



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

CITY COMMISSION STUDY SESSION & SPECIAL MEETING
COMMISSION CHAMBERS
TUESDAY, SEPTEMBER 15, 2020 7:00 P.M.

Welcome to your City Commission Study Session & Special 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

In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed on Channel 2 and via 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 15. 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. The public is encouraged to continue to view the meeting via Facebook Live or Channel 2. Submit your comments or questions on agenda items to be read during discussion on that topic to cwilliamson@firstcity.org no later than 6:00 pm on September 15. For call in options related to commenting on agenda items, submit your inquiry to cwilliamson@firstcity.org

Study Session:

- 1. Presentation by Saint John Hospital (pg. 2)
- 2. Catholic Charities Update (pg. 3)
- 3. 2020 Public Safety Update (pg. 4)
- 4. CARES Act Funding Review & Update (pg. 11)

Special Meeting:

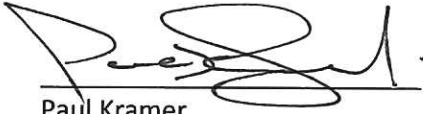
Open a Special Meeting **Action:** Motion

5. First Consideration Ordinance Condemnation Ordinance Related to 16th Terrace & Thornton Phase 2 & Phase 3 Drainage Project **Action:** Motion (pg. 28)

Adjournment: **Action:** Motion

Policy Report
Presentation by Saint John Hospital
September 15, 2020

Prepared by:

A handwritten signature in black ink, appearing to read 'Paul Kramer', written over a horizontal line.

Paul Kramer
City Manager

Issue:

Paula Ellis, CEO of Saint John Hospital, will provide an update to the City Commission.

POLICY REPORT
Catholic Charities Update

SEPTEMBER 15, 2020



Prepared By:
Julie Hurley
Director of Planning and
Community Development



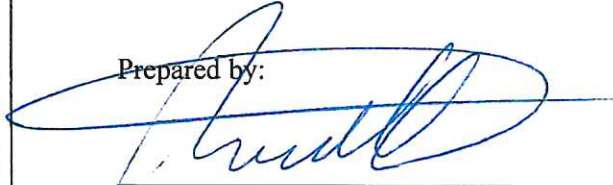
Reviewed By:
Paul Kramer
City Manager

DISCUSSION:

A representative of Catholic Charities will be present to give an update on the expenditure of CDBG and Housing Trust funds received from the City of Leavenworth, and the anticipated need for the remainder of 2020.

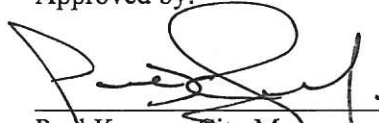
**Policy Report No. 10-2020
2020 Public Safety Update
September 15, 2020**

Prepared by:



Patrick R. Kitchens, Police Chief

Approved by:



Paul Kramer, City Manager

ISSUE:

The Police Department will provide an update to Public Safety in 2020.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

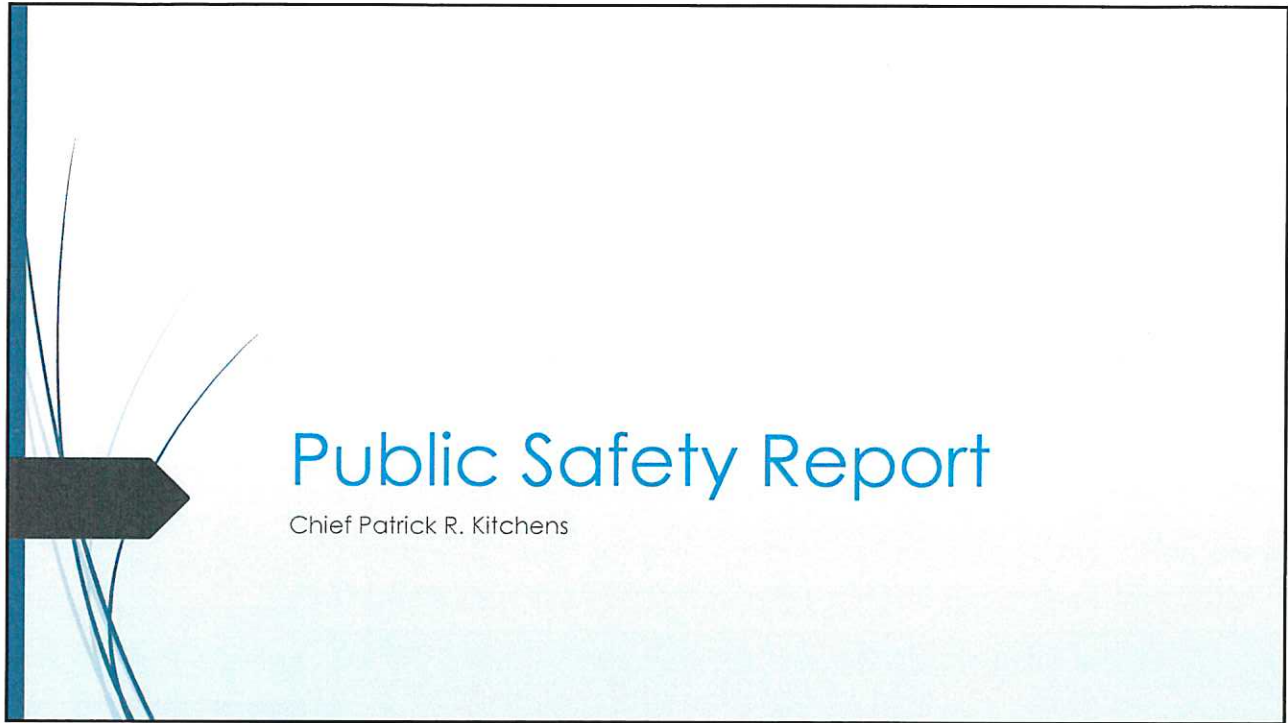
Power Point presentation.

BUDGET IMPACT:

There is no budget impact.

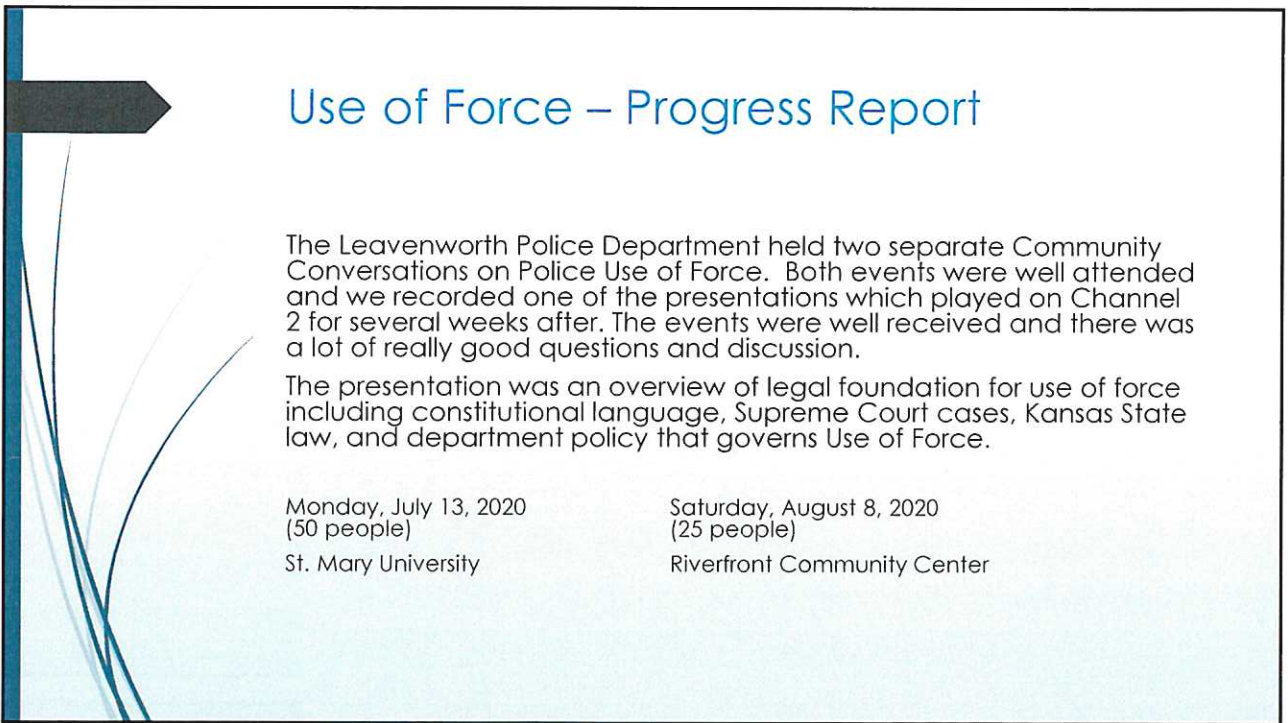
COMMISSION ACTION:

Review and Discuss.



Public Safety Report

Chief Patrick R. Kitchens




Use of Force – Progress Report

The Leavenworth Police Department held two separate Community Conversations on Police Use of Force. Both events were well attended and we recorded one of the presentations which played on Channel 2 for several weeks after. The events were well received and there was a lot of really good questions and discussion.

The presentation was an overview of legal foundation for use of force including constitutional language, Supreme Court cases, Kansas State law, and department policy that governs Use of Force.


Monday, July 13, 2020
(50 people)
St. Mary University

Saturday, August 8, 2020
(25 people)
Riverfront Community Center



Use of Force – Progress Report

- Policy Discussions
 - Our department policy is generally in-line with most policies adopted by Law Enforcement agencies in the United States. (IACP)
 - Staff did a top to bottom review of all Use of Force policies.
 - We took a lot of notes at our Public Forums.
 - The senior staff at the Police Department payed very close attention to the national conversation and listened for ideas and recommendations that others are doing and we might adopt.



Use of Force – Progress Report


- I'm generally comfortable with our policies, use of force tools, use of force review process, the body worn camera program, and the training curriculum.
- However, we identified one area that we are reviewing potential policy changes:
 - Duty to Intervene – inherent in the policy but not specifically spelled out.

Use of Force – Progress Report

- ▶ Duty to Intercede – policy consideration
 - ▶ Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another officer use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.


Crime

- ▶ As we conclude the month of August and reach the end of summer, we start to take a general look at crime and activity. It's not nearly at the level of our Annual Report in March but it does give us a sense of how the year is going.
 - ▶ There are two pressing issues that appear to stand out:
 - ▶ Gun violence (Woodland Village)
 - ▶ Stolen cars




Gun Violence

- ▶ Two murder cases involving gun violence.
 - 1) 13th Street Terrace – arrest and charges (Operation Legend)
 - 2) Eisenhower Road - ongoing
- ▶ We have responded to a series of shootings in the Woodland Village Apartment Complex since January of 2020.
 - ▶ The principle obstacle is cooperation from victims.
 - ▶ Property Management is helping.
 - ▶ Camera enhancement and access.
 - ▶ Evictions of problem tenants



Stolen Autos

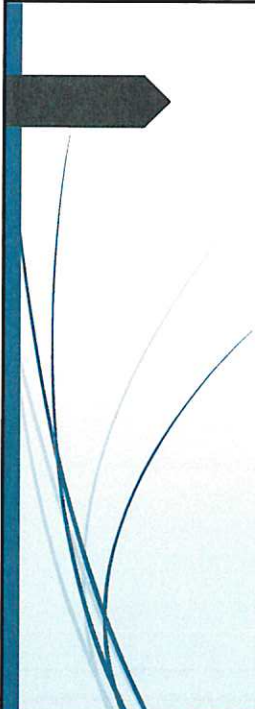
- ▶ 115 Stolen cars in the first 8 months of 2020.
 - ▶ Call to remind people to lock cars and don't leave keys inside!
 - ▶ Cars unlocked and keys left inside.



Drug Cases - Update

- ▶ The Police Department initiated 75 drug cases so far in 2020.
 - ▶ Arrests
 - ▶ Investigations

- ▶ Resources devoted to heroine, meth, and prescription pills.



Other Metrics

- ▶ Calls for Service – 14,256 - 2020

- ▶ 1842 Traffic Citations – 2020
 - ▶ (Mar-May) COVID Slow down

- ▶ Domestic - 424
 - ▶ Numbers are generally down from last year!




COVID – 19 Impact

- ▶ 1 Officer positive (symptomatic) 14 day quarantine.
- ▶ 1 Officer Positive (asymptomatic) 14 day quarantine.
- ▶ 10 Officers exposed on-duty – quarantined, tested, and negative
- ▶ 5 Officers randomly tested – negative

Policy Report
CARES Act Funding Review and Update
Sept. 15, 2020

Prepared by:



Paul Kramer
City Manager

Background:

The state of Kansas released \$19,204,954 in federal CARES Act funding to Leavenworth County on July 15. As part of the process, cities in the county then had to submit spend plans to the County by Aug. 15. Additionally, cities had to pass a resolution related to the funding. Based on population, the amounts allocated to jurisdictions in the County are:

| Balance of funds distributed to municipalities based on population | | | |
|---|-------------------|-------------------|--------------|
| Municipalities | Population | % of Total | Funds |
| Total County Population | 81,758 | | \$15,363,963 |
| Leavenworth | 35,957 | 43.98% | \$6,757,039 |
| Lansing | 11,949 | 14.62% | \$2,245,456 |
| Basehor | 6,496 | 7.95% | \$1,220,728 |
| Tonganoxie | 5,583 | 6.83% | \$1,049,157 |
| Balance of County | 21,773 | 26.63% | \$4,091,582 |

In order to guide the process, the state created the Strengthening People And Revitalizing Kansas (SPARK) Committee. That committee created a guidance document (which is attached, in part) that provides direction and potential uses of these funds. In general, the funds are designed to:

1. **Make public institutions whole** – providing reimbursements for COVID-19 related costs
2. **Protecting the health of Kansas** – Ensuring access to supplies and infrastructure to mitigate disease spread and preparing for a potential “second wave” in the fall.
3. **Revitalizing local business** – Ensure that businesses and non-profits can re-open safely and rebound from COVID-19
4. **Building resilient communities** – Supporting workforce, housing, childcare, social services and other investments critical for long-term and community growth.

Subject:

The City of Leavenworth submitted a spend plan to Leavenworth County on Aug. 3 (see attached). That plan focuses on technology related to promoting remote meetings, providing access to services to the public in a safe way, and reimbursement of supplies. The remainder, and majority, of the spend plan was dedicated to reimbursement for public safety employees and COVID-19 related expenditures. It is anticipated that the City will qualify for its total allocation of \$6.7 million later this year.

Although the CARES Act funds will cover expenses in the spend plan, the City would anticipate funding being available for other COVID-related expenditures, primarily in the form of support for residents, non-profits and businesses for expenses directly related to COVID-19. A draft spend plan that outlines other ideas for City support is also attached to this policy report.

Action:

At this point, the City has submitted nearly \$5 million in reimbursement requests, but has yet to receive any reimbursement funds from Leavenworth County. Correspondence from the County indicates they are working with the state on some final approvals. However, staff is looking for a discussion and feedback on some of the proposed uses outlined in the draft spend plan.

ATTACHMENTS:

SPARK Committee Guidance
Submitted Spend Plan
Draft Spend Plan

STATE EXPENDITURE GUIDANCE

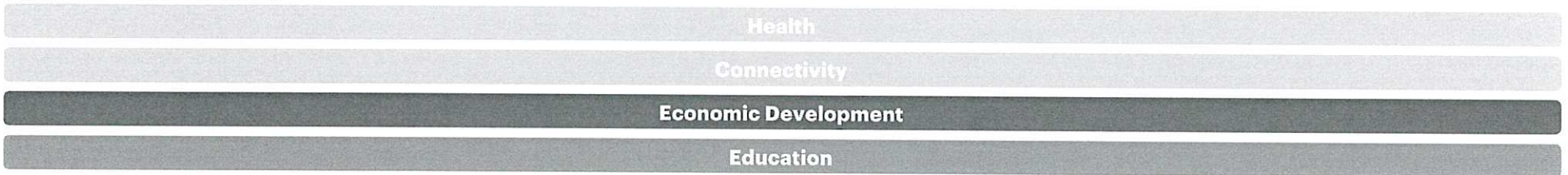
COUNTY PRIORITIZATION ROADMAP



Counties can use these objectives as a framework to plan and prioritize their investments for COVID-19 related spending



State Themes



STATE AREAS OF FOCUS

In response to COVID some of our hardest hit areas are around the following



Challenges

COVID-19 has *altered* our way of life

- Our citizens are **sick**
- Our communities are feeling **disconnected**
- Our businesses, livelihoods, and schools have been **disrupted**

Response

We are *working diligently* for our communities

- Address **medical** and **public health** needs
- Provide **economic support** to those suffering from unemployment
- Provide economic support for business interruptions



Health

Advance public health and respond to future outbreaks



Connectivity

Enable remote connectivity through investments in technology and digital infrastructure



Economic Development

Protect livelihoods of affected individuals, invest in communities, and support businesses



Education





Provide quality education and resources to our students

IDEAS FOR COUNTY INVESTMENTS

Counties can follow this guidance to align priorities to state themes for investments



INVESTMENT IDEAS BY COUNTY OBJECTIVE

| STATE-LEVEL FOCUS AREAS | 1. Making our public institutions whole | 2. Protecting the health of Kansans, now and beyond | 3. Ensuring that businesses and non-profits can re-open safely and rebound from COVID-19 | 4. Building resilient communities |
|---|---|--|---|--|
|  <p>HEALTH Advance public health and respond to future outbreaks</p> | <ul style="list-style-type: none"> Reimbursement for already incurred health costs such as protective equipment, testing supplies, EMS, etc. | <ul style="list-style-type: none"> Testing Medical Supplies Emergency Management Contact Tracing County jail grants | <ul style="list-style-type: none"> Grants for public health infrastructure improvements Funds for PPE, supplies, digital thermometers, etc. | <ul style="list-style-type: none"> Vaccine deployment Investments 90 supplies of equipment Expand contract tracing infrastructure |
|  <p>CONNECTIVITY Enable remote connectivity through investments in technology and digital infrastructure</p> | <ul style="list-style-type: none"> Reimbursements for already incurred connectivity costs such as laptops, telemedicine equipment, etc. | <ul style="list-style-type: none"> Telehealth technology investments Digital infrastructure grants for hospitals and clinics | <ul style="list-style-type: none"> Software and hardware improvements for post-COVID workplaces Remote work support and investments | <ul style="list-style-type: none"> Broadband Investments Training and digital infrastructure improvements to improve inter-agency coordination |
|  <p>ECONOMIC DEVELOPMENT Protect livelihoods of affected individuals, invest in communities, and support businesses</p> | <ul style="list-style-type: none"> Reimbursements for already incurred economic development costs such as existing COVID-19 grant programs to business, etc. | <ul style="list-style-type: none"> Programs to care for homeless populations Funds for food distribution and inventory Grants to senior-care centers for health expenses Evictions and rent assistance | <ul style="list-style-type: none"> Grants for small businesses and non—profits COVID-19 related workforce retraining programs Worker support and hazard pay programs | <ul style="list-style-type: none"> Unemployment insurance Childcare and early childhood investments for essential workers |
|  <p>EDUCATION Provide quality education and resources to all students</p> | <ul style="list-style-type: none"> Reimbursements for already incurred education costs such as tech for distance learning, training for teachers, etc. | <ul style="list-style-type: none"> School-based mental health Safety and health supplies for schools Distance Learning support Technology for students | <ul style="list-style-type: none"> Funding for student-focused non-profits for remote services Grants to childcare providers for operating costs, health supplies | <ul style="list-style-type: none"> School Infrastructure Investments School Lunch and food delivery investments |

All investments must meet CARES Act spending requirements

IMMEDIATE NEXT STEPS

These are key next steps for counties



Review content and forms, submit your primary point of contact through the link sent after this webinar by July 6th

Collect reimbursements for county and public educational/municipal level expenses, consider staffing needs for accountability and reporting

Develop a local process to consider proposals for new programs from cities, businesses, etc.

Next webinar will be the week of July 6th, and will include additional information on the direct spending plan along with additional insights for investment ideas



August 3, 2020

Leavenworth County Board of County Commissioners
300 Walnut Street, Suite 225
Leavenworth, KS 66048

Subject: City of Leavenworth CARES Act Spend Plan

Leavenworth Board of County Commissioners,

Per the request of the County Administrator, see the attached proposed spend plan for the CARES Act funding allocated to the City of Leavenworth. After careful review of qualifying expenditures and consultation with City and County staff, we believe the proposed spend plan is fitting with the intended spirit of the program.

The City Commission will hear the second consideration of the required ordinance at its Aug. 11 meeting, after which a copy will be sent to the County Administrator.

Please feel free to reach out to me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Kramer".

Paul Kramer
City Manager
City of Leavenworth, KS



City of Leavenworth

Cares Act Funding Spend Plan - \$6,757,039

Contacts:

Paul Kramer, City Manager
pkramer@firstcity.org
913-680-2604

Taylor Tedder, Assistant City Manager
ttedder@firstcity.org
913-680-2602

1. Technology

a. Cloud Phone System - \$125,000.00

To promote the ability to work from home, a cloud-based phone system for the City's VOIP phone network is proposed. The cloud-based system utilizes a secure data center to eliminate the need for expensive hardware and software. Cloud phone systems only require a broadband internet connection to operate and can be accessed anywhere (employees homes, etc.) through any internet-enabled device, including computers and smartphones to allow telework with ease.

b. Laptop Computers to promote a mobile work environment - \$40,000.00

City employees currently use desktop computers, which do not allow them the flexibility to work from home on a City-issued device. This would allow for the purchase of approximately 20 Microsoft Surface Book laptops, which have integrated webcams and high performance needed to operate on an enterprise network and conduct City business remotely.

c. Meeting room upgrades for teleconferencing - \$35,000.00

With many board and commission meetings, developers, bid openings, and other meetings with members of the public, it is imperative to host virtual meetings with staff to conduct City business. The City's conference rooms and offices are not equipped to handle virtual meetings where participants can see and hear staff well, and while we have used some temporary solutions, this allocation will allow for permanent, reliable, and high-quality virtual meetings to be conducted. The funds will be used for teleconference hardware to be installed in the various rooms needing these features.

d. Finance Software Upgrades (Executime, Vendor Self Serve) - \$85,000.00

The City's Finance Department currently must perform payroll duties in the office. Several departments utilize paper forms that must be entered manually. To mitigate this concern, it is proposed to purchase Executime software to allow those departments not on electronic timesheets to enter their time into a virtual system. Vendor Self Serve, a module in the City's Munis Enterprise Solution, is also proposed to allow vendors to register as a new vendor in our system, make updates to their information, submit their W9's, submit bids or proposals, and other documentation virtually through a self-serve portal.

e. **Munis Payroll & HR Modules - \$30,000.00**

This proposed expense additionally relates to the City's Finance Department and how they currently must perform payroll duties in the office. Making updates to the payroll and HR modules will allow them to perform the duties remotely and integration with time keeping systems will ensure data does not have to be entered in person or manually by staff.

2. Public Safety

a. **Self Serve PD Kiosks (2) - \$25,000.00**

This allocation is proposed to provide two self-serve kiosks for residents inside the lobby of the Justice Center. This will allow residents to file a police report without taking an officer off their route, or any in-person interaction, and will increase the safety and convenience to residents through social distancing.

b. **PPE and Cleaning Supplies - \$70,000.00**

Personal protective equipment and cleaning supplies are imperative for public safety personnel and other City staff during the pandemic. This represents funds already spent on these items.

c. **Salaries already expended related to COVID-19 - \$2,000,000.00**

This allocation is for reimbursement of public safety and City employee salaries that have worked responding to the COVID-19 health crisis.

d. **Salaries reimbursable through the end of the year - \$4,347,039**

This allocation is for public safety and City employee salaries that will continue work responding to the COVID-19 health crisis.



City of Leavenworth

Cares Act Funding Spend Plan - \$6,757,039

Draft Narrative

1. Technology

a. Cloud Phone System

To promote the ability to work from home, a cloud-based phone system for the City's VOIP phone network is proposed. The cloud-based system utilizes a secure data center to eliminate the need for expensive hardware and software. Cloud phone systems only require a broadband internet connection to operate and can be accessed anywhere (employees homes, etc.) through any internet-enabled device, including computers and smartphones to allow telework with ease.

b. Laptop Computers to promote a mobile work environment

City employees currently use desktop computers, which do not allow them the flexibility to work from home on a City-issued device. This would allow for the purchase of approximately 130 Microsoft Surface Book laptops, which have integrated webcams and high performance needed to operate on an enterprise network and conduct City business remotely.

c. Scanners, Webcams, Accessories

To further the ability to hold virtual meetings and accomplish telework well, additional scanners, webcams, keyboards, and mice are needed to provide to City employees. This allocation will also cover any additional software needed to accomplish these goals related to telework.

d. Meeting room upgrades for teleconferencing

With many board and commission meetings, developers, bid openings, and other meetings with members of the public, it is imperative to host virtual meetings with staff to conduct City business. The City's conference rooms and offices are not equipped to handle virtual meetings where participants can see and hear staff well, and while we have used some temporary solutions, this allocation will allow for permanent, reliable, and high-quality virtual meetings to be conducted. The funds will be used for teleconference hardware to be installed in the various rooms needing these features.

e. Tablets for mobile work

There are City staff members that must work out in the field. This funding is proposed to purchase approximately 25 Surface Pro tablets to allow the staff to utilize the network while in the field relieving the need to be based out of an office setting where social

distancing may not be able to be achieved. This will also create a more efficient touchless experience for interacting with residents and businesses in the field.

f. IT Infrastructure Upgrades

The City experienced network issues when employees were remoting in to the servers during the stay-at-home order. To mitigate this issue in the future, infrastructure upgrades are proposed to expand the network capabilities to users working remotely to allow work to be accomplished immediately and in a timely manner, as residents have come to expect a high level of service from City staff.

g. Finance Software Upgrades (Executime, Vendor Self Serve)

The City's Finance Department currently must perform payroll duties in the office. Several departments utilize paper forms that must be entered manually. To mitigate this concern, it is proposed to purchase Executime software to allow those departments not on electronic timesheets to enter their time into a virtual system. Vendor Self Serve, a module in the City's Munis Enterprise Solution, is also proposed to allow vendors to register as a new vendor in our system, make updates to their information, submit their W9's, submit bids or proposals, and other documentation virtually through a self-serve portal.

h. Munis Payroll & HR Modules

This proposed expense additionally relates to the City's Finance Department and how they currently must perform payroll duties in the office. Making updates to the payroll and HR modules will allow them to perform the duties remotely and integration with time keeping systems will ensure data does not have to be entered in person or manually by staff.

2. Community Resources, Grants, and Assistance

a. Healthcare Grant Fund

A grant fund is proposed to provide funding to local hospitals and healthcare providers that have been involved in the response related to COVID-19.

b. Mental Health Grant Fund

Recognizing mental health as a community priority, a grant fund is proposed to provide funding to mental health care providers to allow for combatting mental health issues present in the community.

c. **Rent/Mortgage Assistance**

Recognizing the major financial burdens placed on residents throughout the pandemic, a rent/mortgage assistance fund is proposed to ease burdens of our residents that may have had reduction of income or loss of employment, among other hardships.

d. **Utility Assistance**

Continuing to recognize the major financial burdens placed on residents throughout the pandemic, a utility assistance fund is proposed to ease burdens of our residents that may have had reduction of income or loss of employment, among other hardships.

e. **Food Pantry Assistance**

Continuing with the assistance of residents that were affected by major financial burdens stemming from the pandemic, assistance to food pantries is being proposed. With reductions in incomes and abilities of donors, they are in great need of stock to provide for a higher demand of their services.

f. **Non-Profit Grant Fund**

A Non-Profit Grant Fund is proposed to be established to continue providing assistance to residents throughout the City. In the current uncertain economic times, donations to non-profits are less prevalent and their services are in great demand.

g. **Mailer to residents outlining programs**

A mass community-wide mailer is proposed to outline all of the different assistance programs that will be introduced through this plan. Communication is key with the public and ensuring we reach all residents that do not have internet or print news is key.

3. Parks Safety Upgrades for Residents

a. **Handwashing stations**

With handwashing a high priority for the community during the pandemic, handwashing stations are proposed at high-use parks.

b. **Bathroom Upgrade**

Handwashing and personal hygiene are major key components to combatting COVID-19. A high use park in the City, Havens Park, is in need of a bathroom to allow for handwashing and sanitary conditions for residents to utilize a restroom. This allocation would ease those concerns of sanitary conditions for the public.

4. Small Business Assistance

a. **Small Business Grant Fund**

Small businesses throughout Leavenworth were affected greatly by the pandemic. A grant fund is proposed to distribute funding to businesses that demonstrate need and were affected by the COVID-19 health crisis.

b. **Workforce Development Grants**

Jobs are in need more than ever in our current economic climate. A workforce development grant fund is proposed to allow businesses that are on the verge of expansion and hiring employees to do so. The City would work in concert with the Leavenworth County Development Corporation to distribute this grant program.

5. Building Changes Promoting Social Distancing

a. **City Hall Access Reconfiguration**

City Hall was designed and built in a different time than we are living in today. To promote social distancing and limit the access of the public to all open areas of the building, this project would create new walls, doors, a modified ADA entrance configuration, HVAC improvements to filter and scrub air, and other access-limiting measures to allow optimal safety and health of the public and employees.

b. **City Hall Security Measures**

Continuing to build on the previous item, this will allow key job access on all additional doors within the building to promote the health and wellbeing of residents and employees inside the building.

c. **Community Center Office Access Reconfiguration**

The Community Center was also designed and built in a different time than we are living in today. To promote social distancing and health of employees, this project would move offices from the basement of the Community Center to the south wing of the building to ensure the public and employees are able to accomplish their duties safely while maintaining their health.

d. **Municipal Service Center Access Reconfiguration**

This proposed allocation would create a lobby area for residents visiting the service center to promote the health and safety of residents and employees. This would also

construct several walls and doors to limit access points and increase the ability of social distancing.

e. Water Pollution Control Access Reconfiguration

This proposed allocation would create a lobby area for residents visiting WPC to promote the health and safety of residents and employees. This would also construct several walls and doors to limit access points and increase the ability of social distancing.

6. Public Safety

a. Self Serve PD Kiosks (2)

This allocation is proposed to provide two self-serve kiosks for residents inside the lobby of the Justice Center. This will allow residents to file a police report without taking an officer off their route, or any in-person interaction, and will increase the safety and convenience to residents through social distancing.

b. PPE and Cleaning Supplies

Personal protective equipment and cleaning supplies are imperative for public safety personnel and other City staff during the pandemic. These funds will be utilized to procure additional supplies.

c. Salaries reimbursable related to COVID-19

This allocation is for reimbursement of public safety and City employee salaries that have worked responding to the COVID-19 health crisis.

**POLICY REPORT PWD NO. 20-44
 CONSIDER AN ORDINANCE FOR FIRST CONSIDERATION DECLARING THE NECESSITY
 OF APPROPRIATING PRIVATE PROPERTY BY CONDEMNATION
 CONNECTED WITH THE
 16TH TERRACE & THORNTON PHASE 2 AND PHASE 3 DRAINAGE PROJECT**

Project 2018-897

September 15, 2020

Prepared by:



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

Reviewed by:



Paul Kramer,
 City Manager

ISSUE:

Consider an ordinance authorizing and providing for acquisition of private property by condemnation for the 16th Terrace & Thornton Phase 2 and Phase 3 Drainage Project.

STAFF RECOMMENDATION:

Staff recommends approval of an ordinance necessitating the appropriation of private property by condemnation.

Following procedure as outlined by State statutes, the City Commission adopted Resolution B-2261 at the August 11, 2020 meeting. The resolution declared the necessity of acquiring property through eminent domain and authorized a survey and description of the land to be condemned. The next action requires the adoption of the proposed ordinance as prepared by the City Attorney.

Property has been acquired by the City from many of the property owners. The remaining tracts to be acquired in this area by condemnation are described in the attached ordinance. The property is generally described as:

| <u>Owner</u> | <u>Property Address</u> | <u>Easement Type</u> |
|---|----------------------------------|----------------------|
| Joslin Enterprises, LLC | 2301 S. 16 th Terrace | TCE & PDE |
| Miller Properties Assoc., LLC | 2306 S. 16 th Street | TCE |
| Daniel A. & Leona A. Nolan | 2309 S. 16 th Terrace | TCE |
| Todd M. Jagodzinski | 2405 S. 16 th Terrace | TCE |
| George Willard | 2409 S. 16 th Terrace | TCE |
| Derek S. & Emily A. Saldana-Fitzgerald | 2413 S. 16 th Terrace | TCE |
| Patricia A. Goff | 2500 S. 16 th Street | TCE |
| Patricia A. Goff | 2504 S. 16 th Street | TCE |
| Mathew R. & Sara A. Van Baale | 2508 S. 16 th Street | TCE |
| Shirley A. Pittman- Artis | 2601 S. 16 th Terrace | TCE |
| Jesse T. & Helen L. Wheeler | 2605 S. 16 th Terrace | TCE |
| Theresa D. Brooks | 2620 S. 16 th Street | TCE |
| Alejandro Valdez & Amy Nicole Gutierrez | 2609 S. 16 th Terrace | TCE |

TCE = Temporary Construction Easement

PDE = Permanent Drainage Easement

Detailed legal descriptions and maps for these parcels have been prepared by a land surveyor licensed in the State of Kansas. They are included in the ordinance.

John Amrein of The Land Company has continued to maintain contact with the property owners. The City continues to work with John Amrein and the property owners to reach agreements on these easements. Staff opinion is that it is necessary to proceed with the condemnation action until all easements are obtained.

The cost of court-appointed appraisers, payments of calculated values of the easements to be acquired, attorney and any related expenses would be paid from the project budget. The City is entirely responsible for these expenses.

ATTACHMENT:

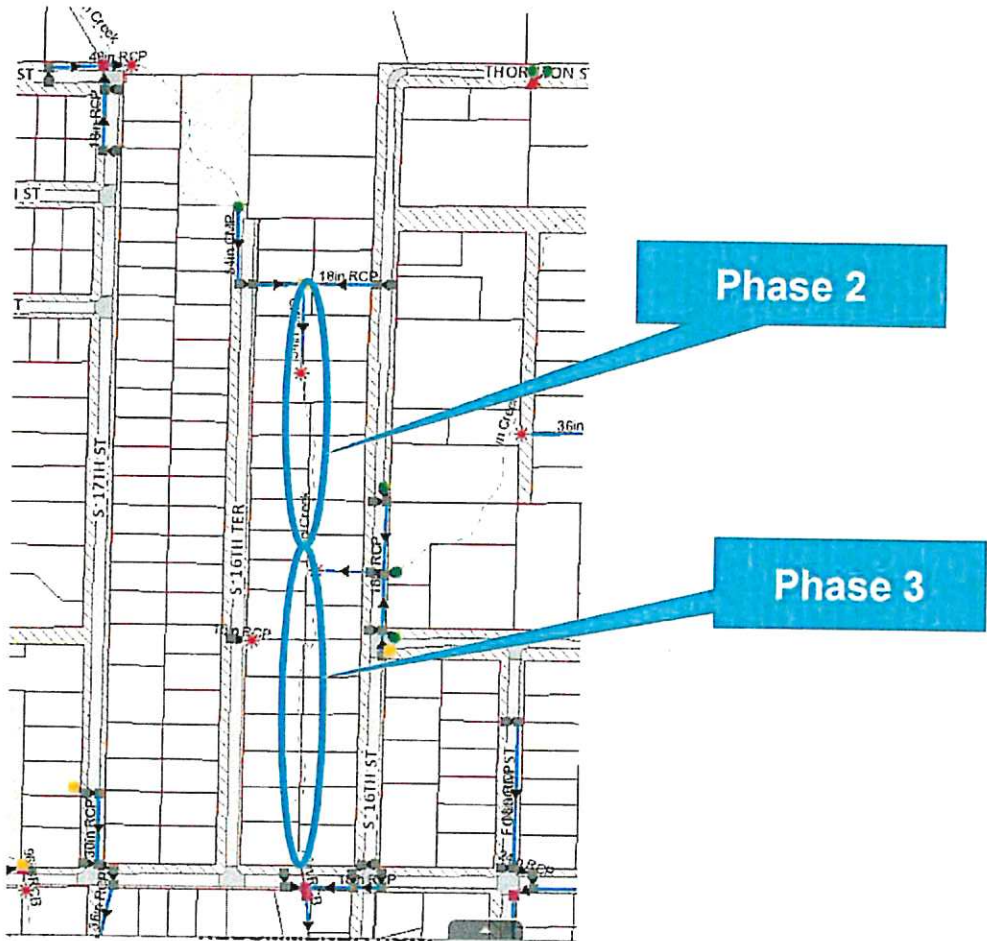
Project Location Map

Resolution B-2261

Ordinance No. _____

General Map of Project Location

Project 2018-897
August 11, 2020



(Published in *The Leavenworth Times* on _____, 2020)

ORDINANCE NO. _____

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 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> |

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|----|--|----------------------|---|
| 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. |