scope of Service Proposal without penalty.

13. DISPUTE RESOLUTION: In the event of any dispute between the parties arising out of or in connection with this Agreement or the services or work contemplated herein, the parties agree to first make a good faith effort to resolve the dispute informally. Negotiations shall take place between the principals of each party. If the parties are unable to resolve the dispute through negotiation within forty-five (45) days, then either party may give written notice that it elects to proceed with non-binding mediation pursuant to the Commercial Mediation Rules of the American Arbitration Association then in effect. In the event that mediation is not invoked by the parties within fifty-five (55) days or that the mediation is unsuccessful in resolving the dispute, then either party may submit the controversy to a court of competent jurisdiction. The foregoing is a condition precedent to the filing of any action other than an action for injunctive relief or if a statute of limitations may expire.

Each party shall be responsible for its own costs and expenses, including attorneys' fees and court costs incurred in the course of any dispute, mediation, or legal proceeding. The fees of the mediator and any filing fees shall be shared equally by the parties.

14. TESTING AND OBSERVATION SERVICES: If SCS Engineers is hired by Client to provide a site representative for the purpose of testing or observing specific portions of the work, this work will not include supervision or direction of the actual work of any contractors, their employees or agents. SCS Engineers will observe only the portion of the work we have been hired for and perform tests, the results being delivered to Client or others if directed by Client. Client understands that even with very careful field testing and observation, field testing and observation is conducted to reduce, not eliminate, the risk of problems arising, and that providing these services does not create a warranty or guarantee of any type by SCS Engineers.

15. SOIL BORING AND TEST LOCATIONS: The accuracy of test locations and elevations will commensurate only with pacing and approximate measurements or estimates. SCS Engineers can provide a professional surveyor if greater accuracy is required or desired. SCS Engineers reserves the right to deviate a reasonable distance from the boring and test locations unless this right is specifically revoked in writing.

16. ON SITE SERVICES: Project site visits by SCS Engineers, or the furnishing of employees to work on the project, will not make SCS Engineers responsible for construction means, methods, techniques or procedures; or for any construction contractor's failure to perform its work in accordance with the drawings and specifications.

17. TERMINATION: Either party may terminate this Agreement or an executed Scope of Services Proposal, or both, with or without cause, by providing seven (7) days written notice. SCS Engineers shall be paid for all services performed and all expenses incurred prior to the effective date of the Notice of Termination, and for all additional services or expenses authorized by Client thereafter. Following termination, Client shall not utilize any consultant or subcontractor of SCS Engineers for any services related to Client's project without the prior written consent of SCS Engineers.

18. CONFIDENTIALITY: SCS Engineers will keep confidential all documents, reports and information generated for Client on this project and will not release or disclose said information without Client's consent, except to the extent required by court order, subpoena, governmental directive, or by law.

19. SEVERABILITY: If any provision contained in this Agreement is held illegal, invalid or unenforceable, the enforceability of the remaining provisions will not be impaired.

20. GENERAL RESPONSIBILITIES OF CLIENT: Client will, within a reasonable period of time, so as not to delay the services of SCS Engineers: place at SCS Engineers' disposal all available information pertinent to the project; SCS Engineers may rely on the information provided as being accurate without independent verification; client will provide prompt written notice to SCS Engineers whenever Client observes or otherwise becomes aware of any defect in SCS Engineers' services; and Client will arrange for access to public and private property as required for SCS Engineers to provide its services.

21. GOVERNING LAW: Unless otherwise provided, the substantive law of the state of Kansas will govern the validity of this Agreement, its interpretation and performance and remedies for contract breach or any other claims related to this Agreement.

COMPLIANCE WITH IMMIGRATION REFORM AND CONTROL ACT

During the performance of this Agreement, Client acknowledges the applicability of the Federal Immigration Reform Control Act of 1986 ("IRCA"). Client agrees to comply with the law in performing under this Agreement.

22. ENTIRE AGREEMENT—PRECEDENCE: These Terms and Conditions and SCS Engineers Scope of Service Proposal contain the entire agreement between SCS Engineers and Client. All previous or contemporaneous agreements, representations, promises and conditions relating to SCS Engineers services are superseded. Since terms contained in purchase orders do not generally apply to professional services, in the event client issues to SCS Engineers a purchase order, no preprinted terms thereon will become part of the agreement of the parties; any purchase order document, whether or not signed by SCS Engineers, shall be considered a document for Client's internal management of its operations.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly Authorized Representatives, as follows:

SCS Engineers

By _____
Signature

By _____
Signature

Typed Name

Typed Name

Title

Title

Date of Signature

Date of Signature

**POLICY REPORT PWD/MSC NO. 20-41
CONSIDER AWARD OF THE 2020/2021 SALT BID**

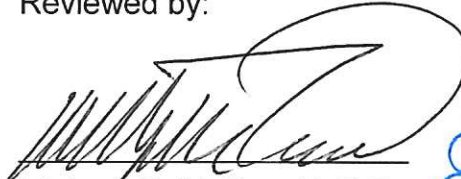
August 11, 2020

Prepared by:

Reviewed by:



Curtis Marks,
Operations Superintendent



Michael G. McDonald, P.E.,
Director of Public Works



for Paul Kramer,
City Manager

ISSUE: Consider award of the 2020/2021 Salt Bid.

BACKGROUND: This procurement is for 1,500 tons of crushed deicing rock salt. Leavenworth County advertised for salt bids for their needs. The bid specifications allowed the City of Leavenworth and other cities in the county to purchase salt at the bid price.

Leavenworth County's bid opening was held on July 28, 2020, and submissions are shown below. The County Commission approved the low bidder in their meeting, Independent Salt Company.

<u>Bids submitted</u>	<u>Cost Per Ton</u>
Cargill Deicing Technology, North Olmstead, OH.....	No Bid
Central Salt, Lyons-Rice	\$61.03
Compass Minerals, Overland Park, KS – Johnson.....	No Bid
Hutchinson Salt Co., Inc., Baxter Springs-Cherokee	No Bid
Morton Salt Inc., Chicago, IL	No Bid
Independent Salt, Kanapolis, KS	\$60.13

City staff conducted informal price verification with several salt vendors and found the low bid provided to the county to be very competitive.

STAFF RECOMMENDATION: Staff recommends that the City Commission approve the Leavenworth County bid for rock salt at \$60.13/ton for 1,500 tons, totaling \$90,195 with Independent Salt Company.

Below is a recap of salt purchases and costs from previous years:

<u>YEARS</u>	<u>VENDOR</u>	<u>TONS PURCHASED</u>	<u>COST PER TON</u>
1998/1999	Hutchinson Salt Company	600	\$24.50
1999/2000	Hutchinson Salt Company	700	\$24.50
2000/2001	Cargill Salt Company	800	\$24.29
2001/2002	Cargill Salt Company	800	\$29.14
2002/2003	True North Distribution	400	\$29.85
2003/2004	Cargill Salt Company	430	\$31.95
		300	\$32.75
		200	\$32.95
2003/2004	Hutchinson Salt Company	320	\$32.31
		250	\$37.31
2004/2005	Cargill Salt Company	600	\$32.95
2005/2006	Cargill Salt Company	600	\$33.95
2006/2007	Cargill Salt Company	600	\$35.44
2007/2008	Hutchinson Salt Company	700	\$43.85
2008/2009	Independent Salt Company	1,000	\$55.61
2009/2010	Independent Salt Company	700	\$53.39
2011	Cargill Incorporated	582	\$54.62
2013/2014	Central Salt	647	\$56.48
2014/2015	Independent Salt Company	509	\$57.97
2015/2016	Central Salt	314	\$58.97
2018/2019	Independent Salt Company	800	\$53.68
2019/2020	Independent Salt Company	1,200	\$62.38

This 1,500-ton purchase will fill the dome and ensure an adequate resupply during the winter season. Annual usage is dependent on storm types and frequency.

ATTACHMENTS:

- County Bid Documents
- County Award Documents



COUNTY OF LEAVENWORTH
Department of Public Works



Leavenworth County Department of Public Works
 23690 187th Street
 Leavenworth, KS 66048

August 6, 2020

Independent Salt Company
 Attn: Chris Tully
 PO Box 36
 Kanapolis, KS 67454

RE: Salt Bids for Leavenworth County

We are pleased to announce that Independent Salt Company has been awarded the bid for Leavenworth County.

On Tuesday, July 28, 2020 bids were opened for 3,000 tons of medium rock salt (with the option to purchase more if necessary) for Leavenworth County. In addition, the City of Tonganoxie, City of Basehor and City of Leavenworth and the City of Lansing are added as bulk bids. Each municipality would make arrangements and purchase their requested amount of rock salt directly from Independent Salt Co. The following is a bid tabulation of the bids received:

2020 Salt Bid Tabulation

<u>Vendor</u>	<u>Bid Price per ton</u>	<u>Bid Alternate per ton</u>
Cargill Salt	No bid	No Bid
Central Salt, LLC	\$61.03	\$61.03
Compass Minerals	No bid	No bid
Hutchinson Salt Co.	No bid	No bid
Morton Salt, Inc.	No bid	No bid
Independent Salt	\$60.13	\$60.13

We are pleased that Independent Salt Company was awarded the bid, and look forward to working with you this upcoming winter. If you have any questions or concerns, please feel free to contact either myself or Vincent Grier, Rd & Br Superintendent at 913-727-1800.

Sincerely,

Bill Noll
 Infrastructure and Construction Services Director