



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, SEPTEMBER 22, 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 September 22. Seats will be available on a first come first serve 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 the Public Comments portion of the meeting and questions on agenda items to be read during discussion on that topic. Submit your comments or questions to cwilliamson@firstcity.org no later than 6:00 pm on September 22. 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

PROCLAMATION:

- 1. Fire Prevention Week (pg. 3)

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

- 2. Minutes from September 8, 2020 Regular Meeting & September 15, 2020 Special Meeting
Action: Motion (pg. 4)

Second Consideration Ordinance and Development Agreement:

- 3. Second Consideration Ordinance 8144-2020 Uniform Public Offense Code **Action:** Roll Call (pg. 8)
- 4. Second Consideration Ordinance 8145-2020 Intersection Traffic Control Devices Master Index
Action: Roll Call (pg. 13)
- 5. Second Consideration Ordinance 8146-Condemnation of Lands for 16th Street Terrace & Thornton Street Phase 2 & Phase 3 Drainage Project
Action: Roll Call (pg. 15)

NEW BUSINESS:

Public Comment: *(i.e. Items not listed on the agenda or receipt of petitions- Please state your name and address)*
Any emails received by the public for public comment on non-agenda items will be read at this time.

General Items:

- 6. Update Unsafe Structure 723 S 10th Fire Damaged Property **Action:** Motion (pg. 21)
- 7. Review Unsafe & Dangerous Structures Given 60-Day Extensions **Action:** Motion (pg. 23)

Resolutions:

- 8. Resolution B-2262 Set Public Hearing Redevelopment Project Plan (Price Chopper) **Action:** Motion (pg. 37)
- 9. Resolution B-2263 Set Public Hearing Establishing a Community Improvement District (Price Chopper)
Action: Motion (pg. 42)
- 10. Resolution B-2264 Leavenworth Housing/Planters II 2020 Capital Fund Program Grant **Action:** Motion (pg. 48)
- 11. Resolution B-2265 Leavenworth Housing/Planters II Capital Fund Program 5 Year Action Plan & Capital Fund Annual Statement/Performance and Evaluation Report **Action:** Motion (pg. 51)

Bids, Contract and Agreements:

- 12. Consider Contract to Replace Fire Panels at Planters II
- 13. Consider Bids for Demolition Project CD 2020-01

Action: Motion (pg. 69)

Action: Motion (pg. 77)

Other:

Consent Agenda:

Claims for September 5, 2020 through September 18, 2020 in the amount of \$ 383,997.21; Net amount for Payroll #19 effective September 11, 2020 in the amount of \$ 332,681.58 (No Police & Fire Pension).

Action: Motion

Adjournment

Action: Motion

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *the City of Leavenworth is committed to ensuring the safety and security of all those living in and visiting our city; and*
- WHEREAS,** *fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and*
- WHEREAS,** *according to the National Fire Protection Association (NFPA), in a five year study between 2013–2017, cooking was identified as the leading cause of reported home structure fires and civilian fire injuries and the second leading cause of fire deaths.; and*
- WHEREAS,** *the City of Leavenworth Fire Department is dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and*
- WHEREAS,** *the City of Leavenworth residents are responsive to public education measures and are able to take personal responsibility to increase their safety from fire, especially in their homes; and*
- WHEREAS,** *the 2020 Fire Prevention Week theme, “Serve Up Fire Safety in the Kitchen!™”, the NFPA’s focus on cooking fire safety comes in response to home cooking fires representing the leading cause of U.S. home fires, with nearly half (49 percent) of all home fires involving cooking equipment; unattended cooking is the leading cause of these fires.*
- NOW, THEREFORE,** *I, Myron J. (Mike) Griswold, Mayor of the City of Leavenworth, Kansas hereby proclaim October 4-10, 2020 as:*

Fire Prevention Week

and urge all the people of Leavenworth, Kansas to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2020, and to support the many public safety activities and efforts of Leavenworth’s fire and emergency services.

IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-second day of September in the year of two-thousand and twenty.*

Myron J. (Mike) Griswold, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk



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 and Commissioner Mark Preisinger. The following commission members were present via teleconference: Mayor Pro-Tem Nancy Bauder, Commissioners Camalla Leonhard and Jermaine Wilson.

Others present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Fire Chief Gary Birch, Fire Marshal Andy Brooks and City Clerk Carla K. Williamson.

Other members participating via teleconference: Police Chief Patrick Kitchens, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Finance Director Ruby Maline and City Attorney David E. Waters.

Mayor Griswold read the following statement from the agenda index:

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 September 8. Seats will be available on a first come first serve 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 the Public Comments portion of the meeting and questions on agenda items to be read during discussion on that topic. Submit your comments or questions to cwilliamson@firstcity.org no later than 6:00 pm on September 8. For call in options related to commenting on agenda items, submit your inquiry to cwilliamson@firstcity.org

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

Constitution Week Proclamation:

The Mayor read the proclamation for Constitution Week-September 17-23, 2020.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Preisinger moved to approve the minutes from the August 25, 2020 regular meeting and September 1, 2020 Special Meeting as presented. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Community Improvements District – Luxury and Imports:

Second Consideration Ordinance 8143 Establishing the Community Improvements District and the Development Agreement – Assistant City Manager Taylour Tedder presented the development agreement to the City Commission. The development agreement requires benchmarks and caps on the four project

phases and at total cap of distribution of actual project costs. Since first reading the ordinance it has been updated to reflect \$1,610,000.00 as the total project costs for four phases eligible CID reimbursement and the CID sales tax percentage as 0.40%. Ted Rae of Luxury and Imports was present to discuss how the CID will help his business. The expansion of the lot with more frontage on 4th Street and give about 60 additional spaces to show case inventory. New building will give a lot of expansion and double the profits of the body shop. Mr. Rae estimated that 10 additional jobs will be created.

Mayor Griswold call the roll on ordinance 8143 and the ordinance passed unanimously 5-0.

Commissioner Preisinger moved to approve the development agreement with Rea Holding LLC known as Luxury and Imports as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

NEW BUSINESS:

Public Comment: *emails received by the public for public comment on non-agenda items will be read at this time.* None

Bids, Contracts and Agreements:

Consider The Compliance Engine/Brycer LLC Agreement for Services – Fire Chief Gary Birch presented for consideration a service agreement with Brycer LLC to provide “The Compliance Engine” a tracking tool to assist fire departments with tracking code required systems to assure they are working in compliance. There is no cost to the city for the service.

Commissioner Preisinger moved to authorize the City Manager to enter into a service level agreement with Brycer, LLC for “The Compliance Engine”. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance 2020 Uniform Public Offense Code (UPOC) – Police Chief Patrick Kitchens presented for first consideration an ordinance to adopt the 2020 UPOC for Kansas Cities published by the League of Kansas Municipalities. Chief Kitchens reviewed changes for 2020 and recommended that the city include the following sections to opt out of in addition to the sections previously opted out.

Sec. 3.2.1 Sexual battery, Sec. 4.1 Lewd and lascivious behavior, Sec. 4.3 Selling sexual relations and Sec. 4.5 Buying sexual relations. A recent decision by the Kansas Court of Appeals ruled these types of offenses must be adjudicated in a court of record in order to satisfy the requirement of registration as a sexual offender. These cases will be prosecuted in District Court.

There was a consensus to place on first consideration.

First Consideration Ordinance Adopt 2020 Intersection Traffic Control Device Master Index - Police Chief Patrick Kitchens presented for first consideration an ordinance to adopt the 2020 Intersection Traffic Control Device Master Index. There are no changes from 2019.

There was a consensus to place on first consideration.

Consider Purchase of 711 S 3rd & 226 Olive Street – Public Works Director Mike McDonald presented for consideration the purchase of two vacant properties for the 2nd and Chestnut Stormwater Repair Project. David Sank, owner, has agreed to sell the properties to the city for \$6,500.00 (exclusive of title costs and closing fees).

Commissioner Preisinger moved to approve the acquisition of 711 S 3rd Street and 226 Olive Street for a price not to exceed \$6,500.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

CONSENT AGENDA:

Commissioner Leonhard moved to approve claims for August 22, 2020 through September 4, 2020 in the amount of \$1,785,462.70; Net amount for Payroll #18 effective August 28, 2020 in the amount of \$353,209.76 (Includes Police & Fire Pension in the amount of \$11,839.36). Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Other:

City Manager Kramer:

- \$1.8 million paving project to start next week
- Free mask give away this weekend sponsored by the City and hosted by the Fire Department
- Lovingworth activities have started

Adjournment:

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

Time Meeting Adjourned 7:50 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC



Open Special Meeting:

Commissioner Preisinger moved to open a special meeting. Commission Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

The Governing Body opened the special meeting and the following commission members were present in the commission chambers: Mayor Myron J. (Mike) Griswold and Commissioner Mark Preisinger. The following commission members were present virtually: Mayor Pro-Tem Nancy Bauder, Commissioners Camalla Leonhard and Jermaine Wilson.

Others present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Tylour Tedder, Police Chief Patrick Kitchens and City Clerk Carla Williamson.

The following staff member were present virtually: Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper and Finance Director Ruby Maline.

First Consideration Ordinance Condemnation Related to 16th Terrance & Thornton Phase 2 and Phase 3 Drainage Project – Public Works Director Mike McDonald presented for first consideration an ordinance declaring the necessity of appropriating private property by condemnation for the project. Thirteen properties remain that have tracts of land that are needed to complete the project. All are temporary construction easements with one property also requiring a permanent drainage easement. Exhibit B of the attached draft ordinance contains information on the properties and legal descriptions of the tracts.

There was a consensus to place on first consideration.

Other:

Commissioner Wilson asked for an update on Thornton Street:

Mr. McDonald gave a brief update on the project. With good weather should be done end of September but definitely by end of October and open for the winter.

Adjournment:

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

Time Meeting Adjourned 8:45 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8144
2020 UNIFORM PUBLIC OFFENSE CODE

SEPTEMBER 22, 2020



Carla K. Williamson, CMC
City Clerk


for

Paul Kramer
City Manager

BACKGROUND:

At the September 8, 2020 City Commission Regular meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES" EDITION OF 2020, WITH CERTAIN OMISSIONS AND CHANGES.

There have been no changes since first consideration.

Ordinance No. 8144 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8144

(Summary Publish in the Leavenworth Times on September 25, 2020)

ORDINANCE NO. 8144

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES" EDITION OF 2020, WITH CERTAIN OMISSIONS AND CHANGES.

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

Section 1. That the Code of Ordinances, City of Leavenworth, Kansas, Chapter 30, Offenses, Sections 30-1, 30-2 and 30-3, are hereby deleted in its entirety and amended to read as follows:

Sec. 30-1. Uniform Public Offense Code adopted; amendments.

- (a) *Adoption.* There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the city that certain code known as the Uniform Public Offense Code for Kansas Cities, edition of 2020, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereinafter omitted, deleted, modified or changed. One official copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 8144" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of Ordinance No. 8144 and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.
- (b) *Amendments and omissions.*
 - (1) Notwithstanding the foregoing, section 5.7 and section 10.6 of the adopted Uniform Public Offense Code are deleted in their entirety and amended to read as provided in sections 30-2 and 30-3.
 - (2) Section 3.2.1, pertaining to sexual battery, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.
 - (3) Section 4.1, pertaining to lewd, lascivious behavior, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.
 - (4) Section 4.3, pertaining to selling sexual relations, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.
 - (5) Section 4.4, pertaining to buying sexual relations, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.
 - (6) Section 11.15, pertaining to permitting a dangerous animal to be at large, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.

Sec. 30-2. Selling, giving or furnishing cigarettes or tobacco products to a person under 21 years of age.

- (a) It shall be unlawful for any person to:
 - (1) Sell, furnish or distribute to any person under the age of 21 years any cigarettes, electronic cigarettes, or tobacco products; or
 - (2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 21 years of age.
- (b) It shall be a defense to a prosecution under subsection (a) of this section if:
 - (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products; and
 - (3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 21 years of age exhibited to the defendant a driver's license, Kansas non-driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.
- (c) It shall be a defense to a prosecution under subsection (a) of this section if:
 - (1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601, that the person was 21 or more years of age.
- (d) For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age, or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.
- (e) Notwithstanding any separate definition in section 1.1 of the Uniform Public Offense Code for Kansas Cities, the term electronic cigarette means a device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to any electronic cigarette, cigar, pipe, or hookah, including any component, part, or accessory of such a device, whether or not sold separately. Electronic cigarette shall not include any products that have been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

- (f) As used in this section, sale means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration.
- (g) It is unlawful for any person who is a retail dealer to fail to post and maintain in a conspicuous place in the dealer's establishment the following notice: "BY LAW, CIGARETTES AND TOBACCO PRODUCTS MAY BE SOLD ONLY TO PERSONS 21 YEARS OF AGE AND OLDER." Retailer shall mean any person, firm or corporation engaged in the business of selling tobacco products, alternative nicotine products, or vapor products by personal handling to an ultimate customer or consumer.
- (h) Violation of this section is a class B violation punishable by a minimum fine of \$200.00.

Sec. 30-3. Air guns, air rifles, bows and arrows, slingshots and BB guns.

- (a) The unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot or BB gun, within the city, except by permit authorized by the city for deer hunting or within the confines of a building or other structure from which to projectiles cannot escape; provided, that a bow and arrow may be used in an open air archery range meeting the following requirements.
 - (1) An open, flat plain with a clear and unobstructed field of distance. The maximum distance between archer and target shall be no more than 40 yards.
 - (2) Target shall be situated so that any path, target, road or building is located with a 30 degree arc centered perpendicular with the shooter and target extending a minimum of 40 yards behind the target.
 - (3) A target backstop be constructed which is at least 12 feet wide and eight feet high behind each target. The backstop is to be constructed and maintained using a material which would capture and trap arrows shot into it. The material used must not cause arrows to be deflected in another direction.
 - (4) A secondary earthen backstop consisting of an earthen berm, material hill or excavated face shall be provided. The secondary backstop should be at least 30 feet wide and 16 feet high.
 - (5) Operation of an archery range shall be allowed between the hours of sunrise and sunset.
- (b) Unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is a class C violation.

Section 3. REPEAL. Sections 30-1, 30-2, and 30-3 of Chapter 30, Offenses, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 4. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 22nd day of September 2020.

Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

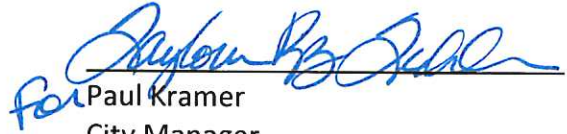
Carla K. Williamson, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8145
2020 INTERSECTION TRAFFIC CONTROL DEVICE MASTER INDEX**

SEPTEMBER 22, 2020



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the September 8, 2020 City Commission Regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING CHAPTER 44, SECTION 44-3 OF THE
CODE OF ORDINANCES REGULATING INTERSECTION TRAFFIC
CONTROL DEVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF
LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE
"2020 INTERSECTION TRAFFIC CONTROL DEVICE MASTER INDEX".**

There have been no changes since first consideration.

Ordinance No. 8145 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8145

ORDINANCE NO. 8145

AN ORDINANCE AMENDING CHAPTER 44, SECTION 44-3 OF THE CODE OF ORDINANCES REGULATING INTERSECTION TRAFFIC CONTROL DEVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE “2020 INTERSECTION TRAFFIC CONTROL DEVICE MASTER INDEX”.

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

Section 1. That the Code of Ordinances, City of Leavenworth, Kansas Chapter 4, Traffic and Vehicles, Article I In General, Section 44-3 shall be amended to read as follows:

Section 44-3. Intersection traffic control device master index adopted by reference.

The “2020 Intersection Traffic Control Device Master Index” prepared and published by the city in book form for the purpose of regulating intersection traffic control devices within the city, is adopted as though fully set forth herein. One copy of the adopted index, marked “Official Copy as Adopted by ordinance 8145” and to which shall be attached a copy of said ordinance, shall be filed with the city clerk and available to the public for inspection at all reasonable business hours.

Section 2. That Section 44-3 amended herein and all ordinances found to be in conflict are hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED and APPROVED by the Governing Body on this 22nd day of September 2020.

{SEAL}

Myron J. “Mike” Griswold, Mayor

ATTEST:

Carla K. Williamson, CMC City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8146
ACQUISITION OF LANDS BY CONDEMNATION FOR 16TH TERRACE & THORNTON STREET
PHASE 2 AND PHASE 3 DRAINAGE PROJECT**

SEPTEMBER 22, 2020



Carla K. Williamson, CMC
City Clerk



for Paul Kramer
City Manager

BACKGROUND:

At the September 15, 2020 City Commission Special meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE 16TH TERRACE & THORNTON STREET PHASE 2 AND PHASE 3 DRAINAGE PROJECT, CITY PROJECT NO. 2018-897, FOR THE USE OF THE CITY, IN THE CITY OF LEAVENWORTH, KANSAS.

In the event agreements are made with property owners after the writing of this policy report, Exhibit B will be amended to remove any properties before it is presented to the commission on September 22, 2020 for final approval.

Ordinance No. 8146 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8146

(Publish in *The Leavenworth Times* on September 25, 2020)

ORDINANCE NO. 8146

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE 16th TERRACE & THORNTON STREET PHASE 2 AND PHASE 3 DRAINAGE PROJECT, CITY PROJECT NO. 2018-897, FOR THE USE OF THE CITY, IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, on August 11, 2020, and pursuant to K.S.A. 26-201, the Governing Body of the City of Leavenworth, Kansas, did by Resolution No. B-2261 declare the necessity for, and authorize the completion of, a survey and description of lands or interests therein to be condemned by the City, for the purpose of for the use of the City for the purpose of rights-of-way, permanent easements, and temporary construction easements, including but not limited to for the completion of the 16th Terrace & Thornton Street Phase 2 and Phase 3 Drainage Project, to include curb and gutter, sidewalks, asphalt pavement, storm drainage systems, sanitary sewer systems and other improvements as shown on the plan documents;

WHEREAS, the Resolution was published once in the official City newspaper as shown in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a survey and legal descriptions of the land or interests therein to be condemned have been made and prepared by a competent engineer and filed with the Clerk of the City of Leavenworth, Kansas, such legal description and interests being as shown and/or described on Exhibit B, which is attached hereto and incorporated herein by this reference.

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

SECTION I. It is hereby authorized and provided that the above-described lands and interests be acquired by condemnation pursuant to K.S.A. 26-201 and K.S.A. 26-501, *et seq.*, for the above described purposes.

SECTION II. This ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

[Signature Page Follows Directly]

**ADOPTED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH,
KANSAS ON THIS 22ND DAY OF SEPTEMBER 2020.**

Myron J. "Mike" Griswold, Mayor

[SEAL]

ATTEST:

Carla K. Williamson, CMC, City Clerk

EXHIBIT A

[Proof of Publication]

AFFP

(Publish in the Leavenworth Ti

Affidavit of Publication

STATE OF KANSAS }
COUNTY OF } SS
LEAVENWORTH }

Tammy Lawson, being duly sworn, says:

That she is Tammy Lawson of the Leavenworth Times, a daily newspaper of general circulation, printed and published in Leavenworth, Leavenworth County, Kansas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

August 14, 2020

(Publish in the Leavenworth Times on August 14, 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 OF 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 16th Terrace & 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

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Tammy Lawson
Tammy Lawson

Subscribed to and sworn to me this 14 day of Aug, 20

Rebecca A. Broom
Rebecca A. Broom, , Leavenworth County, Kansas

My commission expires: June 07, 2023

00000105 00038857

Deputy City Clerk
City of Leavenworth - Legals
100 North 5th Street
Leavenworth, KS 66048



EXHIBIT B

[Description of Properties and Interests to be condemned]

No.	Property Owner/Owners	Property Address	Legal Description of the Easement
1	Joslin Enterprises, LLC.	2301 S. 16th Terrace	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 35.00 feet of Lot 6, CENTURY SUBDIVISION, a subdivision of record located in the City and County of Leavenworth, Kansas. Except for all that part lying within 10.00 feet wide platted utility easements along the North and East lines of said Lot 6, and except for the North 45.00 feet of the East 30.00 feet of said Lot 6. Containing 1,550 square feet, more or less.</p> <p>PERMANENT DRAINAGE EASEMENT (PDE): All of the North 45.00 feet of the East 30.00 feet of Lot 6, CENTURY SUBDIVISION, a subdivision of record located in the City and County of Leavenworth, Kansas. Except for all that part lying within the 10.00 feet-wide platted utility easements along the North and East lines of said Lot 6. Containing 700 square feet, more or less.</p>
2	Miller Properties Associates, LLC.	2306 S. 16th Street	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the West 35.00 feet of Lot 1, CENTURY SUBDIVISION, a subdivision or record located in the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet- wide platted utility easement along the West line of said Lot 1. Containing 1,917 square feet, more or less.</p>
3	Nolan, Daniel A. & Nolan, Leona A.	2309 S. 16th Terrace	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 45.00 feet of Lot 5, CENTURY SUBDIVISION, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within the 10.00 feet-wide platted utility easements along the North and East lines of said Lot 5. Containing 2,534 square feet, more or less.</p>
4	Jagodzinski, Todd M.	2405 S. 16th Terrace	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 40.00 feet of Lot 3, MORNING VIEW, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the East line of said Lot 3. Containing 2,100 square feet, more or less.</p>
5	Fitzgerald, Derek S. & Saldana-Fitzgerald, Emily A.	2413 S. 16th Terrace	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 20.00 feet of Lot 1, Block 2, MORNING VIEW, a subdivision of record located within the City and County of Leavenworth, Kansas, and all of the East 20.00 feet of the North half of the vacated right-of-way of Santa Fe Street, as shown on said plat of MORNING VIEW, lying West of the Southerly prolongation of the East line of said Lot 1. Except for all that part lying within a 10.00 feet-wide utility easement along the East line of said Lot 1. Containing 1,560 square feet, more or less.</p>
6	Willard, George	2409 S. 16th Terrace	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 30.00 feet of Lot 2, MORNING VIEW, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the East line of said Lot 2. Containing 1,400 square feet, more or less.</p>
7	Goff, Patricia A.	2500 S. 16th Street	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the West 60.00 feet of Lot 4, PARR REPLAT SUBDIVISION, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the North line of said Lot 4 and within a 10.00 feet-wide platted utility and drainage easement along the West line of said Lot 4. Containing 3,932 square feet, more or less.</p>

8	Goff, Patricia A.	2500 S. 16th Street	TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the West 40.00 feet of Lot 5, PARR REPLAT SUBDIVISION, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility and drainage easement along the West line of said Lot 5. Containing 2,660 square feet, more or less.
9	Van Baale, Mathew R. & Sara A.	2508 S. 16th Street	TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the West 30.00 feet of Lot 6, PARR REPLAT SUBDIVISION, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the South line of said Lot 6 and within a 10.00 feet-wide platted utility and drainage easement along the West line of said Lot 6. Containing 1,574 square feet, more or less.
10	Pittman-Artis, Shirley A.	2601 S. 16th Terrace	TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 25.00 feet of Lot 3, STIEFF REPLAT, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the North line of said Lot 3 and within a 10.00 feet-wide platted utility easement along the East line of said Lot 3. Containing 1,095 square feet, more or less.
11	Wheeler, Jesse T. & Helen L.	2605 S. 16th Terrace	TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 65.00 feet of Lot 2, STIEFF REPLAT, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the East line of said Lot 2. Containing 4,565 square feet, more or less.
12	Brooks, Theresa D.	2620 S. 16th Street	TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the West 30.00 feet of the South 95.00 feet of Lot 7, STIEFF REPLAT, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the West line of the South 95.00 feet of said Lot 7. Containing 1,900 square feet, more or less.
13	Gutierrez, Amy Nicole & Alejandro Valdez	2609 S. 16th Terrace	TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 60.00 feet of Lot 1, STIEFF REPLAT, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the East line of said Lot 1. Containing 5,000 square feet, more or less.

POLICY REPORT PWD NO. 20-45

UPDATE FOR UNSAFE STRUCTURE
723 S. 10TH STREET

September 22, 2020

Prepared by:



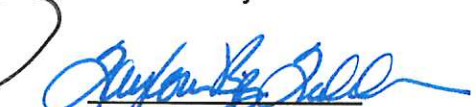
Harold D. Burdette,
Chief Building Inspector

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 723 S. 10th Street.

BACKGROUND:

The structure was damaged by fire on April 3, 2020. The City received a check from insurance proceeds for \$22,753.74. A Public Hearing was held on August 11, 2020 regarding the status of repairs. The Commission adopted Resolution No. B-2259, giving the owners 90 days to complete the repairs.

The project has been completed, and Building Inspections has issued a Certificate of Occupancy.

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.

RECOMMENDATION:

Staff recommends that the City Commission determine the structure is no longer considered unsafe or hazardous, and authorizes the return of the insurance proceeds to the owner.

ATTACHMENT:

Photos of structure



POLICY REPORT

Review Unsafe and Dangerous Structures

September 22, 2020



Prepared By:

Julie Hurley,
Director of Planning and Community
Development



Reviewed By:

Paul Kramer,
City Manager

DISCUSSION

On July 14, 2020, the City Commission adopted Resolution B-2257 regarding demolition of 18 structures. At that time, the Commission voted to grant a 60-day extension to the following 10 properties. The current status of each property is as follows:

1. **407 N. 20th** – Single family house
No change.
2. **1033 Osage** – Detached garage
No change.
3. **1612 W. 7th** – Single family house
Owner obtained demolition permit on 6/29/20, no change.
4. **1914 W. 7th** – Single family house
No change.
5. **420 Ottawa** – Single family house
No change.
6. **504 Miami** – Single family house
No change.
7. **513 Lawrence Ave** – Single family house
Active building permit for interior and exterior renovations, work ongoing.
8. **701 S. 2nd** – Single family house
No active building permits, work ongoing.
9. **708 Kiowa** – Single family house
Building permit issued for new roof on 8/13/20, new roof complete. Work ongoing.
10. **824 Osage** – Single family house and detached garage
No change.

At the July 14, 2020 Commission meeting, representatives of the following two properties were present and were given 2 weeks to provide necessary documentation as to the legal ownership or authorization by the legal owner to act on the owner's behalf. If the aforementioned documentation was received, the properties would be given the remainder of the 60-day extension given to the preceding 10 properties for repair or removal. The required documentation was submitted to the Department of Planning and

Community Development within the 2-week timeframe granted by the City Commission, and the current status of each property is as follows:

11. 934 Ottawa – Single family house

No change.

21. 719 N. 9th – Detached garage

No change.

RECOMMENDED ACTION

- Motion to remove listed properties from demolition list.
- Motion to grant extension to complete repairs to listed properties.
- Motion to proceed with demolition of listed properties.

407 N. 20th Street - July



407 N. 20th Street - Current



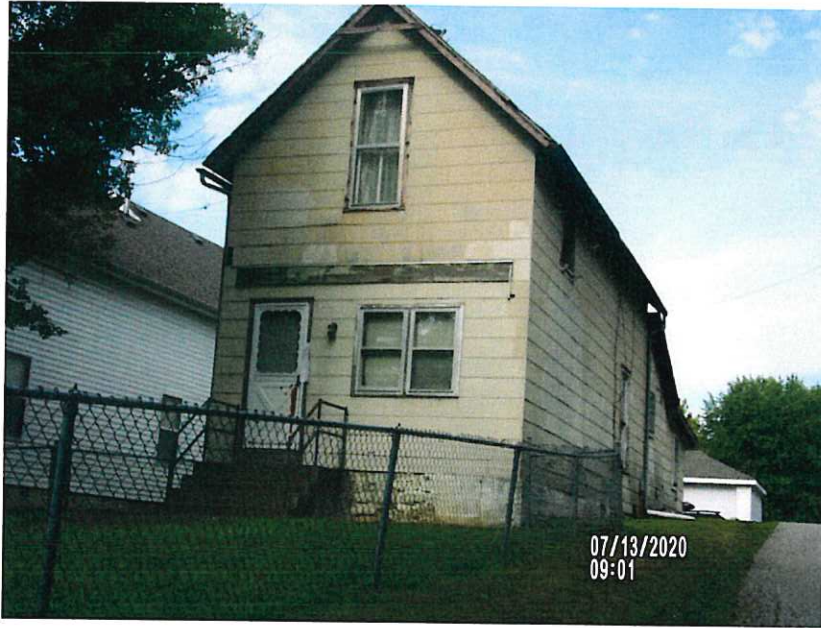
1033 Osage Street (garage only) - July



1033 Osage Street (garage only) - Current



1612 W. 7th Street - July



1612 W. 7th Street - Current



1914 W. 7th Street - July



1914 W. 7th Street - Current



420 Ottawa Street - July



420 Ottawa Street - Current



504 Miami Street - July



504 Miami Street - Current



513 Lawrence Avenue - July



513 Lawrence Avenue - Current



701 S. 2nd Street - July



701 S. 2nd Street - Current



708 Kiowa Street - July



708 Kiowa Street - Current



824 Osage Street - July



824 Osage Street - Current



934 Ottawa Street - July



934 Ottawa Street - Current



719 N. 9th Street (garage only) - July



719 N. 9th Street (garage only) - Current



**POLICY REPORT
RESOLUTION B-2262 SET PUBLIC HEARING
TO ADOPT A REDEVELOPMENT PROJECT PLAN
PRICE CHOPPER**

SEPTEMBER 22, 2020

Prepared By:



Carla K. Williamson, CMC
City Clerk

Reviewed By:


for Paul Kramer
City Manager

ISSUE:

The issue before the City Commission is to consider a resolution to set a public hearing on Tuesday October 27, 2020 to consider the adoption of a Redevelopment District consisting of one redevelopment project area all pursuant to K.S.A. 12-1770 *et seq.*, as amended.

BACKGROUND:

- On August 11, 2020 the City adopted Ordinance No. 8135 creating a redevelopment district.
- On September 14, 2020 the Planning Commission made finding that the Project Plan is consistent with the intent of the City's comprehensive plan.

ACTION REQUIRED:

Adopt Resolution B-2262 to set the public hearing for October 27, 2020.

ATTACHMENTS:

- Resolution B-2262

RESOLUTION NO. 2262

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING REGARDING THE ADOPTION OF A REDEVELOPMENT PROJECT PLAN (PRICE CHOPPER PROJECT AREA, COTERMINOUS WITH THE PRICE CHOPPER REDEVELOPMENT DISTRICT).

WHEREAS, the City of Leavenworth, Kansas (the "City"), by the adoption of Ordinance No. 8135 on August 11, 2020, created a redevelopment district (the "Redevelopment District") consisting of one (1) redevelopment project area (the "Project Area"), all pursuant to K.S.A. 12-1770 *et seq.*, as amended (the "Act");

WHEREAS, the City is considering the adoption of the Redevelopment Project Plan within and for the Price Chopper Project Area submitted to the City pursuant to K.S.A. 12-1770 *et seq.* on August 13, 2020 (the "Project Plan"), which provides for the redevelopment of the Project Area within the Redevelopment District;

WHEREAS, on September 14, 2020, the Planning Commission of the City made a finding that the Project Plan is consistent with the intent of the City's comprehensive plan for the development of the City;

WHEREAS, a copy of the Project Plan has been or, following this Resolution, will be delivered by the City to the Board of County Commissioners of Leavenworth County, Kansas, and to the Board of Education of Unified School District No. 453; and

WHEREAS, the City desires to call and conduct a public hearing under the provisions of the Act in order to determine whether it is advisable to approve the Project Plan pursuant to the Act.

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

Section 1. Public Hearing. Notice is hereby given that a public hearing will be held by the City Commission to consider adoption of the Project Plan on October 27, 2020, at Leavenworth City Hall, 100 N. 5th Street, Leavenworth, Kansas, 66205, the public hearing to commence at 7:00 p.m. or as soon thereafter as the City Commission can hear the matter; provided, that if, as a result of the COVID-19 pandemic, such public hearing may not be held in person but rather via remote meeting, such remote meeting shall be held at the same date and time, and access instructions for remote participation shall be available at the City's website, www.leavenworthks.org, and included with the published agenda for such meeting. At the public hearing, the City Commission will receive public comment on the foregoing matters, and may, after the conclusion of such public hearing, consider the findings necessary for adoption of the Project Plan pursuant to the Act. Such public hearing date is not less than thirty (30) days, nor more than seventy (70) days following adoption of this resolution.

Section 2. Redevelopment District and Project Area. A legal description of the Redevelopment District and the Project Area (the boundaries of which Project Area are the same as that of the Redevelopment District) is attached hereto as Exhibit A, and a map depicting the boundaries of the Redevelopment District and the Project Area is attached hereto as Exhibit B. A description and map of the Redevelopment District and the Project Area are available for public

inspection prior to the public hearing during regular office hours in the Office of the City Clerk, at Leavenworth City Hall, 100 N. 5th Street, Leavenworth, Kansas, 66205.

Section 3. Project Plan. Copies of the Project Plan, including a summary of the feasibility study, any relocation assistance plan, and any financial guarantees of the developer, are available for public inspection prior to the public hearing during regular office hours in the Office of the City Clerk, at Leavenworth City Hall, 100 N. 5th Street, Leavenworth, Kansas, 66048.

Section 4. Notice of Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

- (a) A copy of this resolution shall be mailed by United States certified mail, return receipt requested, no more ten (10) days after the adoption of this Resolution to each owner and occupant of land within the Project Area.
- (b) A copy of this resolution shall be mailed by United States certified mail, return receipt requested, prior to October 27, 2020, to both the Board of County Commissioners of and for Leavenworth County, Kansas, and to Unified School District No. 453.
- (c) This resolution, specifically including Exhibits A and B attached hereto, shall be published once in The Leavenworth Times (the official City newspaper) not less than one week and not more than two weeks preceding the date fixed for the public hearing.

Section 5. Bonds. The City may issue its full faith and credit tax increment bonds to finance the costs of implementing the proposed Project Plan, unless within sixty (60) days following the date of the public hearing on the Project Plan a protest petition signed by three percent (3%) of the qualified voters of the City is filed with the City Clerk in accordance with the provisions of K.S.A. 25-3601 *et seq.*, and amendments thereto. If a sufficient petition is filed, no full faith and credit tax increment bonds shall be issued until the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law. The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the City from issuing special obligation bonds in accordance with the Act.

Section 6. Effective Date. This resolution shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas.

ADOPTED this 22nd day of September, 2020.

Myron J. "Mike" Griswold, Mayor

ATTEST:

Carla K. Williamson CMC, City Clerk

{Seal}

EXHIBIT A

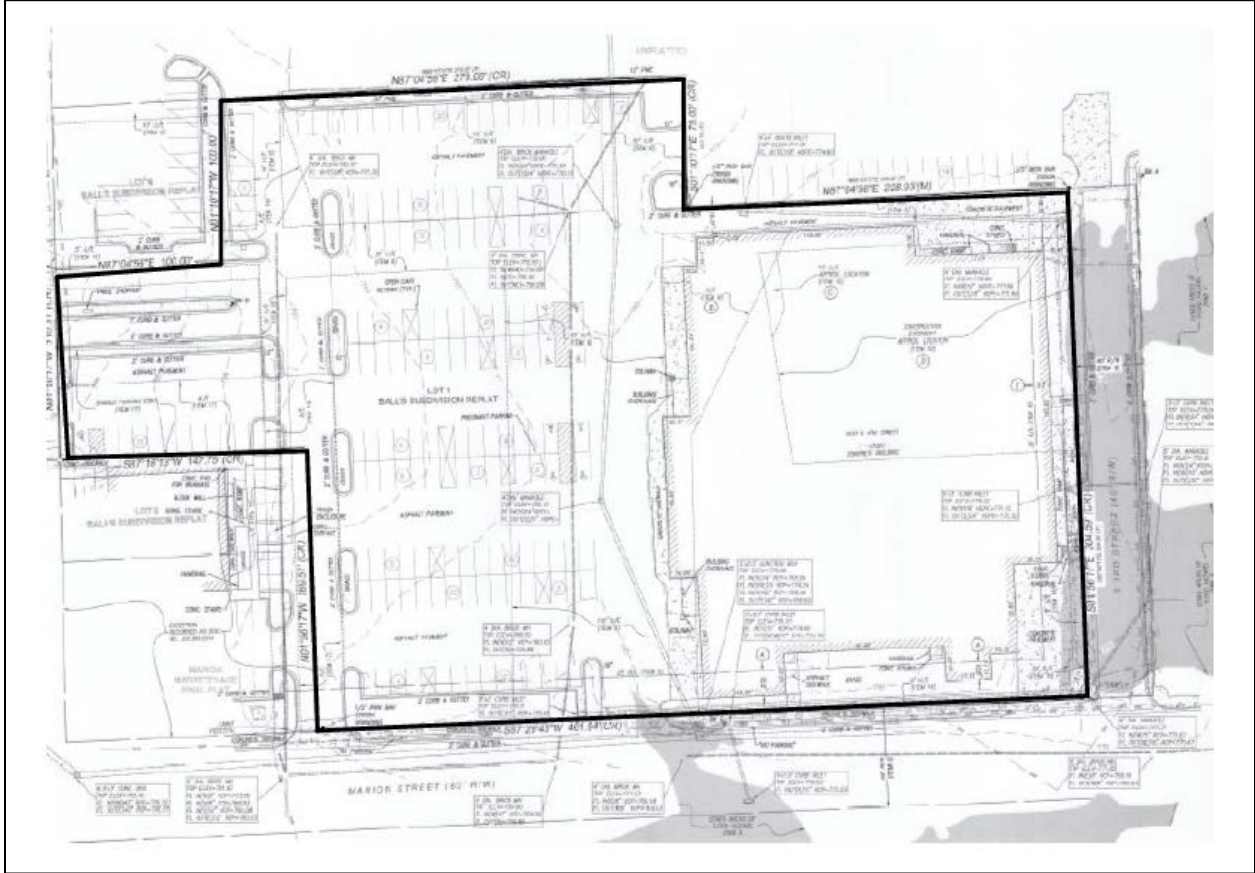
DESCRIPTION OF REDEVELOPMENT DISTRICT/PROJECT AREA

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 REDEVELOPMENT DISTRICT/PROJECT AREA



**POLICY REPORT
RESOLUTION B-2263 SET PUBLIC HEARING
TO ESTABLISH A COMMUNITY IMPROVEMENT DISTRICT (CID)
PRICE CHOPPER**


SEPTEMBER 22, 2020

Prepared By:



Carla K. Williamson, CMC
City Clerk

Reviewed By:

For 
Paul Kramer
City Manager

ISSUE:

The issue before the City Commission is to consider a resolution to set a public hearing on Tuesday October 27, 2020 to consider establishing a Community Improvement District (CID) for the "Price Chopper Project".

BACKGROUND:

- On May 6, 2020 the City and Developer signed a Public Incentive Predevelopment Agreement.
- The proposed method of financing the project is in part by reimbursement of costs on a "pay-as-you-go" basis from a 0.40% CID sales tax to be levied.
- The CID shall expire not more than twenty-two (22) years from the date of the collection begins.

ACTION REQUIRED:

Adopt Resolution B-2263 to set the public hearing for October 27, 2020.

ATTACHMENTS:

- Resolution B-2263

RESOLUTION NO. 2263

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY, ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (PRICE CHOPPER PROJECT).

WHEREAS, pursuant to the provisions of the Community Improvement District Act, K.S.A. 2008 Supp. 74-50,115 *et seq.*, as amended (the "Act"), cities are authorized to establish community improvement districts, to authorize the performance of community improvement district projects, and to authorize the financing such projects from the imposition of community improvement district sales taxes to be levied on the selling of tangible personal property at retail or rendering or furnishing of taxable services within the proposed community improvement district in accordance with the Act; and

WHEREAS, in order to promote, stimulate and develop the general and economic welfare of the City of Leavenworth, Kansas (the "City"), the governing body of the City has determined to consider a petition (the "Petition") for the establishment of a community improvement district in the City in accordance with the Act, which Petition has been filed with the City by the owners of at least 55% of the land area within the proposed community improvement district, and by owners owning more than 55% of the assessed value within the proposed community improvement district, such sole owner being Super Market Developers, Inc., a Missouri corporation, such owner and the City being parties to that certain Public Incentives Predevelopment Agreement dated as of May 6, 2020; and

WHEREAS, the City desires to call and conduct a public hearing under the provisions of the Act in order to determine whether it is advisable to create a community improvement district within the City and approve the project and method of financing the project as requested in the Petition pursuant to the Act.

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

Section 1. Petition. The City is considering a Petition for the establishment of a community improvement district pursuant to the Act, a copy of which Petition is on file with the City Clerk.

Section 2. Proposed Community Improvement District. A legal description of the proposed community improvement district is attached hereto as **Exhibit A**, and a map depicting the boundaries of the proposed community improvement district is attached hereto as **Exhibit B**.

Section 3. Proposed Community Improvement District Project. The proposed project to be performed within the community improvement district (the "Project") is described in the Petition and in attached **Exhibit C**, attached hereto and incorporated herein by this reference, and consists generally of the redevelopment of the existing Price Chopper grocery store within the district and associated infrastructure improvements and other improvements, including potential environmental improvements, and all related expenses to redevelop and finance the redevelopment project.. The total estimated cost of the Project is \$12,340,296.00.

Section 4. Proposed Method of Financing. The proposed method of financing the Project is, in part, by reimbursement of costs on a "pay-as-you-go" basis, without bonds or special assessments, from money received by the City from the imposition of a four-tenths of one percent (**0.40%**) community improvement district sales tax ("CID Sales Tax") to be levied by the City in accordance with the Act on the selling of tangible personal property at retail or rendering or furnishing of taxable services within the proposed district. As required by the Act, the CID Sales Tax shall expire not more than twenty-two (22) years from the date the state director of taxation begins collecting such tax or when the pay-as-you-go costs of the Project have been paid.

Section 5. Public Hearing. Notice is hereby given that a public hearing will be held by the City Commission to consider the approval of the Petition, the establishment of the community improvement district, the approval of the project, the approval of the proposed method of financing and the imposition of the CID Sales Tax, on **October 27, 2020**, at Leavenworth City Hall, 100 N. 5th Street, Leavenworth, Kansas, 66048, the public hearing to commence at 7:00 p.m. or as soon thereafter as the City Commission can hear the matter; provided, that if, as a result of the COVID-19 pandemic, such public hearing may not be held in person but rather via remote meeting, such remote meeting shall be held at the same date and time, and access instructions for remote participation shall be available at the City's website, www.leavenworthks.org, and included with the published agenda for such meeting. At the public hearing, the City Commission will receive public comment on the foregoing matters.

Section 6. Notice of Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

- (a) A copy of this resolution shall be mailed by United States certified mail, return receipt requested, at least ten (10) days prior to October 27, 2020, to each owner of land within the proposed community improvement district.
- (b) This resolution, specifically including Exhibits A, B and C attached hereto, shall be published in the *Leavenworth Times* twice, by no later than October 13, 2020, and then again by no later than October 20, 2020.

Section 7. Further Action. The Mayor, City Manager, Finance Director, City Clerk 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 resolution.

Section 8. Effective Date. This resolution shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas.

ADOPTED this 22nd day of September, 2020.

Myron J. "Mike" Griswold, Mayor

ATTEST:

Carla K. Williamson CMC, City Clerk

{Seal}

EXHIBIT A

[Legal Description of the 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 the District]

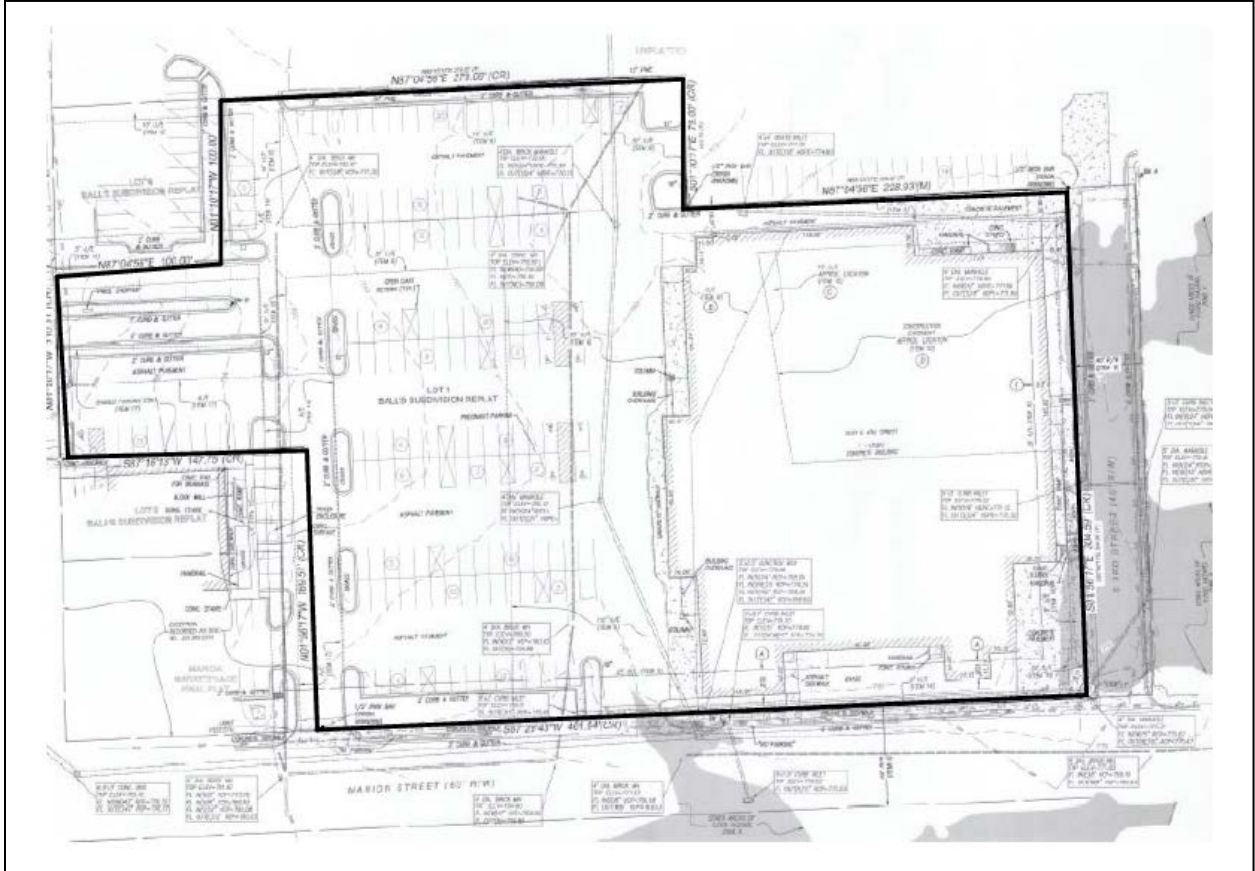



EXHIBIT C

[Description of the Project]

Line Item	Est. Project Costs *	X = eligible for reimbursement by incentive category**		Sample Allocations*** by incentive category		
		TIF Eligible	CID Eligible	TIF Eligible	CID Eligible	Private
Site Acquisition						
Purchase Price	\$2,500,000.00	X	X	\$2,500,000		
Survey	\$15,000.00	X	X	\$15,000		
Environmental/Soils	\$30,000.00	X	X	\$30,000		
Title Work	\$1,500.00	X	X	\$1,500		
Appraisal	\$2,500.00	X	X	\$2,500		
Legal & Closing Costs	\$10,000.00	X	X	\$10,000		
Subtotal - Site Acquisition	\$2,559,000.00			\$2,559,000		
Hard Costs						
Site Work - Demo, Grading, Utilities, Curbs, Sidewalks, Parking Lot, etc.	\$830,296.00	X	X		\$830,296	
Equipment	\$4,475,000.00		X			\$4,475,000
Building renovation	\$3,255,000.00		X			\$3,255,000
Tenant Improvements (Developer)	\$235,000.00		X			\$235,000
Subtotal - Hard Costs	\$8,795,296.00			\$0	\$830,296	\$7,965,000
Soft Costs						
Arch / Eng	\$450,000.00	X	X		\$450,000	
Legal	\$75,000.00	X	X		\$75,000	
Taxes Carry						
Leasing / Sales Commissions	\$0.00					
Developer & Project Management Fees	\$50,000.00					\$50,000
Contingency	\$200,000.00					\$200,000
Inspections	\$1,000.00	X	X		\$1,000	
Interest Carry	\$200,000.00	X	X		\$200,000	
Re-Surveys / Plats	\$10,000.00	X	X		\$10,000	
Subtotal - Soft Costs	\$986,000.00			\$0	\$736,000	
TOTAL PROJECT COSTS	\$12,340,296.00			\$2,559,000	\$1,566,296	\$7,965,000
*Project Costs shown herein are estimates only, and subject to change in the Developer's discretion.						
**The TIF Revenue and the CID Revenue described in this Agreement may be used to reimburse Project Costs to the fullest extent permitted by the TIF Act and by the CID Act, res						
***Allocations of incentives among Project Costs are for illustrative purposes only, and may be increased, decreased and shifted among line items designated as eligible, and t						
be construed as caps						

**POLICY REPORT
RESOLUTION TO ACCEPT THE 2020 CFP GRANT FOR PLANTERS II
September 22, 2020**

PREPARED BY:



Andrea Cheatom, Housing Manager
Leavenworth Housing Authority

REVIEWED BY:



Julie Hurley, Executive Director
Director of Planning and Community
Development

APPROVED BY:

for 

Paul Kramer
City Manager

ISSUE:

Consider a resolution accepting the 2020 Capital Fund Program (CFP) grant (Grant# KS01P06850120) for Planters II in the amount of \$145,880.

RESOLUTION:

The resolution is required by the U.S. Department of Housing and Urban Development (HUD). The CFP grant must be accepted annually by the City Commission.

COMMISSION ACTION:

Motion to adopt the attached resolution accepting the 2020 CFP grant for Planters II.

RESOLUTION NO. B-2264

A RESOLUTION ADOPTING THE 2020 CAPITAL FUND PROGRAM GRANT FOR THE LEAVENWORTH HOUSING AUTHORITY (PLANTERS II), LEAVENWORTH KANSAS.

WHEREAS, the Leavenworth City Commission is the legal Housing Authority for the City of Leavenworth, Kansas; and

WHEREAS, the 2020 Capital Fund Program Grant (Grant # KS01P06850120) in the amount of \$145,880.00 is specifically approved as a part of the approval process.

NOW, THEREFORE, BE IT RESOLVED BY THE LEAVENWORTH CITY COMMISSION ACTING AS THE LEAVENWORTH HOUSING AUTHORITY COMMISSION, CITY OF LEAVENWORTH, KANSAS, that the Capital Fund Program Grant has been appropriately adopted by Resolution of the Leavenworth City Commission.

BE IT FURTHER RESOLVED that a copy of the 2020 Capital Fund Program Grant is on file and available for public inspection in the Leavenworth Housing Authority Office, 200 Shawnee Street, Leavenworth, Kansas.

BE IT FURTHER RESOLED that this Resolution shall be effective from and after its passage as provided by law.

IT IS SO RESOLVED that this Resolution is passed and approved this 22nd day of September 2020.

Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

2020 Capital Fund

**Capital Fund Program
(CFP) Amendment
To The Consolidated Annual Contributions
Contract (form HUD-53012)**

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Whereas, (Public Housing Authority) Leavenworth Housing Authority KS068 (herein called the "PHA") and the United States of America, Secretary of Housing and Urban Development (herein called "HUD") entered into Consolidated Annual Contributions Contract(s) ACC(s) Numbers(s) (On File) dated (On File)

Whereas, in accordance with Section 235 of Public Law 116-94, Division H, Title II,

Whereas, HUD has agreed to provide CFP assistance, upon execution of this Amendment, to the PHA in the amount to be specified below for the purpose of assisting the PHA in carrying out development, capital and management activities at existing public housing projects in order to ensure that such projects continue to be available to serve low-income families. HUD reserves the right to provide additional CFP assistance in this FY to the PHA. HUD will provide a revised ACC Amendment authorizing such additional amounts.

\$ 145,880.00 for Fiscal Year 2020 to be referred to under Capital Fund Grant Number KS01P06850120
PHA Tax Identification Number (TIN): On File DUNS Number: On File

Whereas, HUD and the PHA are entering into the CFP Amendment Number _____

Now Therefore, the ACC(s) is (are) amended as follows:

1. The ACC(s) is (are) amended to provide CFP assistance in the amount specified above for development, capital and management activities of PHA projects. This CFP Amendment is a part of the ACC(s).
2. The PHA must carry out all development, capital and management activities in accordance with the United States Housing Act of 1937 (the Act), 24 CFR Part 905 (the Capital Fund Final rule) as well as other applicable HUD requirements, except that the limitation in section 9(g)(1) of the Act is increased such that of the amount of CFP assistance provided for under this CFP amendment only, the PHA may use no more than 25 percent for activities that are eligible under section 9(e) of the Act only if the PHA's HUD-approved Five Year Action Plan provides for such use; however, if the PHA owns or operates less than 250 public housing dwelling units, such PHA may continue to use the full flexibility in section 9(g)(2) of the Act.
3. The PHA has a HUD-approved Capital Fund Five Year Action Plan and has complied with the requirements for reporting on open grants through the Performance and Evaluation Report. The PHA must comply with 24 CFR 905.300 of the Capital Fund Final rule regarding amendment of the Five Year Action Plan where the PHA proposes a Significant Amendment to the Capital Fund Five Year Action Plan.
4. For cases where HUD has approved a Capital Fund Financing Amendment to the ACC, HUD will deduct the payment for amortization scheduled payments from the grant immediately on the effective date of this CFP Amendment. The payment of CFP funds due per the amortization scheduled will be made directly to a designated trustee within 3 days of the due date.
5. Unless otherwise provided, the 24 month time period in which the PHA must obligate this CFP assistance pursuant to section 9(j)(1) of the Act and 48 month time period in which the PHA must expend this CFP assistance pursuant to section 9(j)(5) of the Act starts with the effective date of this CFP amendment (the date on which CFP assistance becomes available to the PHA for obligation). Any additional CFP assistance this FY will start with the same effective date.
6. Subject to the provisions of the ACC(s) and paragraph 3, and to assist in development, capital and management activities, HUD agrees to disburse to the PHA or the designated trustee from time to time as needed up to the amount of the funding assistance specified herein.

7. The PHA shall continue to operate each public housing project as low-income housing in compliance with the ACC(s), as amended, the Act and all HUD regulations for a period of twenty years after the last disbursement of CFP assistance for modernization activities for each public housing project or portion thereof and for a period of forty years after the last distribution of CFP assistance for development activities for each public housing project and for a period of ten years following the last payment of assistance from the Operating Fund to each public housing project. Provided further that, no disposition of any project covered by this amendment shall occur unless approved by HUD.

8. The PHA will accept all CFP assistance provided for this FY. If the PHA does not comply with any of its obligations under this CFP Amendment and does not have its Annual PHA Plan approved within the period specified by HUD, HUD shall impose such penalties or take such remedial action as provided by law. HUD may direct the PHA to terminate all work described in the Capital Fund Annual Statement of the Annual PHA Plan. In such case, the PHA shall only incur additional costs with HUD approval.

9. Implementation or use of funding assistance provided under this CFP Amendment is subject to the attached corrective action order(s).
(mark one): Yes No

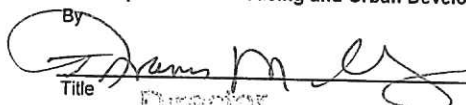
10. The PHA is required to report in the format and frequency established by HUD on all open Capital Fund grants awarded, including information on the installation of energy conservation measures.

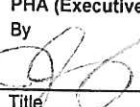
11. If CFP assistance is provided for activities authorized pursuant to agreements between HUD and the PHA under the Rental Assistance Demonstration Program, the PHA shall follow such applicable statutory authorities and all applicable HUD regulations and requirements. For total conversion of public housing projects, no disposition or conversion of any public housing project covered by these terms and conditions shall occur unless approved by HUD. For partial conversion, the PHA shall continue to operate each non-converted public housing project as low-income housing in accordance with paragraph 7.

12. CFP assistance provided as an Emergency grant or a Safety and Security grant shall be subject to a 12 month obligation and 24 month expenditure time period. CFP assistance provided as a Natural Disaster grant shall be subject to a 24 month obligation and 48 month expenditure time period. The start date shall be the date on which such funding becomes available to the PHA for obligation. The PHA must record the Declaration(s) of Trust within 60 days of the effective date or HUD will recapture the grant funding.

The parties have executed this CFP Amendment, and it will be effective on 3/26/2020. This is the date on which CFP assistance becomes available to the PHA for obligation.

U.S. Department of Housing and Urban Development

By:  Date: 3/26/20
Title: Director
Office of Public Housing


PHA (Executive Director or authorized agent)
By:  Date: 2/27/20
Title: EXECUTIVE DIRECTOR

Previous versions obsolete

form HUD-52840-A OMB Approval No. 2577-0157 (exp. 01/31/2021)

POLICY REPORT
RESOLUTION SUBMITTING 2020-2024 CAPITAL FUND PROGRAM FIVE-YEAR
ACTION PLAN AND THE CAPITAL FUND ANNUAL STATEMENT/PERFORMANCE
AND EVALUATION REPORT
September 22, 2020


PREPARED BY:


Andrea Cheatom, Housing Manager
Leavenworth Housing Authority

REVIEWED BY:


Julie Hurley, Executive Director
Director of Planning and Community
Development

APPROVED BY:


For Paul Kramer
City Manager

ISSUE:

Consider a resolution adopting and submitting the 2020-2024 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report for the Leavenworth Housing Authority to the U.S. Department of Housing & Urban Development for the operation of Planters II and Section 8.

PLAN:

The 2020-2024 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report will be electronically submitted to the U.S. Department of HUD. A paper copy of the CFP Annual Statement/Performance and Evaluation Report and the 2020-2024 Capital Fund Program Five-Year Action Plan are available at the Leavenworth Housing Authority office.

The plan is standard HUD format. It makes no changes to the operation of either Planters II or the Section 8 (Housing Choice Voucher) programs. Plan approval and submission to the U.S. Department of Housing & Urban Development is required annually. We currently enjoy a favorable status for both programs.

COMMISSION ACTION:

Motion to approve the plan (by adoption of resolution) and authorize its submission to HUD.

RESOLUTION NO. B-2265

A RESOLUTION ADOPTING THE LEAVENWORTH HOUSING AUTHORITY, (PLANTERS II) 2020-2024 CAPITAL FUND PROGRAM FIVE-YEAR ACTION PLAN AND THE CAPITAL FUND PROGRAM ANNUAL STATEMENT/PERFORMANCE AND EVALUATION REPORT, LEAVENWORTH KANSAS.

WHEREAS, the Leavenworth City Commission is the legal Housing Authority for the City of Leavenworth, Kansas; and

WHEREAS, the Leavenworth Housing Authority has prepared the 2020-2024 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report, including all attachments and certifications.

NOW, THEREFORE, BE IT RESOLVED BY THE LEAVENWORTH CITY COMMISSION ACTING AS THE LEAVENWORTH HOUSING AUTHORITY COMMISSION, CITY OF LEAVENWORTH, KANSAS, that the Leavenworth Housing Authority 2020-2024 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report, including all attachments and certifications are hereby approved and authorized for submission to the U.S. Department of Housing & Urban Development.

BE IT FURTHER RESOLVED that the policies and procedures identified in the plan have been appropriately adopted by Resolution of the Leavenworth City Commission and that a copy of the adopted plan and report is on file and available for public inspection in the Leavenworth Housing Authority Office, 200 Shawnee Street, Leavenworth, Kansas.

BE IT FURTHER RESOLED that this Resolution shall be effective from and after its passage as provided by law.

IT IS SO RESOLVED that this Resolution is passed and approved this 22nd day of September 2020.

Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (Exp. 03/31/2020)

Applicant Name

Leavenworth Housing Authority

Program/Activity Receiving Federal Grant Funding

Planters II - City of Leavenworth

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

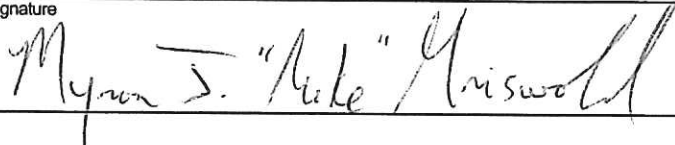
Name of Authorized Official

Myron Griswold

Title

Mayor

Signature



Date (mm/dd/yyyy)

02/28/2020

Previous edition is obsolete

form HUD 50071 (01/14)
ref. Handbooks 7417.1, 7475.13, 7485.1, & 7485.3

Civil Rights Certification
(Qualified PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB Approval No. 2577-0226
Expires 02/29/2016

Civil Rights Certification

Annual Certification and Board Resolution

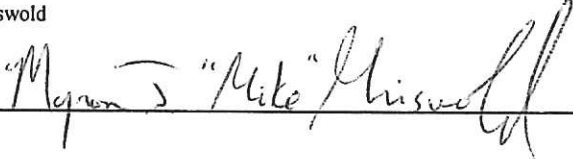
Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official, I approve the submission of the 5-Year PHA Plan for the PHA of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the public housing program of the agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those program, addressing those impediments in a reasonable fashion in view of the resources available and working with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.

Leavenworth Housing Authority
PHA Name

KS068
PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Myron Griswold	Mayor
Signature 	Date 02/28/2020

Part I: Summary						
PHA Name: Leavenworth Housing Authority		Grant Type and Number Capital Fund Program Grant No. KS01P06850120 Replacement Housing Factor Grant No. Date of CFFP:			FFY of Grant: FFY of Grant Approval:	
Type of Grant						
<input checked="" type="checkbox"/> Original Annual Statement		<input type="checkbox"/> Reserve for Disasters/Emergencies		<input type="checkbox"/> Revised Annual Statement (Revision No:)		
<input type="checkbox"/> Performance and Evaluation Report for Period Ending:		<input type="checkbox"/> Final Performance and Evaluation Report				
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ⁽¹⁾		
		Original	Revised ⁽²⁾	Obligated	Expended	
1	Total non-CFP Funds					
2	1406 Operations					
3	1408 Management Improvement					
4	1410 Administration					
5	1480 General Capital Activity	\$145,880.00				
6	1492 MovingToWorkDemonstration					
7	1501 Collater Exp / Dcbr Srvc					
8	1503 RAD-CFP					
9	1504 Rad Investment Activity					
10	1505 RAD-CPT					
11	1509 Preparing for, Preventing and Responding to Coronavirus (1509)					

(1) To be completed for the Performance and Evaluation Report

(2) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

(3) PHAs with under 250 units in management may use 100% of CFP Grants for operations

(4) RHF funds shall be include here

Part I: Summary						
PHA Name: Leavenworth Housing Authority		Grant Type and Number Capital Fund Program Grant No. KS01P06850120 Replacement Housing Factor Grant No. Date of CFFP:			FFY of Grant: FFY of Grant Approval:	
Type of Grant						
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (Revision No:)						
<input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report						
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ⁽¹⁾		
		Original	Revised ⁽²⁾	Obligated	Expended	
12	9000 Debt Reserves					
13	9001 Bond Debt Obligation					
14	9002 Loan Debt Obligation					
15	RESERVED					
16	RESERVED					
17	RESERVED					
18a	RESERVED					
18ba	RESERVED					
19	RESERVED					
20	RESERVED					
21	Amount of Annual Grant: (sum of lines 2-20)	\$145,880.00				

(1) To be completed for the Performance and Evaluation Report
 (2) To be completed for the Performance and Evaluation Report or a Revised Annual Statement
 (3) PHAs with under 250 units in management may use 100% of CFP Grants for operations
 (4) RHF funds shall be include here

Part I: Summary						
PHA Name: Leavenworth Housing Authority		Grant Type and Number Capital Fund Program Grant No. KS01P06850120 Replacement Housing Factor Grant No. Date of CFFP:			FFY of Grant: FFY of Grant Approval:	
Type of Grant						
<input checked="" type="checkbox"/> Original Annual Statement		<input type="checkbox"/> Reserve for Disasters/Emergencies		<input type="checkbox"/> Revised Annual Statement (Revision No:)		
<input type="checkbox"/> Performance and Evaluation Report for Period Ending:		<input type="checkbox"/> Final Performance and Evaluation Report				
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ⁽¹⁾		
		Original	Revised ⁽²⁾	Obligated	Expended	
22	Amount of line 21 Related to LBP Activities					
23	Amount of line 21 Related to Section 504 Activities					
24	Amount of line 21 Related to Security - Soft Costs					
25	Amount of line 21 Related to Security - Hard Costs					
26	Amount of line 21 Related to Energy Conservation Measures					

Signature of Executive Director /S/ MYR882	Date 08/04/2020	Signature of Public Housing Director	Date
---	------------------------	---	-------------

(1) To be completed for the Performance and Evaluation Report
 (2) To be completed for the Performance and Evaluation Report or a Revised Annual Statement
 (3) PHAs with under 250 units in management may use 100% of CFP Grants for operations
 (4) RHF funds shall be include here

Part II: Supporting Pages								
PHA Name: Leavenworth Housing Authority		Grant Type and Number Capital Fund Program Grant No. KS01P06850120 Replacement Housing Factor Grant No. CFFP(Yes/No):				Federal FFY of Grant:		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost ⁽²⁾		Status of Work
				Original	Revised ⁽¹⁾	Funds Obligated	Funds Expended	
KS068000001 - PLANTERS II	Replace Waste Stacks and Drain Lines (Dwelling Unit-Interior (1480)) Description : Replace all waste stacks and drain lines with PVC	1480		\$145,880.00				
	Total:			\$145,880.00				

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

(2) To be completed for the Performance and Evaluation Report

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name: Leavenworth Housing Authority					Federal FFY of Grant:
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates ⁽¹⁾
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

(1) Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Capital Fund Program - Five-Year Action Plan

Status: Approved

Approval Date: 05/21/2020

Approved By: EPIC SYSTEM

Part I: Summary						
PHA Name : Leavenworth Housing Authority		Locality (City/County & State)				
PHA Number: KS068		<input checked="" type="checkbox"/> Original 5-Year Plan		<input type="checkbox"/> Revised 5-Year Plan (Revision No:)		
A.	Development Number and Name	Work Statement for Year 1 2020	Work Statement for Year 2 2021	Work Statement for Year 3 2022	Work Statement for Year 4 2023	Work Statement for Year 5 2024
	PLANTERS II (KS068000001)	\$145,880.00	\$145,880.00	\$145,880.00	\$145,880.00	\$145,880.00

Part II: Supporting Pages - Physical Needs Work Statements (s)					
Work Statement for Year		1	2020		
Identifier	Development Number/Name	General Description of Major Work Categories		Quantity	Estimated Cost
	PLANTERS II (KS068000001)				\$145,880.00
ID0002	Replace Waste Stacks and Drain Lines(Dwelling Unit-Interior (1480)-Plumbing)	Replace all waste stacks and drain lines with PVC			\$145,880.00
	Subtotal of Estimated Cost				\$145,880.00

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 2 2021				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLANTERS II (KS068000001)			\$145,880.00
ID0003	Replace Waste Stacks and Drain Lines(Dwelling Unit-Interior (1480)-Plumbing)	Replace all waste stacks and drain lines with PVC.		\$145,880.00
	Subtotal of Estimated Cost			\$145,880.00

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year		3	2022	
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLANTERS II (KS068000001)			\$145,880.00
ID0004	Replace Waste Lines and Drain Lines(Dwelling Unit-Interior (1480)-Plumbing)	Replace all waste lines and drain lines with PVC.		\$145,880.00
	Subtotal of Estimated Cost			\$145,880.00

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2023				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLANTERS II (KS068000001)			\$145,880.00
ID0007	Fire System Replacement Project(Dwelling Unit-Interior (1480)-Other)	Replace fire panel and smoke detectors		\$145,880.00
	Subtotal of Estimated Cost			\$145,880.00

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year		5	2024	
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLANTERS II (KS068000001)			\$145,880.00
ID0006	Update Elevators(Non-Dwelling Interior (1480)-Other)	Renovate Elevator interior		\$145,880.00
	Subtotal of Estimated Cost			\$145,880.00



The Leavenworth Housing Authority conducted a public hearing pursuant to 24 CFR Part 905 reference to the 2020 Capital Fund Program grant on Tuesday, July 7, 2020 at 9:00 a.m.

All documents pertaining to the 2020 Capital Fund Program grant were available for public viewing.

The Public Hearing was held to answer questions pertaining to the 2020 CFP grant and to accept comments.



Julie Hurley, Executive Director

8/4/2020
Date



Criteria for Significant Amendment or Modification to the CFP 5-Year Action Plan

The following additions to the CFP 5-Year Action Plan shall constitute a significant amendment or modification: Demolition, disposition, homeownership, Capital Fund financing, conventional development or mixed-finance development.

JULIE HURLEY

Name of Executive Director

[Handwritten Signature]

Signature of Executive Director

8/4/2020

Date

**POLICY REPORT
ACCEPT LOW BID FOR REPLACEMENT OF THE FIRE PANEL REPLACEMENT AT
PLANTERS II
SEPTEMBER 22, 2020**


PREPARED BY:


Andrea Cheatom, Housing Manager
Leavenworth Housing Authority

REVIEWED BY:


Julie Hurley, Executive Director
Director of Planning and Community
Development

APPROVED BY:

for 
Paul Kramer
City Manager

ISSUE:

Review and award of bid for the fire panel replacement at Planters II.

REVIEW OF PROPOSALS:

Proposals were received by Andrea Cheatom, Housing Manager, at the Leavenworth Housing Authority. Following are the proposals received:

1. National Fire Suppression	\$56,350.00
2. Progressive Electronics Inc.	\$37,543.00
3. Keller Fire & Safety	\$60,640.00

The Leavenworth Housing Authority contacted three companies to supply a proposal for the specified work. All three companies responded and provided a proposal. Procedure was performed in accordance with HUD's procurement policy. Proposal was also given in compliance with Davis-Bacon wages.

STAFF RECOMMENDATION:

Staff recommends that the proposal of \$37,543.00 be awarded to Progressive Electronics Inc.

BUDGET IMPACT:

There are sufficient funds available in the Capital Fund Program grant and Operating Subsidy for Planters II for this project.

COMMISSION ACTION:

Acting as the Housing Authority, authorize the low proposal for the Fire Panel replacement/repair at Planters II of \$37,543.00 to Progressive Electronics Inc.

QUOTATION FORM

Department: Housing Date of Quote: 9-14-20

Description of goods or services required: Replacement of Fire Panel
at Planters II

Unit of Measure: _____ Quantity Required: 1

Special Requirements (i.e. warranty, ongoing maintenance, timing): _____

Guide to Vendor Contacts for Quotations

DO identify yourself and inform your contact that you are soliciting competitive quotations and will be contacting other potential contractors for similar quotations and that this is their sole chance to price quote for this particular proposed purchase.

DO provide the date by which the quoted item(s) must be delivered to the City receiving point.

DO provide the quantity, unit of measure, a complete description of the item(s) that require pricing and any special considerations and/or requirements that pertain to the procurement.

DO request firm pricing for the required item(s) and ask what credit terms will be extended to the City if an order is placed with their firm.

DO ensure that all contacts are furnishing quotation on equivalent goods or services.

DO NOT contact any one potential contractor more than once for the same quotation or pricing.

DO NOT take a price from a contact and try to "beat down" their price. The rule is the first price quoted by a given potential contractor is the price by which their quotation shall be evaluated.

DO avoid "price shopping." Price shopping in governmental procurement is an unethical practice that involves taking pricing from one potential supplier and disclosing those prices to another potential supplier in the hope of receiving a lower price from the second supplier. In effect, one is using the first price to "shop" for better prices. Your contacts have the right to expect, and you have an obligation to provide, price confidentiality of all quoted prices until the quotation is awarded.

DO NOT, under any circumstances, become abusive or argumentative with your contacts. Such conduct leads to negative supplier relationships and reflects poorly upon you and the City.

DO thank the contact for their quotation and inform them their firm will be notified by an official City purchase order if their quotation is the lowest price fully meeting the requirements of the quotation.

Vendor: National Fire Suppression Telephone: 913-321-9208
Vendor Address: 501 Sunshine Road, Kansas City, KS 64115
Vendor Representative: Maryann Quinto
Unit Price: \$56,350 Extended Price: \$56,350
Other Charges (i.e. shipping): 0 Total Price: \$56,350
Other Information: _____

Vendor: Progressive Electronics Inc. Telephone: 816-215-9914
Vendor Address: 6102 Arlington, Raytown, MO 64133
Vendor Representative: Chris Jones
Unit Price: \$37,543 Extended Price: \$37,543
Other Charges (i.e. shipping): 0 Total Price: \$37,543
Other Information: _____

Vendor: Keller Fire & Safety Telephone: 913-311-8494
Vendor Address: 1138 Kansas Avenue, Kansas City, KS 64105
Vendor Representative: John Haines
Unit Price: \$60,640 Extended Price: \$60,640
Other Charges (i.e. shipping): 0 Total Price: \$60,640
Other Information: _____

Vendor Selected: Progressive Electronics Inc.

If vendor selected was not the low quotation, explain rationale for choice (and review page 7 of the Manual regarding the 1% preference to local vendors). _____




1138 Kansas Avenue
Kansas City, KS 66105
P 913-371-8494
F 913-321-3457

John.Haines@KellerFire.com



KellerFire.com

System Integrators: ■ Fire Alarm ■ Clean Agent Suppression ■ Access Control ■ Fire Extinguishers ■ Kitchen Hood Suppression ■ 24 Hr Service

18 August 2020

Quote Valid for 90 Days

Leavenworth Housing Authority
200 Shawnee Street
Leavenworth, KS 66048

Transmitted via e-mail to: acheatom@firstcity.org

RE: 2020 Fire Alarm Upgrade Budget Proposal

SCOPE OF WORK 1

Keller Fire & Safety to replace Fire Alarm components on a one for one bases.

- Existing Wiring will be reused
- Existing Conduit will be reused
- Existing Back Boxes will be reused
- Provide and Install (1) EST Addressable Panel with Amp
- Provide and Install (2) Power Supplies
- Provide and Install (160) LED Speaker and or Strobes
- Provide and Install (20) Door Holders
- Provide and Install (25) Conventional Pull Stations
- Provide and Install (60) Conventional Smoke Detectors
- Provide and Install (4) Duct Detectors
- Provide 100% Inspection of System upon Completion
- Prevailing Wage Included

Option 1: All conventional devices

This scope would be \$60,640.00, excluding tax (ONE FOR ONE REPLACEMENT)

Exclusions:

- Does not include Smoke Detectors in Apartments
- Replacement of Existing Wiring or Boxes
- 120 Volt Power to Power Supplies
- Patching of Walls or Paint
- No repairs included that are not listed
- After Hours or Weekend Work
- Tax

Thank you for giving us the opportunity to present this proposal for your consideration. If you have any questions or if when I may be of further assistance, please do not hesitate to contact me.

Sincerely,

KELLER FIRE & SAFETY, INC.

BY: _____	John Haines	ACCEPTED BY: _____
TITLE: _____	Service Sales	TITLE: _____
DATE: _____	8/18/20	DATE: _____



PROGRESSIVE ELECTRONICS inc.

6102 Arlington, Raytown, MO 64133 | 816.765.5750 | Fax 816.765.9266 | www.peikc.com

Fire Alarm Panel Only - Replacement

Planters II

200 Shawnee St, Leavenworth, Ks 66048

Chris Jones
Service Manager

PEI Quote Number: 51509

To:

Andrea Cheatom
Leavenworth Housing Authority
200 Shawnee St
Leavenworth, Ks, 66048
Phone: 913-682-22200
Fax:

*Go to
Commission*

Description Fire Alarm

Specification Section

Addendum(s)

Taxable Exempt

This quote is for the replacement of the existing Notifier 5000 panel. The Notifier 5000 panel has been discontinued and new parts are not available. Our quote is for the installation of a Notifier NFS2-640 fire alarm panel with digital voice command. We plan on replacing the conventional zone boards with intelligent zone and control boards. We will reuse the existing wiring and field devices on the floors.

Included in this replacement will be a complete test of the fire alarm system any field problems that require repair will be priced separately after the install is completed.

We will strive to make sure that the fire alarm is in service at the end of each day as much as possible.

We have included design drawings, engineer stamp and permits.

This price is based on the use of prevailing wage labor for all on site work.

Tax:	\$0
Price:	\$37,543
SubTotal For Fire Alarm:	\$37,543

Quote Good For: 30 Days

Today's Date: 8/19/2020

Total Price: \$37,543

This quote is subject to but not limited to: Progressive Electronics, Inc.'s interpretation of plans, specifications and addenda received; any changes in manufacturer's pricing, models or equipment availability; any and all drawings, lists or attachments; quote's valid until date; and adherence to Progressive Electronics, Inc.'s established standard terms and conditions of sales.

19 August 2020

Transmitted via e-mail to acheatom@firstcity.org

Ms. Andrea Cheatom
Housing Manager
Leavenworth Housing Authority
200 Shawnee Street
Leavenworth, KS 66048

RE: Planters II/200 Shawnee, Leavenworth, KS 66048
FACP w/Voice Replacement Proposal

Dear Ms. Cheatom:

NATIONAL FIRE SUPPRESSION is pleased to present our proposal for furnishing labor and equipment to install (1) Siemens Pro Modular Fire Alarm Control Panel w/Voice to replace the existing fire alarm control panel for the sum of **\$56,350.00, excluding any applicable sales tax**. Existing fire alarm wiring will be utilized.

SIEMENS Cerberus FCM2041-U3 Modular Conventional Fire Alarm System w/Voice

- Furnish and Install (1) Cerberus PRO Modular Conventional System Fire Alarm Control Panel w/Battery Back-up, Power Supply, Dialer Module and Black Enclosure
- Furnish and Install (30) Fireman's Phone Jacks, (3) Portable Firefighters' Telephones w/Push-to-Talk Button, (4) Booster Power Supply Modules
- Furnish Install & Program (1) Cellular Dialer
- Perform Functionality Testing (upon completion of installation)
- Furnish (1) Owner's Training Session
- Furnish 90-Day Installation Warranty of Mechanical and Electrical Installation

The proposed Siemens panel will support all devices that currently report to the existing fire alarm control panel (smoke detectors, speaker/strobes, manual pull stations) with conventional zone cards.

As discussed, future conversion to an addressable fire alarm system by replacing proposed zone cards with addressable cards will be possible.

Cellular Dialer Monitoring

Furnish third-party UL Listed Central Station monitoring (AvantGuard/Ogden, Utah) for the proposed cellular dialer located at the above referenced location for a fee of **\$60.00 per month which is billed annually at \$720.00 per year**.

Terms & Conditions

- Payment terms under this agreement are by Net 30 with approved credit.
- All work to be performed during National Fire Suppression normal business hours, 7:00 a.m. to 3:30 p.m., Monday through Friday in accordance with NFPA 72.
- Prices quoted are valid through 31 October 2020 and **excludes** sales tax.

Exclusions

- New Fire Alarm Cable
- Permits, Drawings, PE Stamps
- Patching/Painting
- Overtime or Premium Time Labor
- 120-volt Power to Fire Alarm Control Panel
- Any items, repairs, parts or services other than those specifically mentioned in this document.

Thank you for the opportunity to present this proposal for your consideration.

Please don't hesitate to contact me if you have any questions or when I may be of any further assistance.

Sincerely,


**NATIONAL FIRE SUPPRESSION, a division of
WESTERN STATES FIRE PROTECTION**

Maryann Quinto


Maryann Quinto
Service & Inspection Representative

Accepted by: _____ Date: _____

POLICY REPORT
Leavenworth City Commission
Consider Bids for Demolition Project CD 2020-01
September 22, 2020


Prepared By:
Mary Dwyer
Community Development
Coordinator


Reviewed By:
Julie Hurley
Director of Planning
and Community Dev.


Reviewed By:
for Paul Kramer
City Manager

DISCUSSION

Bids were solicited for demolition of one four-plex building (515 N. 5th), one garage (719 N. 9th), and four residential properties (306 N. 3rd, 515 Pawnee, 714 Kiowa and 718 Dakota). One bid was received for \$60,718.

RECOMMENDED ACTION

Staff recommends acceptance of the bid by Denton Excavating dba Midland Wrecking for \$60,718. Sufficient funds are in the Community Development Block Grant for this contract.