



**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*

**CALL TO ORDER** – Pledge of Allegiance Followed by Silent Meditation

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**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

1. Minutes from August 10, 2021 Regular Meeting **Action:** Motion (pg. 3)

**Second Consideration Ordinances:**

2. Second Consideration Ordinance 8172 – Demolition Assessments **Action:** Roll Call Vote (pg. 6)  
3. Second Consideration Ordinance 8173 – Nuisance Assessments **Action:** Roll Call Vote (pg. 9)

**Other:**

4. Geiger Ready Mix Request for Closure of Maple Street (pg.15)  
a. Withdraw of Request to Vacate and Close out Proposed Ordinance **Action:** No action required  
b. Consider Right-of-Way Encroachment Agreement **Action:** Motion

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**NEW BUSINESS:**

**Public Comment:** *(i.e. Items not listed on the agenda or receipt of petitions)- Public comment is limited to 2-3 minutes and no action will be taken by the Commission on public comment items - Please state your name and address. A signup sheet will be provided in the commission chambers for anyone wishing to speak. Fill out the sheet with requested information when you enter the meeting.*

**General Items:**

5. Employee Benefit Plan Renewal **Action:** Motion (pg.25)

**Public Hearing:**

6. Public Hearing Exceeding of the Revenue Neutral Rate (pg.29)  
a. Open Public Hearing **Action:** Motion  
b. Presentation to Exceed Revenue Neutral Rate  
i. Staff Comments  
ii. Public Comments  
c. Close Public Hearing **Action:** Motion  
d. Consider Resolution B-2288 – Approval to Exceed Revenue Neutral Rate **Action:** Motion

**Resolution:**

7. Resolution B-2289 Camp Leavenworth 2021 Special Event Request for Street Closure for Temporary Liquor License **Action:** Motion (pg.32)  
8. Resolution B-2290 Set Public Hearing for Unsafe or Dangerous Structure at 2201 Magnolia Dr. Damaged by Fire **Action:** Motion (pg.35)

**Bids, Contracts and Agreements:**

9. Consider Bids for Plastic Trash Bags **Action:** Motion (pg.39)  
10. Approval of Bid from Denton Excavating for Emergency Demolition of 703 N 8<sup>th</sup> Street **Action:** Motion (pg.41)

**First Consideration Ordinance:**

11. First Consideration Ordinance Rezoning 410 S 2<sup>nd</sup> from I-1 to Central Business District (CBD) **Action:**Consensus  
(pg.45)
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**Consent Agenda:**

Claims for August 7, 2021, through August 20, 2021, in the amount of \$1,254,287.97; Net amount for Payroll #16 effective August 13, 2021 in the amount of \$383,308.22 (No Police & Fire Pension). **Action:** Motion

**Other:**

**Executive Session:**

12. Discussion of Matters Related to Security Measures Private Property of Persons **Action:** Motion (pg.61)

**Adjournment**

**Action:** Motion



**CALL TO ORDER** - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Pro-Tem Camalla Leonhard, Commissioners Myron J. (Mike) Griswold, Mark Preisinger and Jermaine Wilson. Absent: Mayor Nancy D. Bauder.

**Staff members present in the commission chambers:** City Manager Paul Kramer, Police Chief Patrick Kitchens, Deputy Finance Director Roberta Beier, City Attorney David E. Waters, Deputy City Clerk Cary L. Collins and City Clerk Carla K. Williamson.

Mayor Pro-Tem Camalla Leonhard asked everyone to stand for the pledge of allegiance followed by silent meditation.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Wilson moved to approve the minutes from the July 27, 2021 regular meeting. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonhard declared the motion carried 4-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance 8170 – Illegal Camping** – Police Chief Patrick Kitchens presented the ordinance for second consideration. Since first consideration on July 27, 2021 there has been one change to the ordinance. The Federal Court in the 9th District has ruled that an ordinance is not valid if shelters are full as that would violate the 8th amendment to the constitution. The following language has been added to reflect the required statement:

(f) *Affirmative defense.* It shall be an affirmative defense to this charge if all the local homeless shelters defendant would qualify to attend were full on the date of the offense.

Mayor Pro-Tem Leonhard called the roll and the ordinance passed 4-0.

**Second Consideration Ordinance 8171 – Amending Chapter 6 Alcoholic Beverage and Cereal Malt Beverage** – City Manager Paul Kramer presented the ordinance for second consideration. There have been no changes since first introduced on July 27, 2021. As a reminder, Pursuant to K.S.A. 41-2911 (b)(1)(A), any change made to expanded Sunday sales must be done through an updated ordinance. The City may draft an ordinance without an election but it is subject to a 60-day waiting period during which a petition for an election can be filed. A summary of the ordinance will be published on August 13 and August 20, 2021. All provisions of the ordinance will go into effect on day 61 (October 21, 2021) following the second publication if a petition is not filed in protest. Ordinance No. 8171 is now presented for second consideration and requires a roll call vote.

Mayor Pro-Tem Leonhard called the roll and the ordinance passed 4-0.

**NEW BUSINESS:**

**Public Comment:** *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*

None

**General Items:**

**2020 Audit Presentation** – City Manager Paul Kramer introduced Michael Keenan, CPA from Cochran, Head, Vick & Co., P.A. Mr. Keenan reviewed the 2020 Audit performed by his firm.

- Reviewed the Comprehensive Annual Financial Report (CAFR) and the single audit
- No material weaknesses or deficiencies
- No illegal acts
- No difficulties or disagreements with management
- Best Practices suggestions
  - Accounts reconciliation of cash and prepaids
  - Bond premiums and discounts
  - Cyber Security
  - Future Accounting Pronouncements

**Mayor’s Appointment** - Mayor Pro-Tem Leonhard moved to re-appoint to the Leavenworth Main Street Program Board, Melissa Bower to a term ending August 15, 2024. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonhard declared the motion carried 4-0.

**Consider Cereal Malt Beverage License for 7-Eleven located at 609 Metropolitan Avenue** – City Clerk Carla Williamson presented for consideration an application for an off premise consumption Cereal Malt Beverage license received from ASAD, Inc. This is the new 7-Eleven convenience store moving from 701 Metropolitan Avenue to 609 Metropolitan Avenue. At this time, final inspection of the building is pending by both the State of Kansas and the City’s Health & Safety Officer. The opening date of the new store is set for September 16, 2021. The City’s Health & Safety Officer has been monitoring the progress of the new construction and does not anticipate any problems that would prevent approval of the City Health Permit and CMB license upon final inspection. The Police Department has reviewed and approved the application. Staff recommends approval of the CMB license contingent upon final inspection and approval by the City’s Health & Safety Officer.

Commissioner Preisinger moved to approve the 2021 off premise Cereal Malt Beverage Licenses for 7-Eleven at 609 Metropolitan Avenue contingent upon final inspection and approval of the facility by the City Health & Safety Officer. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonhard declared the motion carried 4-0.

**First Consideration Ordinances:**

**First Consideration Ordinance to Levy Special Assessment for Demolition Costs** – City Clerk Carla Williamson presented for first consideration an ordinance levying special assessments for the City’s cost to

demolish certain structures. As a note, fees for 1612 W 7<sup>th</sup> Street are pre-demo costs incurred by the City. The owner of the property hired a private contractor to demolish the structure. The ordinance presented provides for the assessment of demolition costs. The owners of the properties have been billed for the charges with notification also mailed to lending institutions if applicable. Liens have been placed on all properties for the amount of demolition costs.

The properties being assessed are: 934 Ottawa Street, 407 N 20<sup>th</sup> Street, 420 Ottawa Street, 1612 W. 7<sup>th</sup> Street, 1033 Osage Street, 714 Kiowa Street, 525 Pawnee Street, 715 Dakota Street, 515 N. 5<sup>th</sup> Street and 306 N. 3<sup>rd</sup> Street. Payments will still be accepted at the Office of the City Clerk until the ordinance is filed with the County Clerk's office.

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

**First Consideration Ordinance to Levy Special Assessment for Nuisance Abatement Costs** – City Clerk Carla Williamson presented for first consideration an ordinance levying special assessments for the City's costs of abating nuisances such as mowing, tree removals, and lot cleanup and administrative fees. The owners of the properties listed on Exhibit "A" Consolidated List beginning July 11, 2020 through July 12, 2021 have been billed for the charges and were given 30 days in which to compensate the City. In many cases, more than one mowing was required. Payments will still be accepted at the Office of the City Clerk until the ordinance is filed with the County Clerk's office.

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

**Consent Agenda:**

Commissioner Wilson moved to approve Claims for July 24, 2021, through August 6, 2021, in the amount of \$2,231,332.40; Net amount for Payroll #15 effective July 30, 2021 in the amount of \$368,715.53 (No Police & Fire Pension). Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonhard declared the motion carried 4-0.

**Other:**

**City Manager Kramer:**

- New recreation program – pilot program for gymnastics
- Camp Leavenworth Update- site layout, vendors, fireworks, Melissa Etheredge, kids activities, a lot of activities are free

**Commissioner Griswold:**

- Update/awareness on COVID-19

**Commissioner Wilson:**

- Thank you all for supporting the Unity Day event

**Mayor Pro-Tem Leonhard:**

- International Officers Honorary Citizens Day was today and attended on behalf of the Mayor

**Adjournment:**

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

Time Meeting Adjourned 7:51 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

**POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8172  
AN ORDINANCE TO LEVY SPECIAL ASSESSMENT FOR DEMOLITION COSTS AND FEES**

**AUGUST 24, 2021**



Carla K. Williamson, CMC  
City Clerk



Paul Kramer  
City Manager

**BACKGROUND:**

At the August 10, 2021 City Commission regular meeting the City Commission reviewed and placed on first consideration:

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

Since first consideration payment of \$125.00 was received for the fees incurred by the City for the property located at 1612 W. 7<sup>th</sup> Street. That assessment has been removed.

Ordinance No. 8172 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8172

(Published in the Leavenworth Times on August 27, 2021)

**ORDINANCE NO. 8172**

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

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

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

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

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

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

| Property Owner                         | Street Address            | Legal Address   | Demolition Costs |
|--|---------------------------|---|------------------|
| Carlysle, Betty & Billy                | 934 Ottawa St             | Cochran & Mulligan's Sub, Block 14, Lt 39<br>Cochran & Mulligan's Sub & Lt 29 Ewing,<br>Roelofson & Co Sub                        | \$12,710.00      |
| Cook, Sally Jean                       | 407 N 20 <sup>th</sup> St | S27, T08, R22E, PT W1/2SW1/4; BEG<br>419'S inter S LI Ottawa & W LI 20 <sup>th</sup> St,<br>S109', W290.4', N109', E290.4' to POB | \$16,891.00      |
| Inverse Asset Fund, LLC                | 420 Ottawa St             | Leavenworth,PLT ORIG, S25, T08, R22E,<br>Block 55, Lot 11   | \$11,344.00      |
| Smith, Ricky L & Conley, Linda S       | 1033 Osage<br>(Garage)    | Ewing, Roelofson & Co., Block 2,<br>W50'LTS 20-24   | \$6,225.00       |
| Ross, Lee A                            | 714 Kiowa                 | Day & Macaulay's Sub, S26, T08, R22E,<br>Block 101, Lt 6 less W2'   | \$7,690.00       |
| Jeffries, Richard L & Jeffries, Mary J | 525 Pawnee                | Leavenworth,PLT ORIG, Block 61, Lot 19-<br>22   | \$17,307.00      |
| Lewis, Redie                           | 718 Dakota                | Day & Macaulay's Sub, Block 102, Lot 9  | \$7,386.00       |
| Lewis, Redie                           | 515 N 5 <sup>th</sup> St  | Leavenworth,PLT ORIG, S25, T08, R22E,<br>Block 65, S79' Lts 31 & 32   | \$30,594.40      |
| Lewis, Redie                           | 306 N 3 <sup>rd</sup> St  | Leavenworth,PLT ORIG, S25, T08, R22E,<br>Block 26, N55'LTS 15 & 16  | \$11,625.00      |
|  |                           | Total   | \$121,772.40     |

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

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

**PASSED and APPROVED** by the Governing Body on this 24th day of August 2021.

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Nancy D. Bauder, Mayor

{SEAL}

ATTEST:

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Carla K. Williamson CMC, City Clerk



**POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8173  
AN ORDINANCE TO LEVY SPECIAL ASSESSMENT FOR  
NUISANCE ABATEMENT COSTS AND FEES**

**AUGUST 24, 2021**



Carla K. Williamson, CMC  
City Clerk



Paul Kramer  
City Manager

**BACKGROUND:**

At the August 10, 2021 City Commission regular meeting the City Commission reviewed and placed on first consideration:

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

Since first consideration, the following listings have been removed:

- Development Inc 735 Metropolitan Ave \$515.08 Request removal by Code Enforcement
- Hulsey, Charles J & Joanne; Trust 1519 Ohio St \$134.99 Request removal by Code Enforcement
- Clark, Matthew J & Dona A 1024 2<sup>nd</sup> Ave \$269.19 Paid
- Moritz, Terri J 1212 10<sup>th</sup> Ave \$139.99 Paid
- Jones, Scott R. 1226 10<sup>th</sup> Ave \$139.99 Paid

The above assessments were removed and Ordinance No. 8173 is now presented for second consideration and requires a roll call vote.

Payments will continue to be accepted by the City Clerk's office until submitted to the County Clerk and notified by the County Clerk that no more payments can be accepted by the City.

**ATTACHMENTS:**

- Ordinance No. 8173

*(Published in the Leavenworth Times on August 27, 2021)*

**ORDINANCE NO. 8173**

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

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

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

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

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

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

**ATTACHED GRASS AND WEEDS NUISANCE ASSESSMENTS – EXHIBIT A**

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

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

**PASSED and APPROVED** by the Governing Body on this 24th day of August 2021.

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Nancy D. Bauder, Mayor

{SEAL}

ATTEST:

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

| Property Owner Name                     | Property Address           | Legal Description   | CAMA             | Billed Amount |
|---|----------------------------|---|------------------|---------------|
| WESTFALL, JEFFREY L                     | 1609 MICHAEL STREET        | AMRON ACRES, Lot 19   | 0782704017003000 | \$121.57      |
| STANDIFER, BIANCIA                      | 222 DAKOTA STREET          | BRIDGEPORT SUBDIVISION, S25, T08, R22E, BLOCK 2, Lot 18   | 0772502008006000 | \$429.94      |
| WESLEY, MONTARIAL A & LAKISHA           | 213 SOUTH 10TH STREET      | CENTRAL SUBDIVISION, BLOCK 15, Lot 26   | 0773502010005000 | \$1,405.68    |
| HENRY, DEBORAH A                        | 911 CHEROKEE STREET        | CENTRAL SUBDIVISION, BLOCK 16, Lot 25 - 27  | 0773501015002000 | \$1,617.21    |
| DUCKWORTH, HARLAN J & HOOTEN, SHARLEE S | 1002 CHEROKEE STREET       | CENTRAL SUBDIVISION, BLOCK 26, E38'LTS 1-4  | 0773502009016000 | \$2,069.74    |
| JONES, HERBERT H & MARY A               | 501 NORTH 13TH STREET      | CENTRAL SUBDIVISION, BLOCK 80, E210'(S) BLK 80 (SCALED)   | 0772603011005000 | \$747.44      |
| VARGAS, MAUREEN A                       | 1314 POTTAWATOMIE STREET   | CENTRAL SUBDIVISION, S26, T08, R22E, BLOCK 80, W150' OF E360' BLK 80  | 0772603011005010 | \$490.00      |
| NEXIA HOLDINGS, INC                     | 431 NORTH 12TH STREET      | CENTRAL SUBDIVISION, S26, T08, R22E, BLOCK 88, TR BLK 88 CENTRAL SUB; BEG INTER POTTAWATOMIE ST & 12TH ST; S27', W115', NWLY37.3', E143' TO POB & ABAN RR ROW ADJ               | 0772603016001000 | \$1,159.01    |
| WACKER, THOMAS E                        | 854 SHERMAN AVENUE         | CENTRAL SUBDIVISION, S35, T08, R22E, BLOCK 13, PT BLK 13;BEG W69' FROM NE COR SE60'(S), SW43', NW75' (S), E28' TO POB (SCALED)  | 0773501014002000 | \$3,165.68    |
| ARROYO, GABRIEL                         | 403 OLIVE STREET           | CLARK & REES ADDITION, BLOCK 20, Lot 2  | 0773602044002000 | \$394.98      |
| WILLIAMSON, ANDY T L                    | 616 SPRUCE STREET          | CLARK & REES ADDITION, BLOCK 30, Lot 12, (SCALED)   | 0773602042012000 | \$1,004.76    |
| JEFFERSON, DONALD R                     | 604 SOUTH 6TH STREET       | CLARK & REES ADDITION, BLOCK 32, S70'LT 1 & S70'E1/2 LT 2   | 0773602025013000 | \$116.13      |
| CHISHTI REAL ESTATE INC                 | 619 OAK STREET             | CLARK & REES ADDITION, BLOCK 33, Lot 5  | 0773602022004000 | \$2,235.68    |
| HUDSPETH, CHADWICK G                    | 625 OAK STREET             | CLARK & REES ADDITION, BLOCK 33, Lot 7  | 0773602022006000 | \$3,755.05    |
| KING, WILLIAM B                         | 118 SPRUCE STREET          | CLARK & REES ADDITION, BLOCK 5, Lot 11  | 0773601002006000 | \$304.88      |
| EDWARDS, MICHAEL                        | 609 SOUTH 13TH STREET      | CLAY'S REPLAT, S35, T08, R22E, Lot 4  | 0773502027003010 | \$110.51      |
| CARLYSLE, BETTY & BILLY                 | 934 OTTAWA STREET          | COCHRAN & MULLIGAN'S SUB, BLOCK 14, LT 39 COCHRAN & MULLIGAN'S SUB & LT 29 EWING,ROELOFSON & CO SUB (SCALED)  | 0772603105008000 | \$885.37      |
| AILIN, ARI RYAN & RACHEL                | 801 POTTAWATOMIE STREET    | COCHRAN & MULLIGAN'S SUB, S26, T08, R22E, BLOCK 22, Lot 21 - 22   | 0772604302001000 | \$121.17      |
| BRUMIT, RONALD O & SHERRY I             | 924 SOUTH 17TH TERRACE     | CROWN ESTATES SUB PH I, LT 4 CROWN ESTATES & PT LT 20 HYDES SUB & VAC RANDOLPH ST ADJ;BEG NW COR LT 4 CROWN EST S82.5',W143.34,N82.51'E TO POB SECTION 34 TOWNSHIP 08 RANGE 22E | 0783404003009160 | \$141.56      |
| LEWIS, REDIE                            | 718 DAKOTA STREET          | DAY & MACAULAY'S SUB, BLOCK 102, Lot 9  | 0772601409016000 | \$112.47      |
| DEVELOPMENT INC                         | 735 METROPOLITAN AVENUE    | DAY & MACAULAY'S SUB, BLOCK 104, S75'LTS 27 & 28  | 0772601403004000 | \$265.08      |
| JAMERSON, CHARLES E III & KIMBERLY R    | 1011 NORTH BROADWAY STREET | DAY & MACAULAY'S SUB, BLOCK 107, Lot 6  | 0772601307001000 | \$1,443.72    |
| ROSS, LEE A                             | 714 KIOWA STREET           | DAY & MACAULAY'S SUB, S26, T08, R22E, BLOCK 101, LT 6 LESS W2'  | 0772604101005000 | \$1,147.80    |
| SANTEE, DAVID ROY                       | 615 PROSPECT STREET        | DAY'S SUBDIVISION, BLOCK 18, W1/2 LT 6 & ALL LT 7   | 0773603039004000 | \$3,978.60    |
| CAMMACK, CURTIS W                       | 617 MIDDLE STREET          | DAY'S SUBDIVISION, S36, T08, R22E, BLOCK 15, Lot 6 - 7  | 0773603024005000 | \$2,509.92    |
| CILLIERS, ABRAHAM A JR                  | 3308 IOWA STREET           | EVANS ADDITION, S12, T09, R22E, PT BLKS 9, 10 & VAC IDAHO ST; BEG SE COR LT 1, COLLEGE PLAZA REPLAT, S110.61', W200', S250', W100.8', N360', E302.43' TO POB                    | 1011202003080000 | \$150.00      |
| WILLEY, MARY S                          | 823 KICKAPOO STREET        | EWING, ROELOFSON & CO., BLOCK 13, Lot 16 - 17   | 0772604208007000 | \$276.38      |


| Property Owner Name                      | Property Address           | Legal Description   | CAMA             | Billed Amount |
|--|----------------------------|---|------------------|---------------|
| HIATT, DONALD L                          | 611 NORTH 8TH STREET       | EWING, ROELOFSON & CO., BLOCK 13, LTS 5 & 6 & S28.5' LT 7   | 0772604208025000 | \$963.85      |
| WALTERS, KENNETH R JR                    | 1028 POTTAWATOMIE STREET   | EWING, ROELOFSON & CO., BLOCK 4, LT 29 & W18' LT 30   | 0772603107012000 | \$195.63      |
| NANNEN, STEVEN F                         | 714 NORTH 11TH STREET      | EWING, ROELOFSON & CO., BLOCK 6, Lot 20 - 22  | 0772603103005000 | \$397.70      |
| SCHMIDT, DEBBIE J                        | 1109 OTTAWA STREET         | EWING, ROELOFSON & CO., BLOCK 7, Lot 13   | 0772603014004000 | \$113.40      |
| SALYERS, VICTORIA A                      | 1117 POTTAWATOMIE STREET   | EWING, ROELOFSON & CO., BLOCK 8, Lot 12   | 0772603015003000 | \$325.00      |
| KNOX, RICHARD K & ETHEL R                | 812 KICKAPOO STREET        | EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 12, LT 36 & W1/2 LT 37  | 0772604205020000 | \$120.57      |
| THE ZENITH SHOP                          | 829 KICKAPOO STREET        | EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 13, LT 19 LESS TR BEG NE COR S63', W8.4', NE63', E1.2' TO POB                               | 0772604208009000 | \$2,955.07    |
| NEW CHRISTY MINSTRELS FOUNDATION         | 617 NORTH 8TH STREET       | EWING, ROELOFSON & CO., S26, T08, R22E, BLOCK 13, PT BLK 13; BEG 1.5'S OF SE COR LT 8, W120', N70'(S), NE150'(S), S90'(S) TO POB (SCALED) | 0772604208001000 | \$962.68      |
| ENG, MARTY L & ELIZABETH J               | 1007 SOUTH 5TH STREET      | FACKLERS ADD BLK 26, BLOCK 26, LOT 19 & S8' LOT 20 & W1/2 VAC ALLEY ADJ   | 0773603012002010 | \$126.15      |
| KENITZER, LARRY & GINA                   | 1120 SOUTH 2ND STREET      | FACKLERS ADDITION, BLOCK 13, Lot 16   | 0773603015008000 | \$122.16      |
| CHACE, BRIAN K & BARBARA J               | 1011 SOUTH 3RD STREET      | FACKLERS ADDITION, BLOCK 14, SLY76' LTS 7 & 8   | 0773603014006000 | \$123.29      |
| BANDRU, KEVIN J JR & RESENDIZ, GILDA OLV | 417 ELM STREET             | FACKLERS ADDITION, BLOCK 23, Lot 6  | 0773603030006000 | \$122.30      |
| R & M INVESTMENT GROUP LLC               | 500 ELM STREET             | FACKLERS ADDITION, BLOCK 28, Lot 13 - 16  | 0773603026009000 | \$2,375.00    |
| PRIDE PROPERTIES LLC                     | 514 LINN STREET            | FACKLERS ADDITION, BLOCK 29, Lot 12   | 0773603031011000 | \$394.82      |
| JOHNSTON, HAROLD J                       | 510 LINN STREET            | FACKLERS ADDITION, BLOCK 29, Lot 13   | 0773603031012000 | \$121.69      |
| OWENS, ROBERT BRADLEY                    | 1929 CLEVELAND TERRACE     | FENNS BROADWAY SUB, BLOCK 6, Lot 5 - 7  | 1010201022009000 | \$200.00      |
| ALMADA, MARIO                            | 1341 METROPOLITAN AVENUE   | FENN'S FAIRGROUND SUB, BLOCK 8, Lot 29 - 31   | 0782701007006000 | \$128.62      |
| LEE FAMILY TRUST                         | 1514 QUINCY STREET         | FOOTE'S SUBDIVISION, S34, T08, R21E, ACRES 3.68, BEG SE COR LT 3; THENCE N494', SWLY330', S475', E TO POB                                 | 0783404003012000 | \$134.99      |
| H&P DEVELOPMENT LLC                      | 1131 METROPOLITAN AVENUE   | GIST SURVEY, S26, T08, R22E, PT GIST SURVEY IN NW1/4; BEG SE COR INTER METRO AVE & 12TH ST, E50.1', S154.1', W50', N152' TO POB           | 0772602004009000 | \$329.30      |
| PUCKETT, TAMMY L & WILLIAM B &           | 1231 KICKAPOO STREET       | HERSHFIELD'S, R.N. SUB, BLOCK 1, Lot 25 - 27  | 0772603008006000 | \$133.14      |
| STEVENSON, KIMBERLY & MENZEL, NONA       | 1317 VILAS STREET          | HOLMAN'S SUBDIVISION, BLOCK 4, LT 10 & E1.43' LT 11   | 1010203007004000 | \$481.14      |
| GENESIS ONE LLC                          | 729 CHESTNUT STREET        | LATTA'S ADDITION, BLOCK 27, Lot 3   | 0773501030002000 | \$1,216.12    |
| JEFFRIES, RICHARD L & JEFFRIES, MARY J   | 525 PAWNEE STREET          | LEAVENWORTH, PLT ORIG, BLOCK 61, Lot 19 - 22  | 0772601407004000 | \$475.80      |
| GLZ SOLUTIONS LLC                        | 625 KIOWA STREET           | LEAVENWORTH, PLT ORIG, BLOCK 93, Lot 20   | 0772604103011000 | \$2,042.12    |
| BRUNGARDT, SANDIE                        | 621 KIOWA STREET           | LEAVENWORTH, PLT ORIG, BLOCK 93, Lot 22   | 0772604103009000 | \$860.60      |
| BRUNGARDT, SANDIE                        | 619 KIOWA STREET           | LEAVENWORTH, PLT ORIG, BLOCK 93, Lot 23   | 0772604103008000 | \$635.16      |
| PALLESEN, RANDALL D                      | 119 SENECA STREET          | LEAVENWORTH, PLT ORIG, S25, T08, R22E, BLOCK 17, Lot 15 - 16  | 0772503405004000 | \$3,530.72    |
| MEDARIS, CATHY ANN                       | 201 OSAGE STREET           | LEAVENWORTH, PLT ORIG, S25, T08, R22E, BLOCK 26, Lot 32   | 0772503107001000 | \$3,434.72    |
| DIAZ, GABRIELA MIRANDA                   | 326 DAKOTA STREET          | LEAVENWORTH, PLT ORIG, S25, T08, R22E, BLOCK 35, Lot 13 - 14  | 0772502013004000 | \$112.13      |
| SEED ENTERPRISES LLC                     | 100 NORTH ESPLANADE STREET | LEAVENWORTH, PLT ORIG, S25, T08, R22E, BLOCK 4, LTS 1-11 & N1/2 VAC SHAWNEE ST ADJ  | 0772503406001000 | \$613.43      |
| MULLINS, BRIAN ALAN                      | 317 POTTAWATOMIE STREET    | LEAVENWORTH, PLT ORIG, S25, T08, R22E, BLOCK 40, E1/2 LT 25 & ALL LT 26   | 0772503212005000 | \$3,475.79    |

| Property Owner Name                     | Property Address       | Legal Description   | CAMA             | Billed Amount |
|---|------------------------|---|------------------|---------------|
| SATURN HOLDINGS LLC                     | 318 NORTH 4TH STREET   | LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 41, Lot 17 - 18   | 0772503213011000 | \$121.07      |
| OLD CANAL FINANCIAL                     | 323 OSAGE STREET       | LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 41, Lot 21  | 0772503213008000 | \$3,432.46    |
| WILLIAMS, RONALD C                      | 410 MIAMI STREET       | LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 52, Lot 6   | 0772503301002000 | \$110.59      |
| INVERSE ASSET FUND LLC                  | 420 OTTAWA STREET      | LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 55, Lot 11  | 0772503205013000 | \$670.95      |
| PAYNE, HARRY F                          | 506 DAKOTA STREET      | LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 61, Lot 3 - 4   | 0772502011007000 | \$1,838.76    |
| RAMOS, VALERIE J                        | 503 PAWNEE STREET      | LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 61, Lot 30 - 32   | 0772502011001000 | \$350.00      |
| MUHAMMAD, RAMON                         | 504 MIAMI STREET       | LEAVENWORTH,PLT ORIG, S25, T08, R22E, BLOCK 67, W19'LT 3  | 0772503302002000 | \$217.69      |
| AGESEN PROPERTIES LLC                   | 1240 SANDERS STREET    | LINDA SUBDIVISION, Lot 1  | 0773502028002000 | \$125.00      |
| AGESEN, RALPH K(DEC'D); TR              | 1250 SANDERS STREET    | LINDA SUBDIVISION, Lot 2  | 0773502028002010 | \$125.00      |
| BARDEN, PAMELA A                        | 913 PAWNEE STREET      | MACAULEY'S 1ST ADD, S26, T08, R22E, BLOCK 34, Lot 10 - 11   | 0772602012001000 | \$923.38      |
| RICHMOND, LANCE WILLIAM & SULLIVAN, TES | 1517 9TH AVENUE        | MARSHALL'S SUBDIVISION, BLOCK 1, N40' OF S180' OF BLK 1   | 1010201004006000 | \$2,166.41    |
| BARR, TYLER A                           | 934 OSAGE STREET       | MIX'S SUBDIVISION, BLOCK 2, Lot 17  | 0772603401006000 | \$2,572.90    |
| AILIN, RACHEL RS                        | 836 MIAMI STREET       | MIX'S SUBDIVISION, BLOCK 4, Lot 22 - 24   | 0772604305014000 | \$1,228.95    |
| US BANK TRUST NATIONAL ASSOCIATION      | 807 NORTH 12TH STREET  | MORRIS METRO SUB BL 1-4, BLOCK 1, N1/2 LT 4 & ALL LT 5  | 0772603002018000 | \$663.42      |
| PROTON PROPERTIES LLC                   | 1010 NORTH 13TH STREET | MORRIS METRO SUB BL 5-7, S26, T08, R22E, BLOCK 6, Lot 28 - 29   | 0772602008007000 | \$120.07      |
| OWENS, ROBERT BRADLEY                   | 2311 GIRARD AVENUE     | NEELY'S FOREST ADDITION, BLOCK 6, LT 4 & S14'LT 5 & W1/2 VAC ALLEY ADJ  | 1010204007009000 | \$157.21      |
| FORD, EDSSEL DALLAS;TRUST & FORD, LINDA | 2501 GIRARD AVENUE     | NEELY'S FOREST ADDITION, BLOCK 7, N1/2 LT 6 & ALL LT 7  | 1010204013002000 | \$200.00      |
| WHITE, STACY M                          | 1229 SPRUCE STREET     | NORTON,WILLIAMS&THOMAS ADD, BLOCK 3, Lot 17   | 0773503005002000 | \$1,509.57    |
| CARL, KRISITN                           | 907 GATEWOOD STREET    | PIN OAK ACRES, BLOCK 2, Lot 7   | 1011101004032000 | \$136.46      |
| BROWN, FLOSSIE                          | 651 SOUTH STREET       | REES' DONIPHAN&THORNTON'S, BLOCK 14, LT 1 & VAC ALLEY ADJ   | 1010102019001000 | \$2,945.03    |
| BROWN, FLOSSIE                          | 653 SOUTH STREET       | REES' DONIPHAN&THORNTON'S, BLOCK 14, LT2 & VAC ALLEY ADJ  | 1010102019001010 | \$2,496.93    |
| NEU, DOUGLAS LEE                        | 1921 5TH AVENUE        | REES' DONIPHAN&THORNTON'S, BLOCK 19, LTS 10&11 & W1/2 VAC ALLEY ADJ   | 1010102023011000 | \$449.22      |
| OFFICER, ALVIN                          | 1518 3RD AVENUE        | REES' DONIPHAN&THORNTON'S, BLOCK 2, Lot 13  | 1010102004007000 | \$200.00      |
| SOUTH HILLSIDE DEVELOPMENT LLC          | 2300 WILSON AVENUE     | RUTTER'S REPLAT, S01, T09, R22E, Lot 4  | 1010104006001130 | \$2,591.86    |
| BATTISTA, LEAH N & ROBERT J             | 4600 LAKEVIEW DRIVE    | S13, T09, R22E, ACRES 4.54, PT W1/2 NW1/4; BEG 30'S & 30'W NE COR, S575.8', W335.53', N575.8', E335.53' TO POB  | 1061300000003000 | \$300.00      |
| STEVENSON, KIMBERLY & MENZEL, NONA      | 1938 OTTAWA STREET     | S27, T08, R22E, PT NE1/4SW1/4; BEG INTER N LI OTTAWA & E LI 20TH ST, N125', E120', S125', W120' TO POB LESS ROW | 0782703001028010 | \$174.99      |
| COOK, SALLY JEAN                        | 407 NORTH 20TH STREET  | S27, T08, R22E, PT W1/2SW1/4; BEG 419'S INTER S LI OTTAWA & W LI 20TH ST, S109', W290.4', N109', E290.4' TO POB | 0782703003042000 | \$215.78      |

| Property Owner Name                      | Property Address        | Legal Description   | CAMA               | Billed Amount       |
|--|-------------------------|---|--------------------|---------------------|
| HARDWICK, DAVID AUSTIN                   | 714 PROSPECT STREET     | S35, T08, R22E, PT SE1/4 BEG AT SE COR LT 7 BLK 3 BUETTINGER'S 2ND, N107', E38',S107',W38' & ALSO TR BEG SE COR LT 24, SHOYER PL SUB, W44', N138.5', E44', S138.5' TO POB | 0773504026015000   | \$562.20            |
| TURNEY, TRACY J & JEFFREY L              | 1331 SPRUCE STREET      | SCHEER'S SUBDIVISION, CORR., BLOCK 1, Lot 2   | 0783404001002000   | \$399.98            |
| GRIFFITHS, ZACHARY T                     | 3321 IOWA STREET        | SHAMROCK ACRES ADDITION, BLOCK 3, S54'LT 2 & N46' LT 3  | 1011202003068000   | \$143.31            |
| HERNANDEZ, KETZY                         | 50 LOGAN AVENUE         | SOUTHSIDE PARK SUB, BLOCK 33, Lot 12  | 1010104013009000   | \$2,083.44          |
| MOWERY, MICHAEL J & MARY A               | 306 LIMIT STREET        | SOUTHSIDE PARK SUB, BLOCK 38, LTS 12-16 & S1/2 VAC ALLEY ADJ  | 1010104017008000   | \$450.00            |
| MATZEDER, ROBERT A                       | 51 LOGAN AVENUE         | SOUTHSIDE PARK SUB, S01, T09, R22E, BLOCK 36, Lot 10 - 11   | 1010104019001000   | \$1,796.16          |
| CARR, STARLA L                           | 1700 SOUTH 5TH STREET   | STILLE'S 2ND SUB,NEW ADD, BLOCK 1, LT 33 & N1/2 LT 32   | 1010102011001000   | \$300.00            |
| ELLIOTT, BRADLEY                         | 784 MIAMI STREET        | STILLING'S BLKS 12-17, BLOCK 13, Lot 38   | 0772604306008000   | \$110.65            |
| GREEN, MICHAEL J                         | 1314 GRAND AVENUE       | STILLING'S BLKS 12-17, BLOCK 13, Lot 38   | 0773503022010000   | \$1,695.30          |
| HOME RUN RENOVATIONS LLC                 | 1222 10TH AVENUE        | STILLING'S BLKS 12-17, BLOCK 15, S5'LT 41 & ALL LTS 42 & 43   | 0773503020015000   | \$139.99            |
| DUKES, CHRIS E                           | 1317 GRAND AVENUE       | STILLING'S BLKS 12-17, S35, T08, R22E, BLOCK 14, Lot 1 - 2  | 0773503021011000   | \$130.00            |
| H&P DEVELOPMENT LLC                      | 1009 KENTON STREET      | STILLING'S BLKS 4-8, S35, T08, R22E, BLOCK 6, N125.5' LTS 19 & 20   | 0773503010004000   | \$1,958.05          |
| HILL, KENNETH R                          | 1128 QUINCY STREET      | STILLING'S BLKS 7-11, S35, T08, R22E, BLOCK 11, Lot 34 - 35   | 0773503018016000   | \$407.57            |
| RUTHERFORD, KASSANDRA                    | 1410 10TH AVENUE        | STILLING'S REPLAT, BLOCK 16, Lot 12 - 14  | 0773503030017000   | \$457.06            |
| NEW CHRISTY MINSTRELS FOUNDATION         | 1405 KINGMAN STREET     | STILLING'S REPLAT, BLOCK 16, Lot 18   | 0773503030003000   | \$144.65            |
| DSV SPV3 LLC                             | 1028 KENTON STREET      | STILLING'S, BLKS 1-3, BLOCK 1, Lot 26 - 29  | 0773503001013000   | \$1,266.76          |
| DONALD, PHELPS M & ROSE M                | 1118 KENTON STREET      | STILLING'S, BLKS 1-3, BLOCK 2, Lot 16 - 18  | 0773503002009000   | \$559.99            |
| OWENS, ROBERT BRADLEY                    | 912 GRAND AVENUE        | STILLING'S, BLKS 1-3, BLOCK 2, LTS 19-20 & N75'LTS 21-26  | 0773503002011000   | \$638.58            |
| DONALD, PHELPS M & ROSE M                | 1122 KENTON STREET      | STILLING'S, BLKS 1-3, S35, T08, R22E, BLOCK 2, Lot 14 - 15  | 0773503002008000   | \$149.99            |
| BARR, DANIAL                             | 771 OTTAWA STREET       | WESTERN ADDITION, BLOCK 112, Lot 21 - 22  | 0772604212004000   | \$175.00            |
| PROTON PROPERTIES LLC                    | 789 POTTAWATOMIE STREET | WESTERN ADDITION, BLOCK 113, Lot 20 - 23  | 0772604301007000   | \$138.99            |
| LEWIS, REDIE; OBAMA, BARACK; BIDEN, JOSE | 724 POTTAWATOMIE STREET | WESTERN ADDITION, BLOCK 98, Lot 12 - 13   | 0772604107019000   | \$120.60            |
| GORDON, BETTY                            | 1529 10TH AVENUE        | WOLLMAN'S SUB OF W1/2 BLK #4, S02, T09, R22E, Lot 13 - 15   | 1010201006005000   | \$2,567.56          |
| MOPPIN, KEVIN K SR                       | 1209 SHAWNEE STREET     | WOLMAN PARK REPLAT, BLOCK 41, LTS 4 & 5 & E1/2 LT 6 LESS S 6'   | 0773502004004000   | \$998.71            |
| WOODS ON MUNCIE ASSOC                    | 1150 MUNCIE ROAD        | WOODS ON MUNCIE, S11, T09, R22E, BLOCK 1, Lot TRACT A, ACRES 3.45   | 1011103004026000   | \$125.00            |
|  |                         |   | <b>Grand Total</b> | <b>\$100,946.66</b> |

**POLICY REPORT  
CLOSE OUT OF PROPOSED ORDINANCE  
TO VACATE A PORTION OF MAPLE STREET AND  
AUTHORIZE MAYOR'S SIGNATURE ON ENCROACHMENT AGREEMENT**

AUGUST 24, 2021

  
\_\_\_\_\_  
Brian D. Faust, P.E.  
Director of Public Works

  
\_\_\_\_\_  
Paul Kramer  
City Manager

**ISSUE:**

Close out the proposed Ordinance to vacate a portion of Maple Street placed on first consideration at the June 22, 2021 City Commission meeting and authorizing the Mayor to sign a Right-of-Way Encroachment Agreement.

**BACKGROUND:**

At the June 22, 2021 City Commission regular meeting the City Commission held a public hearing and heard facts and findings regarding the petition by Geiger Ready-Mix requesting the vacation of a portion of Maple Street. At that meeting it was stated that Geiger Ready-Mix and Kansas Gas were still working on an agreement but at the time of the hearing the parties had not come to a final agreement. The ordinance was placed on first consideration and noted that it would come back for second consideration when an agreement had been reached.

The city has a contractual agreement with major utilities that allow them to use the Right-of-Way for their purposes. Notice was given to all utilities with no objections other than those from Kansas Gas Service.

Geiger Ready-Mix and Kansas Gas Service were unable to come to an agreement to allow vacation of the street however, a separate Right-of-Way Encroachment Agreement between the city and Geiger eliminates the need to vacate the street ROW. The Encroachment Agreement does require that Commission authorize the Mayor to sign.

The ROW Encroachment Agreement allows Geiger to construct a parking lot on the south side of Maple, with a portion of the parking lot encroaching into the street ROW. The street itself is not impacted by the parking lot.

At this time, the City will close out the petition for the request to vacate that portion of Maple Street. The closing of the petition does not require a motion or action from the Commission however, this item does put on record in the official city minutes that the petition is withdrawn.

**ACTION:**

Authorize the Mayor to sign the ROW Encroachment Agreement with Geiger concrete for the construction of a parking lot adjacent to Maple Street.

**ATTACHMENT:**

ROW Encroachment Agreement



**RIGHT-OF-WAY/ALLEY ENCROACHMENT AGREEMENT**

**THIS RIGHT-OF-WAY/ALLEY ENCROACHMENT AGREEMENT** ("Agreement") is made and entered into as of the last date of signature indicated below (the "Effective Date") by and between the **City of Leavenworth, Kansas**, a Kansas municipal corporation ("City"), and **GEIGER READY –MIX CO, INC**, jointly and severally (whether collectively, together, or individually, "Licensee"), owner(s) of that certain real property commonly named and numbered **00000 South 2<sup>nd</sup> Street, SE corner lot of South 2<sup>nd</sup> Street and Maple Street, Leavenworth Kansas 66048**, and legally described on Exhibit A which is attached hereto and incorporated herein by this reference (the "Property").

**AGREEMENT**

**1.** For and in consideration of the payment by Licensee of the fee set out below and the true and faithful performance of the mutual covenants herein contained, City hereby grants to Licensee permission to construct/ install and/or allow to remain, certain improvement(s) (collectively, the "Improvements") that encroach upon, use, and/or occupy portions of the space under, on, and/or above the streets, alleys, sidewalks and other public rights-of-way belonging to City, such Improvement(s) and encroachments being more fully-described in Exhibit B which is attached hereto and incorporated herein by this reference.

**2.** All construction, maintenance and operation in connection with the Improvements, use and occupancy shall be performed in strict compliance with this Agreement and the ordinances, codes, rules, and regulations of the City and in accordance with the directions of the City Manager or his or her authorized designee. All plans and specifications thereof shall be subject to the prior written approval of the City, but such approval shall not relieve Licensee of responsibility and liability for concept, design and computation in preparation of such plans and specifications.

**3.** Upon completion of construction and installation of the Improvements and thereafter, there shall be no encroachments in, under, on or above the surface area of the streets, alleys, sidewalks and other public rights-of-way involved, except as described herein and shown on Exhibit B.

**4.** Licensee, at no expense to the City, shall make proper provisions for the relocation and installation of any existing or future utilities affected by such encroachment, use, and occupancy, including the securing of approval and consent from the utility companies and the appropriate City departments and, if applicable, state or federal agencies. In the event that any installation, reinstallation, relocation, or repair of any existing or future utility or improvements owned by, constructed by or on behalf of the public or at public expense is made more costly by virtue of the construction, maintenance or existence of such encroachment and use, Licensee shall pay to City an additional amount equal to such additional cost as determined by the City.

**5.** City may enter and utilize the referenced areas at any time for the purpose of installing or maintaining improvements necessary for the health, safety and welfare of the public or for any other public purpose. To that end, Licensee hereby grants to City an easement upon, over, and across the Property, including but not limited to within any fenced-in areas, for access, ingress and egress to and from the City's streets, alleys, sidewalks and other public rights-of-way. In this regard, Licensee understands and agrees that City shall bear no responsibility or liability for damage or disruption of improvements installed by Licensee or its successors. Licensee agrees that the installation of the Improvements on the City's streets, alleys, sidewalks and other public rights-of-way will be done at the risk of subsequent damage thereto without compensation therefore.

**6.** In order to defray all costs of inspection and supervision which City has incurred or will incur as a result of the construction, maintenance, inspection or management of the encroachments and uses provided for by this Agreement, Licensee agrees to pay to City at the time this Agreement is requested an application fee in the sum of \$15.00

**7.** The term of this Agreement shall be for 50 years, commencing as of the Effective Date. Provided however, this Agreement shall terminate upon the non-compliance of any of the terms of this Agreement by the Licensee. City shall notify Licensee of the non-compliance and if not cured within thirty (30) days this Agreement shall be deemed terminated.

**8.** Upon termination of this Agreement, Licensee shall, at the option of City and at no expense to City, restore the streets, alleys, sidewalks and other public rights-of-way and remove the Improvements encroaching into the same, to a condition acceptable to the City, and in accordance with then-existing City specifications. It is understood and agreed to by Licensee that if this Agreement terminates and Licensee fails to remove the Improvements, Licensee hereby gives City permission to remove the Improvements and any supporting structures and assess a lien on the Property for the costs expended by the City to remove such Improvements.

**9.** It is further understood and agreed upon between the parties hereto that the streets, alleys, sidewalks and other public rights-of-way to be used and encroached upon as described herein, are held by City as trustee for the public; that City exercises such powers over the foregoing as have been delegated to it by applicable law; and that City cannot contract away its duty and its power to control the streets, alleys, sidewalks and other public rights-of-way for the use and benefit of the public. It is accordingly agreed that if the governing body of City may at any time during the term hereof determine in its sole discretion to use or cause or permit the streets, alleys, sidewalks and other public rights-of-way to be used for any other public purpose, including but not being limited to underground, surface or overhead communication, drainage, sanitary sewerage, transmission of natural or electricity, or any other public purpose, whether presently contemplated or not, that this Agreement shall automatically terminate at the option of the City.

**10.** Licensee agrees and acknowledges that this Agreement is solely for the purpose of permitting Licensee to construct, maintain and locate the Improvements over or within the described streets, alleys, sidewalks and other public rights-of-way and is not a conveyance of any right, title or interest in or to the streets, alleys, sidewalks and other public rights-of-way nor is it meant to convey any right to use or occupy property in which a third party may have an interest. Licensee agrees that it will obtain all necessary permission before occupying such property.

**11.** Licensee agrees to comply fully with all applicable federal, state and local laws, statutes, ordinances, codes or regulations in connection with the construction, operation and maintenance of said Improvements, encroachments, and uses. Licensee agrees to pay promptly when due all fees, taxes or rentals provided for by this Agreement or by any federal, state or local statute, law or regulation.

**12.** Licensee covenants and agrees that it shall operate hereunder as an independent contractor as to all rights and privileges granted hereunder and not as an officer, agent, servant or employee of City and Licensee shall have exclusive control of and the exclusive right to control the details of its operations, and all persons performing same, and shall be solely responsible for the acts and omissions of its officers, agents, servants, employees, contractors, subcontractors, licensees and invitees. The doctrine of *respondeat superior* shall not apply as between City and Licensee, its officers, agents, servants, employees, contractors and subcontractors, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Licensee.

**13.** LICENSEE COVENANTS AND AGREES TO INDEMNIFY, AND DOES HEREBY INDEMNIFY, HOLD HARMLESS AND DEFEND CITY, ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES, FROM AND AGAINST ANY AND ALL CLAIMS OR SUITS FOR PROPERTY DAMAGE OR LOSS AND/OR PERSONAL INJURY, INCLUDING DEATH, TO ANY AND ALL PERSONS, OF WHATSOEVER KIND OR CHARACTER, WHETHER REAL OR ASSERTED, ARISING OUT OF OR IN CONNECTION WITH, DIRECTLY OR INDIRECTLY, THE CONSTRUCTION, MAINTENANCE, OCCUPANCY, USE, EXISTENCE OR LOCATION OF SAID IMPROVEMENTS AND ENCROACHMENTS AND USES GRANTED HEREUNDER, WHETHER OR NOT CAUSED, IN WHOLE OR IN PART, BY ALLEGED NEGLIGENCE OF OFFICERS, AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, LICENSEES OR INVITEES OF THE CITY; AND LICENSEE HEREBY ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR SUCH CLAIMS OR SUITS. LICENSEE SHALL LIKEWISE ASSUME ALL LIABILITY AND RESPONSIBILITY AND SHALL INDEMNIFY CITY FOR ANY AND ALL INJURY OR DAMAGE TO CITY PROPERTY ARISING OUT OF OR IN CONNECTION WITH ANY AND ALL ACTS OR OMISSIONS OF LICENSEE, ITS OFFICERS, AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, LICENSEES, INVITEES, OR TRESPASSERS.

**14.** While this Agreement is in effect, Licensee agrees to furnish City with a Certificate of Insurance, as proof that it has secured and paid for a homeowner's policy related to the proposed use and occupancy of public property as located and described in Exhibit B. The amounts of such insurance shall be not less than \$1,000,000.00 per occurrence for bodily injury or property and \$2,000,000.00 aggregate coverage. In the description of operations section shall include the following: "Sidewalk/Public Way Use" and "City of Leavenworth, its assigned, officers and affiliates are additional insured on a primary and non-contributory basis." It is also with the understanding and agreement by Licensee that such amounts shall be revised upward at the City's option and that the Licensee shall so revise such amounts immediately after receiving notice to Licensee of such requirement. Such insurance policy shall provide that it cannot be cancelled or amended without at least thirty (30) days written notice to the City. Licensee agrees to submit a similar Certificate of Insurance annually to City on the anniversary date of the Effective Date. Licensee agrees, binds and obligates itself, its successors and assigns, to maintain and keep in force such homeowner's insurance at all times during the term of this Agreement and until the removal of all encroachments and the cleaning and restoration of the City streets, alleys, sidewalks and other public rights-of-way.

**15.** This Agreement shall be recorded with the Office of the Register of Deeds for Leavenworth County, Kansas. Licensee may not assign this Agreement without the prior written consent of the City. Any attempted assignment without prior written approval will be void. Subject to the foregoing, this Agreement shall inure to and bind the successors and assigns of the parties, and shall constitute a covenant running with the land. Each subsequent owner land benefitted or burdened hereby or part thereof shall by reason of such ownership automatically accept and shall be deemed to have assumed the duties and obligations to be undertaken and assumed by the owner of such land under this Agreement.

**16.** In any action brought by the City for the enforcement of the obligations of Licensee, City shall be entitled to recover interest and reasonable attorney's fees.

**17.** If any provision of this Agreement, or portion thereof, or the application thereof to any person or circumstances, shall, to any extent be held invalid, inoperative or unenforceable, the remainder of this Agreement or the application of such provision or portion thereof to any other persons or circumstances, shall not be affected thereby; it shall not be deemed that any such invalid provision affects the consideration for this Agreement; and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law. This Agreement shall be construed in accordance with the laws of the State of Kansas and the parties hereto consent to the jurisdiction of the courts having jurisdiction over Leavenworth County, Kansas, and to the laying of venue therein. This Agreement contains the entire agreement and understanding of City and Licensee with respect to the subject matter hereof, and this Agreement may be amended, modified, or terminated at any time by a declaration in writing, executed and acknowledged by all the parties to this Agreement or their successors or assigns; this Agreement shall not be otherwise amended, modified or terminated during the term hereof.

**18. THE PARTIES AGREE THAT THE DUTIES AND OBLIGATIONS CONTAINED IN PARAGRAPHS 8, 13, AND 16 SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.**

*[Signature Pages Follow Directly]*



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the Effective Date.

LICENSEE:

**GEIGER READY-MIX CO, INC**

By: Billy Daniels  
Billy Daniels, VP of Operations

Date: 8/18/2021

STATE OF Kansas )  
 ) ss:  
COUNTY OF Wyandotte )

I, Shelly Angello, Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Billy Daniels, personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she/they signed, sealed and delivered said instrument, *on behalf of said GEIGER READY-MIX CO, INC* as his/her/their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal this 18<sup>th</sup> day of August 2021.



Shelly Angello  
Notary Public Shelly L. Angello

**EXHIBIT A**

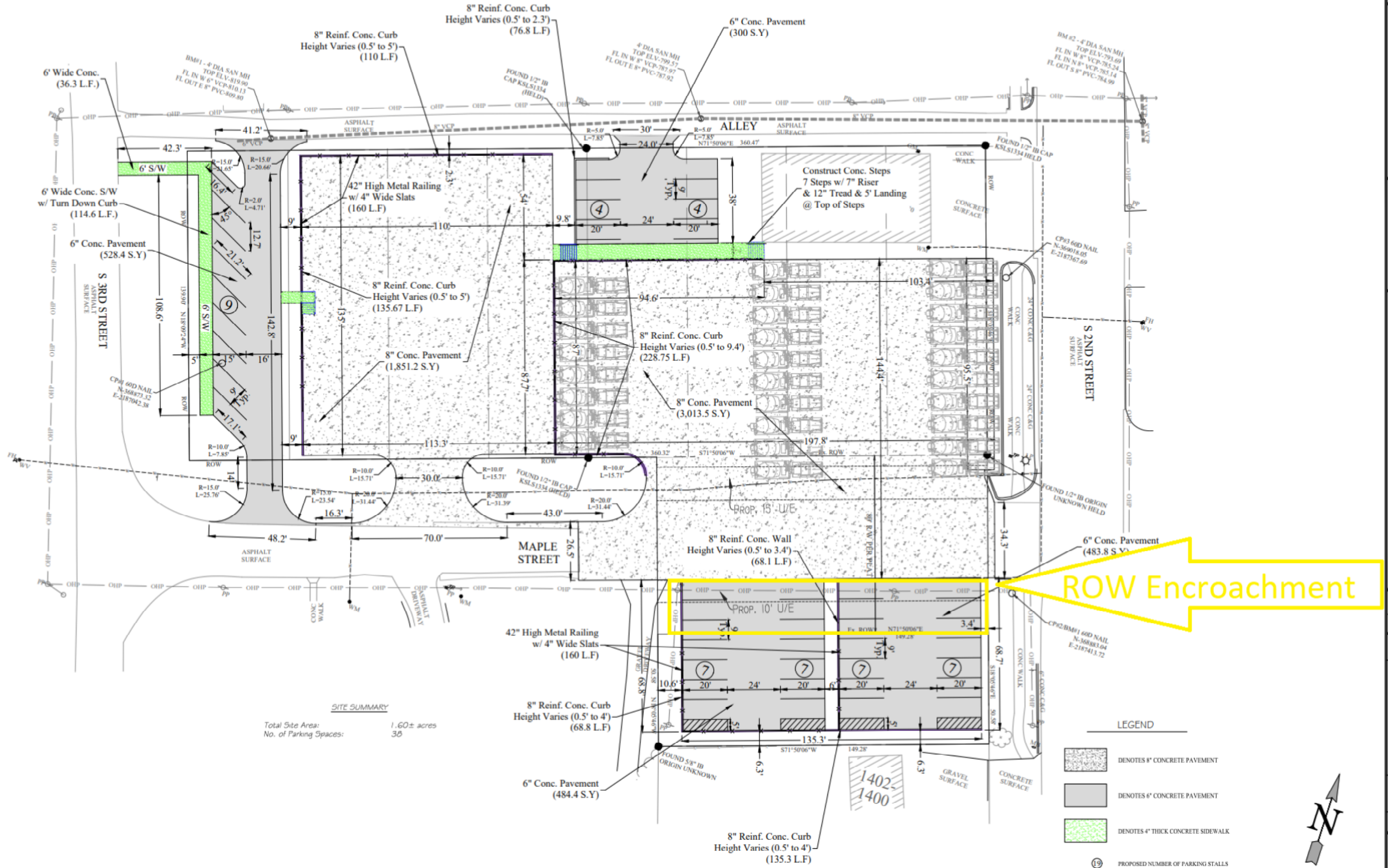
[Legal Description of Property]

Lot 1 Block 9 of Facklers Addition  
A Subdivision of Land in the City of Leavenworth, Leavenworth County, Kansas

# EXHIBIT B

| NO. | DATE   | DESCRIPTION            |
|-----|--------|------------------------|
| 1   | 2/9/21 | Geiger Review Comments |

| BY | BAN |
|----|-----|
|    |     |



**SITE SUMMARY**  
Total Site Area: 1.60± acres  
No. of Parking Spaces: 30

**ROW Encroachment**

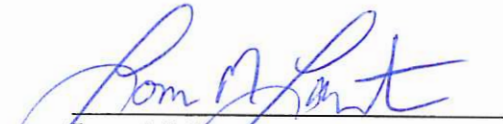
- LEGEND**
- DENOTES 8" CONCRETE PAVEMENT
  - DENOTES 6" CONCRETE PAVEMENT
  - DENOTES 4" THICK CONCRETE SIDEWALK
  - PROPOSED NUMBER OF PARKING STALLS
  - DENOTES 42" HIGH RAILING W/ 4" SLATS
  - DENOTES 8" THICK REINFORCED CONCRETE WALL



**POLICY REPORT 21-03**  
**Employee Benefit Plan Renewal**  
**August 24, 2021**

Prepared by:

Reviewed by:

  
\_\_\_\_\_  
Lona M. Lanter  
HR Director

  
\_\_\_\_\_  
Paul R. Kramer  
City Manager

**ISSUE:** Review and approve the recommendation for employee benefit coverages to be effective December 1, 2021.

**STAFF RECOMMENDATION:** Staff recommends renewal with current providers for medical, dental and vision for the new plan year beginning December 1, 2021. Current providers are: United HealthCare for medical and vision coverage and Delta Dental for dental coverage.

**BACKGROUND:** The City has maintained employee medical coverage through United HealthCare since December 1, 2005. UHC continues to demonstrate their ability to provide a long-term strategic partnership in health care with the City.

The renewal bid from UHC, with no plan design changes, came in at a 4% premium increase. This renewal reflected well below the market trend and also the manual experience rating calculations for our group. However, UHC did take into account our improved experience rating over this past year and also calculated a reduction for COVID-related “relief.” Based on the renewal quote coming in under budget and the intent to maintain a long-term relationship with one provider, a market search was not conducted for medical coverage.

The final renewal from Delta for 2022 came in with no premium increase and no plan design changes. With this year’s renewal we were also provided a rate cap guarantee not to exceed 5% for the next two years with Delta.

The final renewal from UHC Vision for 2022 came in with a 5% premium increase and no plan design changes, with a three year guarantee. This provides for the same level of benefits and a guaranteed premium for the next three years.

Based on the above information, Staff is recommending the City renew with UHC for both medical and vision coverages and renew with Delta Dental for dental coverage, with no plan design changes to any of the plans.

If the Commission approves the Staff recommendations, the renewal date for the medical, dental and vision plans would be December 1, 2021.

This would require employee enrollment for medical, dental and/or vision coverage only for those employees interested in electing coverage, changing plan levels or adding/dropping dependents from coverage.

Open enrollment informational meetings for employees and retirees will be scheduled for the first two weeks in October. Due to protocols and precautions that we continue to monitor in an effort to mitigate the spread of COVID, open enrollment meetings will be set up in the same manner as last year in an effort to reduce the number of people in one location at any given time. The meetings will be held at the Community Center with certain groups of employees in each of the departments/divisions being given specific dates and timeframes to attend a meeting in an effort to monitor the numbers. We will not have our community business partners such as Commerce Bank, Frontier Community Credit Union, Grantham University, etc. on-site for any of the open enrollment meetings; however, our benefit providers, UHC, Delta and Aflac will be on-site to provide information and answer individual questions from employees. HR staff will be available at each open enrollment meeting to answer questions or provide additional information if needed.

**BUDGET IMPACT:** UHC is providing a 4% increase for medical and 5% increase for vision and Delta Dental is providing a flat renewal with no increase to the current rates. All of the renewals for coverage come in under the 2022 budgeted amount of 8%.

**2021 - 2022 HEALTH INSURANCE RATES**  
**Effective 12-01-2021 through 11-30-2022**

|                | <u>BASE</u><br><u>UHC 80/60</u> | <u>BUY-UP</u><br><u>UHC 80/70</u> | <u>HIGH-DED</u><br><u>UHC HD90/60</u> | <u>2020-21 RATES</u>    |
|----------------|---------------------------------|-----------------------------------|---------------------------------------|-------------------------|
| Single         | \$1065.98                       | \$1147.83                         | \$1012.72                             | 1024.98/1103.68/973.77  |
| Employee + One | \$1979.02                       | \$2062.31                         | \$1819.53                             | 1902.90/1982.99/1749.55 |
| Family         | \$2188.12                       | \$2274.61                         | \$2006.87                             | 2103.96/2187.12/1929.68 |

**Regular Full Time (Employee Portion)**

|                |          |          |          |                      |
|----------------|----------|----------|----------|----------------------|
| Single         | \$63.96  | \$145.81 | \$10.70  | 60.95/138.94/10.20   |
| Employee + One | \$494.75 | \$578.04 | \$335.26 | 471.44/550.81/319.47 |
| Family         | \$547.03 | \$633.52 | \$365.78 | 521.26/603.67/348.54 |

**Regular Part Time (Employee Portion)**

|                |           |           |           |                         |
|----------------|-----------|-----------|-----------|-------------------------|
| Single         | \$564.97  | \$646.82  | \$511.71  | 538.35/616.34/487.60    |
| Employee + One | \$1236.89 | \$1320.18 | \$1077.40 | 1178.61/1257.98/1026.64 |
| Family         | \$1367.58 | \$1454.07 | \$1186.33 | 1303.14/1385.56/1130.43 |

**Retiree \***

|                |           |           |           |                         |
|----------------|-----------|-----------|-----------|-------------------------|
| Single         | \$1065.98 | \$1147.83 | \$1012.72 | 1015.76/1093.75/965.01  |
| Employee + One | \$1979.02 | \$2062.31 | \$1819.53 | 1885.77/1965.14/1733.80 |
| Family         | \$2188.12 | \$2274.61 | \$2006.87 | 2085.02/2167.44/1912.31 |

**Retiree/HBA \* (Employee Portion)**

|               |           |           |           |                        |
|---------------|-----------|-----------|-----------|------------------------|
| Single        | \$532.99  | \$573.92  | \$506.36  | 507.88/546.88/482.51   |
| Retiree + One | \$989.51  | \$1031.16 | \$909.77  | 942.89/982.57/866.90   |
| Family        | \$1094.06 | \$1137.31 | \$1003.44 | 1042.51/1083.72/956.16 |

**Other Participants**

|                |           |           |           |                         |
|----------------|-----------|-----------|-----------|-------------------------|
| Single         | \$1065.98 | \$1147.83 | \$1012.72 | 1015.76/1093.75/965.01  |
| Employee + One | \$1979.02 | \$2062.31 | \$1819.53 | 1885.77/1965.14/1733.80 |
| Family         | \$2188.12 | \$2274.61 | \$2006.87 | 2085.02/2167.44/1912.31 |

\*Retirees – premium payments are due the 1<sup>st</sup> of the month. Make checks payable to the City of Leavenworth. 2020-21 RATES are UHC Base/Buy-Up/High-Ded from 12/1/20-11/30/21.

**2021- 2022 DELTA DENTAL INSURANCE RATES (Eff. 12/01/21 thru 11/30/22)**

|  | <u>2022 RATES</u> | <u>2021 RATES</u> | <u>2020 RATES</u> |
|--|-------------------|-------------------|-------------------|
| Single                                 | \$40.43           | \$40.43           | \$40.43           |
| Family                                 | \$104.37          | \$104.37          | \$104.37          |
| <br><u>Regular FT Employee Cost</u>    |                   |                   |                   |
| Single                                 | \$0.00            | \$0.00            | \$0.00            |
| Family                                 | \$52.19           | \$52.19           | \$52.19           |
| <br><u>Regular PT Employee Cost</u>    |                   |                   |                   |
| Single                                 | \$20.22           | \$20.22           | \$20.22           |
| Family                                 | \$78.28           | \$78.28           | \$78.28           |
| <br><u>Retiree/HBA *</u>               |                   |                   |                   |
| Single                                 | \$20.22           | \$20.22           | \$20.22           |
| Family                                 | \$52.19           | \$52.19           | \$52.19           |
| <br><u>Retiree*/Other Participants</u> |                   |                   |                   |
| Single                                 | \$40.43           | \$40.43           | \$40.43           |
| Family                                 | \$104.37          | \$104.37          | \$104.37          |

**2021 - 2022 UHC VISION INSURANCE RATES (Eff. 12-01-21 thru 11-30-22)**

|   | <u>2021-22 RATES</u> | <u>2020-21 RATES</u> |
|---|----------------------|----------------------|
| Single  | \$7.14               | \$6.80               |
| Employee + One                                  | \$10.35              | \$9.86               |
| Family  | \$18.56              | \$17.68              |
| <br><u>Regular Full Time (Employee Portion)</u> |                      |                      |
| Single  | \$0.00               | \$0.00               |
| Employee + One                                  | \$5.18               | \$4.93               |
| Family  | \$9.28               | \$8.84               |
| <br><u>Regular Part Time (Employee Portion)</u> |                      |                      |
| Single  | \$3.57               | \$3.40               |
| Employee + One                                  | \$7.76               | \$7.40               |
| Family  | \$13.92              | \$13.26              |
| <br><u>Retiree/HBA * (Employee Portion)</u>     |                      |                      |
| Single  | \$3.57               | \$3.40               |
| Retiree + One                                   | \$5.18               | \$4.93               |
| Family  | \$9.28               | \$8.84               |
| <br><u>Retiree */Other Participants</u>         |                      |                      |
| Single  | \$7.14               | \$6.80               |
| Employee + One                                  | \$10.35              | \$9.86               |
| Family  | \$18.56              | \$17.68              |

\*Retiree Rates –premium payments are due the 1<sup>st</sup> of the month. Make checks payable to the City of Leavenworth.

**Policy Report**  
**Public Hearing**  
**Exceeding of the Revenue Neutral Rate**  
**August 24, 2021**

Prepared by:



Paul Kramer  
City Manager

**Background:**

Kansas Senate Bill 13 (SB13) establishes notice and public hearing requirements for certain taxing subdivisions seeking to collect property taxes in excess of the subdivision's revenue-neutral rate (RNR). A taxing subdivision is prohibited from levying taxes exceeding its revenue-neutral rate without first approving a resolution or ordinance in accordance with the procedure provided by the bill.

**Subject:**

As presented during the 2022 budget process, the City of Leavenworth intends to exceed the RNR as is defined in SB13. The required resolution is before the City Commission for consideration.

**Information:**

The City's general fund includes hundreds of activities and line items, however, three broad elements of municipal operations make implementing a RNR infeasible without diverting alternative revenue sources, such as sales tax, thereby requiring the elimination or reduction of other city services. Those three factors are: 1) Property tax rebates and abatement for business recruitment and retention; 2) Maintaining a public safety presence that has access to required equipment and invests in personnel; and 3) A variety of operating costs related to commodities and service delivery that cause increases in general fund expenditures.

**1. Economic Development**

Economic development incentives, such as Tax Increment Financing (TIF) and the Neighborhood Revitalization Act (NRA), return increases in property tax revenue back to businesses and property owners based on investment. This revenue is not generated from the public at large. Of the total increase in new property tax revenue, 50 percent (\$163,195) is budgeted to rebate back to business and property owners for investments they have made in new or existing projects. SB13 does not account for the use of many economic development tools, including TIF and the NRA, that have been used heavily by the City to promote growth.

## **2. Public Safety**

The single largest driver of the City's operating budget is public safety: the Leavenworth Police and Fire departments. Making up nearly one-half of the entire work force, and accounting for 67 percent of the operating budget, the public safety operation costs are budgeted to increase 6.21 percent, or \$692,183 in 2022 over 2021. Costs increases are related to salary and benefits, commodities, technology and equipment. The public safety increased costs alone account for more than three times the increase in property tax revenue. In order to maintain personnel and equipment, an increase in expenditures in these departments are likely to occur every year.

## **3. Other general fund obligations and notes**

Along with property tax abatements and public safety costs, there are a number of other local government costs that are part of the general fund and are forecasted to increase in 2022. Those include, but are not limited to:

- **+\$15,213 Legal Costs:** These are largely beyond the control of the City and reliant up trends and unforeseen action.
- **+\$47,092 Information Technology:** IT costs are related to software licenses that seem to increase every year. IT costs are also related to data storage, cyber security, data security and technology for internal and external (registrations, etc.) functionality.
- **+\$93,491 Public Safety Salary Survey Implementation:** The City phased a compensation and classification study salary adjustment in over four years in order to maintain a competitive balance with peer agencies.
- Consumer price, a key guide of inflation, rose 5.4% in June, which is expected to create strain on commodities in 2022.
- Fuel costs are now averaging 98 cents higher than this time last year, which required a higher budgeted amount for 2022.

## **Conclusion**

Property taxes play a small, yet critical role in the core operations of the City of Leavenworth. With the market-based fluctuations of other revenue sources, the reliance on property tax growth is foundational for the financial strength of the City and the service delivery mentioned previously in this policy report. The majority of City operations are funded by sales tax, franchise fees, charges for services and other sources. The City Commission has moved a budget forward that cuts the property tax rate by 0.66 mills. The 2022 operating budget, to be considered at the Sept. 7 City Commission meeting, is designed to maintain service levels and retain personnel in a responsible manner, with modest increases in property related expenditures.

**RESOLUTION NO. 2288**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, APPROVING A TAX RATE OR MILL LEVY RATE IN EXCESS OF THE REVENUE NEUTRAL RATE FOR THE 2022 BUDGET YEAR.**

**WHEREAS**, pursuant to 2021 Kansas Senate Bill No. 13, as amended by 2021 Kansas House Bill 2104, as the same may be codified (the "Act"), the Clerk of Leavenworth County, Kansas, has calculated and notified the City of Leavenworth, Kansas (the "City") that, for the City's 2022 budget year, the City's "revenue neutral rate" (as such term is defined by the Act) is **28.180 mills** (for informational purposes only, one mill is equal to 1/1000th of a Dollar of assessed value);

**WHEREAS**, the Act further provides that no tax rate in excess of the revenue neutral rate shall be levied by the Governing Body of the City except in accordance with procedures established under the Act;

**WHEREAS**, the Governing Body of the City, as required by the Act, called for a public hearing considering exceeding the revenue neutral rate, which public hearing was held on August 24, 2021, with an opportunity for all interested persons to be heard regarding the matter of exceeding the revenue neutral rate; and

**WHEREAS**, in accordance with the provisions of the Act, at such public hearing and after the Governing Body heard from interested taxpayers, the Governing Body voted on and approved this Resolution by majority vote of the Governing Body.

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

**Section 1. Approval to Exceed Revenue Neutral Rate; Approved Tax Rate.** Pursuant to the Act, the City, by and through its Governing Body, hereby approves exceeding the revenue neutral rate. The City's approved tax/mill levy rate for the 2022 budget year is **31.142 mills**, which amount does not exceed the amount of the proposed tax rate for which notice was given as to the public hearing required under the Act.

**Section 2. Effective Date.** This resolution shall be effective upon its adoption by the Governing Body of the City of Leavenworth, Kansas.

**ADOPTED** this 24<sup>th</sup> day of August, 2021, by majority vote of the Governing Body.

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Nancy D. Bauder, Mayor

**ATTEST:**

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Carla K. Williamson CMC, City Clerk

{Seal}

**POLICY REPORT  
CAMP LEAVENWORTH FESTIVAL 2021  
SEPTEMBER 24-25, 2021  
CONSIDER ADOPTION AND APPROVAL OF RESOLUTION B-2289 – ALCOHOLIC LIQUOR**

**AUGUST 24, 2021**

Prepared by:



Carla K. Williamson, CMC  
City Clerk

Reviewed by:



Paul Kramer  
City Manager

**ISSUES:**

Consider approval of Resolution B-2289 approving a Special Event know as Camp Leavenworth Festival 2021 closing streets to motor vehicle traffic and allowing for the possession and consumption of alcoholic liquor.

The following streets will be closed during the hours of the festival per the resolution.

- Cherokee Street between 2<sup>nd</sup> Street and S. Esplanade Street
- Choctaw Street between 2<sup>nd</sup> Street and S. Esplanade Street
- S. Esplanade Street from Delaware Street south to 3 Mile Creek

These streets may be closed during additional times as deemed necessary by the Police Chief to allow for setup and breakdown.

The city will request a temporary liquor license to sell alcohol. The “alcohol friendly” area will be clearly marked within the boundaries of the festival.

**ACTIONS:**

Adopting and approving Resolution B-2289 as presented.

**ATTACHMENTS:**

Resolution B-2289



**RESOLUTION B-2289**

**A RESOLUTION APPROVING A SPECIAL EVENT KNOWN AS CAMP LEAVENWORTH FESTIVAL 2021 SPONSORED BY THE CITY OF LEAVENWORTH AND PROMOTED BY O'NEILL EVENTS AND MARKETING.**

**WHEREAS**, the City of Leavenworth, Kansas (the “City”) is approving a Special Event sponsored by the City known as Camp Leavenworth Festival 2021; and

**WHEREAS**, the City of Leavenworth has contracted with O’Neill Events & Marketing as the Festival Event Management.

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

**Section 1.** Pursuant to state law, alcoholic liquor may be consumed at a special event to be held on designated public streets, alleys, and sidewalks when a temporary permit has been issued by the Kansas Division of Alcoholic Beverage Control (ABC) and the governing body has approved the event as required by K.S.A 41-719 and 41-2645 and amendments thereto.

**Section 2.** Having considered the request to allow the possession and consumption of alcoholic liquor, the governing body hereby approves the event to be held beginning at 5:00 p.m. on Friday, September 24, 2021 through 10:00 p.m. on Saturday, September 25, 2021, (excluding possession and consumption during the hours of 2:00 a.m. to 9:00 a.m.), provided the city secures a temporary permit from ABC and complies with all state laws and ordinances regulating alcoholic liquor.

**Section 3.** A portion or all of the following streets shall be closed to motor vehicle traffic during the dates and times identified in section 2:

- Cherokee Street between 2<sup>nd</sup> Street and Esplanade Street
- Choctaw Street between 2<sup>nd</sup> Street and Esplanade Street
- S. Esplanade Street from Delaware Street south to 3 Mile Creek

Pursuant to K.S.A. 41-719 and 41-2645, the sponsor shall ensure that the area in which alcoholic liquor is possessed or consumed is clearly marked by signs, a posted map or other means (“Designated Barricaded Area”).

**Section 4.** Event attendees may purchase, possess and consume alcoholic beverages within the Designated Barricaded Area. Pursuant to K.S.A 41-719 no alcoholic liquor may be removed

from the Designated Barricaded Area or consumed inside vehicles while on public streets or alleys at the event.

**Setion 5.** This Resolution shall take effect and be in force after its approval by the governing body.

**ADOPTED AND APPROVED** by the Governing Body on this 24<sup>th</sup> day of August 2021.

(SEAL)

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Nancy D. Bauder, Mayor

ATTEST:

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Carla Williamson, CMC, City Clerk


**RESOLUTION SETTING HEARING DATE FOR UNSAFE STRUCTURE  
2201 MAGNOLIA DRIVE**

**August 24, 2021**

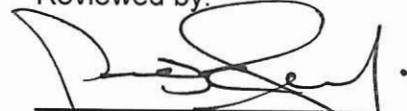
Prepared by:

  
Harold D. Burdette,  
Chief Building Inspector

Reviewed by:

  
Brian D. Faust, P.E.  
Director of Public Works

Reviewed by:

  
Paul Kramer,  
City Manager

**ISSUE:**

Consider a resolution setting October 12, 2021 as the date of a public hearing regarding a property containing an unsafe or dangerous structure in the City of Leavenworth.

**BACKGROUND:**

This structure was significantly damaged by a fire on July 3, 2021. The owners are going to repair the structure, and contractors have been busy cleaning out the structure so that repairs can begin. A building permit application was received and approved by staff on August 18, 2021.

When structures are damaged by fire or other causes and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used by the City to either remove the structure if the owner decides not to address the issue, or be returned to the property owner once repairs are completed and the structure is ready for occupancy, or the owner has the structure demolished. The City has received money in regards to this property. The money will be returned to the owner once repairs have advanced to the point that the exterior work has been completed and the interior is ready for sheetrock.

The Chief Building Inspector recommends that proceedings under the provisions of K.S.A. 12-1750, et seq. should be commenced. Approval of this resolution setting the date of the public hearing is the first step in the process. This action will ensure that the City retains control over the proceeds from the fire insurance to assist with efforts to maintain the site.

Pursuant to the provisions of K.S.A. 12-1750, et seq., a public hearing is required to determine if the structure should be demolished or if the owners will commit to making improvements within a time frame acceptable to the City Commission. To establish the hearing date and to begin the legal service of notice process, the City Commission has to establish the hearing date by which assignees and owners must be notified. The legal rights are vested in the hearing and the City Commission should refrain from taking any testimony at this time in order to protect their legal rights in the process.

At the public hearing, the Commission will receive testimony for and against ordering the demolition of the structure. At the conclusion of the October 12, 2021 public hearing, the City Commission findings are adopted by resolution.

**RECOMMENDATION:** Motion to adopt Resolution No. B-2290 setting October 12, 2021 as the date for the public hearing regarding the unsafe structure located at 2201 Magnolia Drive.

**ATTACHMENT:**

Resolution No. B-2290  
Photo of Exterior of 2201 Magnolia Drive

*(To Be Published in the Leavenworth Times on August 31, 2021 and September 7, 2021)*

**RESOLUTION B-2290**

**A RESOLUTION OF THE CITY OF LEAVENWORTH, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING AT WHICH TIME AND PLACE THE OWNER, HIS AGENT, LIEN HOLDERS OF RECORD, AND OCCUPANTS OF THE FIRE DAMAGED STRUCTURE LOCATED AT 2201 MAGNOLIA DRIVE AND HEREIN DESCRIBED MAY APPEAR TO SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURE.**

**WHEREAS**, pursuant to K.S.A 12-1750 et seq., as amended, the enforcing officer of the City of Leavenworth, Kansas, did on the 24<sup>th</sup> day of August 2021, file with the governing body of said city a statement in writing that the structure hereinafter described is dangerous and hazardous and should be ordered by the governing body to be demolished or repaired; and

**WHEREAS**, on July 3, 2021 the hereinafter structure, described in Section 1 was damaged by fire; and

**WHEREAS**, the City of Leavenworth Governing Body is acting under Chapter 20, Article V of the City Code of Ordinances.

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

**Section 1.** That a Public Hearing shall be held on the 12th day of October 2021, before the Governing Body of the City of Leavenworth, Kansas, at 7:00 p.m. at the City Commission Room, 100 N 5<sup>th</sup> Street, Leavenworth, Kansas, at which time the owners, their agents, heirs, any lien holders of record and other persons affected by certain structures herein described may appear and show cause why such structure should or should not be condemned as a dangerous or hazardous structure and ordered repaired or demolished.

**Section 2.** The structure is described as: A single-family structure located at **2201 Magnolia Drive**. The property is legally described as:  
LOT 41, SHENANDOAH HEIGHTS SUBDIVISION PHASE 2, A  
SUBDIVISION IN THE CITY OF LEAVENWORTH, LEAVENWORTH  
COUNTY, KANSAS.

**Section 3.** The City Clerk and/or Chief Building Inspector are hereby authorized and directed to provide for the notice of the public hearing by taking the following action:

- a. A copy of this resolution shall be mailed by certified mail within three days after its first publication to each such owner, agent, lienholder and occupant at the last known address and shall be marked “deliver to addressee only.”

- b. This resolution shall be published for two consecutive weeks; once on August 31, 2021 and once on September 7, 2021.

**Section 4.** This Resolution shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas.

**PASSED AND ADOPTED** by the City Commission of the City of Leavenworth, Kansas this 24<sup>th</sup> day of August 2021.

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Nancy D. Bauder, Mayor

{SEAL}

ATTEST:

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Carla K. Williamson CMC, City Clerk




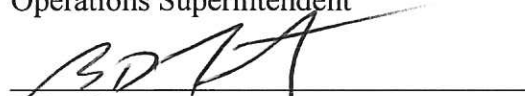
POLICY REPORT NO. PWD #01RF-2021-02  
CONSIDER BIDS FOR PLASTIC BAGS  
PUBLIC WORKS DEPARTMENT  
August 24, 2021


Prepared By:

  
Steve King  
Solid Waste Foreman

Reviewed By:

  
Derek Burleson  
Operations Superintendent

  
Brian Faust  
Public Works Director

  
Paul Kramer  
City Manager

**ISSUES:**

Consider approval of annual plastic bag purchase for customer distribution.

**BACKGROUND:**

The Solid Waste Division purchases 1,150,000 plastic refuse bags (23,000 rolls) annually for distribution to refuse customers semi-annually. Bags are also provided for Spring Clean-Up, new customers, sold in the City Clerk's office to residents, and for other departmental use. An average number of rolls used per year (for all uses) is 22,500.

Vendors submitting bids for a minimum order of 1,150,000 bags (23,000 rolls) are as follows:

| <u>Vendor</u> | <u>Per Bag</u> | <u>Per Roll</u> | <u>Qualified</u> |
|---------------|----------------|-----------------|------------------|
| DynaPak       | .224           | 11.20           | N <sup>1</sup>   |
| Central Poly  | .126           | 6.30            | Y                |

**BUDGET IMPACT:**

The budgeted amount for 2021 Refuse Bags is \$ 130,000.00.

<sup>1</sup> The DynaPak submission failed to meet several bid specifications.

**STAFF RECOMMENDATIONS:**

Staff recommends that the City Commission approve the qualified bid by Central Poly-Bag Corp. for 23,000 rolls of bags at a total cost of \$ 144,900. The City Commission can either reject or approve the award of bid to Central Poly-Bag Corp.

Low bids in previous years were:

| <u>YEAR</u> | <u>VENDOR</u> | <u>PER BAG</u> | <u>PER ROLL</u> | <u>TOTAL COST</u> |
|-------------|---------------|----------------|-----------------|-------------------|
| 2020        | JADCORE, INC  | \$.10          | \$5.00          | \$115,000.00      |
| 2019        | JADCORE, INC  | \$.102         | \$5.10          | \$117,300.00      |
| 2018        | JADCORE, INC  | \$.112         | \$5.56          | \$127,880.00      |
| 2017        | JADCORE, INC  | \$.107         | \$5.35          | \$123,050.00      |
| 2016        | JADCORE, INC  | \$.1014        | \$5.07          | \$116,610.00      |
| 2015        | JADCORE, INC  | \$.0928        | \$4.64          | \$106,720.00      |
| 2014        | JADCORE, INC  | \$.0939        | \$4.695         | \$108,000.00      |
| 2013        | WASTE ZERO    | \$.0873        | \$4.365         | \$100,395.00      |
| 2012        | DYNA-PAK CORP | \$.0888        | \$4.44          | \$102,120.00      |
| 2011        | JADCORE, INC. | \$.0802        | \$4.01          | \$100,250.00      |
| 2010        | DYNA-PAK CORP | \$.0762        | \$3.81          | \$ 76,200.00      |
| 2009        | JADCORE, INC. | \$.0770        | \$3.85          | \$ 96,250.00      |
| 2008        | DYNA-PAK CORP | \$.0808        | \$4.04          | \$ 80,800.00      |
| 2007        | DYNA-PAK CORP | \$.0714        | \$3.57          | \$ 89,237.50      |
| 2006        | DYNA-PAK CORP | \$.0792        | \$4.125         | \$ 99,000.00      |
| 2005        | DYNA-PAK CORP | \$.0826        | \$4.13          | \$103,250.00      |
| 2004        | JADCORE, INC  | \$.0568        | \$2.84          | \$ 56,800.00      |
| 2003        | DYNA-PAK CORP | \$.0578        | \$2.89          | \$ 57,800.00      |



**POLICY REPORT**

**Approval of Bid from Denton Excavating  
For Emergency Demolition of  
703 N. 8<sup>th</sup> Street**

**AUGUST 24, 2021**



**Prepared By:**  
Julie Hurley,  
Director of Planning and  
Community Development



**Reviewed By:**  
Paul Kramer,  
City Manager

**DISCUSSION**

On May 30, 2021, the property located at 703 N. 8<sup>th</sup> Street was heavily damaged by fire. The property consisted of a brick single-family home, owned by New Christy Minstrels Foundation. Due to the extent of the damage, the City Engineer's Office determined that the building was structurally unsafe and unable to be repaired, rendering it a dangerous structure and an immediate hazard. It was recommended that demolition be undertaken as soon as possible to protect adjoining properties and the public.

Section 10-535 of the Municipal Code allows staff to commence demolition of a property deemed an immediate hazard without prior notice to or hearing of the owners, agents, lienholders or occupants, with such costs assessed against the property. The property owner was contacted by mail prior to demolition, but no response was received.

Staff contracted Denton Excavating to complete the work, with demolition taking place on July 28, 2021, in the amount of \$46,250.00

**RECOMMENDED ACTION**

Motion to approve the expenditure of \$46,250.00 for the emergency demolition of the property located 703 N. 8<sup>th</sup> Street.

**Inter-Office  
MEMORANDUM  
Public Works Department**

Date: June 16, 2021

To: Julie Hurley, Director of Planning & Community Development

cc: Paul Kramer, City Manager  
Hal Burdette, Chief Inspector  
Gary Birch, Fire Chief

From: Brian D. Faust, P.E., Director of Public Works

Subject: **Fire Damage - 703 N. 8th Street**

This memo is to inform your department that the City Engineer's Office has determined that the building at 703 N. 8th Street is structurally unsafe, unable to be repaired and is now considered a dangerous structure and an immediate hazard.

The demolition of this structure needs to begin immediately to protect the adjoining properties as well as any children or homeless who may find their way inside. I suggest that the property owner be contacted and informed of the state of the building and the City should begin demolition proceedings **as soon as possible**.

Some of the relevant Municipal Code sections are noted below:

**Sec. 10-63. 116 Unsafe structures and equipment.** All buildings or structures which are unsafe or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life, or unfit for human occupancy, or which, in relation to existing use, constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment, or other conditions or defects as specified in this code, or any other effective ordinance are, for the purpose of this section, unsafe buildings. Such unsafe buildings are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in state law or this code, including but not limited to Article XI - Dangerous Structures - of the Leavenworth Municipal Code, which is incorporated herein by this reference.

**Sec. 10-536. Immediate hazard.**

When, in the opinion of the enforcing officer, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay, and such action may, under such circumstances, be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any such action shall be assessed against the property and paid in the manner provided by Section 10-535.

**KSA 12-1751. Powers of governing body.** (a) The governing body of any city shall have the power to cause the repair or removal of, or to remove any structure located within the city, which may have become unsafe or dangerous.

Denton Excavating Inc. dba Midland Wrecking

PO BOX 14906  
 LENEXA, KS 66285  
 913-432-0314

# Invoice

| Date      | Invoice # |
|-----------|-----------|
| 8/10/2021 | 2502      |

|  |
|--|
| <b>Bill To</b>   |
| City of Leavenworth<br>100 N 5th Stde<br>Leavenworth, KS 66048 |

| P.O. No. | Terms | Project |
|----------|-------|---------|
|          |       |         |

| Quantity | Description  | Rate         | Amount             |
|----------|--|--------------|--------------------|
| 1        | Mobilization for Emergency Services                | 7,500.00     | 7,500.00           |
| 50       | Machine Time                                       | 155.00       | 7,750.00           |
| 1        | Sewer Capping & Digging                            | 2,500.00     | 2,500.00           |
| 8        | Loads of Trash With Hauling                        | 1,500.00     | 12,000.00          |
| 13       | Loads of Concrete With Hauling                     | 375.00       | 4,875.00           |
| 1        | Seed/Straw, Silt Fencing, and Cleaning up Property | 2,625.00     | 2,625.00           |
| 4        | Loads of Tree Removal                              | 1,500.00     | 6,000.00           |
| 1        | Man On Site  | 1,800.00     | 1,800.00           |
| 1        | Finish Grading                                     | 1,200.00     | 1,200.00           |
|          |  | <b>Total</b> | <b>\$46,250.00</b> |

**POLICY REPORT  
FIRST CONSIDERATION ORDINANCE  
2021-21-REZ  
410 S. 2<sup>nd</sup> STREET**

**AUGUST 24, 2021**

**SUBJECT:**

Place on first consideration an ordinance to approve 2021-21-REZ.



**Prepared By:**  
Julie Hurley,  
Director of Planning and  
Community Development



**Reviewed By:**  
Paul Kramer,  
City Manager

**ANALYSIS:**

The applicant, Richard Cook, Jr., is requesting a rezoning of their property located at 410 S. 2<sup>nd</sup> Street from I-1, Light Industrial District, to CBD, Central Business District. The property is currently occupied by C&H supply, a plumbing supply company.

The property consists of a large warehouse structure with a fenced parking area, as well as a small connected retail space with direct access on 2<sup>nd</sup> Street. The rezoning is being requested to allow for reuse of the building as a mini-storage facility and a cigar lounge. No expansion of the building footprint is proposed.

The applicant intends to convert the warehouse portion of the structure into a mini-storage facility by retrofitting the interior of the building to accommodate individual storage units, while retaining the brick exterior. Windows and doors will be updated and the existing chain link fence will be replaced with black steel fencing and an automatic gate. The adjoining retail space will be converted to a cigar lounge, with no proposed changes to the exterior.

Pending approval of the rezoning request, issuance of a Special Use Permit will be required for operation of a mini-storage facility in the CBD zoning district. Mini-storage is a use permitted by-right in the I-1 zoning district. However, the adjoining retail portion of the building does not allow for most retail-type uses which would be considered appropriate in the downtown area with the current I-1 zoning. CBD is a less intense zoning district than I-1 and will allow for uses that are more appropriate for the location of the property.

The Planning Commission considered this item at their August 2, 2021 meeting and voted 6-0 to recommend approval of the Rezoning request. As the property lies within the Leavenworth Industrial Historic District, the Leavenworth Preservation Commission reviewed the property at their August 4 meeting and voted 4-0 to approve the proposed changes to the building.

## CONDITIONS OF DETERMINATION

Whenever the Planning Commission or City Commission takes action on an application for amendment to these Development Regulations, and such proposed amendment is not a general revision of existing ordinances, but one which will affect specific property, the Planning Commission and City Commission shall consider the following factors:

- a) The character of the neighborhood;

*The subject property is the current site of C&H Supply, and is part of the Leavenworth Industrial Historic District. The site is considered to be within Downtown Leavenworth, lying to the southwest of the intersection of 2<sup>nd</sup> and Choctaw Streets, and is part of the Central Business District overlay. Downtown Leavenworth contains a wide variety of uses.*

- b) The zoning and use of properties nearby;

*The properties to the east and north are zoned CBD, and occupied by the Stove Factory Lofts. The property to the west is zoned I-1 and is occupied by the Leavenworth School District maintenance facility. The property to the south, across Three Mile Creek, is zoned OBD, Office Business District, and is occupied by the Leavenworth County Justice Center. The majority of other surrounding properties to the north and west are zoned CBD and are part of Downtown Leavenworth with a broad mix of uses.*

- c) The suitability of the subject property for the uses to which it has been restricted;

*The subject property was built in the late 1800's and has served multiple purposes. The nature of the warehouse portion of the building limits the type of uses which may reasonably be accommodated by the building without significant structural changes, to primarily industrial-type uses. The retail portion of the building is not suitable for industrial uses.*

- d) The extent to which removal of the restrictions will detrimentally affect nearby property;

*The proposed rezoning should have little detrimental effect upon surrounding properties. CBD is a less intense zoning classification than I-1 and will allow for more appropriate uses for the downtown area.*

- e) The length of time the subject property has remained vacant as zoned;

*The property is not currently vacant.*

- f) The relative gain to economic development, public health, safety and welfare by the reduction of the value of the landowner's property as compared to the hardship imposed by such reduction upon the individual landowner;

*The proposed rezoning will have a positive effect on public health, safety and welfare by bringing the property into an appropriate zoning classification for its location in Downtown Leavenworth, while allowing flexibility for a mix of uses.*

- g) The recommendations of permanent or professional staff;

*Staff recommends approval of the rezoning request.*

- h) The conformance of the requested change to the adopted or recognized Comprehensive Land Use Plan being utilized by the city;

*The area is identified as appropriate for Mixed Use on the Future Land Use map. Therefore, staff finds the proposed use to be in conformance with the overall goals of the adopted Comprehensive Plan.*

- i) Such other factors as may be relevant to a particular proposed amendment. The factors considered in taking action on any proposed amendment shall be included in the minutes or otherwise be made part of the written record.

*No other factors*

After the required public notices were sent to property owners within 200' as required by Kansas State Statute, staff received no communication from any notified parties in regards to the rezoning request.

**REZONING ACTION/OPTIONS:**

- Place an ordinance on first consideration to approve the rezoning request of 410 S. 2<sup>nd</sup> Street from I-1 to CBD.
- Deny the rezoning request of 410 S. 2<sup>nd</sup> Street from I-1 to CBD.
- Return the rezoning request to the Planning Commission for further consideration.

(Summary Published in the Leavenworth Times on \_\_\_\_\_, 2021)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS BY REZONING 410 S. 2<sup>ND</sup> STREET FROM LIGHT INDUSTRIAL DISTRICT (I-1) TO CENTRAL BUSINESS DISTRICT (CBD).**

**WHEREAS**, under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas, the Governing Body of the City of Leavenworth is given the power to amend, supplement or change existing zoning regulations within said City; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the Code of Ordinances of the City of Leavenworth, Kansas, held a public hearing on the 2<sup>ND</sup> day of August 2021 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 on the 8<sup>TH</sup> day of July 2021 and notice of the public hearing was mailed to all property owners as required by K.S.A. 12-757(b); and

**WHEREAS**, upon a motion made, duly seconded, and passed, the Planning Commission adopted findings of fact and recommended approval of the request Rezoning of 410 S. 2<sup>ND</sup> Street, Leavenworth Kansas from light industrial district (I-1) to Central Business District (CBD); and

**WHEREAS**, upon a roll call vote duly passed, the Governing Body adopted the findings of fact and conclusions to rezone the property described herein.

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

**Section 1:** That the following described property, to-wit, is hereby rezoned from light industrial district (I-1) to Central Business District (CBD).

Lots 1, 2, 3 and 4, Block 83, LEAVENWORTH CITY PROPER, City of Leavenworth, Leavenworth County, Kansas, EXCEPT the North 43 feet of the West 24.09 feet of Lot 4, ALSO EXCEPT, A tract described as beginning at the Northeast corner of Lot 1, thence South 115.89 feet; thence West 61.60 feet; thence North 115.89 feet; thence East 61.60 feet to the beginning. Lots 1, 2, 3, 4, 5 and 6, Block "M", and that part of Lots 7, 8, 9, 10, 11 and 12, Block "M", CALAGHAN, SMITH AND HURD'S ALLOTMENT OF SUBDIVISION OF FRACTIONAL BLOCK "K, L & M", NORTH OF THREE MILE CREEK, City of Leavenworth, Leavenworth County, Kansas, as lies Easterly of the Easterly line of said Lot 5, in Block 83, LEAVENWORTH CITY PROPER, extended southerly from the Southeast corner of said Lot 5 in a straight line across said Lots 7 through 12. Less the following tract of land. Part of Lots 2, 3 and 4, Block 83, LEAVENWORTH CITY PROPER, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of Lot 1, Block 83, Leavenworth City Proper; thence West for a distance of 61.60 feet along the Southerly right of way line of Choctaw Street to the TRUE



POINT OF BEGINNING; thence South for a distance of 115.89 feet along the building line; thence East for a distance of 9.75 feet along the building line; thence South for a distance of 15.60 feet along the building line; thence West for a distance of 140.95 feet to the Westerly line of Lot 4; thence North 00 degrees 31 minutes 05 seconds East for a distance of 88.49 feet along said Westerly line; thence North for a distance of 24.09 feet; thence East for a distance of 43.00 feet to the Southerly right of way of Choctaw Street; thence North 90 degrees 00 minutes 00 seconds East for a distance of 106.31 feet along said right of way line to the point of beginning.

And **more commonly referred to as 410 S 2<sup>nd</sup> Street**, Leavenworth, Kansas

**Section 2:** That the “Zoning District Map” adopted under the Development Regulations, Appendix A of the Code of Ordinances of the City of Leavenworth, Kansas shall be and the same is hereby amended to conform to the rezoning as set forth in Section 1 above.

**Section 3:** That this Ordinance shall take effect and be in force from and after its passage, approval and summary publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

**PASSED and APPROVED** by the Governing Body on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Nancy D. Bauder, Mayor

{Seal}

ATTEST:

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



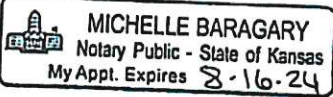
**APPLICATION FOR REZONING**  
CITY OF LEAVENWORTH, KANSAS

**OFFICE USE ONLY**

CASE NO. 2021-21 REZ

|                      |          |
|----------------------|----------|
| Application #        | 9564     |
| Fee (non-refundable) | \$350.00 |
| Filing Date          | 6-15-21  |
| Received By          |          |
| Hearing Date         | 8-2-21   |
| Publication Date     | 7-8-21   |

The undersigned owner(s)/agent for the owner(s) of the property described below, herein petition for a change in the zone of the following legally described property: (agent must have authorization to make application).

|  |  |                        |                           |
|--|--|------------------------|---------------------------|
| Subject Property:  | 410 S. 2nd St. Leavenworth, KS 66048                                     |                        |                           |
| Rezoning:  | Present classification of: I-1   | district to: CBD       |                           |
| Legal Description:   | (Attach full legal description provided by the REGISTER OF DEEDS OFFICE) |                        |                           |
| Real Estate PID #:   |  | Historic District:     | Industrial Historic Dist. |
| I/We, <u>Richard J. Cook Jr</u> being duly sworn, depose and say that I am the owner/agent for the owner of the property involved in this petition and that the statements and answers herein contained and then information herewith submitted are in all respects true and correct to the best of my knowledge and belief. |  |                        |                           |
| Name(s) of Owner (print or type):  | Richard J. Cook Jr   |                        |                           |
| Address:   | 410 S. 2nd Street Leav. KS 66048   |                        |                           |
| Contact No.  | 913-683-9079   | Email Address:         | cook5678@yahoo.com        |
| Signature of Owner(s):   | <u>Richard J. Cook Jr</u>  |                        |                           |
| State of <u>Kansas</u>   | (SEAL)   |                        |                           |
| County of <u>Leavenworth</u>   | ), SS  |                        |                           |
| <div style="border: 1px solid black; padding: 5px; display: inline-block;">  <p>MICHELLE BARAGARY<br/>Notary Public - State of Kansas<br/>My Appt. Expires 8-16-24</p> </div>  |  |                        |                           |
| Signed or attested before me on <u>June 15, 2021</u> by <u>Richard J. Cook Jr.</u>   |  |                        |                           |
| (date)   |  | (name(s) of person(s)) |                           |
| Notary Public: <u>Michelle Baragary</u>  | My Appointment Expires: <u>8-16-24</u>                                   |                        |                           |
| <b>NOTE:</b> All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.   |  |                        |                           |

If necessary, use additional sheets to respond to the following:

Briefly describe the present use and character of the property and of the surrounding area: 410 S. 2<sup>nd</sup> St

(C+H Supply) is a plumbing Supply Co. zone I-1. The surrounding area has recently undergone renovations and zoning, now known as Stone Loft Apartments.

Briefly describe the intended use and character of the property: 410 S. 2<sup>nd</sup> St. (C+H Supply Co.)

has the proposal use of mini storage (climate controlled). The adjoining space has the proposal use of a cigar lounge. Each proposed business will intend to maintain the properties original historic appeal.

Briefly describe why you believe the land use (zoning) being requested is the most appropriate for this property:

With a rezoning classification to Central Business District (CBD), this property will now share the same zoning as its adjoining/ neighboring properties. In addition, this rezoning to CBD will allow for the property owner to bring in new business and revenue to the city.

Give the reason(s) why you believe this proposal will not be materially detrimental to the public welfare and surrounding properties and/or measures you have taken or intend to take to prevent detrimental impacts:

The rezoning classification from I-1 to CBD will allow for this property to share the same zoning as the surrounding properties. This will allow for 410 S. 2<sup>nd</sup> to make the necessary improvements to the property, while maintaining the building history and create new business.

Is the property affected by any easements, deed/plat restrictions or other conditions arising from previous Special Use Permits, Subdivisions, rezoning or variances? If so, briefly explain the origin and effect of such conditions:

With the proposed business plan for 410 S. 2<sup>nd</sup> St. the current zoning classification I-1, will not allow for either business plan to come to fruition.

| Check List:                         |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Non-refundable fee of \$350.00 is due at time of application                                |
| <input checked="" type="checkbox"/> | Certified list of the property owners within two hundred (200) feet of the subject property |
| <input checked="" type="checkbox"/> | Full legal description obtained through the Register of Deeds Office                        |
| <input checked="" type="checkbox"/> | Site plan drawn to scale (see General Instructions)   |
| <input checked="" type="checkbox"/> | Supporting documentation (see General Instructions)   |

Dear Committee,

Please consider our application for the property at 410 S. 2<sup>nd</sup> St Leavenworth, KS and the proposed changes. Per this committee's approval and the rezoning approval from I-1 (Heavy Industry) to CBD (Central Business District), it is the intention to convert this unique property to climate controlled mini storage and adjoining cigar lounge. Already located in the heart of downtown and surrounded by newly redeveloped historic properties, this approval will allow for that continuous opportunity of development.

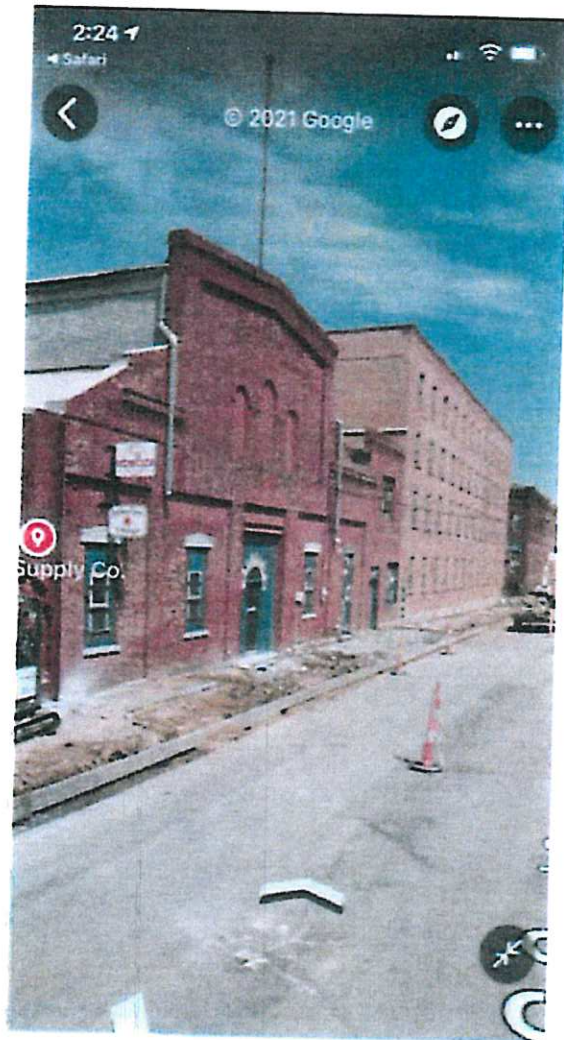
Since the late 1800's when this building was constructed, it has served many purposes some of which have contributed to defining the history we now know. Many of the unique historical features of this specific property have stood this test of time and still remain to this day. It is our intention to highlight as many of these features during the modifications, allowing for their uniqueness to remain as part of the new businesses.

The intention for the building exterior will be to keep the original brick but update the doors/windows with black metal clad products. The intention will be to replace the chain-link fence and gate facing south Second Street with black steel fencing with automatic gate.

The building interior holds many historic "gems" which will remain. For the large "warehouse" portion of the building, the intention will be to perform modifications which will allow for individual mini storage units. Other than the retro fit mini storage units and meeting code compliance, the majority of the original interior will remain exposed. Regarding the proposed cigar lounge footprint, this too will remain as original as possible, other than necessary code complaint changes. The furnishing of the cigar lounge will be intended to maintain a rustic appeal as to accent all of the buildings original characteristics.

In conclusion, per this committee's approval and the rezoning approval, it is the intention to convert this unique property to climate controlled mini storage and adjoining cigar lounge. Leavenworth has a great history and we plan to maintain and highlight the history in this specific property. We believe that the proposed businesses in connection with this property, will help bring additional business to the area all while maintaining the history of this location and surrounding locations which have already undergone such wonderful renovations.

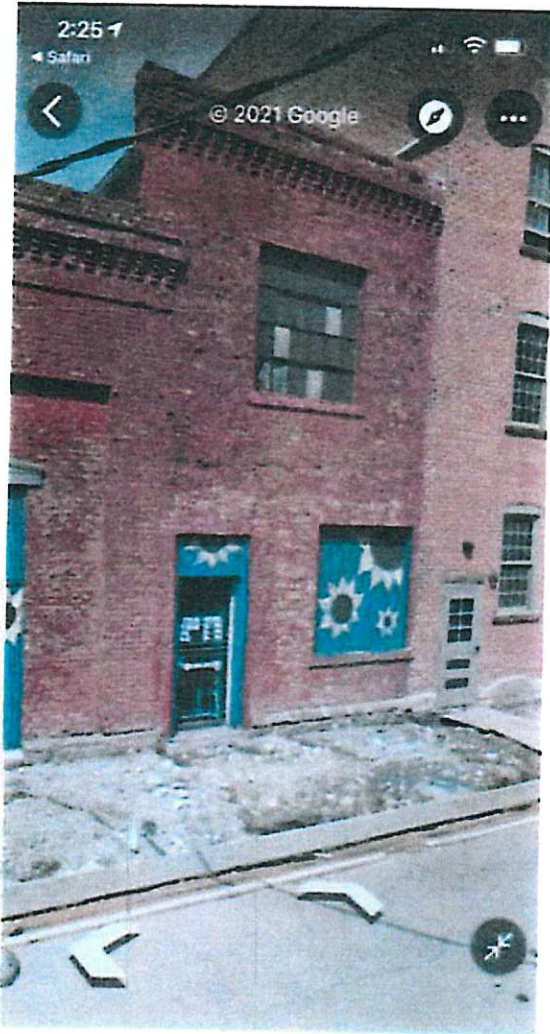
Thank you!



C & H Supply Co.

4.5 ★★★★★ 5

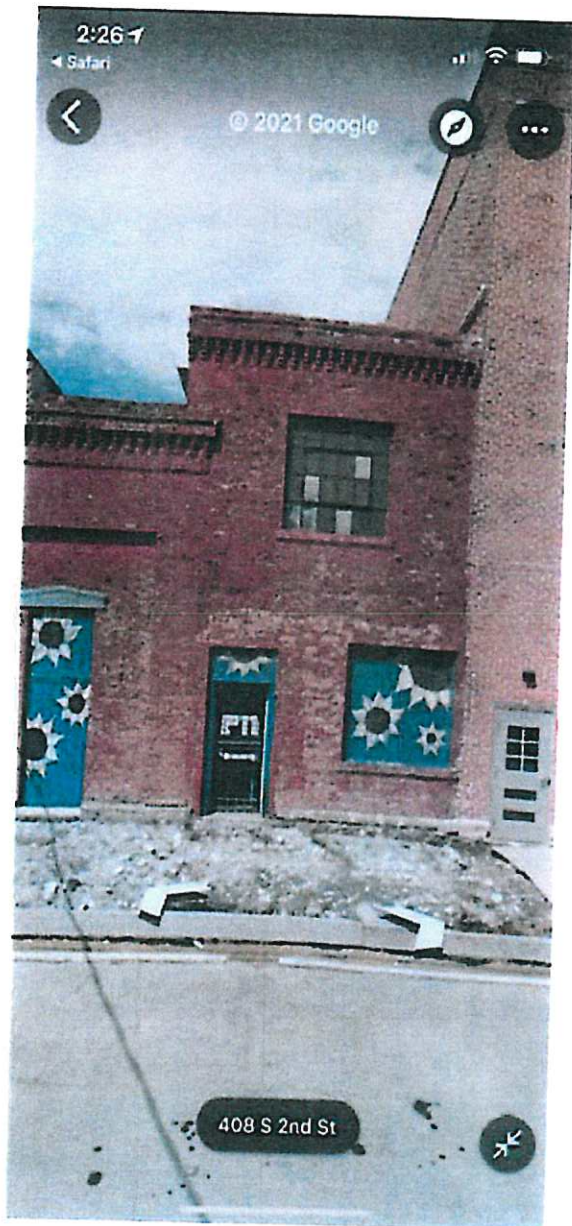
Electrical Supply Store



C & H Supply Co.

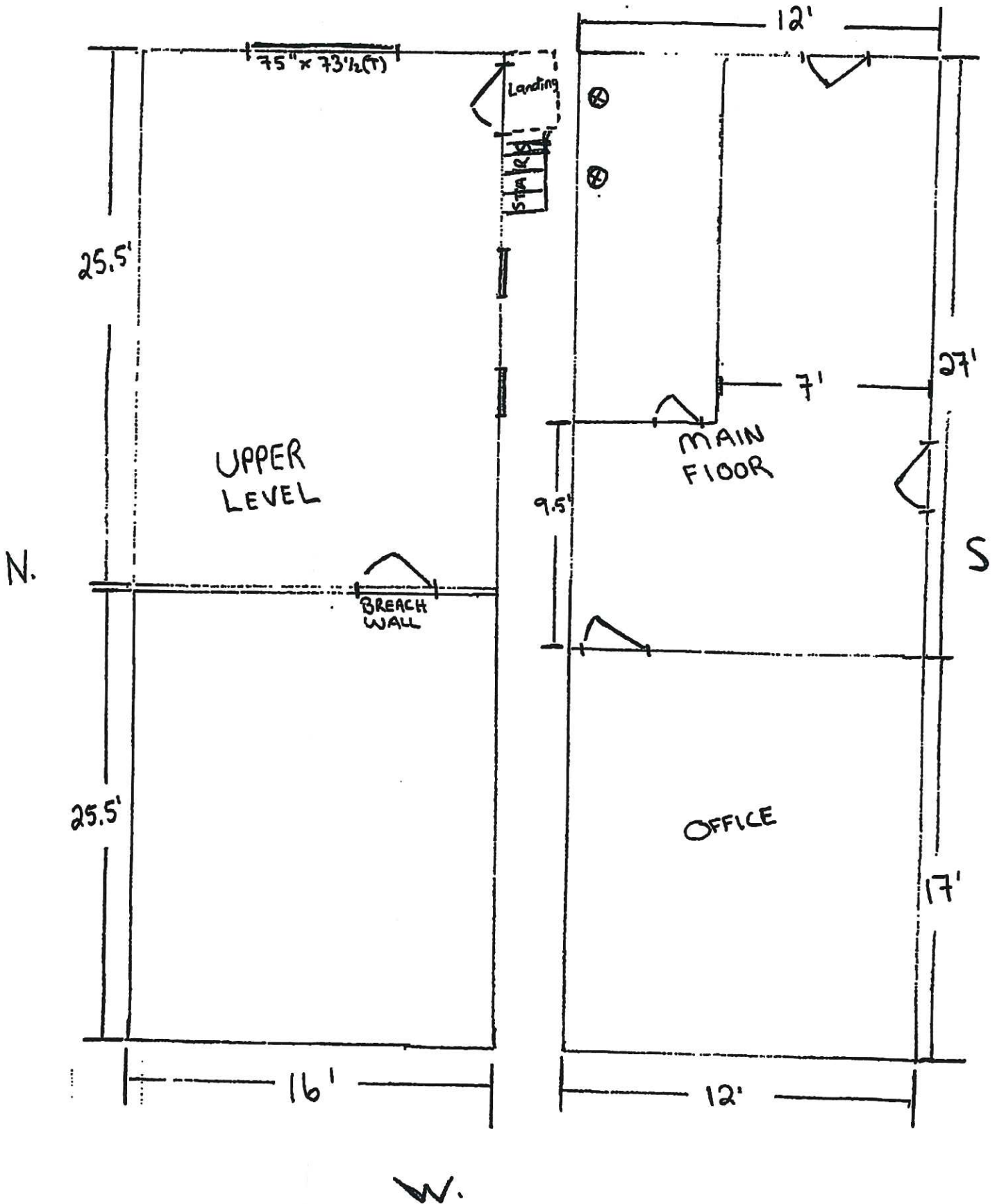
4.8

Electronics, Hardware, Tools, More



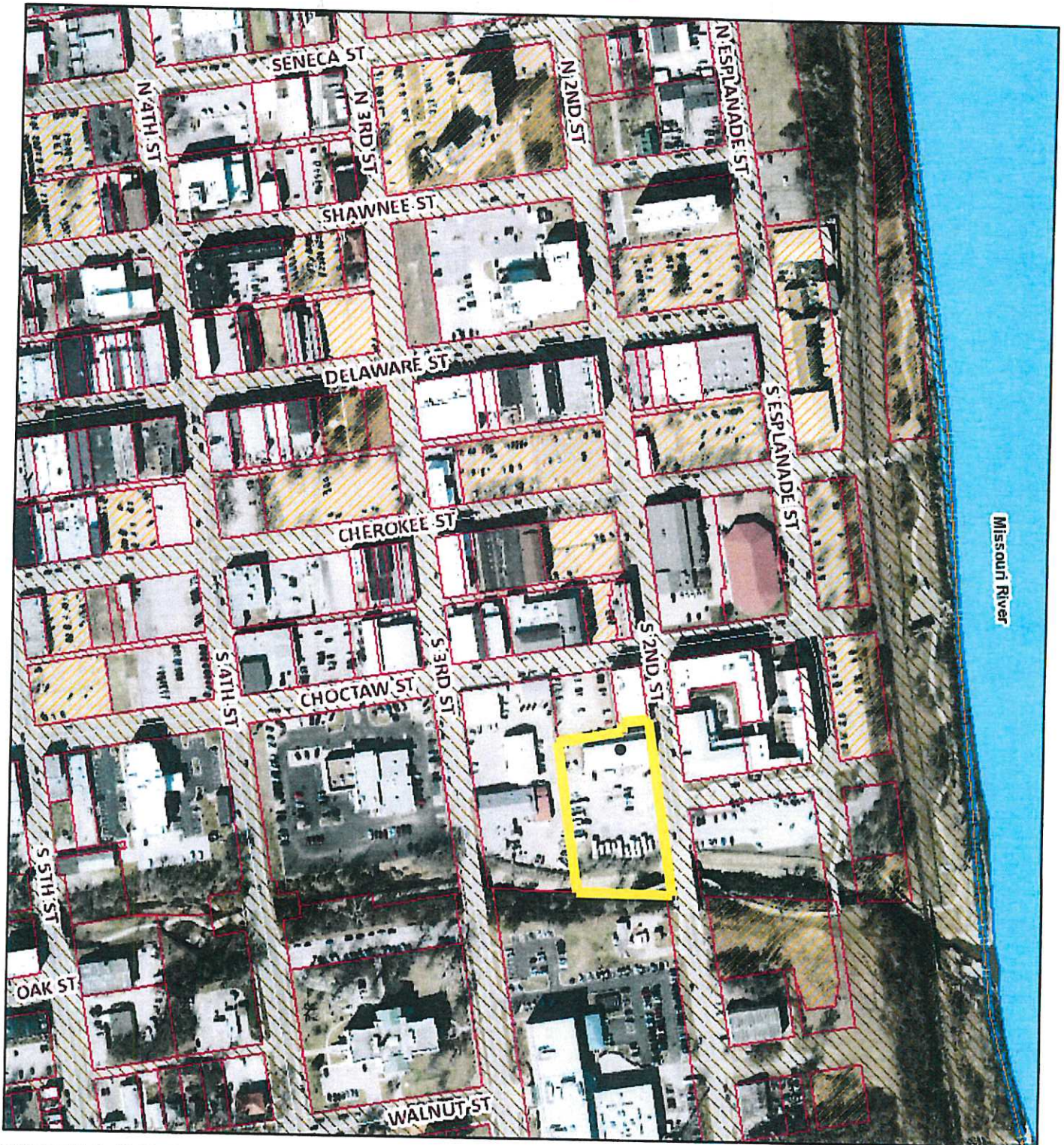
Cigar Lounge E.

410 S. 2nd St.  
LVKS



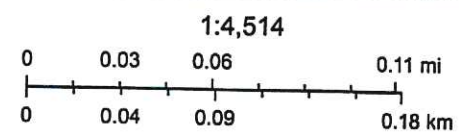


# 2021-21-REZ



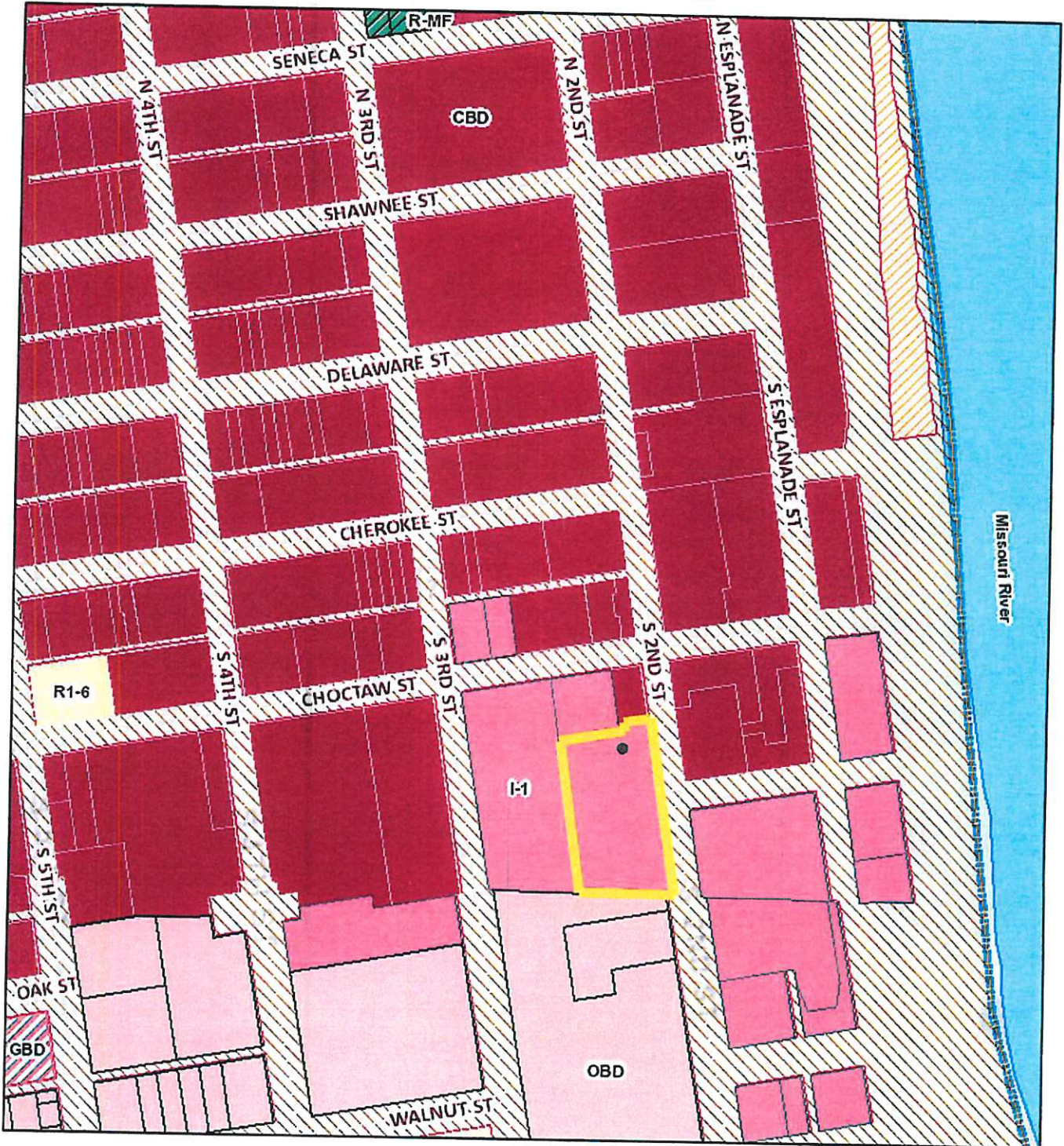
7/29/2021, 8:46:31 AM

- Override 1
- Parcels (City Owned)
- Parcels\_Current
- Missouri River
- Lansing City Limits
- Ft Leavenworth Military Installation
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



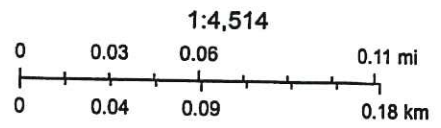
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

# 2021-21-REZ (Zoning)



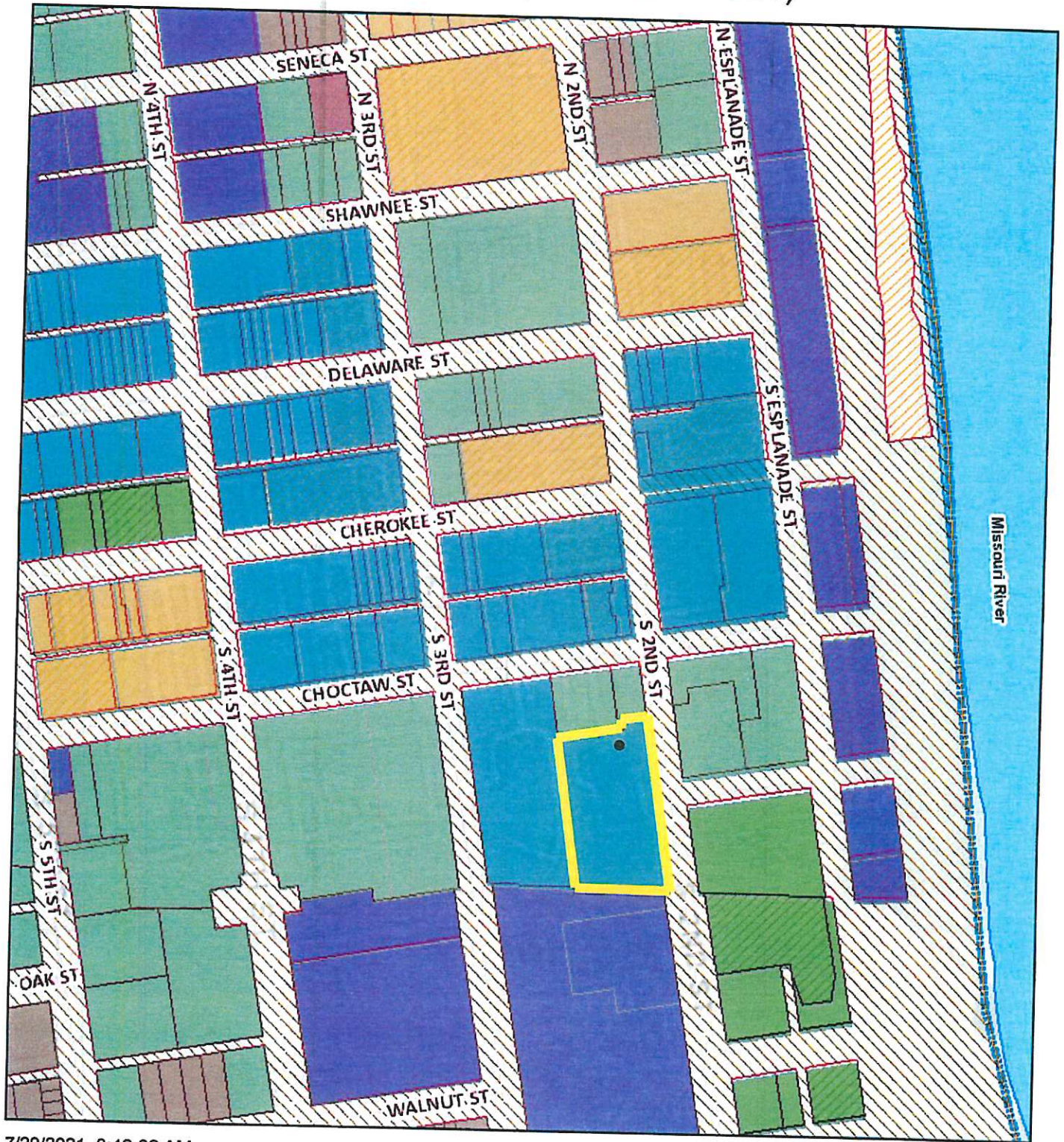
7/29/2021, 8:41:50 AM

- Override 1
- MP
- Zoning\_CURRENT**
- CBD
- NBD
- GBD
- I-1
- PUD
- R-MF
- I-2



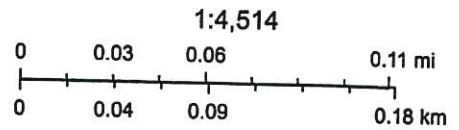
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

# 2021-21-REZ (Future Land Use)



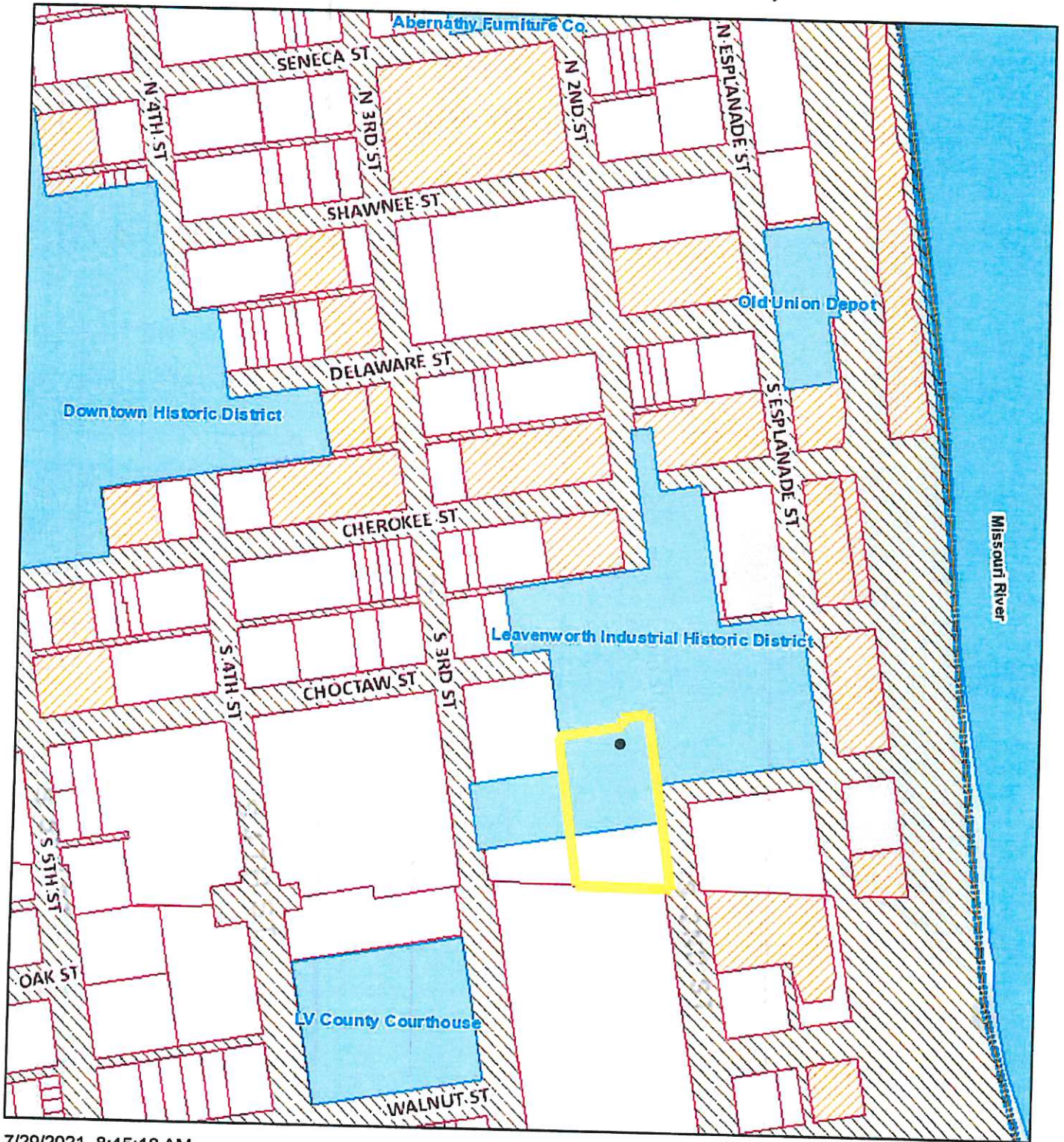
7/29/2021, 8:43:02 AM

- Override 1
- Multi-Family
- Park
- Commercial
- Conservation/Open Space
- Public/Semi-Public
- Single-Family
- Industrial
- Mixed Use
- Parcels (City Owned)
- Parcels\_Current
- Missouri River



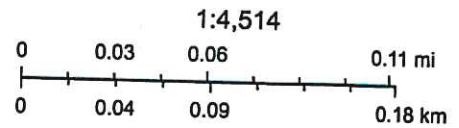
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

# 2021-21-REZ (Historic District)



7/29/2021, 8:45:18 AM

- Override 1
- Historic Districts
- Parcels (City Owned)
- Parcels\_Current
- Missouri River
- Lansing City Limits
- Ft Leavenworth Military Installation
- Leavenworth City Limits
- City Right-of-Way
- RoadCenterline



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**EXECUTIVE SESSION  
DISCUSSION OF MATTERS RELATED TO SECURITY MEASURES  
PRIVATE PROPERTY OF PERSONS**

**August 24, 2021**

**CITY COMMISSION ACTION:**

**Motion:**

Move to recess into executive session to discuss security measures pursuant to the *discussion of matters relating to security measures, private property or persons* exception per K.S.A. 75-4319 (b) (12) (D). The open meeting to resume in the City Commission Chambers at \_\_\_\_\_ by the clock in the City Commission Chambers. City Manager Paul Kramer and Police Chief Pat Kitchens are requested to be present during the Executive Session.