



**City of Leavenworth**  
 100 N. 5<sup>th</sup> Street  
 Leavenworth, Kansas 66048

**CITY COMMISSION REGULAR MEETING**  
**COMMISSION CHAMBERS**  
 TUESDAY, NOVEMBER 10, 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*  
**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 view the meeting using one of those options. The Leavenworth City Commission meeting is open to the public with limited seating capacity. To mitigate the spread of COVID-19 face coverings and social distancing is REQUIRED to attend the meeting. To attend the meeting in person, email [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) no later than 4:00 pm on November 10 to reserve a seat. Seats are available on a first come first serve basis. If you are not attending the meeting but would like to submit public comments to be read during the Public Comments portion of the meeting, or submit a questions on an agenda items to be read during discussion on that topic, email your comments or questions to [cwilliamson@firstcity.org](mailto:cwilliamson@firstcity.org) no later than 6:00 pm on November 10.**

**Amended Agenda**  
**Replaced: Map page 61**  
**Added: Item #11 Resolution B-2271**

**Call to Order – Pledge of Allegiance Followed by Silent Meditation**

**Proclamations and Presentations:**

1. Proclamations: (pg. 3)
  - a. National American Heritage Month
  - b. Shop Small-Small Business Saturday November 28, 2020

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

2. Minutes from October 27, 2020 Regular Meeting **Action:** Motion (pg. 5)

**Second Consideration Ordinances**

3. Second Consideration Ordinance 8150-Special Use Permit 611 Miami; Two-Family Dwelling in R1-6 Zoning **Action:** Roll Call (pg. 16)
4. Second Consideration Ordinance 8151-Price Chopper Community Improvement District **Action:** Roll Call (pg. 19)
5. Second Consideration Ordinance 8152-Adopting Redevelopment Project Plan (Price Chopper TIF) **Action:** Roll Call (pg. 25)
6. Second Consideration Ordinance 8153-Authorizing Issuance of Taxable Industrial Revenue Bonds Super Market Developers Inc. (Price Chopper) **Action:** Roll Call (pg. 45)

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**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:**

7. Review and Discuss Mayor’s Holiday Lighted Parade (pg. 49)
8. Consider Amended Fee Schedule (Wastewater Rate Increase 2021) **Action:** Motion (pg. 51)

**Resolutions:**

9. Resolution B-2270 Non-Profit Organization Event “Alive After Five” 2021 **Action:** Motion (pg. 57)

**First Consideration Ordinances:**

10. First Consideration Ordinance to Amend Sec. 44-189 Emergency Snow Routes **Action:** Consensus (pg. 59)

**Amended/Added:**

11. Resolution B-2271 Application for 2020 Leavenworth County Call for Projects **Action:** Motion (pg. 63)
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**Consent Agenda:**

Claims for October 24, 2020, through November 6, 2020, in the amount of \$2,432,242.49; Net amount for Payroll #23 effective November 6, 2020 in the amount of \$337,518.06 (No Police & Fire Pension). **Action:** Motion

**Other:**

**Executive Session**

12. Executive Session – Personal Matters of Non-Elected Personnel (City Manager’s Annual Performance Review)  
**Action:** Motion (pg. 66)

**Adjournment**

**Action:** Motion

# City of Leavenworth, Kansas



## Proclamation

- WHEREAS,** *the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and*
- WHEREAS,** *the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and*
- WHEREAS,** *their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and*
- WHEREAS,** *Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and*
- WHEREAS,** *in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned.*

**NOW, THEREFORE,** *I, Myron J. (Mike) Griswold, Mayor of the City of Leavenworth, Kansas hereby proclaim November 2020 as:*

## National American Indian Heritage Month

*and I urge all our citizens to observe this month with appropriate programs, ceremonies and activities.*

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

\_\_\_\_\_  
Myron J. (Mike) Griswold, Mayor

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk

# City of Leavenworth, Kansas



## Proclamation

- WHEREAS,** *advocacy groups, public and private organizations across the country have endorsed the Small Business Saturday as a shop local campaign held on the Saturday following Thanksgiving to encourage reinvestment in small business across the country; and*
- WHEREAS,** *small businesses employ over 55 percent of America's workers either owning or working for a small business; and*
- WHEREAS,** *87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and*
- WHEREAS,** *according to research firm Civic Economics, for every \$100 spent at a local store, \$68 stays within the community while on-line shopping generates little or no benefit for the local economy; and*
- WHEREAS,** *American Express is a leader in promoting Small Business Saturday throughout the country as well as the National Main Street Center and Kansas Main Street; and*
- WHEREAS,** *annually, Leavenworth Main Street hosts Shop Small Saturday on Small Business Saturday within the downtown with many businesses consistently participating. On average, \$95,000 is spent in the businesses and overall merchants collectively average \$200,000 in sales; and*
- WHEREAS,** *the City of Leavenworth wishes to recognize the contributions that small businesses make to our community and local economy.*

**NOW, THEREFORE,** *I, Myron J. (Mike) Griswold, Mayor of the City of Leavenworth, Kansas hereby proclaim November 28, 2020 as:*

## Small Business Saturday

*in the City of Leavenworth, and hereby urge all citizens to shop at and support our local businesses.*

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

\_\_\_\_\_  
Myron J. (Mike) Griswold, Mayor

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk



**CITY OF LEAVENWORTH**  
100 N. 5th Street  
Leavenworth, Kansas 66048

**City Commission Regular Meeting**  
**Commission Chambers**  
**Tuesday, October 27, 2020 7:00 p.m.**

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**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 members were present virtually via teleconference: Mayor Pro-Tem Nancy Bauder and Commissioners Camalla Leonhard and Jermaine Wilson

**Others present in the commission chambers:** City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Community Development Director Julie Hurley, Parks & Recreation Director Steve Grant, Parks Superintendent Brian Bailey, City Attorney David E. Waters and City Clerk Carla K. Williamson.

**Other members participating via teleconference:** Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper and Finance Director Ruby Maline.

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](mailto:cwilliamson@firstcity.org) no later than 4:00 pm on October 27. 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](mailto:cwilliamson@firstcity.org) no later than 6:00 pm on October 27.

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

#### **OLD BUSINESS:**

##### **Consideration of Previous Meeting Minutes:**

Commissioner Preisinger moved to approve the minutes from the October 13, 2020 regular meeting as presented. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

##### **Second Consideration Ordinances:**

**Second Consideration Ordinance 8147 Special Use Permit 220 Spruce; Child Care Center** – City Manager Paul Kramer presented the ordinance for second consideration. There have been no changes since placed on first consideration at the October 13, 2020 meeting.

Mayor Griswold called the roll on ordinance 8147 and the ordinance passed unanimously 5-0.

**Second Consideration Ordinance 8148 Rezoning 619 S 4<sup>th</sup> Street from Office Business District to General Business District** – City Manager Paul Kramer presented the ordinance for second consideration. There have been no changes since placed on first consideration at the October 13, 2020 meeting.

Mayor Griswold called the roll on ordinance 8148 and the ordinance passed unanimously 5-0.

**Second Consideration Ordinance 8149 to Vacate 6<sup>th</sup> Street from Metropolitan Avenue to Cheyenne Street** – City Manager Paul Kramer presented the ordinance for second consideration. There have been no changes since placed on first consideration at the October 13, 2020 meeting. The ordinance is subject to acceptance of the proposed utility easements that will be presented to the commission as the next agenda item.

Mayor Griswold called the roll on ordinance 8149 and the ordinance passed unanimously 5-0.

#### **NEW BUSINESS:**

**Public Comment:** *emails received by the public for public comment on non-agenda items will be read at this time. No emails were received and no one was present in person for comment.*

#### **General Item:**

**Consider Utility Easement Agreement – Fort Gate Marketplace** - City Manager Paul Kramer presented for approval the general utility easement agreement in connection with the 6<sup>th</sup> Street vacation from Metropolitan Avenue to Cheyenne Street. All utility companies were notified of the vacation and after negotiations between the property owner and the utility companies the attached agreement was agreed to by all parties, and will become an attachment to Ordinance 8149.

Commissioner Preisinger moved to approve the general utility easement agreement with Fort Gate Properties LLC as presented. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Acceptance of Dedicated Land for Public Use-Fort Gate Marketplace First Plat** – Community Development Director Julie Hurley presented for acceptance the dedication of necessary utility easements as well as the street right-of-ways associated with the plat.

Commissioner Preisinger moved to accept the dedication of land for public purposes as part of the final plat for Fort Gate Marketplace. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Request to Name City Owned Property (Soccer Complex)** – Parks and Recreation Director Steve Grant along with Ms. Shelly Cannon of the Parks and Community Activities Advisory Board presented a request to name the soccer complex located at New Lawrence Road and 14<sup>th</sup> Street after the late Frank Mazeitis. Mr. Mazeitis was a member of the Parks and Community Activities Advisory Board for over 10 years but more notably, he contributed to the soccer community in Leavenworth for over 40 years as a coach. The policy for naming or renaming of city-owned property is set out in Resolution B-1562 established in 1998. The request was submitted to the Parks and Community Activities Advisory Board and they unanimously

voted to name the city-owned soccer complex the Frank Mazeitis Soccer Complex. The request is now presented to the City Commission for approval.

Commissioner Preisinger moved to approve the naming of the soccer game complex Frank Mazeitis Soccer Complex. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Review Unsafe and Dangerous Structures Given 30-Day Extensions on September 22** - Community Development Director Julie Hurley reviewed the 6 properties that were given 30 day extensions by the Commission at the September 22, 2020 meeting.

**1033 Osage**-Detached garage – Dumpster on the property at this time but no change.

No one was present to comment on the property

- Commissioner Preisinger from Sept 22 were told property was sold and we have heard nothing so far, would suggest to move forward with demolition.

Consensus by the Commission to Proceed with Demolition

**1914 W. 7<sup>th</sup>**-Single family house – Building permit issued on 10/8/2020 for installation of new siding, roof, foundation repair, and interior renovations. Work ongoing.

No one was present regarding the property

- Commissioner Preisinger stated that there were promises that rehab would begin the week of Sept 22 and nothing other than tearing off siding has been done. Feels that the Commission should proceed with demolition. Mayor Griswold agreed with Commissioner Preisinger and stated that the owner did not even show up to the meeting this evening to discuss. Commission Leonhard agreed to proceed with demolition.
- Commissioners Bauder and Wilson are in favor of giving an extension. Commissioner Wilson stated he had spoken to Trisha Alton. Commissioner Leonhard stated that she was in favor to give an extension if Commissioner Wilson has been in contact with Ms. Alton.
- Julie stated that Ms. Alton pulled a permit on October 8, 2020 but no definite proof that she is the owner at this time.

Consensus by the Commission to review again at the December 8, 2020 meeting.

**504 Miami**-Single family house – Building permit issued on 5/11/2020 for exterior and interior renovations. Minimal visible change.

Owner Ramon Muhammad (1208 W 21 Street Lawrence KS) was present

- Will hire a roofing company and still planning on using Christian Brothers to do the work
- Would need 60 days to complete
- Will be working on the back of the house
- Started tearing down porch 2 days ago and new porch will be done this weekend
- Stated he has been busy with other jobs in Lawrence and trying to keep everyone happy
- Has heaters and will be able to work in the cold weather

- Commissioner Preisinger stated that the commission was told at the last meeting that roof would begin. This has been going too long and neighbors said has been going on for 11 years without repairs. He is in favor or proceeding with demolition.
- Commissioner Bauder asked how long it will take to get the rest of the items done. Mr. Muhammad said that the porch will be built this weekend and then will start on roof and needs 60 days to complete. Commissioners Wilson and Leonhard are also in favor of a 60-day extension.
- After discussion among the Commissioners, it was agreed to review again at the December 8<sup>th</sup> meeting.

Consensus by the Commission to review again at the December 8, 2020 meeting.

**513 Lawrence Ave**-Single family house – Building permit issued on 6/23/2020 for interior and exterior renovations. Work ongoing. Substantial progress and staff recommends removal from the demolition list.

Consensus by the Commission to remove from the demolition list.

**701 S 2<sup>nd</sup>** –Single-family house – No active building permits, work ongoing  
Calvin Locket, Owner 800 S. Esplanade

- About a week left on some concrete work
- Some siding left to install
- Still has a door to install
- Had some health issues that slowed him down
- Need about 1 week to complete

Consensus by the Commission to remove from demolition list.

City Attorney Waters stated that even though properties are off the demolition list they are still subject to Municipal Code and code enforcement issues.

**824 Osage**-Single family house and detached garage – Building permit issued on 5/22/2020 for roof. Work ongoing. Removed part of the roof and added some stairs.

Darlene Derringer (112 East Kay, Lansing) Owner was present

- Husband is not well
- Doing the best with the money they have
- Has renewed the roof permit
- The goal is to move back into the home
- Had to fix soffits before they can do the roof
- Inspector came and said the roof was sound but does not know who it was that came out (claims they were city inspectors)
- Cannot say when it will be complete
- Have been working on it every day except when it snowed
- Does not know how long it has been vacant maybe a couple years at least
- Went to Home Depot and got an estimate on the roof materials but cannot remember how much the amount of the estimate



Manda Woodward (112 East Kay Lansing) Daughter of Owner Darlene Derringer was also present

- Extension needed and priority is the roof
- Is on a fixed income and doing step to get the roof done
- With the cost of the roof it will be nearly impossible to have it done by December
  
- Commissioner Preisinger asked about volunteer who came to look at the roof and reminded Ms. Derringer that the work on the roof must be done by a licensed roofer. Asked about estimates on how much it would cost to complete the repairs and would like to see a cost estimate on how much it would cost to do the needed repairs.
  
- Commissioner Wilson, Bauder and Leonhard agreed that the focus should be on the roof and agreeable to extend to the December 8 meeting.
  
- There was a discussion about what would be needed to occupy the home. A certificate of occupancy would be needed. The home would need electrical service and an inspection.
  
- City Manager Kramer discussed the inspection that was performed by the City of the electrical panel on August 21, 2020 and stated that the inspection concluded:
  - Breaker box needed to be replaced - rusted out beyond being able to be used
  - Is out of code since it has been disconnected for over a year and would need to be brought up to code (substantial electric works is needed)
  
- City Manager Kramer stated there are clearly numerous code enforcement issues that have not been cited because it is on the demolition list so those things are not being addressed.
  
- City Attorney Waters stated that if the Commission makes other request you are modifying the remediation plan; which can be done if the Commission wants staff do that. Concern is that if you are letting the owner leave with the expectation that no work is expected to be done, but just to get expense estimates.
  
- After discussion among the commissioners, it was agreed that the expectation at the December 8, 2020 meeting is that the roof will be complete and then the commission would consider an additional extension.

Consensus by the Commission to review again at the December 8, 2020 meeting with expectation to see a new roof and consider giving an extension on other repairs needed to meet code.

Commissioner Preisinger moved to take action on the following properties: 1033 Osage garage, proceed with demolition; 1914 W 7<sup>th</sup>, review at the December 8, 2020 meeting; 504 Miami, review at the December 8, 2020 meeting; 513 Lawrence Ave, remove from the demolition list; 701 S 2<sup>nd</sup> remove from the demolition list; 824 Osage, maintain on the demo list with a review on December 8 with expectation that if a roof is completed by December 8 we will consider giving an extension on other things. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Individuals in the audience asked to address the Commission regarding 937 Ottawa Street. It was determined that his property was ordered demolished at the September 22, 2020 meeting by the Commission and the item is not on the agenda. City Attorney Waters explained that the Citizen Participation portion of the meeting would have been to time to address the commission and that time had passed. Mr. Waters went on to explain that the Mayor could allow them to speak at this time but it is not an agenda item and the Commission could not take any action without it being placed on the agenda. He advised that without staff work to provide information to the Commission it would be best to allow a brief statement by the individuals or to not allow comment. The Mayor granted 1-2 minute to make awareness of the issue but there would be no action taken.

Michael McKinley (Las Vegas)

- Business partner with the owner Billy Carlyle (actually business partner with his cousin)
- Contractor in Las Vegas
- Got papers about tearing down the house and assessed the house
- Needs \$8,000 of roofing and has the money to do so
- Can pay for electric and gas reconnection

Merer Moricj (Las Vegas) owners brother – here to work on the property for the owner

- Could not turn on power because property not in his name
- Has paint and paint sprayer
- Was supposed to stay in that house and relocated from Las Vegas
- Does not know why power of attorney was not put in his name
- Will give a daily or weekly report on progress

Justina Budd

- Claims no notification of the action

(It was clarified that the notification was made at the July 14<sup>th</sup> meeting that the property would be reviewed at the September 22 meeting and that is the proper notification).

Mr. McKinley and Ms. Budd left the meeting

There was discussion among the Commissioner about if this item could or should be brought back for review. Commissioner Preisinger stated that the property was looked at and a decision made and at no time has the owner addressed the Commission. Commissioners Preisinger, Leonhard, Bauder and Mayor Griswold all agreed that they stand by the decision they already made on September 22<sup>nd</sup>. Commissioner Wilson was willing to look at the property at a future meeting. There was no consensus to re-address the property.

Mr. Moricj continued to remain at the podium and address the Commission. He was escorted out of the commission chambers by Officer Cook from the Leavenworth Police Department.

8:45 - Mayor Griswold called for a 5-minute break.

8:50 – Commission meeting resumed

**Public Hearings:**

**Public Hearing Consideration to Adopt a Redevelopment Project Plan (Price Chopper TIF)**

- **Open Public Hearing:** Commissioner Preisinger moved to open the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.
- **Staff and Public Comments:**

**Staff Comment:** City Manager Paul Kramer reviewed the Redevelopment Project Plan for a Redevelopment Project within an established Redevelopment District, which includes a feasibility study, description and map of the redevelopment project and the estimated costs. Resolution B-2262 was adopted giving notice and setting the time for the public hearing as required by statute. Notices were mailed and published as required and the City Planning Commission met on September 14, 2020 and adopted Resolution 2020-1 finding that the redevelopment plan was consistent with the City's Comprehensive Plan. Mr. Kramer reviewed the Feasibility Study and stated that all payouts are governed by the development agreement.

**Public Comment:** Pete Heaven with Spencer Fane Law Firm was present in the commission chambers to represent the developer and Joel Riggs with Super Market Developers Inc attended virtually via GoToMeeting.

Pete Heaven Spencer Fane Law Firm

- When done with will be a flag-ship store and the most modern
- The store will remain open during renovation

Joel Riggs

- Complete interior renovation
- Exterior and parking lot
- Full renovation within the 4 walls with a new look
- New shelving, floors, all lighting interior and exterior
- Work is expected to begin at the latest the end of December

- **Close Public Hearing:** Commissioner Preisinger moved to close the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.
- **First Consideration Ordinance:** There was a consensus to place the ordinance on first consideration.

#### **Public Hearing to Consider Creation of a Community Improvement District (Price Chopper)**

- **Open Public Hearing:** Commissioner Preisinger moved to open the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.
- **Staff and Public Comments:**

**Staff Comment:** City Manager Paul Kramer reviewed the request for a Community Improvement District (CID) submitted by Super Market Developers LLC (Price Chopper). The estimated cost of the project is \$12,340,296.00 plus interest accrued and borrowed money. The CID will be at .40% for

not more than 22 years. The maximum length of the CID will be spelled out in the development agreement.

- **Public Comment:** Pete Heaven with Spencer Fane Law Firm was present in the commission chambers to represent the developer and Joel Riggs with Super Market Developers Inc attended virtually via GoToMeeting. No Comments.
- **Close Public Hearing:** Commissioner Preisinger moved to close the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.
- **First Consideration Ordinance:** There was a consensus to place the ordinance on first consideration.

City Manager Preisinger suggested that the Commission hear items 14 and 15 next since these also relate to the Price Chopper project.

Commissioner Preisinger moved to move items 14 and 15 on the agenda to the next item in front of item 11. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Consider Amendment to 1994 City & Price Chopper Lease Agreement** – City Manager Paul Kramer reviewed the amendment to the 1994 lease agreement between the City and Price Chopper (referred to as Four B Corp on the lease agreement). To reflect the change in control of the development by Super Market Developers LLC, Four B Corp and Super Market Developers are requesting the lease be assigned to Super Market Developers LLC. The 1994 agreement provides that assignment of the lease to a new party must be granted by the City. Mr. Waters stated that this does not change the terms of the lease in any way. Pete Heaven was present in the commission chambers to represent the developer and Joel Riggs attended virtually via GoToMeeting.

Commissioner Preisinger moved to provide consent for the assignment of the 1994 property lease from Four B Corp to Super Market Developers LLC. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0. (The Mayor stated for the record Commission Wilson gave a “thumbs up” as his audio was not working)

**Consider Super Market Developers Development Agreement (Price Chopper)** - City Manager Paul Kramer reviewed the Development Agreement which outlines the terms and conditions of the complete renovation of the Price Chopper located at 2107 S 4<sup>th</sup> Street. The developers have requested an economic development incentive package from the city include Industrial Revenue Bonds (IRBs), a Community Improvement District (CID), and Tax Incremental Financing District (TIF) for the project costing \$12 million. The agreement includes a funding cap on the CID of \$1,559,000 or 22 years whichever occurs first and a cap on the TIF of \$2,559,000 or 20 years whichever occurs first. Both are based on Super Market Developers/Associated Wholesale Grocers (AWG) project cost projections submitted prior to negotiation of the development agreement. All incentives are pay-as-you go. All collected funds will be remitted quarterly and require paid invoices for “Eligible Project Costs”. Mr. Kramer discussed the benchmarks as

they are stated in the agreement. Pete Heaven was present in the commission chambers to represent the developer and Joel Riggs attended virtually via GoToMeeting.

Commissioner Preisinger moved to approve the development agreement between the City and Super Market Developers as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0. (The Mayor stated for the record Commission Wilson gave a “thumbs up” as his audio was not working.)

#### **Resolutions:**

**Resolution B-2267-Adopt the 2020 Stormwater Management Program** – Public Works Director Mike McDonald presented the 2020 Stormwater Management Program for adoption through Resolution B-2267.

Commissioner Preisinger moved to approve Resolution B-2267 adopting the 2020 Stormwater Management Program. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Resolution B-2268-Adopt the Manual of Infrastructure Standards** – City Manager Paul Kramer presented the City of Leavenworth Manual of Infrastructure Standards for adoption through Resolution B-2268. The manual was reviewed by the Commission at the October 20, 2020 Study Session.

Commissioner Preisinger moved to adopt Resolution B-2268 the City of Leavenworth Manual of Infrastructure Standards. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Resolution B-2269-Adopt the Revised Investment Policy** – City Manager Paul Kramer presented the Revised Investment Policy for adoption through Resolution B-2269. The revised policy was reviewed by the Commission at the October 20, 2020 Study Session.

Commissioner Preisinger moved to adopt Resolution B-2269 the Revised Investment Policy. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

#### **Bids, Contracts and Agreements:**

**Consider Purchase of Remote Control Mower for Parks & Recreation** - Parks Superintendent Brian Bailey presented for consideration the purchase of a TK-60XP Track 60” Rotary Mower (remote control mower) through the HGACBuy Cooperative Purchase Program in the amount of \$58,989.00. Key Equipment & Supply in Kansas City KS is the local dealer. The purchase will allow staff to mow areas that are extremely dangerous or extremely hard to mow due to natural conditions. These areas are on steep hillsides where the potential for mowers to slide or roll over is likely or the areas are too wet year round for equipment to access. Funding will come from the CIP Sales Tax and the Sewer Fund.

Commissioner Preisinger moved to approve the purchase of the TK-60XP mower in the amount of \$58,989.00 from HGACBuy Contract No GR20AAF1 Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**First Consideration Ordinances:**

**First Consideration Ordinance Special Use Permit-611 Miami Two Family Dwelling in a R1-6 Single Family Residential Zone** - Community Development Director Julie Hurley reviewed the request submitted by Joseph McKee. Mr. McKee is renovating the inside of the single family dwelling to create a two-family dwelling. The Planning Commission reviewed the request at their October 5, 2020 meeting and voted unanimously to recommend approval of the special use permit.

Commissioner Bauder asked if there are other multi-family properties in this neighborhood. Ms. Hurley stated she did not think there were any on this block but maybe others in the area.

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

**First Consideration Ordinance Industrial Revenue Bonds (Price Chopper)** – City Manager Paul Kramer presented for first consideration an ordinance authorizing the issuance of taxable industrial revenue bonds series 2000 for the Super Market Developers Inc. project. The issuance of the bonds shall not exceed \$12,000,000 to provide funds for the project.

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

**CONSENT AGENDA:**

Commissioner Leonhard moved to approve claims for October 10, 2020 through October 23, 2020 in the amount of \$542,991.35; Net amount for Payroll #22 effective October 23, 2020 in the amount of \$350,090.87 (Includes Police & Fire Pension in the amount of \$11,839.36). Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

**Other:**

**City Manager Kramer**

- No study session next week on November 3rd

**Commissioner Leonhard**

- Asked about the street maintenance for the year and if it is still on target
  - Mike McDonald said it is still on target with the snow over the weekend; Thornton street paving should be done by the end of next week
- Prayer to the Jackson family
- Commented on the City Trunk or Treat event on Saturday

**Commissioner Wilson (and his daughter)**

- Go and vote!

**Commissioner Preisinger**

- Congratulations to Commissioner Bauder for the award on the downtown artwork
- Asked if there will there be a grand opening of Thornton Street

**Mayor Griswold**

- Commented on the Trunk or Treat event well done
- Condolences to the Jackson family for the tragedy
- Congrats to Commissioner Bauder on the art project
- Received \$85,000 grant for rent assistance to the citizens

**Adjournment:**

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

Time Meeting Adjourned 9:55 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

**POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8150  
ALLOWING SPECIAL USE - 611 MIAMI FOR A TWO-FAMILY DWELLING IN R1-6 ZONING**

**November 10, 2020**



Carla K. Williamson, CMC  
City Clerk



Paul Kramer  
City Manager

**BACKGROUND:**

At the October 27, 2020 City Commission Regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY  
DWELLING IN A R1-6 ZONING DISTRICT LOCATED AT 611 MIAMI  
STREET IN THE CITY OF LEAVENWORTH, KANSAS.**

Ordinance No. 8150 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8150



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

**ORDINANCE NO. 8150**

**AN ORDINANCE ALLOWING A SPECIAL USE FOR A TWO-FAMILY DWELLING IN A R1-6 ZONING DISTRICT LOCATED AT 611 MIAMI STREET IN THE CITY OF LEAVENWORTH, KANSAS.**

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

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 5<sup>th</sup> day of October, 2020 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas, the official date and time set as was published in the Leavenworth Times newspaper and mailed to all property owners within 200 feet of the said property on the 10<sup>th</sup> day of September 2020; and

**WHEREAS**, the City Planning Commission did hear on the 5<sup>th</sup> day of October 2020 in the Commission Room, 1<sup>st</sup> Floor of City Hall, 100 N. 5<sup>th</sup> Street, Leavenworth, Kansas and upon a motion made, duly seconded, and passed, the City Planning Commission adopted findings of fact and recommended approval of the request for a two-family dwelling in a R1-6 zoning district located at 611 Miami Street, Leavenworth, Kansas; and

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

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

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

Lots 27 and 28, Block 77, Leavenworth City Proper, Leavenworth County, Kansas; and more **commonly referred to as 611 Miami Street**, Leavenworth, Kansas.

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

**PASSED AND APPROVED** by the Leavenworth City Commission of the City of Leavenworth, Kansas on this 10th day of November 2020.

\_\_\_\_\_  
Myron J. "Mike" Griswold, Mayor


{Seal}

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, CMC, City Clerk

**POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8151  
CREATING A COMMUNITY IMPROVEMENT DISTRICT (CID)  
(PRICE CHOPPER)**

**November 10, 2020**



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Carla K. Williamson, CMC  
City Clerk



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Paul Kramer  
City Manager

**BACKGROUND:**

At the October 27, 2020 City Commission regular meeting the City Commission held a public hearing reviewed and placed on first consideration:

**AN ORDINANCE OF THE CITY OF LEAVENWORTH, KANSAS CREATING A  
COMMUNITY IMPROVEMENT DISTRICT IN THE CITY (PRICE CHOPPER CID);  
AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING  
THERE TO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT  
IMPROVEMENTS; AND PROVIDING FOR THE METHOD OF FINANCING THE SAME.**

Ordinance No. 8151 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8151

(Published in *The Leavenworth Times* on November 14, 2020)

**ORDINANCE NO. 8151**

**AN ORDINANCE OF THE CITY OF LEAVENWORTH, KANSAS CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY (PRICE CHOPPER CID); AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; AND PROVIDING FOR THE METHOD OF FINANCING THE SAME.**

**WHEREAS**, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the "Act"), cities and counties are authorized to create community improvement districts for economic development purposes and any other purpose for which public money may expended, and to levy a community improvement district sales tax and/or levy special assessments upon the property within such community improvement districts; and

**WHEREAS**, a petition (the "Petition") signed by or on behalf of Super Market Developers, Inc. ("Petitioners"), was filed with the City Clerk of the City of Leavenworth, Kansas (the "City") in accordance with the Act, which Petition proposed the creation of a community improvement district (the "District") under the Act and the imposition of a community improvement district (CID) sales tax therein (the "CID Sales Tax"), in order to assist in financing costs of the Project (defined below); and

**WHEREAS**, the Petition was signed by the required number of owners of record, whether resident or not, as required by the Act; and

**WHEREAS**, the City Commission of the City of Leavenworth, Kansas (the "City Commission") intends to create the District and to levy a community improvement sales tax therein in the amount of four-tenths of one percent (0.40%) (the "CID Sales Tax"); and

**WHEREAS**, the Act provides that prior to creating any community improvement district and imposing a community improvement district sales tax, the governing body shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and the construction of such community improvement district projects therein, and to give notice of the hearing by publication at least once each week for two (2) consecutive weeks in the official City newspaper and by certified mail to all property owners within the proposed community improvement district, the second publication to be at least seven (7) days prior to the hearing and such certified mail sent at least ten (10) days prior to such hearing; and

**WHEREAS**, the City Commission adopted Resolution No. B-2263 on September 22, 2020, directing that a public hearing on the proposed District within the City be held on October 27, 2020, declaring its intent to impose the CID Sales Tax, and requiring that the Clerk for the City of Leavenworth, Kansas provide for notice of such public hearing as set forth in the Act; and

**WHEREAS**, notice of the public hearing containing the following information: (a) the time and place of the hearing, (b) the general nature of the Project, (c) the estimated cost of the Project, (d) the proposed method of financing the Project, (e) the proposed amount of the CID Sales Tax, (f) a map of the proposed District, and (g) a legal description of the proposed District, was mailed to all property owners within the proposed District on October 9, 2020, and published once each

week for two (2) consecutive weeks in *The Leavenworth Times*, the official City newspaper, on October 2, 2020 and October 9, 2020; and

**WHEREAS**, on October 27, 2020, the City Commission conducted a public hearing on the proposed District, the proposed Project, and estimated costs thereof and the method of financing the same, all in accordance with the Act; and

**WHEREAS**, the City Commission hereby finds and determines it to be advisable to create the District, authorize the Project, approve the estimated cost of the Project, and approve the method of financing the same, all in accordance with the provisions of the Act.

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

**Section 1. Creation of District.** The City Commission hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the District within the City. Provided, that the City Commission's approval and creation of the District is conditioned and contingent upon the proposed developers of the Project, the above-named Petitioners, and the City of Leavenworth, Kansas, entering into and fully-executing a Development Agreement by no later than November 13, 2020, on terms which are mutually satisfactory to City and such developers. A map generally outlining the boundaries of the District is attached hereto as **Exhibit A** and incorporated herein by reference. The legal description of the District is set forth on **Exhibit B**, attached hereto and incorporated herein by reference.

**Section 2. Authorization of Project.** The general nature of the project to be funded by the proposed community improvement district (the "**Project**") 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, and any other items allowable under K.S.A. 12-6a26 *et seq.*, which Project is hereby authorized, subject to the terms of the above-described Development Agreement.

**Section 3. Approval of Estimated Cost of the Project.** The estimated or probable cost of the Project is approximately \$12,340,296.00, plus interest accrued on borrowed money, which is hereby approved.

**Section 4. Method of Financing.** It is proposed that the Project be financed through a combination of private equity, private debt, and CID pay-as-you-go financing (as defined in the Act). This method of financing is hereby approved.

**Section 5. Imposition of CID Sales Tax.** In order to provide for the payment of the Project, the City Commission hereby levies the CID Sales Tax within the District in an amount of 0.40% for a period of 22 years, as authorized under the Act, subject to the terms of the above-described Development Agreement.

**Section 6. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the City Commission and publication once in the official City newspaper. Provided, that this Ordinance shall not be published unless and until the above condition regarding the Development Agreement has been satisfied. If the above condition has not been satisfied by November 13, 2020, this Ordinance shall not be effective, and shall be deemed revoked without further action on the part of the City Commission

**ADOPTED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH, KANSAS  
ON NOVEMBER 10, 2020.**

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Myron J. "Mike" Griswold, Mayor

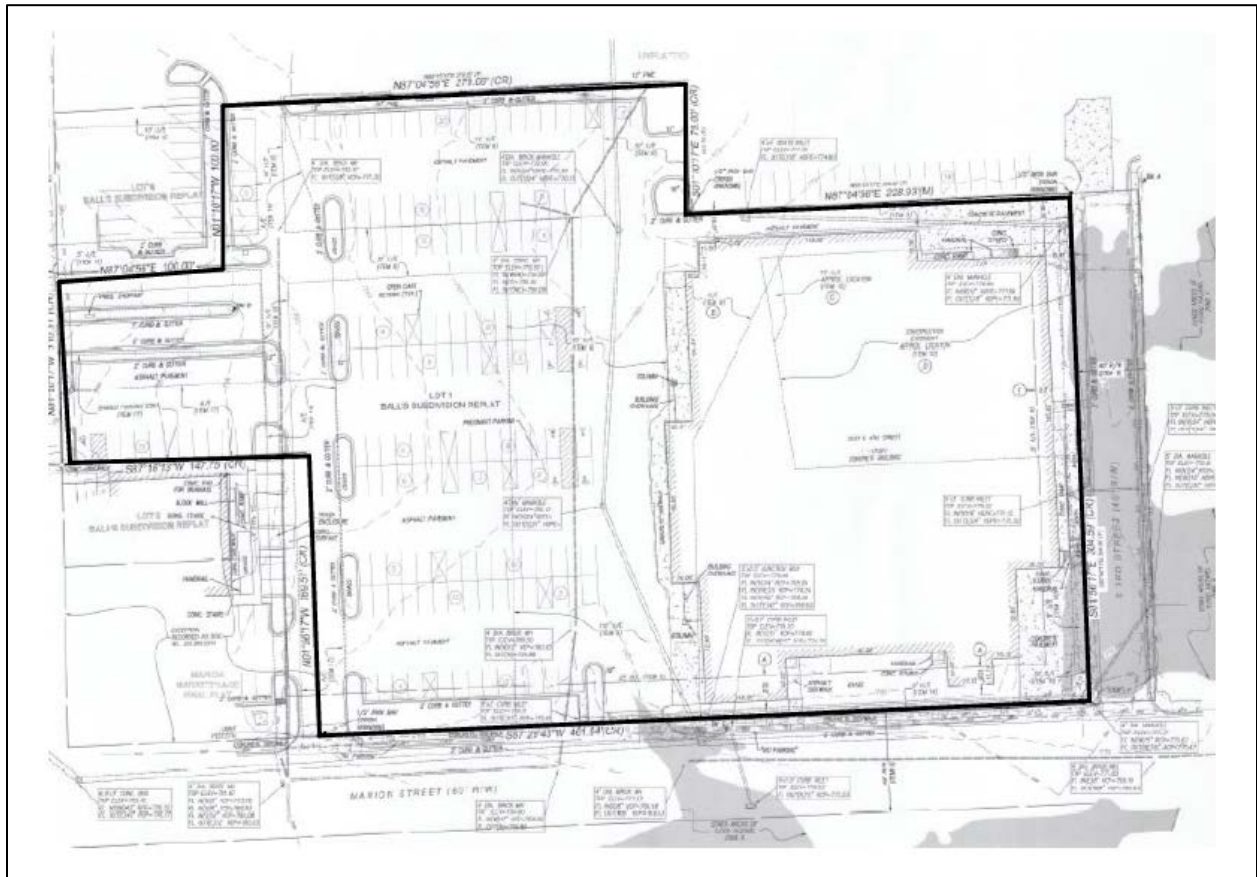
[SEAL]

ATTEST:

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Carla K. Williamson CMC, City Clerk

**EXHIBIT A**  
**Map of District**



**EXHIBIT B**

**Legal Description of District**

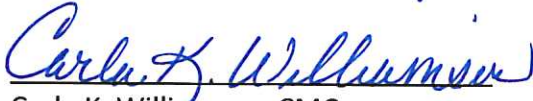
**Lot 1, BALL'S SUBDIVISION REPLAT, a subdivision in the City of Leavenworth, Leavenworth County, Kansas except that part conveyed by the deed recorded as Doc. No. 2015R03578**

**Parcel ID No 1010104002003020**



POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8152  
ADOPTING A REDEVELOPMENT PROJECT PLAN  
(PRICE CHOPPER)

November 10, 2020



Carla K. Williamson, CMC  
City Clerk



Paul Kramer  
City Manager

**BACKGROUND:**

At the October 27, 2020 City Commission regular meeting the City Commission held a public hearing reviewed and placed on first consideration:

**AN ORDINANCE OF THE CITY OF LEAVENWORTH, KANSAS ADOPTING A REDEVELOPMENT PROJECT PLAN FOR A REDEVELOPMENT PROJECT AREA WITHIN AN ESTABLISHED REDEVELOPMENT DISTRICT IN THE CITY (PRICE CHOPPER TIF).**

Ordinance No. 8152 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8152

(Published in *The Leavenworth Times* on November 14, 2020)

**ORDINANCE NO. 8152**

**AN ORDINANCE OF THE CITY OF LEAVENWORTH, KANSAS ADOPTING A REDEVELOPMENT PROJECT PLAN FOR A REDEVELOPMENT PROJECT AREA WITHIN AN ESTABLISHED REDEVELOPMENT DISTRICT IN THE CITY (PRICE CHOPPER TIF).**

**WHEREAS**, the City of Leavenworth, Kansas (the "City") desires to promote, stimulate, and develop the general and economic welfare of the City and the State of Kansas (the "State") and to assist in the development and redevelopment of eligible areas within the City, thereby promoting the general welfare of the citizens of the State and the City; and

**WHEREAS**, on August 11, 2020, the governing body of the City (the "City Commission") adopted Ordinance No. 8135, which established the Price Chopper Redevelopment District (the "District") within the City, all in accordance with K.S.A. 12-1770 *et seq.*, as amended (the "Act"); and

**WHEREAS**, pursuant to the Act, the City is authorized to adopt redevelopment project plans within established redevelopment districts, as said terms are defined by the Act, and to finance all or a portion of redevelopment project costs from tax increment revenues and various other fees and revenues described in the Act, or a combination thereof; and

**WHEREAS**, in consultation with the Planning Commission of the City of Leavenworth, Kansas (the "Planning Commission"), in accordance with the Act, the City has prepared a redevelopment project plan (the "Project Plan") for a redevelopment project area (the "Project Area") within the District, a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, a copy of the Project Plan has been delivered to the Board of County Commissioners of Leavenworth County, Kansas (the "County"), and to the Board of Education of Unified School District 453, Leavenworth, Kansas, all in accordance with the Act; and

**WHEREAS**, the Planning Commission has reviewed the Project Plan and, in accordance with the Act, found that the Project Plan is consistent with the intent of the comprehensive plan for development of the City; and

**WHEREAS**, the City adopted Resolution No. B-2262 on September 22, 2020 calling for a public hearing considering the adoption of the Project Plan to be held by the City Commission on October 27, 2020; and

**WHEREAS**, the public hearing was held and closed on October 27, 2020, with presentation of the Project Plan and an opportunity for all interested persons to be heard regarding the proposed Project Plan.

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

**Section 1. Approval of Project Plan.** The City Commission hereby adopts the Project Plan pursuant to the Act, subject to the condition that the developer of the project proposed for the Project Area, Super Market Developers, Inc., and the City will enter into a Development

Agreement by no later than November 13, 2020, on terms which are mutually satisfactory to City and such developer. Such Project Plan approval shall be subject to the terms of the above-described Development Agreement.

**Section 2. Further Action.** The Mayor, City Manager, City Clerk, and other officials and employees of the City, including counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

**Section 3. Transmittal of Project Plan.** In accordance with the Act, copies of the Project Plan and this Ordinance shall be filed with the Clerk and also transmitted by the Clerk to the County Appraiser and County Treasurer and to the governing body of the County and the School District in which the District is located.

**Section 4. Effective Date.** This Ordinance shall be effective from and after final passage by the City Commission, approval by the Mayor and publication in the official newspaper of Leavenworth, Kansas. Provided, that this Ordinance shall not be published unless and until the above condition regarding the Development Agreement has been satisfied. If the above condition has not been satisfied by November 13, 2020, this Ordinance shall not be effective, and shall be deemed revoked without further action on the part of the City Commission.

**PASSED BY NO LESS THAN TWO-THIRDS OF THE MEMBERS-ELECT OF THE CITY COMMISSION OF THE CITY OF LEAVENWORTH, KANSAS ON NOVEMBER 10, 2020.**

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Myron J. "Mike" Griswold, Mayor

[SEAL]

ATTEST:

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Carla K. Williamson CMC, City Clerk

**EXHIBIT A**

**(Project Plan – Attached)**

## REDEVELOPMENT PROJECT PLAN PRICE CHOPPER TIF DISTRICT

In accordance with K.S.A. 12-1770 *et seq.*, as amended (the “**Act**”), to promote, stimulate and develop the general and economic welfare of the city of Leavenworth, Kansas (“**City**”), the Leavenworth City Council adopted Ordinance No. 8135 on August 11, 2020, establishing a Redevelopment (TIF) District (the “**Price Chopper TIF District**”). The Price Chopper TIF District includes approximately 4.11 acres located at 2107 South 4<sup>th</sup> Street, Leavenworth, Kansas and legally described in attached **Exhibit A**.

The Act allows one or more TIF projects to be undertaken by a city within an established district and any such project plan may be implemented in separate development stages.

The City desires to establish project plan in the Price Chopper TIF District. The project plan (“**Project Plan**”) area is coterminous with the Price Chopper TIF District, and the owner/developer is Super Market Developers, Inc., a corporation (the “**Developer**”). The improvements anticipated within the Project Plan Area are the redevelopment of the existing Price Chopper grocery store, which will include a multi-million dollar investment in the interior and exterior of the store to upgrade and enhance the store layout, equipment, offerings and other features to match a modern, first-class Price Chopper; the project shall also include improvements to property north of and adjacent to the Price Chopper District for parking (approximately 130 feet by 230 feet) which property is currently owned by the City and leased to the Developer (the “**Project**”).

The Project Plan shall extend for a period of twenty (20) years from the date the Project Plan is approved by the City (the “**Project Plan Term**”). One cent of the City’s sales tax and the incremental ad valorem property taxes (as defined by the Act) generated from the real property within the Project Plan Area during the Project Plan Term in excess of the amount of real property taxes collected for the base year assessed valuation shall constitute the “**TIF Revenues**”. In accordance with the Act and in cooperation with the Planning Commission, the City prepared the Project Plan.

### 1. **Comprehensive Feasibility Study.**

City Staff prepared a Financial Feasibility Study (“**Feasibility Study**”) for the Project Plan is attached hereto as **Exhibit B**. Projections on development in the Project Plan Area were provided by the Developer. The Feasibility Study incorporates a number of assumptions, including a constant mill levy of 120.6970. The mill levy may vary each year of the TIF Term based on legislative actions and budgetary decisions made by the individual taxing jurisdictions. It also assumes property tax collection at 100%, Project completion by April 1, 2021 and a 1.5% annual increase in appraised valuation after the Project is fully constructed and stabilized.

The Developer will advance funds necessary to construct the Project and to pay the costs associated with the estimated and approved, private TIF eligible reimbursable costs set forth generally on **Exhibit C** attached hereto (the “**TIF Reimbursable Costs**”), and it is contemplated that Developer will subsequently be reimbursed with TIF Revenues received by the City on a “pay-as-you-go” basis. Such advances and reimbursements will be made in accordance with the terms of a Development Agreement executed by the Developer and the City (the “**DA**”). The TIF Reimbursable Costs are set forth in more detail in the DA.

There is an estimated total of \$4,125,296 in TIF Reimbursable Costs identified with the Project Plan, but reimbursement of TIF Reimbursable Costs is dependent upon the amount of TIF Revenues generated within the Project Plan Area during the Project Plan Term and received by the City, and shall be paid in accordance with the amount, priority and duration set forth in the DA. In no event will any TIF Reimbursable Costs be reimbursed in an amount that exceeds the amount of TIF Revenues available.

The Feasibility Study indicates that if projected development, assessed values and tax revenues are accurate, TIF Revenues will be sufficient to reimburse the Developer for a portion of the approved TIF Reimbursable Costs. Other revenue sources, including but not limited to private equity, are available to meet TIF Reimbursable Costs and other private development costs associated with the Project. TIF Reimbursable Costs must (1) be reasonably approved by the City in accordance with the terms of the DA; (2) meet the definition of “redevelopment project cost” set out in K.S.A. 12-1770a(o), as amended; (3) be an eligible expense under the City’s adopted TIF Policy and/or Procedures, unless otherwise permitted in the DA; (4) be authorized in this Project Plan; and (5) be in compliance with the terms for reimbursement and prioritization described with particularity in the DA.

The City anticipates reimbursing Developer for the TIF Reimbursable Costs incurred and paid by the Developer with available TIF Revenues generated during the twenty (20) year Project Plan Term. Based on the current projections and cash flow analysis contained in the Feasibility Study, it is determined that the Project benefits, TIF Revenues and other available revenues, exceed the TIF Reimbursable Costs, and that the TIF Revenues and other available revenue sources, including private revenue sources for the private costs, should be sufficient to pay for such TIF Reimbursable Costs.

In summary, assuming Project Plan approval in spring 2020 with construction commencing the summer of 2020 and completion of all improvements by April 1, 2021, the City anticipates the captured sales tax and ad valorem property tax increment will generate approximately \$2,796,637 over the Project Plan Term (the “**Estimated Total TIF Revenue Projection**”). If the TIF Revenue does not meet the estimated total TIF Reimbursable Costs, the City shall be under no obligation to provide financial assistance to Developer beyond the TIF Revenues actually generated from the Project Plan Area in accordance with the distribution formula and term set out in the DA. A summary of the feasibility

assumptions and Estimated Total TIF Revenue Projection is included in **Exhibit D**.

**2. Map of Redevelopment Project Plan Area.**

A map of the Project Plan Area is attached as **Exhibit E**.

**3. Relocation Assistance Plan.**

No relocation will occur as a result of the Project Plan and therefore no relocation assistance plan is provided.

**4. Description of the Building and Facilities Proposed to be constructed.**

The improvements anticipated within the Project Plan Area are the redevelopment of the existing Price Chopper grocery store, which will include a multi-million dollar investment in the interior and exterior of the store to upgrade and enhance the store layout, equipment, offerings and other features to match a modern, first-class Price Chopper. TIF Reimbursable Costs incurred as a result of the Project Plan include, but are not limited to, architectural and engineering costs associated with the site improvements (except vertical structures), infrastructure improvements, site development, surface parking, lighting, landscaping, hardscape, utilities located within the right-of-way, sidewalks and related site amenities. The Private TIF Reimbursable Costs are described in more detail in the DA.

**5. Other Relevant Information.**

- a. Reimbursement of TIF Reimbursable Costs shall be made from captured sales tax and ad valorem property tax increment (as defined in the Act) actually received by the City from the Project Plan Area and deposited into the special fund established by the City in accordance with K.S.A. 12-1778 (the "**Price Chopper Project Plan Fund**").
- b. If sufficient TIF Revenues are not available to pay all of the TIF Reimbursable Costs, the City is under no obligation to reimburse TIF Reimbursable Costs from any other source.
- c. Prior to any reimbursement of TIF Reimbursable Costs, Developer shall enter into a separate, valid and enforceable DA with the City. The procedure for distribution, reimbursement and priority of payment of TIF Reimbursable Costs shall be set out in the DA and consistent with this Project Plan.

**EXHIBIT A**

**LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT AND PROJECT  
PLAN 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**  
**FEASIBILITY STUDY**

# FEASIBILITY STUDY

Leavenworth Price Chopper  
2107 South 4<sup>th</sup> Street, Leavenworth, Kansas

July, 2020



## **OVERVIEW**

This Feasibility Study is to determine the economic feasibility of the renovation and improvement of the Leavenworth Price Chopper, 2107 South 4<sup>th</sup> Street, Leavenworth, Kansas (the “Project”). On July 28, 2020, the City of Leavenworth, Kansas (the “City”) authorized the creation of a Tax Increment Financing District pursuant to by K.S.A. 12-1770, et. seq., as amended (the “Act”), coterminous with the Project site (“District”), for a term of up to 20 years to provide for the reimbursement of eligible Project costs. Eligible project costs under the Act include land acquisition, site preparation, parking lot improvements, landscaping, utilities and public infrastructure.

The Act states that before a project plan is approved, a feasibility study is required to determine (1) that a proposed redevelopment project’s benefits and tax increment revenue and other available revenues are expected to exceed or be sufficient to pay for the redevelopment project costs and (2) the effect, if any, the redevelopment project costs will have on any outstanding special obligation bonds payable from revenues which are collected from taxpayers and users within the District.

## **PROJECT DESCRIPTION**

The Project is a \$12,340,296.00 renovation and improvement of the existing Leavenworth Price Chopper at 2107 South 4<sup>th</sup> Street, Leavenworth, Kansas, consisting of interior renovation and modernization, replacement of equipment,

façade and signage improvements, landscaping, parking lot resurfacing and new lighting; the Project will transform the store into the most modern model in the Price Chopper family and will offer products and services not currently available at the facility. The store is well-established and is the northern-most full service grocery store in the City, serving a substantial portion of the citizens of the City and surrounding areas. The owner and developer of the Project is Super Market Developers, Inc., an established grocery store developer and subsidiary of Associated Wholesale Grocers, Inc. (“Developer”).

### **ESTIMATED PROJECT COST**

The cost of property acquisition by the Developer in March of 2020 was \$2,500,000.00. Site improvements will cost approximately \$830,296.00, all of which is eligible for reimbursement under TIF. Interior improvements and equipment costs, which are not reimbursable, will total approximately \$8,000,000.00 and “soft” costs (engineering, architecture, environmental, legal, etc.) are expected to total approximately \$1,000,000.00.

The Developer will fund the initial cost of construction of the Project, and receive reimbursement for eligible costs over the life of the TIF District. While its analysis is not a part of this study, the Developer has also requested that the City create a Community Improvement District (“CID”) to levy a \$.004 sales tax, to be used for CID eligible costs, for a period of 22 years. This study assumes that the Developer will have the financial capability to complete the construction of the Project and await reimbursement over the life of the District.

### **FEASIBILITY STUDY REVENUE ASSUMPTIONS**

The feasibility study for this project incorporates a number of variables including:

1. Base Year Assessed value of the District;
2. City's estimate of the market value of the Price Chopper store upon completion;
3. Assumption of an assessment rate of 25.0%;
4. Assumption of 1.5% increase annually in market value during the study period;
5. Assumption that the total applicable mill levy will remain unchanged;
6. Assumption that the Price Chopper Project will be completed in 2021;
7. Assumption that current annual sales in the District are \$13,000,000.00; and
8. Assumption that annual sales upon completion of the Project will be a constant \$16,692,000.00.

This feasibility study forecasts incremental real property and sales tax revenues generated by the Project, based upon the above assumptions. The incremental property tax revenues are determined by projecting the annual tax revenues based on the estimated assessed value for the Project at the time of completion. The sales tax increment is based on historic sales and projected sales provided by the Developer.

**Property Tax Rates:** Real property tax rates may be adjusted every year. The following is the 2019/2020 base year ad valorem property tax rate assessed on properties within the District.

Taxing District	Tax Rate	TIF Captured	Not TIF Eligible
State of Kansas	1.5000	0	1.5000
Leavenworth County	37.1120	37.1120	0
City of Leavenworth	31.7540	31.7540	0
Unified School District No. 453	59.3310	59.3310	0
Totals	129.6970	128.1970	1.5000

### Assessed Valuation and Sales – Incremental Real Property and Sales Tax

**Revenues:** The table that follows sets forth: the current (base) assessed value of the property within the District; the projected assessed values; the tax increment produced each year; projected sales; and projected sales tax increment.

	Appraised Value (Stabilized)	Assessed Value	Appraised Value (Current)	Current Base Assessed Value	Current Sales	Projected Sales
Price Chopper 2107 S. 4th St. Leavenworth, KS	\$5,000,000	\$1,250,000	\$2,103,300	\$651,750	\$13,000,000	\$16,692,000
<b>TOTAL:</b>	<b>\$5,000,000</b>	<b>\$1,250,000</b>	<b>\$2,103,300</b>	<b>\$651,750</b>	<b>\$13,000,000</b>	<b>\$16,692,000</b>
Commercial Assessment:		25%				

Year	Base Assessed Value	Projected Assessed Value	Projected Sales	Projected Sales Tax Increment	City Sales Tax Increment	Total TIF Revenue
1	\$651,750	\$1,250,000	\$16,692,000	\$3,692,000	\$36,920	\$77,591
2	\$651,750	\$1,268,750	\$16,692,000	\$3,692,000	\$36,920	\$80,023
3	\$651,750	\$1,287,781	\$16,692,000	\$3,692,000	\$36,920	\$82,491
4	\$651,750	\$1,307,098	\$16,692,000	\$3,692,000	\$36,920	\$84,997
5	\$651,750	\$1,326,704	\$16,692,000	\$3,692,000	\$36,920	\$87,540
6	\$651,750	\$1,346,605	\$16,692,000	\$3,692,000	\$36,920	\$90,121
7	\$651,750	\$1,366,804	\$16,692,000	\$3,692,000	\$36,920	\$92,740
8	\$651,750	\$1,387,306	\$16,692,000	\$3,692,000	\$36,920	\$95,399
9	\$651,750	\$1,408,116	\$16,692,000	\$3,692,000	\$36,920	\$98,098
10	\$651,750	\$1,429,237	\$16,692,000	\$3,692,000	\$36,920	\$100,838
11	\$651,750	\$1,450,676	\$16,692,000	\$3,692,000	\$36,920	\$103,618
12	\$651,750	\$1,472,436	\$16,692,000	\$3,692,000	\$36,920	\$106,441
13	\$651,750	\$1,494,523	\$16,692,000	\$3,692,000	\$36,920	\$109,305
14	\$651,750	\$1,516,941	\$16,692,000	\$3,692,000	\$36,920	\$112,213
15	\$651,750	\$1,539,695	\$16,692,000	\$3,692,000	\$36,920	\$115,164
16	\$651,750	\$1,562,790	\$16,692,000	\$3,692,000	\$36,920	\$118,159
17	\$651,750	\$1,586,232	\$16,692,000	\$3,692,000	\$36,920	\$121,200
18	\$651,750	\$1,610,025	\$16,692,000	\$3,692,000	\$36,920	\$124,285
19	\$651,750	\$1,634,176	\$16,692,000	\$3,692,000	\$36,920	\$127,418
20	\$651,750	\$1,658,688	\$16,692,000	\$3,692,000	\$36,920	\$130,597
<b>TOTALS</b>					<b>\$738,400</b>	<b>\$2,058,237</b>

The base year 2020 assessed value of the property and improvements in the District is \$651,750.00. The 2022 assessed value for the District, which includes the completed Project, is anticipated to be \$1,250,000.00. The difference creates tax increment revenues beginning in 2022 of approximately \$40,671.00 per year, and with a conservative increase in appraised value each year thereafter of 1.5%, creating a total increment of \$1,319,837.00 over the 20 year period permitted by the Act, all of which is available to reimburse the eligible Project costs.

In addition, the Developer has requested the use of the City's 1% sales tax increment for reimbursement of eligible Project costs. Historic sales within the District are approximately \$13,000,000.00, but are expected to rise to approximately \$16,692,000.00 after Project improvements are made. Without adjustment for potential increases in sales and product price adjustments, the sales tax increment is projected to generate \$738,400.00 over the 20 year period.

The District is therefore anticipated to generate at total of \$2,796,637.00 in real estate tax and sales tax increment over the life of the 20 year period.

## **SUFFICIENCY OF REVENUES**

Using conservative assumptions, it is expected that the estimated incremental real property tax revenue of \$2,058,237.00 and \$738,400.00 in incremental sales tax, totaling \$2,796,637.00, will be adequate to reimburse all of the eligible site work costs of \$655,296.00 and approximately 85% of the site acquisition costs. The addition of the revenue from the proposed CID will be more than adequate to cover the 15% shortfall in reimbursement of the acquisition cost and provide additional revenue for CID eligible costs. There are a number of

variables that may impact the eligible cost reimbursements, however the revenue projections are strong, and due to the fact that the Project is the renovation and improvement of an established grocery store with historic sales data, the Project appears economically feasible.

### **IMPACT ON OUTSTANDING SPECIAL OBLIGATION BONDS**

There is no other impact because there are no special obligation bonds outstanding which are payable from the revenues described in K.S.A. 12-1774 (a) (1) (D), and amendments thereto.

### **FINANCIAL FEASIBILITY SUMMARY**

Using conservative assumptions for the Project, outlined above, it is expected that the estimated incremental real estate and sales tax revenues will be adequate to reimburse most of the TIF eligible costs, all as outlined above.



## EXHIBIT C

x = eligible for reimbursement

Sample allocations by incentive category

Line Item	Est. Project Costs *	TIF Eligible	CID Eligible	TIF Eligible	CID Eligible	Private
<b>Site Acquisition</b>						
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		
<b>Subtotal - Site Acquisition</b>	<b>\$2,559,000.00</b>			<b>\$2,559,000</b>		
<b>Hard Costs</b>						
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
<b>Subtotal - Hard Costs</b>	<b>\$8,795,296.00</b>			<b>\$0</b>	<b>\$830,296</b>	<b>\$7,965,000</b>
<b>Soft Costs</b>						
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	
<b>Subtotal - Soft Costs</b>	<b>\$986,000.00</b>			<b>\$0</b>	<b>\$736,000</b>	
<b>TOTAL PROJECT COSTS</b>	<b>\$12,340,296.00</b>			<b>\$2,559,000</b>	<b>\$1,566,296</b>	<b>\$7,965,000</b>

**EXHIBIT C**  
**Page 2**

\*Project Costs shown herein are estimates only, and subject to change in the Developer's discretion.

\*\*Allocations of incentives among Project Costs are for illustrative purposes only, and may be increased, decreased and shifted among line items designated as eligible.

## EXHIBIT D PROJECTIONS

### LEAVENWORTH PRICE CHOPPER - INCENTIVE REVENUE PROJECTIONS

TIF Proceeds (Reimbursement)	\$2,058,237						
CID Proceeds (Reimbursement)	\$1,468,896						
City Sales Tax (Reimbursement)	\$738,400						
<b>Total:</b>	<b>\$3,527,133</b>						

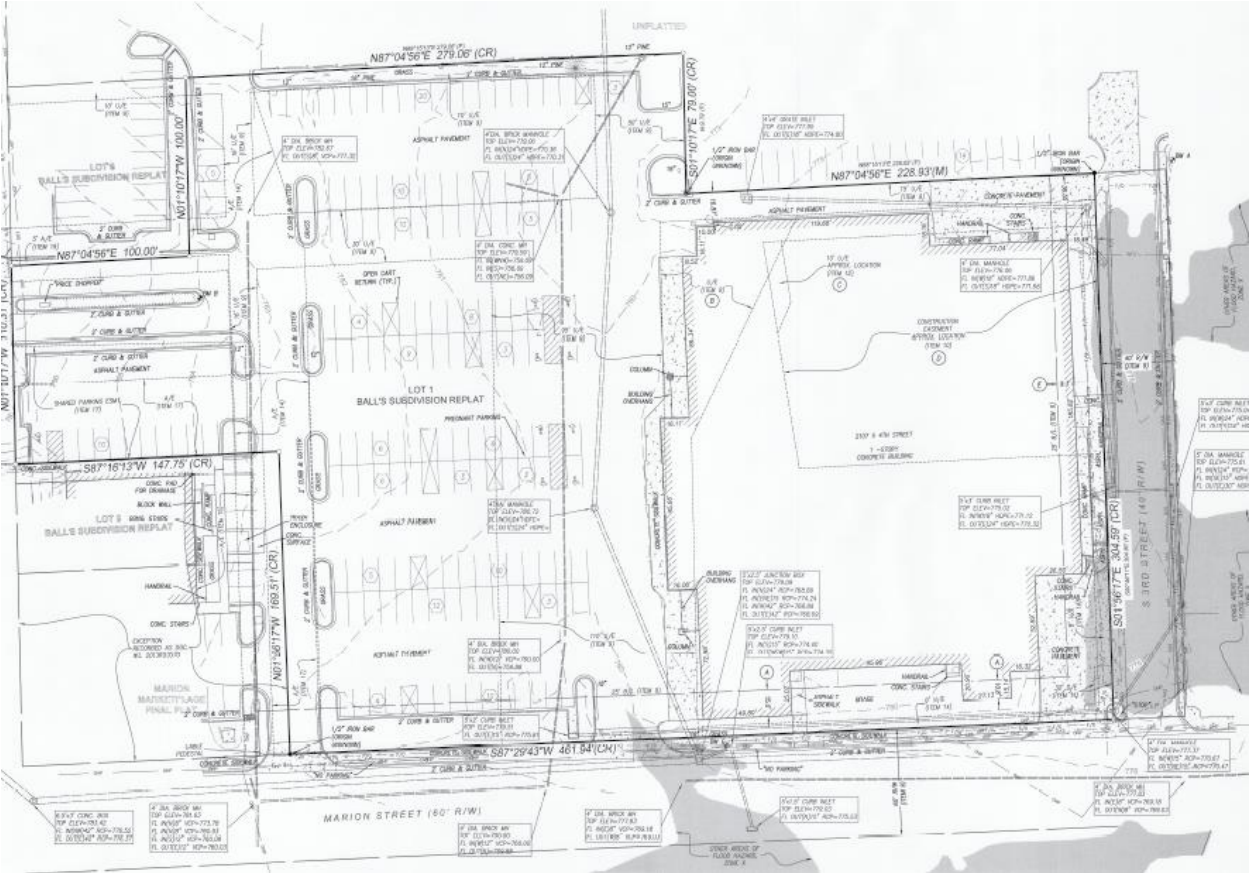
  

PROJECT COMPONENT	Appraised Value (Stabilized)	Assessed Value	Appraised Value (Current)	Current Base Assessed Value	Current Sales	Projected Sales	Stabilization Year
Price Chopper 2107 S. 4th St. Leavenworth, KS	\$5,000,000	\$1,250,000	\$2,103,300	\$651,750	\$13,000,000	\$16,692,000	2022
<b>TOTAL:</b>	<b>\$5,000,000</b>	<b>\$1,250,000</b>	<b>\$2,103,300</b>	<b>\$651,750</b>	<b>\$13,000,000</b>	<b>\$16,692,000</b>	<b>#REF!</b>
Commercial Assessment:		25%					

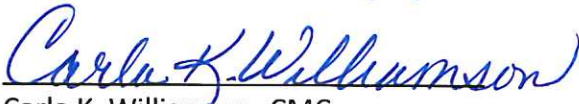
Year	Base Assessed Value	Projected Assessed Value	Projected Sales	Projected Sales Tax Increment Increase	City Sales Tax Increment	Total TIF Revenue	CID Revenue	
1	\$651,750	\$1,250,000	\$16,692,000	\$3,692,000	\$36,920	\$77,591	\$66,768	
2	\$651,750	\$1,268,750	\$16,692,000	\$3,692,000	\$36,920	\$80,023	\$66,768	
3	\$651,750	\$1,287,781	\$16,692,000	\$3,692,000	\$36,920	\$82,491	\$66,768	
4	\$651,750	\$1,307,098	\$16,692,000	\$3,692,000	\$36,920	\$84,997	\$66,768	
5	\$651,750	\$1,326,704	\$16,692,000	\$3,692,000	\$36,920	\$87,540	\$66,768	
6	\$651,750	\$1,346,605	\$16,692,000	\$3,692,000	\$36,920	\$90,121	\$66,768	
7	\$651,750	\$1,366,804	\$16,692,000	\$3,692,000	\$36,920	\$92,740	\$66,768	
8	\$651,750	\$1,387,306	\$16,692,000	\$3,692,000	\$36,920	\$95,399	\$66,768	
9	\$651,750	\$1,408,116	\$16,692,000	\$3,692,000	\$36,920	\$98,098	\$66,768	
10	\$651,750	\$1,429,237	\$16,692,000	\$3,692,000	\$36,920	\$100,838	\$66,768	
11	\$651,750	\$1,450,676	\$16,692,000	\$3,692,000	\$36,920	\$103,618	\$66,768	
12	\$651,750	\$1,472,436	\$16,692,000	\$3,692,000	\$36,920	\$106,441	\$66,768	
13	\$651,750	\$1,494,523	\$16,692,000	\$3,692,000	\$36,920	\$109,305	\$66,768	
14	\$651,750	\$1,516,941	\$16,692,000	\$3,692,000	\$36,920	\$112,213	\$66,768	
15	\$651,750	\$1,539,695	\$16,692,000	\$3,692,000	\$36,920	\$115,164	\$66,768	
16	\$651,750	\$1,562,790	\$16,692,000	\$3,692,000	\$36,920	\$118,159	\$66,768	
17	\$651,750	\$1,586,232	\$16,692,000	\$3,692,000	\$36,920	\$121,200	\$66,768	
18	\$651,750	\$1,610,025	\$16,692,000	\$3,692,000	\$36,920	\$124,285	\$66,768	
19	\$651,750	\$1,634,176	\$16,692,000	\$3,692,000	\$36,920	\$127,418	\$66,768	
20	\$651,750	\$1,658,688	\$16,692,000	\$3,692,000	\$36,920	\$130,597	\$66,768	
21			\$16,692,000				\$66,768	
22			\$16,692,000				\$66,768	
<b>TOTALS</b>					<b>\$738,400</b>	<b>\$2,058,237</b>	<b>\$1,468,896</b>	
NET PRESENT VALUE		6.00%			<b>\$423,469</b>	<b>\$1,120,170</b>	<b>\$803,992</b>	
	Gross Bond Proceeds (NPV of Revenue Divided by DSCR)			125%	<b>\$338,776</b>	<b>\$896,136</b>	<b>\$643,194</b>	
	Less: Bond Issuance			14%	<b>(\$47,429)</b>	<b>(\$125,459)</b>	<b>(\$90,047)</b>	
	Net Bond Proceeds				<b>\$291,347</b>	<b>\$770,677</b>	<b>\$553,147</b>	
						<b>Administrative</b>	<b>\$27,657</b>	
						Mill Levy Rates	Captured	
						State	15000	0.0000
						County	37.1120	37.1120
						City of Leavenworth	31.7540	31.7540
						USD 453	59.3310	59.3310
Notes:						<b>Total:</b>	<b>129.6970</b>	

**EXHIBIT E**  
**Project Site**



**POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8153  
AUTHORIZING THE ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS  
SUPER MARKET DEVELOPERS INC. (PRICE CHOPPER)**

**November 10, 2020**



Carla K. Williamson, CMC  
City Clerk



Paul Kramer  
City Manager

**BACKGROUND:**

At the October 27, 2020 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAVENWORTH, KANSAS OF NOT TO EXCEED \$12,000,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2020 (SUPER MARKET DEVELOPERS, INC. PROJECT), TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR SUPER MARKET DEVELOPERS, INC., AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.**

Ordinance No. 8153 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8153

**ORDINANCE NO. 8153**

**AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAVENWORTH, KANSAS OF NOT TO EXCEED \$12,000,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2020 (SUPER MARKET DEVELOPERS, INC. PROJECT), TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP A PROJECT FOR SUPER MARKET DEVELOPERS, INC., AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.**

**WHEREAS**, the City of Leavenworth, Kansas, (the “Issuer”) is a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Kansas as a city of the first class; and

**WHEREAS**, the Issuer is authorized by K.S.A. 12-1740 to 12-1749e, inclusive, as amended, (collectively, the “Act”) to issue revenue bonds, the proceeds of which shall be used for the purpose of paying all or part of the cost of acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling facilities for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes; and

**WHEREAS**, pursuant to the Act, the Issuer proposes to issue its Taxable Industrial Revenue Bonds, Series 2020 (Super Market Developers, Inc., Project), in an aggregate principal amount not to exceed \$12,000,000 (the “Bonds”) for the purpose of (a) acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, and remodeling a commercial facility for Super Market Developers, Inc., a Missouri corporation registered and in good standing as a foreign corporation in the State of Kansas (the “Company”), and (b) paying certain costs of issuance, all as further described in the hereinafter referred to Bond Indenture and Lease Agreement; and

**WHEREAS**, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Bond Indenture”), by and between the Issuer and UMB Bank n.a., Kansas City, Missouri, with one or more offices in the State of Kansas, as Bond Trustee (the “Bond Trustee”); and

**WHEREAS**, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement of even date herewith (the “Base Lease”) between the Company and the Issuer; and

**WHEREAS**, simultaneously with the execution and delivery of the Bond Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project (as defined in the Bond Indenture) will be acquired, constructed, reconstructed, improved, equipped, furnished, repaired, and remodeled pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay Lease Payments (as defined in the Bond Indenture) sufficient to pay the principal of and interest on the Bonds; and

**WHEREAS**, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds that the Issuer execute and deliver certain documents and that the Issuer take certain other actions as herein provided.

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

**Section 1. Findings and Determinations.** The Issuer hereby makes the following findings and determinations with respect to the Company and the Bonds to be issued by the Issuer, based upon representations made to the Issuer:

- (a) The Company has properly requested the Issuer's assistance in financing the costs of the Project;
- (b) The issuance of the Bonds for the purpose of providing funds to finance the costs of the Project is in furtherance of the public purposes set forth in the Act; and
- (c) The Bonds are being issued for a valid purpose under and in accordance with the provisions of the Act.

**Section 2. Authorization of the Bonds.** The Issuer is hereby authorized to issue the Bonds in the aggregate principal amount of not to exceed \$12,000,000, which shall be issued under and secured by and shall have the terms and provisions set forth in the Bond Indenture. The Bonds shall bear interest at the fixed rate of 5.00% and shall mature not later than the year 2025, and shall have such redemption provisions as set forth in the Bond Indenture. The final terms of the Bonds shall be specified in the Bond Indenture, and the signatures of the officers of the Issuer executing such Bond Indenture shall constitute conclusive evidence of their approval and the Issuer's approval thereof.

**Section 3. Limited Obligations.** The Bonds shall be limited obligations of the Issuer, payable solely from the sources and in the manner as provided in the Bond Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Bond Indenture) to the Bond Trustee and in favor of the owners of the Bonds, as provided in the Bond Indenture. The Bonds and interest thereon shall not be deemed to constitute a debt or liability of the Issuer, the State of Kansas (the "State") or of any political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Issuer, the State or of any political subdivision thereof, but shall be payable solely from the funds provided for in the Lease Agreement and the Bond Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Issuer, the State or any political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment. No breach by the Issuer of any such pledge, mortgage, obligation or agreement may impose any liability, pecuniary or otherwise, upon the Issuer or any charge upon its general credit or against its taxing power.

**Section 4. Authorization and Approval of Documents.** The following documents are hereby approved in substantially the forms presented to and reviewed by the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the City Clerk), and the Issuer is hereby authorized to execute and deliver each of such documents (the "Issuer Documents") with such changes therein (including the dated date thereof) as shall be approved by the officials of the Issuer executing such documents, such officials' signatures thereon being conclusive evidence of their approval and the Issuer's approval thereof:

- (a) Bond Indenture;
- (b) Base Lease Agreement;
- (c) Lease Agreement; and

(d) Bond Purchase Agreement.

**Section 5. Execution of Bonds and Documents.** The Mayor of the Issuer is hereby authorized and directed to execute the Bonds by manual or facsimile signature and to deliver the Bonds to the Bond Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Bond Indenture. The Mayor of the Issuer is hereby authorized and directed to execute and deliver the Issuer Documents for and on behalf of and as the act and deed of the Issuer. The City Clerk of the Issuer is hereby authorized and directed to attest, by manual or facsimile signature, to the Bonds, the Issuer Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**Section 6. Further Authority.** The Issuer shall, and the officials, agents and employees of the Issuer are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments, including, without limitation, any credit enhancement and security documents, arbitrage certificate, redemption notices, closing certificates and tax forms, as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Issuer Documents.

**Section 7. Effective Date.** This Ordinance shall take effect and be in full force immediately after its adoption by the Governing Body of the Issuer and publication in the official newspaper of the Issuer.

**PASSED** by the Governing Body of the City of Leavenworth, Kansas this 10th day of November, 2020.

CITY OF LEAVENWORTH, KANSAS

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Myron J. "Mike" Griswold, Mayor

(Seal)

ATTEST:


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Carla K. Williamson, CMC City Clerk



**POLICY REPORT NO. P&R 08-20  
Parks & Recreation Department  
Mayor's Holiday Lighted Parade  
November 10, 2020**

**PREPARED BY:**

  
Steve Grant  
Parks and Recreation Director

**REVIEWED BY:**

  
Paul Kramer  
City Manager

**ISSUE:**

Review staff proposal for Mayor's Holiday Lighted Parade event.

**BACKGROUND:**

The Parks and Recreation Department annually conducts a Mayor's Holiday Tree Lighting event located at Haymarket Square. The event has begun with a Holiday Lighted Parade, ending at Haymarket square, where citizens gather for a ceremony with guest speakers, choirs, and holiday music. The event is culminated by the count down and lighting of the Mayor's Tree, a permanently planted live spruce tree at the Haymarket Square location.

To minimize the congregation of crowds, staff is proposing a Mayor's Holiday Lighted Parade that encourages social distancing and discourages the congregation of crowds. Citizens will be encouraged to view the parade from either inside or adjacent to their vehicle. The proposed parade route will start at 3<sup>rd</sup> and Seneca streets, and pass by seven city owned parking lots before disbanding at Esplanade and Choctaw streets. The proposed date is Friday, December 04. Parade to begin at 5:30pm.

The Mayor's Tree and associated decorations at Haymarket Square will be available for the public to view throughout the holiday season, but will not be associated with this event so as to discourage the congregation of crowds.

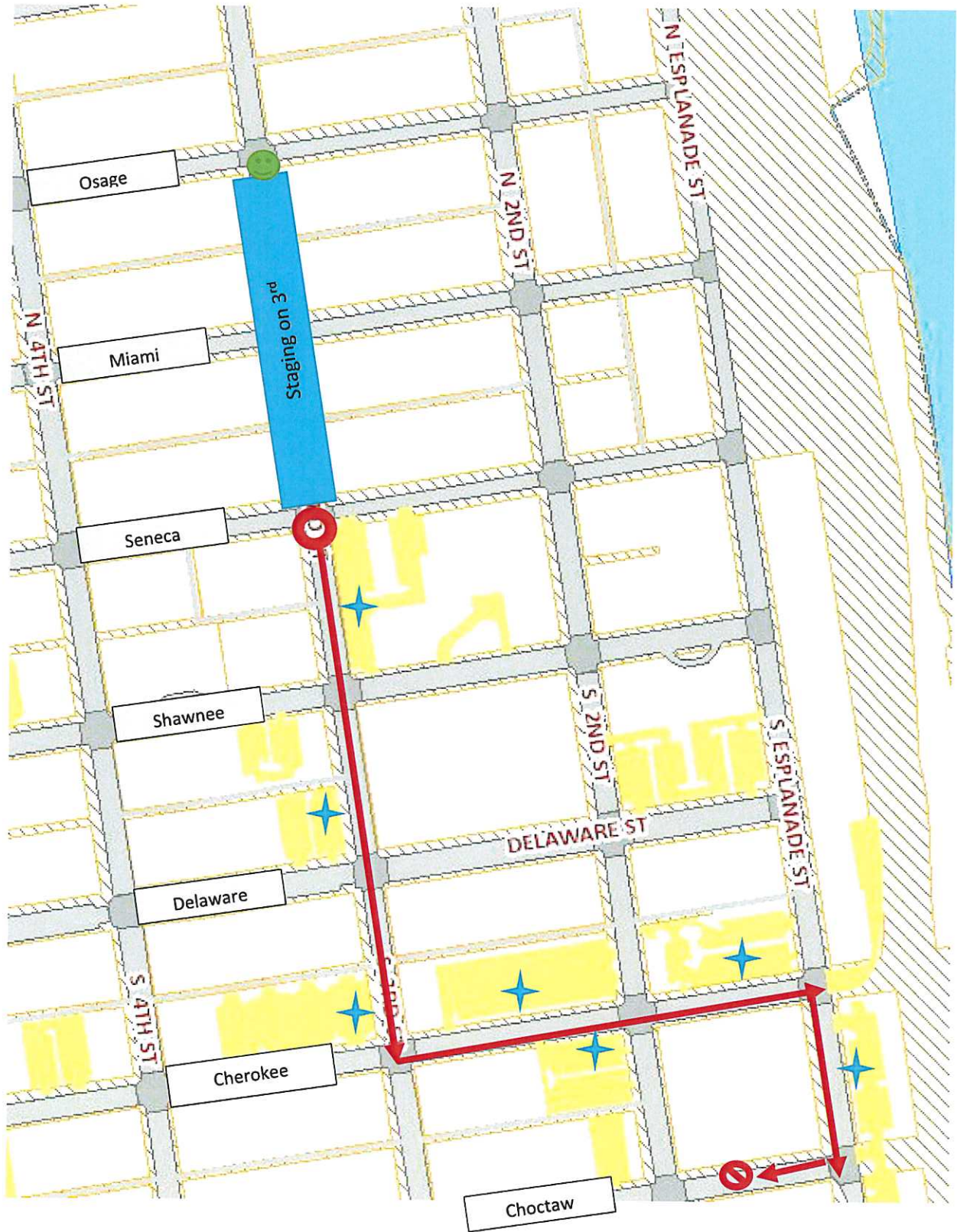
**COMMISSION ACTION:**

Review and discuss the proposed Mayor's Holiday Lighted Parade.  
No formal action required.

**ATTACHMENTS:**

Proposed parade route.

# Mayor's Holiday Lighted Parade - 2020




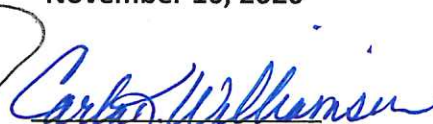
- Parade Check-in
- Start
- ➔ Parade Route
- ★ Parking Lot
- ⊘ End



**POLICY REPORT PW 20-53  
CONSIDER INCREASE IN WASTEWATER RATES FOR 2021  
BY CHANGING CITY FEE SCHEDULE**

November 10, 2020

  
Michael G. McDonald  
Director of Public Works

  
Carla K. Williamson  
CMC City Clerk

  
Paul Kramer  
City Manager

**ISSUE:**

Consider wastewater rates for 2021

**BACKGROUND:**

The City Commission has supported an increase in wastewater rates of three percent during the 2021 budget process. This increase is necessary to support on-going operations at the Wastewater Treatment Plant. The City is also performing repairs related to Inflow and Infiltration in the collection system and other work associated with meeting Kansas Department of Health and Environment (KDHE) and Environmental Protection Agency (EPA) requirements.

These fees are shown in the City Fee Schedule maintained by the City Clerk. Due to the nature of the billing cycle, it is proposed that the rate increase take effect on December 1, 2020 to ensure that a full year of revenue is collected in 2021.

**RECOMMENDATION:**

Staff recommends that the City Commission accept the wastewater rate schedule effective December 1, 2020.

City of Leavenworth Wastewater Rates				
Ccf (100cf) Water Use	Gallons Water Use	2020		2021
		Inside City Service Charge	Inside City Service Charge	Inside City Service Charge
1	750	\$	11.94	\$ 12.30
*2	1,500	\$	11.94	\$ 12.30
3	2,250	\$	16.01	\$ 16.48
4	3,000	\$	20.07	\$ 20.66
5	3,750	\$	24.13	\$ 24.84
6	4,500	\$	28.19	\$ 29.03
**7	5,250	\$	32.25	\$ 33.21
8	6,000	\$	36.31	\$ 37.39
9	6,750	\$	40.37	\$ 41.57
10	7,500	\$	44.43	\$ 45.75
11	8,250	\$	48.49	\$ 49.93
12	9,000	\$	52.55	\$ 54.12
13	9,750	\$	56.61	\$ 58.30
14	10,500	\$	60.67	\$ 62.48
15	11,250	\$	64.74	\$ 66.66
Notes: * Is Minimum Charge				
** Is New Customer Rate				

**Attachments:**

- Revised Fee Schedule with marked-up
- Revised Fee Schedule "Clean"

		Men's double header—team	315.00
	Futsal		
		Futsal-Early Registration	45.00
		Futsal-Late Registration (Oct 16-Nov 1)	70.00
Performing Arts Center—Tickets			
	Youth—12 years old and under		8.00
	Student (with student ID)		10.00
	Adult		12.00
	Senior (62 and older)		10.00
	Military		10.00
Youth Summer Camp Program			
	Adventure Stem—age 5-12 years		138.00
	LEGO Jedi Engineering—age 5-12 years		138.00
Other Miscellaneous			
	Legacy Tree Program—per tree		200.00
	Memorial Bench (contact parks & recreation for pricing options)		

Solid Waste		
Special pick-up for inactive residential homes:		\$ Amount
	Up to three cubic yards	100.00
	Over 3 cubic yards or requiring use of mechanized loading equipment	250.00
Dumpster permit		10.00
Collection and disposal of refuse – Single family units and multi-family complexes –monthly		
	<del>Fee through November 30, 2019</del>	<del>18.22</del>
	<u>Fee Effective December 01, 2019 Monthly fee</u>	19.31
Brush disposal site fees:		
	Car—each	2.00
	Pick-up truck—each	5.00
	Single axle dump/flat bed—each	15.00
	Tandem axle dump high side bed—each	25.00
	Truck with chipper box —each	25.00
Trailers:		
	Up to 8 feet or fraction thereof—each	5.00
	9 to 16 feet or fraction thereof—each	10.00
	Each additional foot or fraction thereof over 16	1.00
	Additional for modified trailers or beds with walls that exceed 4 feet in height	5.00
Refuse bags—each roll		7.00

Streets, Sidewalks and Other Public Places		
Street use:		\$ Amount
	Special event—per event	25.00
Sidewalk use permit:		
	Up to 3 consecutive days	15.00
	Over 3 days and up to 3 months	40.00
	Over three months and up to 12 months	100.00

Construction and maintenance:		
	Street construction or repair permit—each	15.00
	Curb cut and driveway construction permit—each	15.00
	Street sweeping, private property—per hour	55.00
	Alley paving	Actual cost
	Vacation of public rights-of-way application—each	250.00

Traffic and Vehicles		
Permit parking:		\$ Amount
	Monthly	20.00
	After 15 <sup>th</sup> of month for remainder of month	10.00
	Loading zone permit—annually	100.00

Utilities			
Sewer			\$ Amount
Sewer connections			
	Sewer connection outside benefit district, sewer district or development-per square foot		.30
Sewer service charges			
Inside city customers with established service – monthly fee			
<b>Fees through November 30, 2019</b>			
	<b>User Charge Portion (\$/Ccf)</b>	<b>Capital Charge Portion (\$/Ccf)</b>	<b>Total Service Charge (\$/Ccf)</b>
Minimum monthly charge	6.41	4.65	11.06
Volume charge			
First 2 Ccf	Included in minimum monthly charge		
Next 13 Ccf	2.25	1.51	3.76
Next 285 Ccf	1.78	0.88	2.66
All over 300 Ccf	1.58	0.546	2.14
<b>Fees effective December 01, 2019</b>			
Minimum monthly charge	<u>7.136.92</u>	<u>5.175.02</u>	<u>12.3011.94</u>
Volume charge			
First 2 Ccf	Included in minimum monthly charge		
Next 13 Ccf	<u>2.502.43</u>	<u>1.681.63</u>	<u>4.184.06</u>
Next 285 Ccf	<u>1.981.92</u>	<u>.980.95</u>	<u>2.962.87</u>
All over 300 Ccf	<u>1.761.71</u>	<u>.610.59</u>	<u>2.372.30</u>
Outside city customers with established service – monthly fee			
<b>Fees through November 30, 2019</b>			
	<b>User Charge Portion (\$/Ccf)</b>	<b>Capital Charge Portion (\$/Ccf)</b>	<b>Total Service Charge (\$/Ccf)</b>
Minimum monthly charge	6.41	5.84	12.25
Volume charge			
First 2 Ccf	Included in minimum monthly charge		
Next 13 Ccf	2.25	1.71	3.96

	Next 285 Ccf	1.78	0.99	2.78
	All over 300 Ccf	1.58	0.64	2.22
<b>Fees effective December 1, 2019</b>				
	Minimum monthly charge	6.927.13	6.316.50	13.6313.23
	Volume charge			
	First 2 Ccf	Included in minimum monthly charge		
	Next 13 Ccf	2.432.50	1.851.91	4.414.28
	Next 285 Ccf	1.921.98	1.071.10	3.082.99
	All over 300 Ccf	1.711.76	.690.71	2.472.40
New residential customer without established service– monthly fee				
<b>Fee through November 30, 2019</b>				
		<b>User-Charge Portion (\$/Ccf)</b>	<b>Capital-Charge Portion (\$/Ccf)</b>	<b>Total Service Charge (\$/Ccf)</b>
	Minimum monthly charge	17.66	12.22	29.88
<b>Fee effective December 01, 2019</b>				
	Minimum monthly charge	19.0719.64	13.1813.57	33.2132.25
Inside the City Extra strength surcharge for each mg/l over 350 mg/l-per month additional charge				
<b>Fee through November 30, 2019</b>				
		<b>User-Charge Portion (\$/Ccf)</b>	<b>Capital-Charge Portion (\$/Ccf)</b>	<b>Total Service Charge (\$/Ccf)</b>
	Biochemical oxygen demand (BOD)	0.00171834	0.00007067	0.00178901
	Suspended solids (SS)	0.00119566	0.00004573	0.00124139
<b>Fee effective December 01, 2019</b>				
	Biochemical oxygen demand (BOD)	0.001855810.0019 1148	0.000076320.00007 861	0.001990090 .00193213
	Suspended solids (SS)	0.001291310.0013 3005	0.000049390.00005 087	0.001380920 .00134070
Outside the City Extra strength surcharge for each mg/l over 350 mg/l-per month additional charge				
<b>Fee through November 30, 2019</b>				
		<b>User-Charge Portion (\$/Ccf)</b>	<b>Capital-Charge Portion (\$/Ccf)</b>	<b>Total Service Charge (\$/Ccf)</b>
	Biochemical oxygen demand (BOD)	0.00172033	0.00019652	0.00191685
	Suspended solids (SS)	0.00119710	0.00011739	0.00131449
<b>Fee effective December 01, 2019</b>				
	Biochemical oxygen demand (BOD)	0.001857960.0019 1370	0.000212230.0002 1860	0.002132300 .00207020
	Suspended solids (SS)	0.001292870.0013 3166	0.000126780.0001 3058	0.001462240 .00141965
Other				

		Men's double header—team	315.00
	Futsal		
		Futsal-Early Registration	45.00
		Futsal-Late Registration (Oct 16-Nov 1)	70.00
Performing Arts Center—Tickets			
	Youth—12 years old and under		8.00
	Student (with student ID)		10.00
	Adult		12.00
	Senior (62 and older)		10.00
	Military		10.00
Youth Summer Camp Program			
	Adventure Stem—age 5-12 years		138.00
	LEGO Jedi Engineering—age 5-12 years		138.00
Other Miscellaneous			
	Legacy Tree Program—per tree		200.00
	Memorial Bench (contact parks & recreation for pricing options)		

Solid Waste			
Special pick-up for inactive residential homes:			\$ Amount
	Up to three cubic yards		100.00
	Over 3 cubic yards or requiring use of mechanized loading equipment		250.00
Dumpster permit			10.00
Collection and disposal of refuse – Single family units and multi-family complexes –monthly			
	Monthly fee		19.31
Brush disposal site fees:			
	Car—each		2.00
	Pick-up truck—each		5.00
	Single axle dump/flat bed—each		15.00
	Tandem axle dump high side bed—each		25.00
	Truck with chipper box —each		25.00
Trailers:			
	Up to 8 feet or fraction thereof—each		5.00
	9 to 16 feet or fraction thereof—each		10.00
	Each additional foot or fraction thereof over 16		1.00
	Additional for modified trailers or beds with walls that exceed 4 feet in height		5.00
Refuse bags—each roll			7.00

Streets, Sidewalks and Other Public Places			
Street use:			\$ Amount
	Special event—per event		25.00
Sidewalk use permit:			
	Up to 3 consecutive days		15.00
	Over 3 days and up to 3 months		40.00
	Over three months and up to 12 months		100.00
Construction and maintenance:			

Street construction or repair permit—each	15.00
Curb cut and driveway construction permit—each	15.00
Street sweeping, private property—per hour	55.00
Alley paving	Actual cost
Vacation of public rights-of-way application—each	250.00

Traffic and Vehicles	
Permit parking:	\$ Amount
Monthly	20.00
After 15 <sup>th</sup> of month for remainder of month	10.00
Loading zone permit—annually	100.00

Utilities	
Sewer	\$ Amount
Sewer connections	
Sewer connection outside benefit district, sewer district or development-per square foot	.30
Sewer service charges	
Inside city customers with established service – monthly fee	
Minimum monthly charge	7.13 5.17 12.30
Volume charge	
First 2 Ccf	Included in minimum monthly charge
Next 13 Ccf	2.50 1.68 4.18
Next 285 Ccf	1.98 .98 2.96
All over 300 Ccf	1.76 .61 2.37
Outside city customers with established service – monthly fee	
Minimum monthly charge	7.13 6.50 13.63
Volume charge	
First 2 Ccf	Included in minimum monthly charge
Next 13 Ccf	2.50 1.91 4.41
Next 285 Ccf	1.98 1.10 3.08
All over 300 Ccf	1.76 0.71 2.47
New residential customer without established service– monthly fee	
Minimum monthly charge	19.64 13.57 33.21
Inside the City Extra strength surcharge for each mg/l over 350 mg/l-per month additional charge	
Biochemical oxygen demand (BOD)	0.00191148 0.00007861 0.00199009
Suspended solids (SS)	0.00133005 0.00005087 0.00138092
Outside the City Extra strength surcharge for each mg/l over 350 mg/l-per month additional charge	
Biochemical oxygen demand (BOD)	0.00191370 0.00021860 0.00213230
Suspended solids (SS)	0.00133166 0.00013058 0.00146224
Other	
Public improvement inspection fee—as percentage of total construction cost	6%



**POLICY REPORT  
RESOLUTION B-2270  
TO AUTHORIZE SERVING COMPLIMENTARY (FREE) ALCOHOLIC LIQUOR  
LEAVENWORTH MAIN STREET PROGRAM ALIVE AFTER FIVE EVENTS**

**NOVEMBER 10, 2020**

Prepared by:



Carla K. Williamson, CMC  
City Clerk

Approved by:



Paul Kramer  
City Manager

**ISSUE:**

To consider a resolution to authorize serving complimentary (free) alcoholic liquor or cereal malt beverages to members of the general public during the "Alive After Five Events" to be held at various businesses as sponsored by Leavenworth Main Street Program from January 1, 2021 through December 31, 2021.

**BACKGROUND:**

State statute K.S.A. 41-104 allows authorization to serve complimentary (free) alcoholic liquor or cereal malt beverages to members of the general public on the unlicensed premises of businesses by the business owner or owner's agent. Leavenworth Main Street Program which is a non-profit 501©3 organization is sponsoring the "Alive After Five Events" to be held on the first Thursday of each month between the hours of 4:00 p.m. to 10:00 p.m. commencing on January 1, 2021 through December 31, 2021.

The Leavenworth Main Street Program would strictly control the activity. Should the City Commission agree with this request, the governing body must approve a resolution authorizing the event as required by Alcoholic Beverage Control Division Form ABC-865.

**ACTION:**

Approve Resolution B-2270 as presented.

**ATTACHMENT:**

- Resolution B-2270

**RESOLUTION B-2270**

**WHEREAS**, the City of Leavenworth, Kansas authorizes serving complimentary (free) alcoholic liquor or cereal malt beverages to members of the general public during the “Alive After Five Events” to be held at various businesses as sponsored by Leavenworth Main Street Program from January 1, 2021 through December 31, 2021.

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

**Section 1.** Pursuant to K.S.A. 41-104, authorization is hereby given to serve complimentary (free) alcoholic liquor or cereal malt beverages to members of the general public on the unlicensed premises of businesses by the business owner or owner's agent at the “Alive After Five Events” sponsored by Leavenworth Main Street Program which is a non-profit 501©3 organization, to be held on the first Thursday of each month between the hours of 4:00 p.m. to 10:00 p.m. commencing on January 1, 2021 through December 31, 2021.

**Section 2.** Leavenworth Main Street Program shall not be required to obtain a Temporary Permit, falling under the “Fundraising” category wherein:

- The alcoholic drinks served must be complimentary.
- The event at which the alcoholic liquor is served must be an official fundraising event of the organization or the event must be sponsored by either a charitable organization or by a candidate, party or political committee.

**Section 3.** That this resolution shall be effective upon its passage.

**PASSED AND APPROVED** by the Governing Body this 10<sup>th</sup> day of November 2020.

**CITY OF LEAVENWORTH, KANSAS**

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Myron J. “Mike” Griswold, Mayor

{SEAL}

ATTEST:

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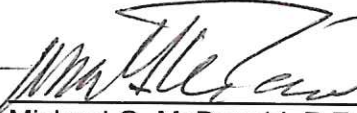
Carla K. Williamson, CMC, City Clerk

POLICY REPORT PWD NO. 20-52  
CONSIDER REVISIONS TO AMEND SEC 44-189 TO  
EMERGENCY SNOW ROUTES LISTINGS

November 10, 2020

Prepared by:

  
Michael Hooper,  
Deputy Director of Public Works

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

Reviewed by:

  
Paul Kramer,  
City Manager

**ISSUE:**

Consider revisions to the Code of Ordinances related to identification of Emergency Snow Routes.

**BACKGROUND:**

The City of Leavenworth has adopted ordinances and manuals to provide guidance and structure to snow and ice control activities. The Snow Manual was reviewed and approved by the City Commission on October 20, 2020. Staff noted at that time that there were some minor changes necessary to the lists of streets identified as "Emergency Snow Routes" in the Ordinance to reflect actual conditions and operational efforts.

Staff from Engineering and Operations have reviewed the streets identified as Emergency Snow Routes. This includes:

- As listed in the ordinance
- As identified in the Snow Manual lists
- As shown on the maps in the Snow Manual
- As driven by the snow plow operators

The listing below consolidates all of the possible changes identified with recommendations that the ordinance be changed to reflect them.

**East-west streets:**

- a. Cherokee Street, Third Street to 20th Street.
- b. County Road 5 (**Tongonoxie Road**), 15th Street to Michals Road. (**Added Tongonoxie Road to reflect the City street name**)
- c. Eisenhower Road, Fourth Street to 20th Street Trafficway.
- d. Kiowa Street, Third Street to Fourth Street.
- e. **Limit Street, Home Place to 20th Street Trafficway. (This street was added to the snow manual at some point but not added to the ordinance)**
- f. **~~Marshall Street, Fifth Avenue to Broadway (Hospital).~~ (Proposed to be deleted as the hospital is now closed.)**
- g. McDonald Road, Hughes Road to Shrine Park Road.
- h. **~~Metropolitan Avenue, from Centennial Bridge to 20th Street.~~ (Proposed to be deleted as no other state highway in the City is covered by a similar listing, there are only a few homes, and East/West access to 20th Street interchange**



**is available for traffic. City has normally plowed Metropolitan between 16th Street and 20th Street as an Emergency Snow Route.)**

- i. Muncie Road, Fourth Street to 10th Avenue.
- j. Ohio and LeCompton Road, Tenth Avenue to City limits.
- k. Ottawa Street, Third Street to 20th Street.
- l. Pennsylvania, Fourth Street to Tenth Avenue.
- m. Shawnee Street, Third Street to 20th Street.
- n. Spruce Street, Third Street to 15th Street.
- o. Thornton Street, Fourth Street to Tenth Avenue.
- p. Thornton Street, 17th Street to 19th Street Terrace. (added the word "Terrace" to reflect actual roadway alignments.)**
- ~~q. Vilas Street, Tenth Avenue to 25th Street Trafficway.~~
- r. ~~Vilas Street to be extended from 22nd Street to 25th Street.~~ (Combine the two Vilas Street references to a single listing from Tenth Avenue to 25th Street)**

(2) North-south streets:

- a. Second Avenue, Congress Street to Limit Street.
- b. Third Street, Kiowa Street to Spruce Street.
- c. Fourth Street, Metropolitan Avenue to Eisenhower Road.
- d. Fifth Avenue, **Spruce Olive** Street to Thornton Street. **(Change Olive to Spruce to reflect actual street signage and the connection to Seventh Street information below.)**
- e. Fifth Street, Metropolitan Avenue to Congress Street.
- f. Seventh Street, Metropolitan Avenue to Spruce Street.
- g. Tenth Avenue, Spruce Street to Eisenhower Road.
- h. Tenth Street, Metropolitan Avenue to Spruce Street.
- i. 13th Street, Metropolitan Avenue to Cherokee Street.
- j. 15th Street, Vilas Street to Limit Street.
- k. 17th Street, Vilas Street to Thornton Street.
- ~~**l. 18th Street, U.S. 73 to Metropolitan Avenue. (Delete as this street was removed when the new highway was constructed)**~~
- m. 18th Street, Dakota Street to Spruce Street.
- n. 18th Street, LeCompton Road to Thornton Street.
- o. 19th Street Terrace, 20th Street Trafficway to Thornton Street.
- p. 20th Street, Metropolitan Avenue to Spruce Street.
- q. 20th Street Trafficway, Spruce Street to Eisenhower Road.
- r. Broadway, Metropolitan Street to Thornton Street.
- s. Hughes Road, Eisenhower Road to Limit Street.
- t. Lawrence Avenue, Spruce Street to Cherokee Street.
- u. Maple Avenue, Thornton Street to Limit Street. .

- v. **Santa Fe Trail, Metropolitan Ave. to Hancock Ave. (This street was added to the Snow Manual at some point but was not included in the ordinance.)**
- w. Shrine Park Road, Eisenhower Road to Limit Street.
- x. Washington Street, Spruce Street to Ohio Street.
- y. Wilson Avenue, Marion to Home Place.

Staff also requests the following be added to the ordinance as they are currently being plowed as Emergency Snow Routes and are not in the ordinance:

1. **Home Place**, Wilson to Limit
2. **Marion Street**, 4th Street to Wilson

**RECOMMENDATION:**

This review is considered as "First Consideration" of the ordinance. Any changes agreed upon will be brought back to the Commission for "Second Consideration". City forces will address snow and ice matters as has occurred in previous years should any changes be delayed or postponed.

**ATTACHMENTS:**

Map of Emergency Show Routes

# City of Leavenworth Snow Plan 2020-2021 Emergency Snow Routes

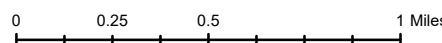
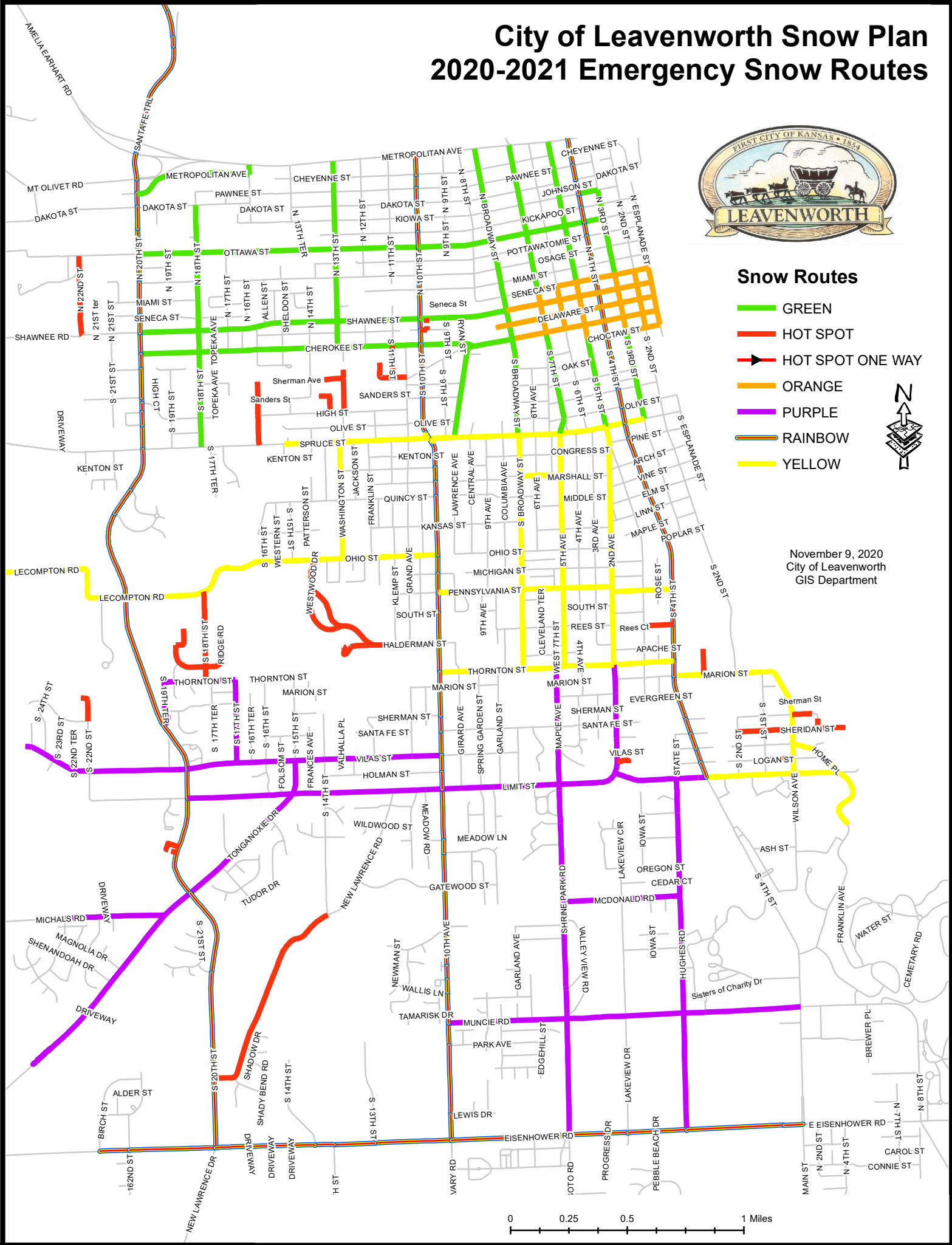


## Snow Routes

- GREEN
- HOT SPOT
- ▶ HOT SPOT ONE WAY
- ORANGE
- PURPLE
- RAINBOW
- YELLOW



November 9, 2020  
City of Leavenworth  
GIS Department





**POLICY REPORT  
RESOLUTION NO. B-2271  
LEAVENWORTH COUNTY CALL FOR PROJECTS APPLICATION**

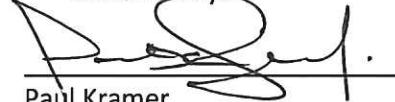
**November 10, 2020**

Prepared By:



Taylour Tedder  
Assistant City Manager

Reviewed By:



Paul Kramer  
City Manager

**ISSUE:**

The issue before the City Commission is to consider a resolution to agree to provide the required funding for local match of the Leavenworth County Call for Projects Application planned for submission to Leavenworth County.

**BACKGROUND:**

- The Leavenworth County Board of County Commissioners recently made funds available through the 1% countywide sales tax approved by voters in February of 2015. Cities are allowed to apply through a “call for projects” grant application, soliciting proposals for transportation system improvement projects.
- City staff have identified a project for the improvement of Michals Road from Tonganoxie Road to 167<sup>th</sup> Street.
- This area has a unique combination of serving both the County residents entering and leaving the City of Leavenworth City limits on a daily basis to travel to other areas within the County, as well as City residents who live in the vicinity. Additional residential growth is planned in this area and will continue to grow over time. The new road project has a safety component, which will greatly improve the safety of those traveling on this road with improved shoulders and no longer having an unpaved surface on the project area. This project additionally allows for greater growth in residents for both Leavenworth County and the City of Leavenworth, resulting in additional tax dollars to be collected, as well as additional workforce and sales tax indirect benefits to both governing entities.
- The total construction cost of the project is \$453,867.00 and the City of Leavenworth proposes a 75%/25% (County/City) cost share, with the City’s matching portion amounting to \$113,467. The City of Leavenworth will utilize Pavement Management Program and or Capital Improvement Program (CIP) to fund our matching portion of the project.
- Applications require a resolution of support from the Governing Body, with applications due at 5:00 p.m. on November 16th.

**ACTION REQUIRED:**

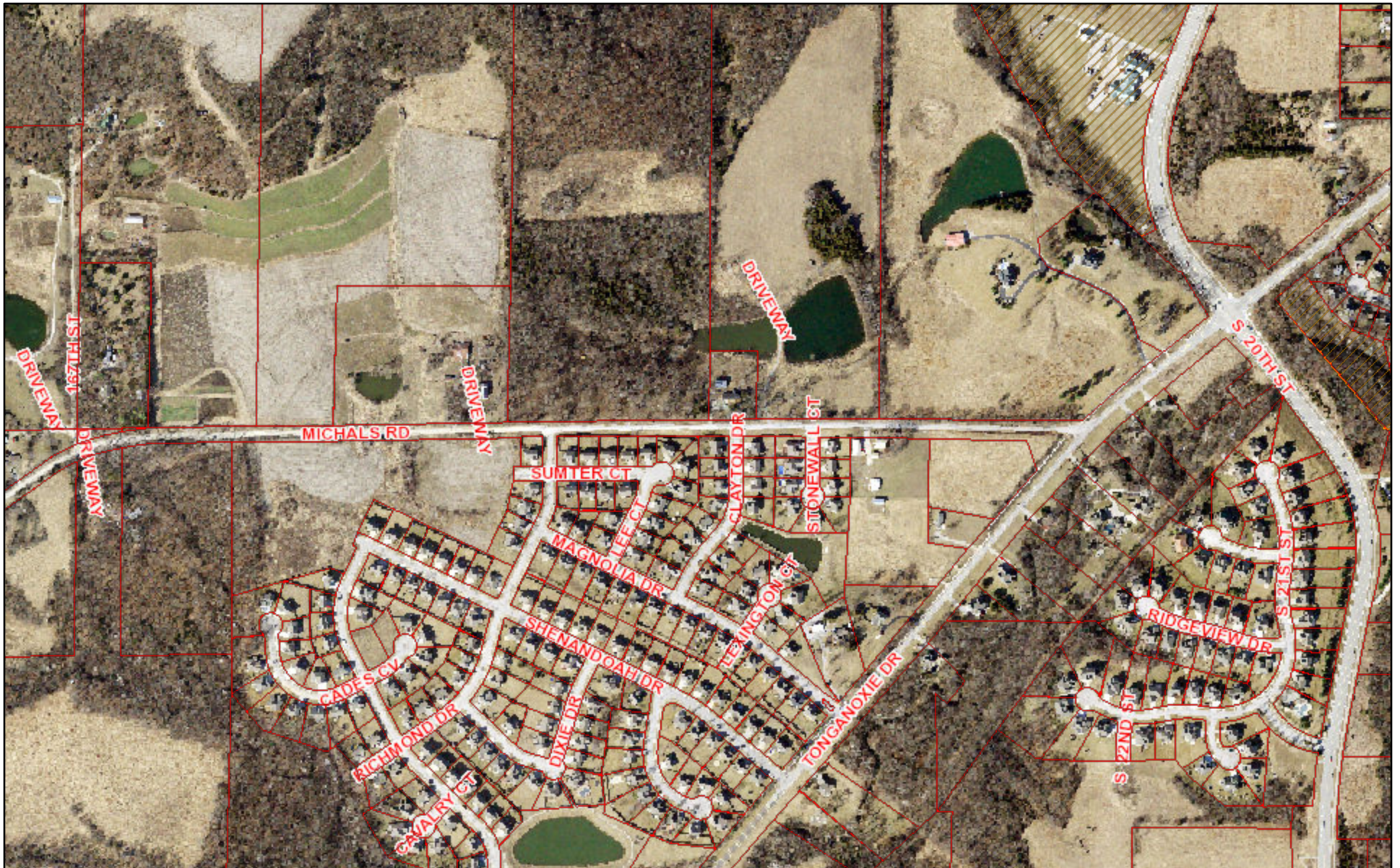
Adopt Resolution B-2271 indicating support of the grant application and agreement to provide the required funding for local match.

**ATTACHMENTS:**

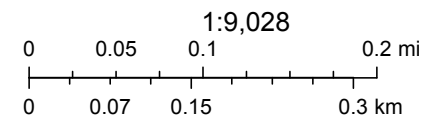
- Map
- Resolution B-2271



# Michals Rd (Tonganoxie Rd. to 167th St.)



11/9/2020, 1:36:04 PM



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Web AppBuilder for ArcGIS  
Esri, HERE |



**RESOLUTION NO. B-2271**

**A RESOLUTION REGARDING TO THE TERMS ON THE 2020 LEAVENWORTH COUNTY CALL FOR PROJECTS APPLICATION RELATED TO THE IMPROVEMENT OF MICHAELS ROAD FROM TONGANOXIE ROAD TO 167<sup>TH</sup> STREET PROJECT AND AGREEING TO PROVIDE THE REQUIRED LOCAL FUNDING MATCH.**

**WHEREAS**, on February 3, 2015 the citizens of Leavenworth County by majority vote approved the extension of a one-percent (1%) countywide retailer’s sales tax to be used to finance capital improvements, infrastructure, facilities, the purchase of equipment, debt reduction and economic development projects in the county and cities within the county; and,

**WHEREAS**, the Leavenworth Board of County Commissioners has made available to cities within the county, by application soliciting projects, for transportation system improvement projects; and,

**WHEREAS**, the City of Leavenworth is making application to the Board of County Commissioners for the Michaels Road from Tonganoxie Road to 167<sup>th</sup> Street Improvements; and,

**WHEREAS**, the construction cost of the of the aforementioned project is \$453,867.00 and the City of Leavenworth proposes a 75%/25% (County/City) cost share; and,

**WHEREAS**, the City of Leavenworth will utilize Pavement Management Program and or Capital Improvement Program (CIP) to fund our portion of the project.

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

**Section 1.** The Governing Body of the City of Leavenworth has reviewed the application to be submitted the Leavenworth Board of County Commissioners under the 2020 Leavenworth County Call for Projects.

**Section 2.** The City of Leavenworth has identified the funding mechanism for the city’s portion of the project.

**ADOPTED THIS** 10<sup>th</sup> day of November 2020.

\_\_\_\_\_  
Myron J. “Mike” Griswold, Mayor

{SEAL}

ATTEST:

\_\_\_\_\_  
Carla K. Williamson, CMC City Clerk

**EXECUTIVE SESSION  
TO DISCUSS PERSONNEL MATTERS OF NONELECTED PERSONNEL**

**NOVEMBER 10, 2020**

**CITY COMMISSION ACTION:**

**Motion:**

Move to recess into executive session to discuss the annual performance review of the City Manager pursuant to the nonelected personnel matters exception K.S.A. 75-4319 (b) 1. The open meeting to resume in the City Commission Chambers at \_\_\_\_\_ by the clock in the City Commission Chambers. Human Resources Director Lona Lanter is requested to attend.