



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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1. Proclamation – Fire Prevention Week October 3-9 (pg. 3)

**OLD BUSINESS**

**Consideration of Previous Meeting Minutes:**

2. Minutes from September 14, 2021 Regular Meeting & September 20 and 21, 2021 Special Meetings  
**Action:** Motion (pg. 4)

**Second Consideration Ordinances:**

3. Second Consideration Ordinance 8175 – Adopt 37<sup>th</sup> Edition Uniform Public Offense Code  
**Action:** Roll Call Vote (pg. 16)
4. Second Consideration Ordinance 8176 – Adopt 48<sup>th</sup> Edition Standard Traffic Ordinances  
**Action:** Roll Call Vote (pg. 20)
5. Second Consideration Ordinance 8177 – Adopt the 2021 Intersection Traffic Control Device Master List  
**Action:** Roll Call Vote (pg. 24)

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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.

**Public Hearing:**

6. Public Hearing Waiver of Temporary Liquor License for St. Joseph Church 306 N Broadway (pg. 26)
  - a. Open Public Hearing **Action:** Motion
  - b. Review of Properties by Staff & Public Comments
  - c. Close Public Hearing **Action:** Motion
  - d. Consider Waiver **Action:** Motion

**General Items:**

7. Consider Cereal Malt Beverage License for Ava's Island Café 732 Shawnee Street **Action:** Motion (pg. 28)

**Resolutions:**

8. Resolution B-2295 2021 Planter's II Capital Fund Program Grant **Action:** Motion (pg. 29)
9. Resolution B-2296 Planter's II Capital Fund Program 5 year Action Plan & 2022 Capital Fund Annual Statement Performance & Evaluation Report **Action:** Motion (pg. 32)
10. Resolution B-2297 Community Development Block Grant Consolidated Annual Performance & Evaluation Report **Action:** Motion (pg. 48)

**Bids, Contracts and Agreements:**

11. Consider Purchase of New Police Radios **Action:** Motion (pg. 73)

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**Consent Agenda:**

Claims for September 11, 2021, through September 24, 2021, in the amount of \$486,040.71; Net amount for Payroll #19 effective September 24, 2021 in the amount of \$374,744.27 (includes Police & Fire Pension in the amount of \$9,624.04)

**Action:** Motion

**Other:**

**Adjournment**

**Action:** Motion

# City of Leavenworth, Kansas



## Proclamation

**WHEREAS,** *the City of Leavenworth is committed to ensuring the safety and security of all those living in and visiting our city; and*

**WHEREAS,** *fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and*

**WHEREAS,** *according to the National Fire Protection Association (NFPA), in a four year study between 2014–2018, almost three out of five home fire deaths were caused by fires in properties with no smoke alarms or smoke alarms that failed to operate; and*

**WHEREAS,** *the City of Leavenworth Fire Department is dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and*

**WHEREAS,** *the City of Leavenworth residents are responsive to public education measures and are able to take personal responsibility to increase their safety from fire, especially in their homes; and*

**WHEREAS,** *the 2021 Fire Prevention Week theme, “Learn the Sounds of Fire Safety!”™, puts the focus on educating children and adults about smoke and carbon monoxide (CO) alarms, their necessity, and how the sounds they make help save lives.*

**NOW, THEREFORE,** *I, Nancy D. Bauder, Mayor of the City of Leavenworth, Kansas hereby proclaim October 3-9, 2021 as:*

## Fire Prevention Week

*and urge all the people of Leavenworth, Kansas to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2021, and to support the many public safety activities and efforts of Leavenworth’s fire and emergency services.*

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

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

ATTEST:

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



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

**Staff members present in the commission chambers:** Police Chief Patrick Kitchens, Public Works Director Brian Faust, Parks Superintendent Brian Bailey, Planning and Community Development Director Julie Hurley, City Attorney David E. Waters and City Clerk Carla K. Williamson.

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

**Proclamation Constitution Week September 17-23, 2021** – Betsey Ruiter was present to accept the proclamation.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Preisinger moved to approve the minutes from the August 24, 2021 regular meeting and September 7, 2021 special meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Second Consideration Ordinance:**

**Second Consideration Ordinance 8174 – Rezoning 410 S. 2<sup>nd</sup> Street from Light Industrial (I-1) to Central Business District (CBD)** – City Clerk Carla Williamson presented the ordinance for second consideration. Since first consideration on August 24, 2021 there has been no changes to the ordinance.

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

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

- **TerriLois Mashburn Leavenworth County Register of Deeds** 300 Walnut Street addressed the Commission to discuss the Property Fraud Alert Program.

**Public Hearing:**

**Public Hearing Unsafe and Dangerous Structures**

**Open Public Hearing:**

Commissioner Preisinger moved to open the public hearing. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Review of Properties by Staff and Public Comments:**

Planning and Community Development Director Julie Hurley reviewed the following properties. Property owners within a 200' radius were also notified of the public hearing date and were invited to provide comment.

**619 Ottawa** – Single family house, last water service 7/15/2020. No change, no contact from owner.

**Owner: Tywan Poole 619 Ottawa**

- There is running water and utilities
- Would ask that it not be on the demolition list
- Mr. Poole stated he has put windows and doors on the house
- Mr. Poole stated that he is living in the house and has been since the last week of July
- Water service was turned back on September 2021
- Has shingles for the roof just has not done yet

There was discussion among the Commissioners if the property could be removed from the demolition list and be addressed through the code violation process.

There was a consensus by the Commission to remove the property from the demolition list.

**620 Osage** – Single family house and accessory structure, active water service. Active building permit for repairs after fire issued on 10/7/2020. Owner spoke with staff on 6/18/2021 and stated he was going to repair the property, no contact since.

**Owner Edward C Randolph 620 Osage**

- Had a contractor who went off with money and no repairs
- Mr. Randolph stated that he was bit by a spider and has trouble working
- Plans to fix the house and he is living there now
- Looking for a new contractor and additional funding
- Stated that he can have some work done in 60 days
- Has windows and doors that are ready to be put in and shingles
- The house was lit on fire and has a problem with the police department who have not arrested the person who lit the fire

Mr. Waters reiterated to the action being taken by the Commission tonight is determining if the property is unsafe or dangerous and an amount of time to have work to be done.

Commissioner Preisinger asked Mr. Randolph that he take into consideration the neighbors and clean up the back yard.

There was a consensus by the Commission to extend to November 9, 2021.

**733 Pawnee** – Accessory structure only, bank-owned foreclosed property. No change, no contact from owners other than an open records request submitted on 8/31/2021.

**Owner not present.**

There was a consensus by the Commission for staff to proceed with demolition after 10 days.

**869 Sherman** – Single family house and accessory structure, last water service 4/3/2019. Active building permit for renovations issued on 8/2/2021. Previously approved Special Use Permit to allow a two-family dwelling in a single-family district approved in 2019. Property has recently changed ownership, current owner has indicated intent to complete repairs.

**Owner not present**

There was a consensus by the Commission to extend to November 9, 2021.

**910 Sherman** – Single family house, last water service 4/17/2020. Owner has indicated that he does not intend to repair the property.

**Owner not present**

There was a consensus by the Commission for staff to proceed with demolition after 10 days.

**918 Pottawatomie** – Single family house, last water service 8/25/2014. Owner indicated his intent to repair the property. No change, no active building permits.

**Owner Williams Wallace 1415 Marion Street**

- House was rental property
- Had a family member with cancer and flying to California to check on her for many years
- Plans to move into the property after the repairs are complete; estimates 6 months
- Has neighbors and family that are assisting with the work

There was a consensus by the Commission to extend to November 9, 2021.

**919 Pottawatomie** – Single family house and accessory structure, last water service 10/15/2020. No change, no contact from owner.

**Richard Peeler Counselor for Mid First Bank (lender of the property)**

- Property was under foreclosure by the bank
- Redemption period ended Sept 3<sup>rd</sup> and sent to Sheriff for deed
- Bank plans to repair as soon as deed is finalized and work to begin next month
- Work will be well underway by November 9, 2021
- Mid First Bank is the new owner

There was a consensus by the Commission to extend to November 9, 2021.

**927 Pottawatomie** – Accessory structure. Owner indicated his intent to repair the property. No change, no active building permits. Ms. Hurley stated that the structure was demolished on Sept 13 and it will be removed from the list.

There was a consensus by the Commission to remove the property from the demolition list.

**706 Garfield** – Single family house, last water service 12/19/2014. Owner signed remediation agreement and has indicated intent to repair, no change, no active building permits. Owner has

provided written plan for repair and cost estimates. Staff would recommend giving the November 9, 2021 for repair.

**Owner not present**

There was a consensus by the Commission to extend to November 9, 2021.

**767 Charles** – Single family house and accessory structure, last water service 2/18/2018. Owner indicated his intent to self-demo property.

**Owner Clayton Bollin 620 Birch Lane**

- Mr. Clayton stated that he plans to demolish the structure and rebuild or sell the property

There was a consensus by the Commission to extend to November 9, 2021.

**1921 5th Ave** – Single family house, last water service 3/16/2011. No change, no contact from owner. This property was previously considered for demolition in 2017. Staff has been informed that the owner is deceased but has no other information.

**Traci Brown & Maurice Brown 2303 4<sup>th</sup> Ave - Owners of the property behind the house**

- They would like to purchase the property
- Stated that the owner passed away and are trying to contact the brother to find out about the possibility of purchasing the property

There was a consensus by the Commission to extend to November 9, 2021.

**204 N. 17th** – Single family house, last water service 6/9/2015. Building permit for interior renovations issues on 9/2/2021. Owner signed remediation agreement and indicated intent to complete repairs.

**Mr. Gary Nelson ASIX LLC**

- Obtained a permit for siding and windows in 2020 the windows
- The windows were not boarded up, it is siding around the sides of window
- Had renters that were evicted
- Rotten studs under the windows working with a contractor and pending the start of the work

There was a consensus by the Commission to extend to November 9, 2021.

**1050 10th Ave** – Multi family structure, last water service 1/22/2014. No change, no contact from owner.

**Owner not present**

There was a consensus by the Commission for staff to proceed with demolition after 10 days.

**Close Public Hearing:**

Commissioner Preisinger moved to close the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Consider Resolution B-2292 Approval to Demolish or Repair Structures Reviewed:**

Mayor Pro-Tem Leonhard moved to adopt Resolution B-2292 proceeding with demolition or giving extension as agreed to by consensus of the commission after review of each property and as annotated by the City Clerk. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Bids, Contracts and Agreements:**

**Consider Bids for Riverfront Park Water Line Replacement Project –** Parks Superintendent Brian Bailey reviewed the single bid received from J. F. Denny on September 8, 2021 in the amount of \$49,801.00 for the project. There is \$57,500.00 of American Rescue Plan Act (ARPA) funds allocated for the project. Staff recommends approval of the bid.

Commissioner Griswold moved to accept the bid from J. F. Denny in the amount of \$49,801.00 for the Riverfront Park Water Line Replacement Project No. 2021-RFWATER. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Consider Award of the 2021/2022 Salt Bid -** Public Works Director Brian Faust presented for consideration approval for the purchase of 1,500 tons of salt for the 2021/2022 season from Independent Salt Company at a rate of \$54.26 per ton. Leavenworth County bids the purchase of salt each year and allows in the bid specification for all cities within the county to purchase salt from the winning bidder at the awarded price. The county’s bid opening was held on August 23, 2021 and Independent Salt, Kanapolis Kansas was the winning bidder.

Commissioner Wilson moved to approve the purchase of salt from the Leavenworth County bids for rock salt at \$54.26 per ton for 1,500 tons, totaling \$81,390.00 with Independent Salt Company. Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Consider Bids for Lakeview Drive Street Improvement Project -** Public Works Director Brian Faust presented for consideration the low bid received from Linaweaver Construction in the amount of \$150,636.00 for the base bid amount for the Lakeview Drive Street Improvements Project. This project will construct and improve a section of road to extend just past the new Culver’s Restaurant entrance. The project will be paid through funds set aside for economic development. Bids were opened on September 8, 2021 and were as follows:

<u>Company</u>	<u>City</u>	<u>Base Bid</u>
Linaweaver Construction	Lansing KS	\$150,363.00
Amino Brothers Construction	Kansas City KS	\$184,805.50
Lexeco Inc.	Leavenworth KS	\$189,841.90
Baker Construction	Leavenworth KS	\$207,913.54
Mega KC Corporation	Kansas City MO	\$210,259.00
Primetime Contracting	Riverside MO	\$222,929.00
Base Bid Engineer's Estimate		\$184,345.00



Commissioner Preisinger moved to award the Lakeview Drive Street Improvements Project to Linaweaver Construction for the base bid amount of \$150,363.00. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**First Consideration Ordinances:**

**First Consideration Ordinance to Adopt Uniform Public Offense Code 37<sup>th</sup> Edition** – Police Chief Patrick Kitchens presented for consideration the adoption of the 37<sup>th</sup> Edition of the Uniform Public Offense Code as published by the League of Kansas Municipalities with amendments and omissions adopted with previous editions.

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

**First Consideration Ordinance to Adopt Standard Traffic Ordinance 48<sup>th</sup> Edition** – Police Chief Patrick Kitchens presented for consideration the adoption of the 48<sup>th</sup> Edition of the Standard Traffic Ordinance as published by the League of Kansas Municipalities with amendments and omissions adopted with previous editions.

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

**First Consideration Ordinance to Adopt the 2021 Traffic Control Device Master List** – Police Chief Patrick Kitchens presented for consideration the adoption of the 2021 Traffic Control Device Master List as prepared by the City of Leavenworth. The 2021 list includes updates from the West Glen Subdivision.

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

**Consent Agenda:**

Commissioner Wilson moved to approve claims for August 21, 2021, through September 10, 2021, in the amount of \$2,228,080.59; Net amount for Payroll #17 effective August 27, 2021 in the amount of \$363,488.01 (includes Police & Fire Pension in the amount of \$8,856.38) and Payroll #18 effective September 10, 2021 in the amount of \$379,976.80 (No Police & Fire Pension). Commissioner Preisinger seconded the motion and the motion was unanimously approved. Mayor Pro-Tem Leonard declared the motion carried 4-0.

**Adjournment:**

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

Time Meeting Adjourned 8:33 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC



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

**Staff members present in the commission chambers: Staff Present:** City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Ruby Maline, Deputy Finance Director Roberta Beier, Police Chief Patrick Kitchens, City Attorney David E. Waters and City Clerk Carla K. Williamson.

**Mayor Bauder asked for a motion to open a Special Meeting.**

Commissioner Leonhard moved to open the special meeting. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Public Hearings:**

**Public Hearing Exceeding of the Revenue Neutral Rate for 2022**

**Open Public Hearing:**

Commissioner Preisinger moved to open the public hearing. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Presentation to Exceed Revenue Neutral Rate/Staff Comments:**

City Manager Paul Kramer explained that as part of the annual budget process, current Kansas statute requires two public hearings. The first hearing was established in 2021 by Kansas Senate Bill 13 (5813) and House Bill 2104 (HB2104) and relates to the revenue-neutral rate (RNR), which states that a taxing subdivision is prohibited from levying taxes exceeding its RNR without first approving a resolution or ordinance in accordance with the procedure provided by the bill. The second hearing, the public hearing for adoption of the budget, has been an annual requirement for decades. For the 2022 operating budget, the City held both hearings: the RNR hearing was held at the Aug. 24 City Commission meeting and the budget hearing was held at the Sept. 7 City Commission meeting. Notification for both hearings was done through the Leavenworth Times. The agendas were published the week prior on the City's web site, the hearings were held, were open to the public, were streamed and televised, and remain available on the City's website. As part of the new legislation, the City is required to publish the time, date and location of the public hearing in the newspaper and on the City's web site 10 days prior to the hearing. There may be a question as to whether the notice was properly published on the City's web site as is defined in SB13/HB2104. So, out of an abundance of caution, the item is back before the Commission. In addition, because we are electing to hold the RNR hearing again, the budget hearing must also be held again, as it is required to occur after the RNR hearing. There have been no changes made to any part of the budget since the Aug. 24 hearing. All notification requirements have been satisfied. There is simply a need to hold a second RNR and Budget hearing to be in full compliance with new statute.

City Manager Paul Kramer presented the City of Leavenworth's intent to exceed the Revenue Neutral Rate (RNR) which is required by SB13 and HB2104 passed by the Kansas Legislature.

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. They include:

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, which 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 approximately \$692,000 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:

- +\$47,000 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.

There was a discussion about new growth of homes, businesses and properties that have gone back onto the tax rolls and how those effect the revenue neutral rate as opposed to additional taxation on existing properties.

Other comments and discussion by staff and commission:

- City Manager Kramer discussed the need for a strong reserve position and how that effects the city's bond rating
- The city has not raised the mil levy except for a very minor increase
- .66 mil reduction for 2022 and no rate increases for refuse or sewer
- Lowest mil levy in the surrounding areas; Overland Park is lower than Leavenworth

**Public Comments:**

None

**Close Public Hearing:**

Commissioner Preisinger moved to close the public hearing. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Consider Resolution B-2293:**

Commissioner Preisinger moved to approve Resolution B-2293 supplementing Resolution B-2288 and approval to exceed the revenue neutral rate for 2022. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Public Hearing for 2022 Operating Budget**

**Open Public Hearing:**

Commissioner Preisinger moved to open the public hearing. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Staff Comments:**

City Manager Paul Kramer reviewed the city operating budget that was presented at the public hearing on August 24, 2021. The budget includes a .66 mill rate reduction, a freeze of sewer and refuse rate, additional funding for road improvements and a city splash pad. The 2022 budget also invests heavily in city staff to help recruit and retain qualified and valued employees. City has unexpected expenses such as the cost of natural gas due to the power outages in the south this past winter.

**Public Comments:**

Maren Hart – 732 Michigan

- According to Budget summary all Commissioners voted for a 10% budget increase for every citizen
- When was the last time the Commission reviewed spending
- Has found areas that need more transparencies and openness
- Library fund 2020 no numbers
- Streets funds - no streets fund snow removal in 2020

- Street capital fund why a debt of 1.4 in temporary notes
- Why was money transferred

**Other Comments from Commission and Staff”**

- Mayor Bauder and Commissioner Griswold commented on Ms. Hart campaigning during a city commission meeting.
- Commissioner Preisinger asked about the difference between RNR and the mil rate for 2022
- Finance Director Ruby Maline spoke about transfers and how this is allowed to transfer under Kansas statutes to allow for shortfalls with in funds. The budget is republished each year and a hearing to transfer these funds.
- Discussed republication of the budget that is done each year and is allowed and most all cities do this
- CIP is an example of sales taxes collected for that purpose and then moved to the project as budgeted
- Snow removal is paid for by Public Works fund. In the past it was paid from professional services line item. The new Public Works Director asked that this be a separate line item to more easily track expenditures.

**Close Public Hearing:**

Commissioner Preisinger moved to close the public hearing. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Consider Resolution B-2294 Approval Housing Budget (Planters II):**

Commissioner Preisinger moved to approve Resolution B-2294 to adopt the Housing Budget. Commissioner Griswold seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Approve the 2022 Operating Budget:**

Commissioner Preisinger moved to approve the 2022 Operating Budget. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Adjournment:**

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

Time Meeting Adjourned 4:31 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC



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

**Staff Present:** City Manager Paul Kramer, Assistant City Manager Penny Holler, Public Works Director Brian Faust, Project Manager Michael Stephan and City Clerk Carla K. Williamson.

**Mayor Bauder asked for a motion to open a Special Meeting.**

Commissioner Wilson moved to open the special meeting. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Consider Three-Party Agreement Between City, KDOT, and Brungardt Honomichl & Company (BHC) for KDOT K-7 (4<sup>th</sup> Street) Improvement Project** – Public Works Director Brian Faust presented for consideration the three-party agreement for the KDOT K-7/4<sup>th</sup> Street improvement project. In March 2019 the city submitted a City Connecting Link Improvement Program (CCLIP) application to KDOT for two projects along 4<sup>th</sup> Street. (Choctaw to Delaware and Delaware to Seneca). In July 2020 KDOT notified the City that the Choctaw to Delaware project was selected but the Delaware to Seneca project was not. The CCLIP is a cost share program with KDOT covering 85% of eligible costs (with a maximum share of \$1,000,000.00) and the City's share is 15%. While not selected, the city did request that the Delaware to Seneca project be included in the overall project limits and KDOT agreed. The city posted a Request for Qualifications for design consultants and received five submittals. The City review committee evaluated the qualifications and identified BHC as the top firm. Staff recommends that the City Commission authorize staff to work with KDOT and BHC to create a three-party agreement. Once the Agreement is developed the final agreement will be brought back to the Commission for review and approval. The estimated Preliminary Engineering fees for the design cost will be \$325,331.54.

The following design consultants submitted proposals:

- Brungardt Honomichl & Company (BHC)
- McAfee Henderson Solutions Inc. (MHS)
- JEO Consulting Group
- Affinis Corporation
- Wilson & Company

The review committee consisted of the following:

- Paul Kramer, City Manager
- Julie Hurley, Director of Planning & Community Development
- Brian Faust, Director of Public Works
- Michael Stephan, Project Manager
- Jacquelyn Porter, City Planner

**Highlights:**

- Look at area with fresh eyes
- Currently 4 10'lanes
- Look at ways to make the street safer
- Maintain the historic look of the downtown
- Reduce delays in signals
- Improve accessibility
- Upside to narrow lanes is that it decreases speed
- Road Diet would take the street from 4 lanes to 3 lanes; 2 lanes and turning lane
- Could use the extra space for amenities for pedestrians
- Approximately 15,000 vehicles travel 4<sup>th</sup> Street each day
- Road Diet would create a shorter crossing distance for pedestrians and reduce crashes 19-47%
- Current signal patterns are fixed would look at different signaling options
- Public engagement options

Commissioner Griswold moved to authorize staff to work with KDOT and BHC to create a three-party agreement for preliminary engineering for the improvements to US-73 from Choctaw Street to Seneca Street. Commissioner Leonhard seconded the motion and the motion was unanimously approved. Mayor Bauder declared the motion carried 5-0.

**Adjournment:**

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

Time Meeting Adjourned 8:11 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8175  
INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE  
FOR KANSAS CITIES 37<sup>TH</sup> EDITION

SEPTEMBER 28, 2021



Carla K. Williamson, CMC  
City Clerk



Paul Kramer  
City Manager

**BACKGROUND:**

At the September 14, 2021 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES" 37<sup>TH</sup> EDITION, WITH CERTAIN OMISSIONS AND CHANGES.**

There have been no changes to the ordinance since first introduced. Ordinance No. 8175 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8175



(Summary Publish in the Leavenworth Times on October 1, 2021)

**ORDINANCE NO. 8175**

**AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES" 37<sup>th</sup> EDITION, WITH CERTAIN OMISSIONS AND CHANGES.**

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

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

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

- (a) *Adoption.* There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the city that certain code known as the Uniform Public Offense Code for Kansas Cities, 37<sup>th</sup> Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereinafter omitted, deleted, modified or changed. One official copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 8175" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of Ordinance No. 8175 and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.
- (b) *Amendments and omissions.*
- (1) Notwithstanding the foregoing, section 5.7 and section 10.6 of the adopted Uniform Public Offense Code are deleted in their entirety and amended to read as provided in sections 30-2 and 30-3.
  - (2) Section 3.2.1, pertaining to sexual battery, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.
  - (3) Section 4.1, pertaining to lewd, lascivious behavior, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.
  - (4) Section 4.3, pertaining to selling sexual relations, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.
  - (5) Section 4.5, pertaining to buying sexual relations, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.
  - (6) Section 11.15, pertaining to permitting a dangerous animal to be at large, of said Uniform Public Offense Code is hereby declared to be omitted and deleted.

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

- (a) It shall be unlawful for any person to:
  - (1) Sell, furnish or distribute to any person under the age of 21 years any cigarettes, electronic cigarettes, or tobacco products; or
  - (2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 21 years of age.
- (b) It shall be a defense to a prosecution under subsection (a) of this section if:
  - (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
  - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products; and
  - (3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 21 years of age exhibited to the defendant a driver's license, Kansas non-driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.
- (c) It shall be a defense to a prosecution under subsection (a) of this section if:
  - (1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
  - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601, that the person was 21 or more years of age.
- (d) For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age, or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.
- (e) Notwithstanding any separate definition in section 1.1 of the Uniform Public Offense Code for Kansas Cities, the term electronic cigarette means a device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to any electronic cigarette, cigar, pipe, or hookah, including any component, part, or accessory of such a device, whether or not sold separately. Electronic cigarette shall not include any products that have been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.
- (f) As used in this section, sale means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration.
- (g) It is unlawful for any person who is a retail dealer to fail to post and maintain in a conspicuous place in the dealer's establishment the following notice: "BY LAW, CIGARETTES AND TOBACCO PRODUCTS MAY BE SOLD ONLY TO PERSONS 21 YEARS OF AGE AND OLDER." Retailer shall mean any person, firm or corporation engaged in the business of selling

tobacco products, alternative nicotine products, or vapor products by personal handling to an ultimate customer or consumer.

(h) Violation of this section is a class B violation punishable by a minimum fine of \$200.00.

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

(a) The unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot or BB gun, within the city, except by permit authorized by the city for deer hunting or within the confines of a building or other structure from which to projectiles cannot escape; provided, that a bow and arrow may be used in an open air archery range meeting the following requirements.

(1) An open, flat plain with a clear and unobstructed field of distance. The maximum distance between archer and target shall be no more than 40 yards.

(2) Target shall be situated so that any path, target, road or building is located with a 30 degree arc centered perpendicular with the shooter and target extending a minimum of 40 yards behind the target.

(3) A target backstop be constructed which is at least 12 feet wide and eight feet high behind each target. The backstop is to be constructed and maintained using a material which would capture and trap arrows shot into it. The material used must not cause arrows to be deflected in another direction.

(4) A secondary earthen backstop consisting of an earthen berm, material hill or excavated face shall be provided. The secondary backstop should be at least 30 feet wide and 16 feet high.

(5) Operation of an archery range shall be allowed between the hours of sunrise and sunset.

(b) Unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is a class C violation.

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

**Section 3. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

**PASSED and APPROVED** by the Governing Body on this 28<sup>th</sup> day of September 2021.

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

{Seal}

ATTEST:

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

POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8176  
INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCES  
FOR KANSAS CITIES 48<sup>TH</sup> EDITION

SEPTEMBER 28, 2021



Carla K. Williamson, CMC  
City Clerk



Paul Kramer  
City Manager

**BACKGROUND:**

At the September 14, 2021 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING CHAPTER 44 OF THE CODE OF ORDINANCES REGULATING TRAFFIC AND VEHICLES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCES FOR KANSAS CITIES" 48<sup>TH</sup> EDITION, WITH CERTAIN OMISSIONS AND CHANGES.**

There have been no changes to the ordinance since first introduced. Ordinance No. 8176 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8176

(Summary Publish in the Leavenworth Times on October 1, 2021)

**ORDINANCE NO. 8176**

**AN ORDINANCE AMENDING CHAPTER 44 OF THE CODE OF ORDINANCES REGULATING TRAFFIC AND VEHICLES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCES FOR KANSAS CITIES" 48<sup>th</sup> EDITION, WITH CERTAIN OMISSIONS AND CHANGES.**

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

**Section 1.** That the Code of Ordinances, City of Leavenworth, Kansas, Chapter 44, Traffic and Vehicles, Section 44-1, is hereby deleted in its entirety and amended to read as follows:

Sec. 44-1. Standard traffic ordinance adopted; amendments.

- (a) *Adoption.* There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the city that certain standard traffic ordinance known as the Standard Traffic Ordinance for Kansas Cities, 48<sup>th</sup> Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed.
- (b) *Marked copies on file.* One copy of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 8176" with all sections and portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of Ordinance No. 8176, and filed with the city clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.
- (c) **Omitting.** Section 69(d): Article II, Pedestrians, of said Standard Traffic Ordinance relating to city permits for soliciting of contributions is hereby declared to be omitted and deleted.
- (d) **Amendments.** The standard traffic ordinance adopted in this section is adopted subject to the following local amendments:
  - (1) Article 14. Miscellaneous Rules, section 114.5, is amended as follows by, adding, (e):

Sec. 114.5. Unlawful Operation of a Work-Site Utility Vehicle

- (a) It shall be unlawful for any person to operate a work-site utility vehicle:
  - (1) On any interstate highway, federal highway, or state highway; or
  - (2) Within the corporate limits of any city unless authorized by such city.

- (b) Notwithstanding the provisions of subsection (a), work-site utility vehicles may be operated to cross a federal highway or state highway.
- (c) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:
  - (1) The operator of the all-terrain vehicle must be a licensed driver and be operating within the restrictions of the operator's license;
  - (2) The federal highway or state highway must have a posted speed limit of 65 miles per hour or less;
  - (3) The operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and
  - (4) The purpose of the trip using the all-terrain vehicle must be for agricultural purposes.
- (d) No work-site utility vehicle shall be operated on any public highway, street, or road between sunset and sunrise unless equipped with lights as required by law for motorcycles. (K.S.A. 8-15,109)
- (e) As provided by subsection (a) (2), it shall be unlawful to operate a worksite utility vehicle except for public safety and city maintenance staff within the corporate limits of the city.
- (2) Article 15. Operation of Bicycles, Motorized Bicycles, and Play Vehicles, section 135.1 is amended as follows by adding (e):

Sec. 135.1. Electric-Assisted Scooters, Traffic Law Application.

- (a) It shall be unlawful for any person to operate an electric-assisted scooter on any interstate highway, federal highway or state highway.
- (b) Notwithstanding the provisions of subsection (a), traffic regulations applicable to bicycles, Sections 127 to 133, inclusive, shall be applicable to electric-assisted scooters.
- (c) The governing body of a city or county may adopt an ordinance or resolution that further restricts or prohibits the operation of electric-assisted scooters on any public highway, street or sidewalk within such city or county.
- (d) Except as otherwise provided in subsection (c), the provisions of subsection (a) shall not prohibit an electric-assisted scooter from crossing a federal or state highway.(2019 Kansas Laws Ch. 61(SB63)
- (e) As provided in subsection (c), "it is unlawful to operate or for the owner to permit the operation of an electric-assisted scooter upon a street, highway, public parking lot, or public parks area."

**Section 2. REPEAL.** Section 44-1 of Chapter 44, Traffic and Vehicles, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

**Section 3. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

**PASSED and APPROVED** by the Governing Body on this 28<sup>th</sup> day of September 2021.

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


{Seal}

ATTEST:

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

POLICY REPORT  
SECOND CONSIDERATION ORDINANCE 8177  
INCORPORATING BY REFERENCE THE  
2021 INTERSECTION CONTROL DEVICE MASTER INDEX

SEPTEMBER 28, 2021



Carla K. Williamson, CMC  
City Clerk



Paul Kramer  
City Manager

**BACKGROUND:**

At the September 14, 2021 City Commission regular meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING CHAPTER 44, SECTION 44-3 OF THE CODE OF ORDINANCES REGULATING INTERSECTION TRAFFIC CONTROL DEVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE "2021 INTERSECTION TRAFFIC CONTROL DEVICE MASTER INDEX".**

There have been no changes to the ordinance since first introduced. Ordinance No. 8177 is now presented for second consideration and requires a roll call vote.

**ATTACHMENTS:**

- Ordinance No. 8177



**ORDINANCE NO. 8177**

**AN ORDINANCE AMENDING CHAPTER 44, SECTION 44-3 OF THE CODE OF ORDINANCES REGULATING INTERSECTION TRAFFIC CONTROL DEVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAVENWORTH, KANSAS; INCORPORATING BY REFERENCE THE “2021 INTERSECTION TRAFFIC CONTROL DEVICE MASTER INDEX”.**

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

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

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

The “2021 Intersection Traffic Control Device Master Index” prepared and published by the city in book form for the purpose of regulating intersection traffic control devices within the city, is adopted as though fully set forth herein. One copy of the adopted index, marked “Official Copy as Adopted by ordinance 8177” and to which shall be attached a copy of said ordinance, shall be filed with the city clerk and available to the public for inspection at all reasonable business hours.

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

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

**PASSED and APPROVED** by the Governing Body on this 28<sup>th</sup> day of September 2021.

{SEAL}

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

ATTEST:

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

**POLICY REPORT  
PUBLIC HEARING  
WAIVER OF THE DISTANCE REQUIREMENT  
FOR TEMPORARY LIQUOR PERMITS AT  
ST. JOSEPH CHURCH**

**SEPTEMBER 28, 2021**

Reviewed by:



Carla K. Williamson, CMC  
City Clerk

Reviewed by:



Paul Kramer  
City Manager

**Issue:**

The issue before the City Commission is to consider a waiver of the code requirement that prohibits alcoholic liquor from being sold or served from a location within three hundred (300) feet of any church, school, nursing home, library or hospital; to allow the following temporary liquor permits to be issued for use at St. Joseph Church, located at 306 N. Broadway St on Saturday, October 23, 2021 for the Annual German Fest Dinner and Dance

The City of Leavenworth Code of Ordinances, Chapter 6, Article III, Section 6-97 (d) allows the governing body to grant such a waiver, if they find that the proximity of the establishment is not adverse to the public welfare or safety. Letters were sent to all property owners within 300 feet of the location notifying them of the public hearing.

**Action:**

Approve or deny request to waive the 300 foot requirement from any church, school, nursing home, library or hospital.

**Attachments:**

- Letter dated September 13, 2021 requesting the waiver

IMMACULATE CONCEPTION-ST. JOSEPH PARISH  
SERVED BY THE ORDER OF CARMELITES  
747 Osage Street  
Leavenworth, KS 66048

Office (913) 682-3953

Fax (913) 682-5599

09/13/2021

City of Leavenworth  
100 N. 5<sup>th</sup> St  
Leavenworth KS 66048

Carla K Williamson, CMC

I am writing to request that the City of Leavenworth grant Immaculate Conception-St Joseph Parish a waiver for the 300-foot requirement to receive a temporary liquor permit.

I request a waiver for the following events in 2021:

**Saturday, October 23      *Annual Germanfest Dinner & Dance***  
***at St Joseph Church, 306 N. Broadway***

Leo Fink, of our Parish, will appear before the City Commission to answer any questions. Thank you for your assistance in this matter.

Sincerely,

*Kathy Roemer*

Kathy Roemer  
Bookkeeper  
kroemer@icsj.org

**POLICY REPORT  
CONSIDER CEREAL MALT BEVERAGE LICENSE FOR  
AVA'S ISLAND CAFE, 732 SHAWNEE ST**

**SEPTEMBER 28, 2021**

Prepared by:



Carla K. Williamson, CMC  
City Clerk

Reviewed by:



Paul Kramer  
City Manager

**ISSUE:**

Consider approving the issuance of a 2021 Cereal Malt Beverage (CMB) License to Ava's Island Café, 732 Shawnee Street.

**BACKGROUND:**

Ava's Island Café submitted an application for an on premise consumption Cereal Malt Beverage License on September 20, 2021. They currently have a City Health Permit and the Police Department has reviewed and approved the application.

**STAFF RECOMMENDATIONS:**

Staff recommends approving the issuance of the CMB license.

**ACTION:**

Motion to approve the issuance of a 2021 on premise consumption Cereal Malt Beverage License for Ava's Island Café at 732 Shawnee Street.

**POLICY REPORT  
RESOLUTION TO ACCEPT THE 2021 CFP GRANT FOR PLANTERS II  
September 28, 2021**

**PREPARED BY:**



Andrea Cheatom, Housing Manager  
Leavenworth Housing Authority

**REVIEWED BY:**



Julie Hurley, Executive Director  
Director of Planning and Community  
Development

**APPROVED BY:**



Paul Kramer  
City Manager

**ISSUE:**

Consider a resolution accepting the 2021 Capital Fund Program (CFP) grant (Grant# KS01P06850121) for Planters II in the amount of \$163,585.00

**RESOLUTION:**

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

**COMMISSION ACTION:**

Motion to adopt the attached resolution accepting the 2021 CFP grant for Planters II.

**RESOLUTION NO. B-2295**

**A RESOLUTION ADOPTING THE 2021 CAPITAL FUND PROGRAM GRANT FOR THE LEAVENWORTH HOUSING AUTHORITY (PLANTERS II), LEAVENWORTH KANSAS.**

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

**WHEREAS**, the 2021 Capital Fund Program Grant (Grant # KS01P06850121) in the amount of \$163,585.00 is specifically approved as a part of the approval process.

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

**BE IT FURTHER RESOLVED** that a copy of the 2021 Capital Fund Program Grant is on file and available for public inspection in the Leavenworth Housing Authority Office, 200 Shawnee Street, Leavenworth, Kansas.

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

**IT IS SO RESOLVED** that this Resolution is passed and approved this 28<sup>th</sup> day of September 2021.

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

{Seal}

ATTEST:

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

**2021 Capital Fund**

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

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

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

Whereas, in accordance with Section 235 of Public Law 116-6, Division H, Title II,

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

\$ \$163,585.00 for Fiscal Year 2021 to be referred to under Capital Fund Grant Number KS01P06850121  
PHA Tax Identification Number (TIN): On File DUNS Number: On File

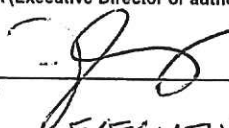
Whereas, HUD and the PHA are entering into the CFP Amendment Number On File

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

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

7. The PHA shall continue to operate each public housing project as low-income housing in compliance with the ACC(s), as amended, the Act and all HUD regulations for a period of twenty years after the last disbursement of CFP assistance for modernization activities for each public housing project or portion thereof and for a period of forty years after the last distribution of CFP assistance for development activities for each public housing project and for a period of ten years following the last payment of assistance from the Operating Fund to each public housing project. Provided further that, no disposition of any project covered by this amendment shall occur unless approved by HUD.
8. The PHA will accept all CFP assistance provided for this FY. If the PHA does not comply with any of its obligations under this CFP Amendment and does not have its Annual PHA Plan approved within the period specified by HUD, HUD shall impose such penalties or take such remedial action as provided by law. HUD may direct the PHA to terminate all work described in the Capital Fund Annual Statement of the Annual PHA Plan. In such case, the PHA shall only incur additional costs with HUD approval.
9. Implementation or use of funding assistance provided under this CFP Amendment is subject to the attached corrective action order(s).  
(mark one) : Yes  No
10. The PHA is required to report in the format and frequency established by HUD on all open Capital Fund grants awarded, including information on the installation of energy conservation measures.
11. If CFP assistance is provided for activities authorized pursuant to agreements between HUD and the PHA under the Rental Assistance Demonstration Program, the PHA shall follow such applicable statutory authorities and all applicable HUD regulations and requirements. For total conversion of public housing projects, no disposition or conversion of any public housing project covered by these terms and conditions shall occur unless approved by HUD. For partial conversion, the PHA shall continue to operate each non-converted public housing project as low-income housing in accordance with paragraph 7.
12. CFP assistance provided as an Emergency grant or a Safety and Security grant shall be subject to a 12 month obligation and 24 month expenditure time period. CFP assistance provided as a Natural Disaster grant shall be subject to a 24 month obligation and 48 month expenditure time period. The start date shall be the date on which such funding becomes available to the PHA for obligation. The PHA must record the Declaration(s) of Trust within 60 days of the effective date or HUD will recapture the grant funding.

The parties have executed this CFP Amendment, and it will be effective on February 23, 2021. This is the date on which CFP assistance becomes available to the PHA for obligation.

U.S. Department of Housing and Urban Development By <u>/s/ Robert E. Mulderig</u> Title <u>Deputy Assistant Secretary, Office of Public Hsg Investments</u>	PHA (Executive Director or authorized agent) By  Date: <u>3/19/21</u> Title <u>EXECUTIVE DIRECTOR</u>
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Previous versions obsolete

form HUD-52840-A OMB Approval No. 2577-0157 (exp. 11/30/2023)

**POLICY REPORT**  
**RESOLUTION SUBMITTING 2021-2025 CAPITAL FUND PROGRAM FIVE-YEAR**  
**ACTION PLAN AND THE CAPITAL FUND ANNUAL STATEMENT/PERFORMANCE**  
**AND EVALUATION REPORT**  
**September 28, 2021**

**PREPARED BY:**



Andrea Cheatom, Housing Manager  
Leavenworth Housing Authority

**REVIEWED BY:**



Julie Hurley, Executive Director  
Director of Planning and Community  
Development

**APPROVED BY:**



Paul Kramer  
City Manager

**ISSUE:**

Consider a resolution adopting and submitting the 2021-2025 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report for the Leavenworth Housing Authority to the U.S. Department of Housing & Urban Development for the operation of Planters II and Section 8.

**PLAN:**

The 2021-2025 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report will be electronically submitted to the U.S. Department of HUD. A paper copy of the CFP Annual Statement/Performance and Evaluation Report and the 2021-2025 Capital Fund Program Five-Year Action Plan are available at the Leavenworth Housing Authority office.

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

**COMMISSION ACTION:**

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



**RESOLUTION NO. B-2296**

**A RESOLUTION ADOPTING THE LEAVENWORTH HOUSING AUTHORITY, (PLANTERS II) 2021-2025 CAPITAL FUND PROGRAM FIVE-YEAR ACTION PLAN AND THE CAPITAL FUND PROGRAM ANNUAL STATEMENT/PERFORMANCE AND EVALUATION REPORT, LEAVENWORTH KANSAS.**

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

**WHEREAS**, the Leavenworth Housing Authority has prepared the 2021-2025 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report, including all attachments and certifications.

**NOW, THEREFORE, BE IT RESOLVED BY THE LEAVENWORTH CITY COMMISSION ACTING AS THE LEAVENWORTH HOUSING AUTHORITY COMMISSION, CITY OF LEAVENWORTH, KANSAS**, that the Leavenworth Housing Authority 2021-2025 Capital Fund Program Five-Year Action Plan and the Capital Fund Program Annual Statement/Performance and Evaluation Report, including all attachments and certifications are hereby approved and authorized for submission to the U.S. Department of Housing & Urban Development.

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

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

**IT IS SO RESOLVED** that this Resolution is passed and approved this 28<sup>th</sup> day of September 2021.

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

{Seal}

ATTEST:

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

<b>Part I: Summary</b>						
<b>PHA Name:</b> Leavenworth Housing Authority		<b>Grant Type and Number</b> Capital Fund Program Grant No. KS01P06850121 Replacement Housing Factor Grant No. Date of CFFP:			<b>FFY of Grant:</b> <b>FFY of Grant Approval:</b>	
<b>Type of Grant</b>						
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (Revision No:                      )						
<input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report						
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost <sup>(1)</sup>		
		Original	Revised <sup>(2)</sup>	Obligated	Expended	
1	Total non-CFP Funds					
2	1406 Operations					
3	1408 Management Improvement					
4	1410 Administration					
5	1480 General Capital Activity	\$163,585.00				
6	1492 MovingToWorkDemonstration					
7	1501 Collater Exp / Debt Srvc					
8	1503 RAD-CFP					
9	1504 Rad Investment Activity					
10	1505 RAD-CPT					
11	1509 Preparing for, Preventing and Responding to Coronavirus (1509)					

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

<b>Part I: Summary</b>						
<b>PHA Name:</b> Leavenworth Housing Authority		<b>Grant Type and Number</b> Capital Fund Program Grant No. KS01P06850121 Replacement Housing Factor Grant No. Date of CFFP:			<b>FFY of Grant:</b> <b>FFY of Grant Approval:</b>	
<b>Type of Grant</b>						
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (Revision No:                      )						
<input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report						
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost <sup>(1)</sup>		
		Original	Revised <sup>(2)</sup>	Obligated	Expended	
12	9000 Debt Reserves					
13	9001 Bond Debt Obligation					
14	9002 Loan Debt Obligation					
15	RESERVED					
16	RESERVED					
17	RESERVED					
18a	RESERVED					
18ba	RESERVED					
19	RESERVED					
20	RESERVED					
21	Amount of Annual Grant: (sum of lines 2-20)	\$163,585.00				

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

<b>Part I: Summary</b>						
<b>PHA Name:</b> Leavenworth Housing Authority		<b>Grant Type and Number</b> Capital Fund Program Grant No. KS01P06850121 Replacement Housing Factor Grant No. Date of CFFP:			<b>FFY of Grant:</b> <b>FFY of Grant Approval:</b>	
<b>Type of Grant</b>						
<input checked="" type="checkbox"/> Original Annual Statement		<input type="checkbox"/> Reserve for Disasters/Emergencies		<input type="checkbox"/> Revised Annual Statement (Revision No: )		
<input type="checkbox"/> Performance and Evaluation Report for Period Ending:			<input type="checkbox"/> Final Performance and Evaluation Report			
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost <sup>(1)</sup>		
		Original	Revised <sup>(2)</sup>	Obligated	Expended	
22	Amount of line 21 Related to LBP Activities					
23	Amount of line 21 Related to Section 504 Activities					
24	Amount of line 21 Related to Security - Soft Costs					
25	Amount of line 21 Related to Security - Hard Costs					
26	Amount of line 21 Related to Energy Conservation Measures					

<b>Signature of Executive Director</b> /S/ MYR882	<b>Date</b> 07/27/2021	<b>Signature of Public Housing Director</b>	<b>Date</b>
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(1) To be completed for the Performance and Evaluation Report  
 (2) To be completed for the Performance and Evaluation Report or a Revised Annual Statement  
 (3) PHAs with under 250 units in management may use 100% of CFP Grants for operations  
 (4) RHF funds shall be include here

Part II: Supporting Pages								
PHA Name: Leavenworth Housing Authority		Grant Type and Number Capital Fund Program Grant No. KS01P06850121 Replacement Housing Factor Grant No. CFFP(Yes/No):				Federal FFY of Grant:		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost <sup>(2)</sup>		Status of Work
				Original	Revised <sup>(1)</sup>	Funds Obligated	Funds Expended	
KS068000001 - PLANTERS II	Paint Project (Non-Dwelling Interior (1480)) Description : Paint all hallways, elevator lobbies and laundry rooms on floors 2 through 10	1480		\$163,585.00				
	Total:			\$163,585.00				

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

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

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

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

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 02/28/2022

Status: Submitted

Approval Date:

Approved By:

Part I: Summary						
PHA Name : Leavenworth Housing Authority		Locality (City/County & State)				
PHA Number: KS068		<input checked="" type="checkbox"/> Original 5-Year Plan		<input type="checkbox"/> Revised 5-Year Plan (Revision No: )		
A.	Development Number and Name	Work Statement for Year 1 2021	Work Statement for Year 2 2022	Work Statement for Year 3 2023	Work Statement for Year 4 2024	Work Statement for Year 5 2025
	PLANTERS II (KS068000001)	\$163,585.00	\$163,585.00	\$163,585.00	\$163,585.00	\$163,585.00

Part II: Supporting Pages - Physical Needs Work Statements (s)					
Work Statement for Year		1	2021		
Identifier	Development Number/Name	General Description of Major Work Categories		Quantity	Estimated Cost
	PLANTERS II (KS068000001)				\$163,585.00
ID0003	Paint Project(Non-Dwelling Interior (1480)-Common Area Painting,Non-Dwelling Interior (1480)-Laundry Areas)	Paint all hallways, elevator lobbies and laundry rooms on floors 2 through 10			\$163,585.00
	Subtotal of Estimated Cost				\$163,585.00



Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year		2	2022	
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLANTERS II (KS068000001)			\$163,585.00
ID0009	Paint Project(Non-Dwelling Interior (1480)-Common Area Painting,Non-Dwelling Interior (1480)-Laundry Areas)	Paint all hallways, elevator lobbies and laundry rooms on floors 2 through 10		\$163,585.00
	Subtotal of Estimated Cost			\$163,585.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year		3	2023	
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLANTERS II (KS068000001)			\$163,585.00
ID0007	Flooring Replacement(Non-Dwelling Interior (1480)-Common Area Flooring,Non-Dwelling Interior (1480)-Laundry Areas)	Replace all flooring and cove base in all hallways, elevator lobbies and laundry rooms on floors 2 through 10.		\$163,585.00
	Subtotal of Estimated Cost			\$163,585.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year		4	2024	
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	PLANTERS II (KS068000001)			\$163,585.00
ID0010	Flooring Replacement(Non-Dwelling Interior (1480)-Common Area Flooring,Non-Dwelling Interior (1480)-Laundry Areas)	Replace all flooring and cove base in all hallways, elevator lobbies and laundry rooms on floors 2 through 10.		\$163,585.00
	Subtotal of Estimated Cost			\$163,585.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 2577-0274  
 02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)					
Work Statement for Year		5	2025		
Identifier	Development Number/Name	General Description of Major Work Categories		Quantity	Estimated Cost
	PLANTERS II (KS068000001)				\$163,585.00
ID0006	Update Elevators(Non-Dwelling Interior (1480)-Other)	Renovate Elevator interior			\$163,585.00
	Subtotal of Estimated Cost				\$163,585.00

**Civil Rights Certification**  
*(Qualified PHAs)*

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

**Civil Rights Certification**

**Annual Certification and Board Resolution**


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

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

Leavenworth Housing Authority  
PHA Name

KS068  
PHA Number/HA Code

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

Name of Authorized Official	Title
Nancy Bauder	Mayor
Signature 	Date 6/1/2024

# Certification of Payments to Influence Federal Transactions

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

OMB Approval No. 2577-0157 (Exp. 11/30/2023)

Public reporting burden for this information collection is estimated to average 30 minutes. This includes the time for collecting, reviewing, and reporting data. The information requested is required to obtain a benefit. This form is used to ensure federal funds are not used to influence members of Congress. There are no assurances of confidentiality. HUD may not conduct or sponsor, and an applicant is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Applicant Name

Leavenworth Housing Authority

Program/Activity Receiving Federal Grant Funding

2021 CFP Planters II - City of Leavenworth

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

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

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

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

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

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

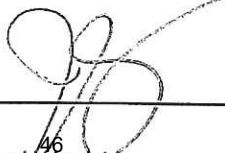
Name of Authorized Official

Julie Hurley

Title

Executive Director

Signature



Date (mm/dd/yyyy)

7/20/21



The Leavenworth Housing Authority conducted a public hearing pursuant to 24 CFR Part 905 reference to the 2021 Capital Fund Program grant on Monday, July 19, 2021 at 9:00 a.m.

All documents pertaining to the 2021 Capital Fund Program grant were available for public viewing.

The Public Hearing was held to answer questions pertaining to the 2021 CFP grant and to accept comments.

  
\_\_\_\_\_  
Julie Hurley, Executive Director

7/20/21  
\_\_\_\_\_  
Date

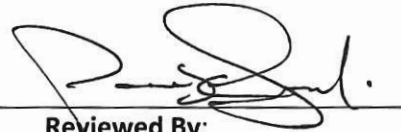
**POLICY REPORT**  
**Community Development Block Grant**  
**Consolidated Annual Performance and Evaluation Report (CAPER)**  
**Sept. 28, 2021**



**Prepared By:**  
Mary Dwyer  
Community Development  
Coordinator



**Reviewed By:**  
Julie Hurley  
Director of Planning  
And Community Dev.



**Reviewed By:**  
Paul Kramer  
City Manager

**DISCUSSION**

Each year HUD requires a Consolidated Annual Performance and Evaluation Report (CAPER) to show the accomplishments of the current program year, reflect the implementation of the Consolidated Plan, and illustrate the compliance with National Objectives set by Congress.

As a brief summary for grant year 2020-21, our efforts this year provided 15 homeowners with home rehabilitation assistance and four first time home buyers with financial assistance to purchase their home. In neighborhood stabilization, the city demolished five unsafe, blighted residential structures (including one multi-unit building) to eliminate hazardous condition in our residential communities. In addition, we provided partial funding to repair a hazardous private sewer line serving 15 residents.

CDBG funds also provided rent or utility assistance for seven social service agencies, which serve lower income persons, disadvantage families and the homeless. This year the agencies served 13,311 households.

During the COVID crisis we reallocated \$10,000 to provide rent/mortgage/utilities assistance while waiting for additional HUD CDBG-CV funding to assist city residents.

As an effort toward our local Fair Housing goals, we will start a public transportation for residents. We were awarded a KDOT matching grant for equipment and operations. The Regional Fair Housing consortium, which the City of Leavenworth is a member, addressed additional regional Fair Housing goals.

Our expended amount this year was \$419,548. The CAPER report will be presented to the Community Development Advisory Board at a public meeting on Sept 13, 2021 for approval before presentation to the commission.

**RECOMMENDED ACTION**

Motion to consider and approve the resolution approving the CAPER 2020-21 for submittal to the Department of Housing and Urban Development.



**RESOLUTION NO. B-2297**

**CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION  
REPORT (CAPER)**

**BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION,  
LEAVENWORTH, KANSAS,** as follows:

**Section 1.** The Consolidated Annual Performance and Evaluation Report (CAPER) for the period July 1, 2020, through June 30, 2021, is approved and shall be submitted to the US Department of Housing & Urban Development (HUD).

**Section 2.** The report shows completion of projects or contractual obligations of all funds available to the City through the Community Development Block Grant program for the report year as well as those projects completed during the year from prior program authorizations.

**Section 3.** The Community Development Advisory Board (CDAB) advertised a public hearing on August 20, 2021 and held the hearing on September 13, 2021, to provide opportunity for public response to the report. The report was published and available prior to the hearing date.

**Section 4.** The CDAB recommends the City Commission approve the report and submit to HUD.

**Section 5.** This resolution shall take effect and be effective from and after its passage as provided by law.

**Passed and approved** this 28<sup>th</sup> day of September 2021.

---

Nancy D. Bauder, Mayor

{Seal}

ATTEST:

---

Carla K. Williamson, CMC  
City Clerk



**DRAFT**

**CONSOLIDATED ANNUAL PERFORMANCE & EVALUATION  
REPORT**

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**July 1, 2020 – June 30, 2021**

**LEAVENWORTH, KANSAS**

## **CR-05 - Goals and Outcomes**

### **Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)**

This year the Coronavirus impacted our ability to effectively carry out some of our CDBG programs. In the Home Repair Program we repaired 15 homes as opposed to the 23 projected. For Home Ownership Assistance Program we assisted four (4) low/moderate income residents purchase a home. Tightness in the housing market at the price point affordable to first time buyers continues to lower the numbers we serve in home ownership.

In Neighborhood Stabilization, we removed from our neighborhoods five residential structures deemed dangerous by the City Commission including one four-plex building. Additionally, we provided partial funding to replace a faulty sewer line serving 15 low/moderate residents.

Finally, with our CDBG funding we provided funding to seven public service agencies to serve low/moderate income needs and they served 13,311 individuals versus the projected 7,800 individuals. The sharp increase is due to the Coronavirus impact on jobs, especially those in the low income sector.

In April the federal government allocated \$201,489 to prepare for, prevent and address the Coronavirus. Regulations were slow to be released at the federal level, finally published in the Federal Register in August 2020. The City awarded its funds to public service agencies for food assistance, resident rent and utility assistance and legal assistance for evictions (\$101,489) and small business forgivable loans to assist local businesses affected by shut-downs and limited capacity ordered to fight the Coronavirus (\$100,000). These efforts are ongoing at present.

Another round of CARES funding for the City of Leavenworth was announced 9/11/20. The award was \$119,897; all of which was set aside for public service agencies to use for food, utilities and housing (rent/mortgage/eviction legal). Funds were awarded to five public service agencies to serve Covid-impacted residents. While waiting for the release of the second set of Covid funds, we re-allocated \$10,000 from home repair to rent/mortgage/utility assistance as agency funding for that need had been depleted. This re-allocation was authorized by HUD in their Covid guidance.

**Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)**

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
AFH Local: Economic Development	Non-Housing Community Development		Other	Other	1	0	0.00%			
AFH Local: Fair Housing City Contact	Fair Housing		Other	Other	1	0	0.00%	1	1	100.00%
AFH Local: Rental licensing/code enforcement	Affordable Housing Public Housing Homeless		Other	Other	1	0	0.00%			

AFH Local: Transportation	Non-Housing Community Development		Other	Other	1	1	100.00%	1	1	100.00%
AFH Reg 1: Expand use of CDFI and NMTCs	Affordable Housing Public Housing Homeless Non-Homeless Special Needs Non-Housing Community Development AFH		Other	Other	1	0	0.00%	1	0	0.00%
AFH Reg 10: Promote use of KC Degrees/ KC Scholars	AFH		Other	Other	1	0	0.00%	1	0	0.00%
AFH Reg 13: Align Regional Transit plan to jobs	AFH		Other	Other	1	0	0.00%	1	0	0.00%

AFH Reg 14 : Affordable Hsg Educational Materials	AFH		Other	Other	1	0	0.00%	1	0	0.00%
AFH Reg 15: AFH Metrics	AFH		Other	Other	1	0	0.00%	1	0	0.00%
AFH Reg 2: Fair Housing Informational Website	AFH		Other	Other	1	0	0.00%	1	0	0.00%
AFH Reg 3: Fair Housing Education w Stakeholders	AFH		Other	Other	1	0	0.00%	1	0	0.00%
AFH Reg 4: Advocate for Universal Designs	Non-Homeless Special Needs		Other	Other	1	0	0.00%	1	0	0.00%
AFH Reg 5: Explore Region Housing Mobility System	Public Housing		Other	Other	1	0	0.00%	1	0	0.00%

AFH Reg 6: Dev Model Zoning Codes for compact use	Affordable Housing AFH		Other	Other	1	0	0.00%			
AFH Reg 7: Dev Regional Housing Locator Service	Affordable Housing Public Housing		Other	Other	1	0	0.00%	1	0	0.00%
AFH Reg 8: Encourage affordable TOD via zoning code	Affordable Housing AFH		Other	Other	1	0	0.00%	1	0	0.00%
AFH Reg 10: Promote use of KC Degrees/ KC Scholars	AFH		Other	Other	1	0	0.00%	1	0	0.00%
AFH Reg 11: education/job training KCRising	AFH		Other	Other	1	0	0.00%	1	0	0.00%
AFH Reg 12: Transportation that Connects with Jobs	AFH		Other	Other	1	1	100.00%	1	0	100.00%

AFH Reg9:Create incentive policy for universal des	Affordable Housing Non-Homeless Special Needs		Other	Other	1	0	0.00%			
Homebuyer Assistance	Affordable Housing	CDBG: \$	Direct Financial Assistance to Homebuyers	Households Assisted	5	4	80.00%	9	4	44.44%
Housing Rehabilitation	Affordable Housing Non-Homeless Special Needs	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	22	15	68.18%	22	15	68.18%
Neighborhood Stabilization	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	15	15	100.00%	15	15	100.00%
Neighborhood Stabilization	Non-Housing Community Development	CDBG: \$	Buildings Demolished	Buildings	8	5	62.50%	8	5	62.50%



Program Administration	Administration	CDBG: \$	Other	Other	0	0		1	0	0.00%
Public Services Agencies	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	7200	13331	185.15	7200	13331	185%
Public Services Agencies	Non-Housing Community Development	CDBG: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	0	33	0.00%	0	33	
Public Services Agencies	Non-Housing Community Development	CDBG: \$	Homeless Person Overnight Shelter	Persons Assisted	0	33		0	33	
Special Economic Development	Non-Housing Community Development	CDBG: \$	Jobs created/retained	Jobs	100	0	0.00%			

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

**Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.**

This year was marked by impacts of the Coronavirus on our community and on CDBG programs. Public services were taxed as many low/moderate income residents were unemployed or underemployed and required services. Home Repair and home ownership were down as many residents sheltered in place. CARES funds were allocated to public service agencies and small businesses impacted by the Coronavirus.

This year the Home Repair Program (HRP) addressed 15 homes. Home Ownership Assistance Program assisted four (4) low/moderate income residents purchase their first house. Both numbers were lower due to the Coronavirus.

In Neighborhood Stabilization, we removed from our neighborhoods five residential structures deemed dangerous by the City Commission. Additionally, we provided partial funding to replace a faulty sewer line serving 15 low/moderate residents.

Finally, we provided funding to seven public service agencies to serve low/moderate income needs and they served 13,331 individuals.

The ESG funds received through the State of Kansas was awarded to Catholic Charities for Rapid Re-Housing and Homeless Prevention.

CDBG-CV, funded by the CARES Act, has been allocated to five public service agencies to address food, rent/utility assistance and eviction issues related to the Coronavirus and has been allocated to small businesses impacted by Covid restrictions. Additionally, the City of Leavenworth reallocated \$10,000 in CDBG funds to cover rent/utility assistance while the community awaited the third round of CARES funds.

For our Fair Housing strategies, we applied for and received a Kansas Department of Transportation grants with City matching funds to address transportation. Service will start in 2022. This was a major commitment by the City to our fair housing local goals. In addition, the City continues its commitment of

a staff position to address rental housing issues.

**CR-10 - Racial and Ethnic composition of families assisted**

**Describe the families assisted (including the racial and ethnic status of families assisted).  
91.520(a)**

	<b>CDBG</b>
White	14
Black or African American	4
Asian	1
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
<b>Total</b>	<b>19</b>
Hispanic	1
Not Hispanic	18

**Table 2 – Table of assistance to racial and ethnic populations by source of funds**

**Narrative**

The chart only reflects those individuals assisted with housing not all individuals assisted with services funded by CDBG.

**CR-15 - Resources and Investments 91.520(a)**

**Identify the resources made available**

<b>Source of Funds</b>	<b>Source</b>	<b>Resources Made Available</b>	<b>Amount Expended During Program Year</b>
CDBG	public - federal	\$650,471	\$344,909
Other	public - federal	41,564	41,564

**Table 3 - Resources Made Available**

**Identify the geographic distribution and location of investments**

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

**Narrative**

We do not target our funds to a specific area in the city.

**Leveraging**

**Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.**

Leveraging was provided by public service agencies using other funds and grants to match both CDBG and ESG dollars. In addition, the City of Leavenworth allocated separate City funds to accomplish demolitions of dangerous structures adding to what was able to be accomplished by the CDBG funds. The City committed funds for local transportation which will meet one of the local fair housing goals. Finally, the City continued funding for the Rental Housing Advocate position to address rental housing issues in the city.

No publicly owned land or property was used to address the needs identified in the plan, as none was required for our scope of work.

**CR-20 - Affordable Housing 91.520(b)**

**Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.**

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	68	0
Number of Non-Homeless households to be provided affordable housing units	0	0

	One-Year Goal	Actual
Number of Special-Needs households to be provided affordable housing units	0	0
<b>Total</b>	<b>68</b>	<b>0</b>

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	330	330
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	22	15
Number of households supported through Acquisition of Existing Units	9	4
<b>Total</b>	<b>361</b>	<b>349</b>

Table 6 – Number of Households Supported

**Discuss the difference between goals and outcomes and problems encountered in meeting these goals.**

Homeless and non-homeless assistance was provided by ESG funds. Rental assistance was provided through the Leavenworth Public Housing Authority. Home Repair assistance was less than projected due to the Covid crisis. The City of Leavenworth goal of acquisition of existing structures through CDBG funds was also less than projected due to the Covid crisis.

**Discuss how these outcomes will impact future annual action plans.**

This year we did not get a homeless count for just City of Leavenworth. We will continue to refine community reporting to get accurate counts for housing efforts.

**Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.**

<b>Number of Households Served</b>	<b>CDBG Actual</b>	<b>HOME Actual</b>
Extremely Low-income	3	0
Low-income	12	0
Moderate-income	4	0
<b>Total</b>	<b>19</b>	<b>0</b>

Table 7 – Number of Households Served

**CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)**  
**Evaluate the jurisdiction’s progress in meeting its specific objectives for reducing and ending homelessness through:**

**Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

Leavenworth homeless services include an emergency shelter, the Interfaith Shelter of Hope and the Alliance Against Family Violence shelter for domestic abuse victims. CDBG public service agencies, Catholic Charities of Northeast Kansas and Interfaith Community of Hope provided rent and utility assistance for low income residents including the homeless or about to be homeless.

Prevention is also an important component of the homeless network and the Emergency Solutions Grant (ESG) provides support of Homeless Prevention and Rapid Re-Housing Program. Both of these programs are important strategies to battle homelessness. In addition to CDBG public service assistance and ESG, the local churches offer weekly meals on a rotating basis as an outreach for the homeless. The nonprofit, Welcome Central, provides a one point stop for homeless and low-income persons to access services and navigate the various systems for assistance.

**Addressing the emergency shelter and transitional housing needs of homeless persons**

The Shelter of Hope offers the city’s night-only shelter. The Alliance Against Family Violence provides emergency shelter for victims of domestic violence. Catholic Charities of Northeast Kansas offers homeless prevention and rapid rehousing programs funded through CDBG and ESG. The nonprofit, Interfaith Community of Hope, offers day services for the homeless, as well as limited transportation.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs**

The City supports homeless prevention activities through its Public Service agencies. Some of these agencies provide rent and utility assistance to avoid eviction and shutoff. Catholic Charities of Northeast Kansas (CCNEKS) offers homelessness prevention and rapid re-housing services funded in part with CDBG and ESG funds. CCNEKS has started financial literacy classes to help families avoid becoming homeless. Finally, Salvation Army and Welcome Central provide rent/utility assistance for Leavenworth residents.

Due to the location of the Veteran's Administration Medical Center in the City of Leavenworth, we have many veterans who were discharged from the VA and remain in the area and are in need of housing. The Dwight D. Eisenhower Veterans Affairs Medical Center (VAMC) houses some of these individuals in the Domiciliary and Safe Haven program. Others are assisted with the Veterans Administration Supportive Housing (VASH) program which is managed by the Leavenworth Housing Authority.

Prisoners and their families also sometimes constitute part of Leavenworth's homeless population. A Federal prison is located in Leavenworth as well as the minimum security prison in neighboring Lansing. The Kansas Department of Corrections offers reentry services for offenders being released from correctional institutions. The Grossman Center serves as transitional housing assistance for incarcerated minimum security adult men and women eligible for pre-release.

The Guidance Center provides mental health assistance to the homeless. The National Alliance for Mental Illness (NAMI) assists those with mental illness who are homeless. The Guidance Center has a hospital liaison that coordinates discharge from psychiatric hospitals. They also served individuals with mental illness and substance abuse.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

Interfaith Community of Hope is a local agency that provides direct services to the homeless. They serve as a central point of information about assistance throughout the city and provide limited transportation. Catholic Charities of Northeast Kansas and Salvation Army also provide direct service to the homeless including food, clothing and rent/utility assistance. These agencies work to shorten the period of time that individuals or families experience homelessness. Catholic Charities also provides Rapid Re-Housing services for the homeless through Emergency Solutions Grant funds provided by the state.

### **CR-30 - Public Housing 91.220(h); 91.320(j)**

#### **Actions taken to address the needs of public housing**

The Leavenworth Public Housing Authority handles a 105-unit high-rise (Planters II) and a voucher program which has housing choice vouchers. In conjunction with the Veteran's Administration, the housing authority administers VASH certificates. These programs serve the City and County public housing needs.

#### **Actions taken to encourage public housing residents to become more involved in management and participate in homeownership**

The Leavenworth Public Housing Authority has an active resident council as an avenue for residents to be involved in management. The City of Leavenworth Home Ownership Program materials are available throughout the community; however, since most residents of Planters II are elderly or disabled with limited incomes, they rarely seek housing elsewhere.



**Actions taken to provide assistance to troubled PHAs**

The Leavenworth PHA is not categorized as "troubled." We operate a housing authority rated as a high performer.

***CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)***

**Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)**

Not addressed in this grant year.

**Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)**

The primary obstacle to meeting underserved needs and affordable housing is limited funding. Both federal funding and community support have decreased, leaving programs that serve the low/moderate income individuals and families unable to meet the needs in the community. The CDBG program, United Way, other community agencies and area churches help to meet the underserved needs in our community.

**Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)**

Within the home repair program, lead-based paint hazards are addressed as needed for the project. Information on lead based paint is given to home ownership applicants for reference and any lead based paint issues noted on the home are addressed before purchase. Information on lead based paint is available at City Hall for residents to access.

**Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)**

Community job seeking programs and financial planning programs are offered throughout the city by the Leavenworth County Workforce Center, the Leavenworth Public Library, Catholic Charities of Northeast Kansas, and Welcome Central to offer poverty-level families a way out of poverty.

**Actions taken to develop institutional structure. 91.220(k); 91.320(j)**

The City of Leavenworth tackled local transportation and has provided matching funds for a KDOT grant to start local transportation service. The City continued funding for the Rental Housing Advocate position to help community residents and landlords communicate more effectively. This generally serves low/moderate income individuals. These individuals are the ones most likely to rent substandard housing. The City of Leavenworth CDBG staff participates in the Leavenworth County Human Service Council and meets with local churches and social service agencies to increase the citywide institutional structure.

**Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)**

Public service agencies associated through contracts with the City provide specific services, avoid duplication of services and account for the services provided. Altogether, the system served more than 13,331 participants this year. Agencies are required to provide budgets and monthly reports to the City with monitoring oversight provided by the City of Leavenworth, KHRC and HUD. The structure has resulted in delivery of the services needed in accordance with federal, state and local codes with compassion and respect for the clients served.

The City of Leavenworth CDBG staff participates in the Leavenworth County Human Service Council and meets with local churches and social service agencies to increase the citywide institutional structure.

**Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)**

In December 2016, the Fair Housing and Equal Opportunity office at HUD approved the Assessment of Fair Housing (AFH) regional plan which includes Leavenworth. This five year plan forms the basis of our efforts to address fair housing issues. This year, the City met a long range local fair housing goal of providing local transit. Starting next year, a local transportation system will offer rides within the City limits. The City maintains a fair housing contact for residents and posts contact information on our web page. Finally, the City funds the Rental Housing Advocate to deal with rental issues including those dealing with fair housing issues.

The City of Leavenworth meets with MARC and the four other cities in the regional AFH to strategize on efforts for furthering fair housing according to our plan and assists with implementation of goals.

#### **CR-40 - Monitoring 91.220 and 91.230**

**Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements**

Generally, the City of Leavenworth's Community Development Coordinator conducts at least one on-site monitoring visit for each sub-recipient however the Coronavirus put these on hold for this year. The Coordinator did keep in touch through phone and web-based meetings with sub recipients.

In addition, all in-house projects, e.g. Housing Repair Program, Home Ownership Assistance Program, and Neighborhood Stabilization Programs are monitored by the CD Coordinator. Administrative procedures met all federal rules, regulations and guidelines for compliance and reporting.

#### **Citizen Participation Plan 91.105(d); 91.115(d)**

**Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.**

The City of Leavenworth published a public notice in The Leavenworth Times on Friday, August 20, 2021. The public notice indicated that the CAPER Report was available upon request from the Community Development Dept. and on the City's website. Public comments were accepted until the Community Development Advisory Board meeting on September 13, 2021. No public comments were received.

#### **CR-45 - CDBG 91.520(c)**

**Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.**

**Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?**

No the City does not have any BEDI grants at this time.



**PART I: SUMMARY OF CDBG RESOURCES**

01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR	289,592.08
02 ENTITLEMENT GRANT	342,461.00
03 SURPLUS URBAN RENEWAL	0.00
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00
05 CURRENT YEAR PROGRAM INCOME	4,607.50
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00
06 FUNDS RETURNED TO THE LINE-OF-CREDIT	0.00
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	13,757.50
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	0.00
08 TOTAL AVAILABLE (SUM, LINES 01-07)	650,418.08

**PART II: SUMMARY OF CDBG EXPENDITURES**

09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	354,516.13
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	354,516.13
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	65,031.49
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	0.00
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	0.00
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	419,547.62
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	230,870.46

**PART III: LOWMOD BENEFIT THIS REPORTING PERIOD**

17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	266,200.14
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	266,200.14
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	75.09%

**LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS**

23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: 2020 PY: 2021 PY: 2022
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	354,516.13
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	266,200.14
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	75.09%

**PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS**

27 DISBURSED IN IDIS FOR PUBLIC SERVICES	53,746.83
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	0.00
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	53,746.83
32 ENTITLEMENT GRANT	342,461.00
33 PRIOR YEAR PROGRAM INCOME	0.00
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	0.00
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	342,461.00
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	15.69%

**PART V: PLANNING AND ADMINISTRATION (PA) CAP**

37 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	65,031.49
38 PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
39 PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
40 ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	0.00
41 TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 +LINE 40)	65,031.49
42 ENTITLEMENT GRANT	342,461.00
43 CURRENT YEAR PROGRAM INCOME	4,607.50
44 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	0.00
45 TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	347,068.50
46 PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	18.74%



**LINE 17 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 17**

Report returned no data.

**LINE 18 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 18**

Report returned no data.

**LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19**

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2020	1	469	6437185	Olive Street Sewer project	03J	LMC	\$3,500.00
2020	1	469	6447812	Olive Street Sewer project	03J	LMC	\$499.16
2020	1	469	6483967	Olive Street Sewer project	03J	LMC	\$36,828.56
2020	1	469	6501161	Olive Street Sewer project	03J	LMC	\$59,416.34
2020	1	469	6521489	Olive Street Sewer project	03J	LMC	\$12,881.56
					<b>03J</b>	<b>Matrix Code</b>	<b>\$113,125.62</b>
2020	8	468	6447812	Court Appointed Special Advocates	03Q	LMC	\$5,467.10
2020	8	468	6501161	Court Appointed Special Advocates	03Q	LMC	\$4,373.68
2020	8	468	6521489	Court Appointed Special Advocates	03Q	LMC	\$3,040.22
					<b>03Q</b>	<b>Matrix Code</b>	<b>\$12,881.00</b>
2020	8	463	6442222	Alliance Against Family Violence	05G	LMC	\$1,371.79
2020	8	463	6462275	Alliance Against Family Violence	05G	LMC	\$1,542.40
2020	8	463	6501161	Alliance Against Family Violence	05G	LMC	\$2,730.92
2020	8	463	6521489	Alliance Against Family Violence	05G	LMC	\$2,688.89
					<b>05G</b>	<b>Matrix Code</b>	<b>\$8,334.00</b>
2020	8	462	6483967	The Guidance Center	05M	LMC	\$4,289.00
2020	8	465	6473068	St Vincent Clinic	05M	LMC	\$4,837.06
2020	8	465	6501161	St Vincent Clinic	05M	LMC	\$3,017.68
2020	8	465	6521489	St Vincent Clinic	05M	LMC	\$1,699.26
					<b>05M</b>	<b>Matrix Code</b>	<b>\$13,843.00</b>
2020	8	464	6423449	Leavenworth Interfaith Community of Hope	05Q	LMC	\$1,195.08
2020	8	464	6437185	Leavenworth Interfaith Community of Hope	05Q	LMC	\$1,199.22
2020	8	464	6442222	Leavenworth Interfaith Community of Hope	05Q	LMC	\$1,137.09
2020	8	464	6447812	Leavenworth Interfaith Community of Hope	05Q	LMC	\$804.07
2020	8	464	6501161	Leavenworth Interfaith Community of Hope	05Q	LMC	\$264.54
2020	8	467	6412173	Catholic Charities of Northeast Kansas	05Q	LMC	\$871.39
2020	8	467	6423449	Catholic Charities of Northeast Kansas	05Q	LMC	\$153.31
2020	8	467	6437185	Catholic Charities of Northeast Kansas	05Q	LMC	\$892.74
2020	8	467	6442222	Catholic Charities of Northeast Kansas	05Q	LMC	\$707.49
2020	8	467	6447812	Catholic Charities of Northeast Kansas	05Q	LMC	\$670.91
2020	8	467	6462275	Catholic Charities of Northeast Kansas	05Q	LMC	\$6,163.99
2020	8	486	6521489	Leavenworth Interfaith Community of Hope-CV response	05Q	LMC	\$10,000.00
					<b>05Q</b>	<b>Matrix Code</b>	<b>\$24,059.83</b>
2020	8	466	6423449	The Leavenworth Mission	05W	LMC	\$835.67
2020	8	466	6442222	The Leavenworth Mission	05W	LMC	\$1,770.73
2020	8	466	6447812	The Leavenworth Mission	05W	LMC	\$916.06
2020	8	466	6473068	The Leavenworth Mission	05W	LMC	\$1,892.86
2020	8	466	6521489	The Leavenworth Mission	05W	LMC	\$2,094.68
					<b>05W</b>	<b>Matrix Code</b>	<b>\$7,510.00</b>
2020	7	472	6412173	Home Ownership Assistance Program	13B	LMH	\$21.00
2020	7	472	6423449	Home Ownership Assistance Program	13B	LMH	\$5,300.00
2020	7	472	6442222	Home Ownership Assistance Program	13B	LMH	\$42.00
2020	7	472	6483967	Home Ownership Assistance Program	13B	LMH	\$21.00
2020	7	472	6501161	Home Ownership Assistance Program	13B	LMH	\$4,750.00
2020	7	472	6521489	Home Ownership Assistance Program	13B	LMH	\$5,300.00
					<b>13B</b>	<b>Matrix Code</b>	<b>\$15,434.00</b>
2019	1	445	6403997	Home Repair	14A	LMH	\$8,000.00
2020	6	471	6412173	Home Repair	14A	LMH	\$105.00
2020	6	471	6423449	Home Repair	14A	LMH	\$6,804.38
2020	6	471	6442222	Home Repair	14A	LMH	\$12,804.82
2020	6	471	6447812	Home Repair	14A	LMH	\$3,506.00
2020	6	471	6462275	Home Repair	14A	LMH	\$2,083.98
2020	6	471	6473068	Home Repair	14A	LMH	\$9,893.00
2020	6	471	6483967	Home Repair	14A	LMH	\$7,268.97
2020	6	471	6501161	Home Repair	14A	LMH	\$5,227.00
2020	6	471	6521489	Home Repair	14A	LMH	\$8,634.00
					<b>14A</b>	<b>Matrix Code</b>	<b>\$64,327.15</b>
2020	6	475	6412173	Home Repair Administration	14H	LMH	\$468.52
2020	6	475	6423449	Home Repair Administration	14H	LMH	\$468.50
2020	6	475	6437185	Home Repair Administration	14H	LMH	\$612.66
2020	6	475	6442222	Home Repair Administration	14H	LMH	\$504.54



Office of Community Planning and Development  
 U.S. Department of Housing and Urban Development  
 Integrated Disbursement and Information System  
 PR26 - CDBG Financial Summary Report  
 Program Year 2020  
 LEAVENWORTH, KS

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Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2020	6	475	6447812	Home Repair Administration	14H	LMH	\$910.05
2020	6	475	6462275	Home Repair Administration	14H	LMH	\$620.45
2020	6	475	6473068	Home Repair Administration	14H	LMH	\$723.00
2020	6	475	6483967	Home Repair Administration	14H	LMH	\$802.93
2020	6	475	6501161	Home Repair Administration	14H	LMH	\$364.96
2020	6	475	6521489	Home Repair Administration	14H	LMH	\$1,209.93
						<b>14H Matrix Code</b>	<b>\$6,685.54</b>
<b>Total</b>							<b>\$266,200.14</b>

**LINE 27 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 27**

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity to prevent, prepare for, and respond to Coronavirus	Activity Name	Grant Number	Fund Type	Matrix Code	National Objective	Drawn Amount
2020	8	463	6442222	No	Alliance Against Family Violence	B20MC200006	EN	05G	LMC	\$1,371.79
2020	8	463	6462275	No	Alliance Against Family Violence	B20MC200006	EN	05G	LMC	\$1,542.40
2020	8	463	6501161	No	Alliance Against Family Violence	B20MC200006	EN	05G	LMC	\$2,730.92
2020	8	463	6521489	No	Alliance Against Family Violence	B20MC200006	EN	05G	LMC	\$2,688.89
									<b>05G Matrix Code</b>	<b>\$8,334.00</b>
2020	8	462	6483967	No	The Guidance Center	B20MC200006	EN	05M	LMC	\$4,289.00
2020	8	465	6473068	No	St Vincent Clinic	B20MC200006	EN	05M	LMC	\$4,837.06
2020	8	465	6501161	No	St Vincent Clinic	B20MC200006	EN	05M	LMC	\$3,017.68
2020	8	465	6521489	No	St Vincent Clinic	B20MC200006	EN	05M	LMC	\$1,699.26
									<b>05M Matrix Code</b>	<b>\$13,843.00</b>
2020	8	464	6423449	No	Leavenworth Interfaith Community of Hope	B20MC200006	EN	05Q	LMC	\$1,195.08
2020	8	464	6437185	No	Leavenworth Interfaith Community of Hope	B20MC200006	EN	05Q	LMC	\$1,199.22
2020	8	464	6442222	No	Leavenworth Interfaith Community of Hope	B20MC200006	EN	05Q	LMC	\$1,137.09
2020	8	464	6447812	No	Leavenworth Interfaith Community of Hope	B20MC200006	EN	05Q	LMC	\$804.07
2020	8	464	6501161	No	Leavenworth Interfaith Community of Hope	B20MC200006	EN	05Q	LMC	\$264.54
2020	8	467	6412173	No	Catholic Charities of Northeast Kansas	B20MC200006	EN	05Q	LMC	\$871.39
2020	8	467	6423449	No	Catholic Charities of Northeast Kansas	B20MC200006	EN	05Q	LMC	\$153.31
2020	8	467	6437185	No	Catholic Charities of Northeast Kansas	B20MC200006	EN	05Q	LMC	\$892.74
2020	8	467	6442222	No	Catholic Charities of Northeast Kansas	B20MC200006	EN	05Q	LMC	\$707.49
2020	8	467	6447812	No	Catholic Charities of Northeast Kansas	B20MC200006	EN	05Q	LMC	\$670.91
2020	8	467	6462275	No	Catholic Charities of Northeast Kansas	B20MC200006	EN	05Q	LMC	\$6,163.99
2020	8	486	6521489	Yes	Leavenworth Interfaith Community of Hope-CV response	B20MC200006	EN	05Q	LMC	\$10,000.00
									<b>05Q Matrix Code</b>	<b>\$24,059.83</b>
2020	8	466	6423449	No	The Leavenworth Mission	B20MC200006	EN	05W	LMC	\$835.67
2020	8	466	6442222	No	The Leavenworth Mission	B20MC200006	EN	05W	LMC	\$1,770.73
2020	8	466	6447812	No	The Leavenworth Mission	B20MC200006	EN	05W	LMC	\$916.06
2020	8	466	6473068	No	The Leavenworth Mission	B20MC200006	EN	05W	LMC	\$1,892.86
2020	8	466	6521489	No	The Leavenworth Mission	B20MC200006	EN	05W	LMC	\$2,094.68
									<b>05W Matrix Code</b>	<b>\$7,510.00</b>
<b>No Activity to prevent, prepare for, and respond to Coronavirus</b>										<b>\$43,746.83</b>
<b>Yes Activity to prevent, prepare for, and respond to Coronavirus</b>										<b>\$10,000.00</b>
<b>Total</b>										<b>\$53,746.83</b>

**LINE 37 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 37**

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2020	5	474	6412173	Administration	21A		\$6,278.33
2020	5	474	6423449	Administration	21A		\$12,471.46
2020	5	474	6437185	Administration	21A		\$4,464.36
2020	5	474	6442222	Administration	21A		\$4,680.14
2020	5	474	6447812	Administration	21A		\$2,831.41
2020	5	474	6462275	Administration	21A		\$6,043.00
2020	5	474	6473068	Administration	21A		\$5,546.61
2020	5	474	6483967	Administration	21A		\$4,456.93
2020	5	474	6501161	Administration	21A		\$4,927.15
2020	5	474	6521489	Administration	21A		\$13,332.10
						<b>21A Matrix Code</b>	<b>\$65,031.49</b>
<b>Total</b>							<b>\$65,031.49</b>

**PURPOSE.**

First Published in the  
Leavenworth Times,  
August 20, 2021.(3t)

**Public Hearing Notice**

The Community Development Advisory Board will hold a public hearing at 4:15 p.m., Monday, September 13, 2021 to hear and receive public testimony for or against the 2020-21 Consolidated Annual Performance and Evaluation Report (CAPER). The hearing will be held in the Commission Chambers, City Hall, 100 N 5th St., Leavenworth, Kansas. Persons wishing to testify for or against the plan may present written or verbal testimony at the hearing. Written testimony for entry into the record, must be received in the Community Development Department, City Hall, 100 N. 5th St., not later than the time and date of the hearing. A copy of the CAPER is available from the Community Development office at the above address and at the reference desk at the Public Library, 417 Spruce St. A copy of the summary will be mailed upon request at 913-680-2628. Published in the Leavenworth Times, August 20, 2021.

AFFP

Public Hearing NoticeThe Commu

### Affidavit of Publication

STATE OF KANSAS }  
COUNTY OF } SS  
LEAVENWORTH }

Public Hearing Notice  
The Community Development Advisory Board will hold a public hearing at 4:15 p.m., Monday, September 13, 2021 to hear and receive public testimony for or against the 2020-21 Consolidated Annual Performance and Evaluation Report (CAPER). The hearing will be held in the Commission Chambers, City Hall, 100 N 5th St., Leavenworth, Kansas. Persons wishing to testify for or against the plan may present written or verbal testimony at the hearing. Written testimony for entry into the record must be received in the Community Development Department, City Hall, 100 N. 5th St., not later than the time and date of the hearing. A copy of the CAPER is available from the Community Development office at the above address and at the reference desk at the Public Library, 417 Spruce St. A copy of the summary will be mailed upon request at 913-680-2628.  
Published in the Leavenworth Times, August 20, 2021.

Tammy Lawson, being duly sworn, says:

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

August 20, 2021

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

SIGNED:

*Tammy Lawson*

Tammy Lawson

Subscribed to and sworn to me this 20 day of Aug 21

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

My commission expires: June 07, 2023

00004722 00040738

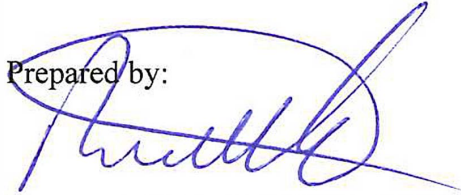
Mary Dwyer  
City of Leavenworth- Community Development  
100 North 5th Street  
Leavenworth, KS 66048





**Policy Report No. 12-2021  
2021 Purchase of Police Radio  
September 28, 2021**

Prepared by:



Patrick R. Kitchens, Police Chief

Approved by:



Paul Kramer, City Manager

**ISSUE:**

The Police Department is requesting authority to purchase replacement hand-held police radios from Motorola Solutions in the amount of \$201,237.

**STAFF RECOMMENDATION:**

Staff recommends approval.

**BACKGROUND:**

The Police Department had planned to submit a request in the 2023 Capital Improvement Budget to replace the hand held radios currently used by Officers. We acquired our current radios in July of 2014 and the standard life cycle of a radio is between 7-9 years depending on wear and tear.

In December of 2020, the Leavenworth Police Department received formal notice from Motorola Solutions “they will no longer accept orders for replacement batteries for FM3610\_88 radios.” That designation is a federal standard for radios that expired in 2012 after which Motorola began phasing out the radios and associated accessories, such as replacement batteries.

The Police Department has the APX 4000 and the APX 6000 that were affected by this issue. We adapted with a plan to purchase after-market batteries and use those until we could replace the radios. A number of other public safety entities had the very same plan and those after-market batteries were getting difficult to find.

A separate but related issue was identified about the radio batteries. The Motorola batteries and after-market batteries were no longer considered “intrinsically safe.” That simply means they might not be safe in a hazardous or a toxic environment.

It was based upon the totality of circumstances and critical nature of communications in public safety that we are moving forward with the request now.

**BUDGET IMPACT:**

The State of Kansas as well as Johnson County, KS conducted separate bidding processes. The quote is done on the Johnson County Contract Discount Rate as it is lower than the State Contract Pricing.

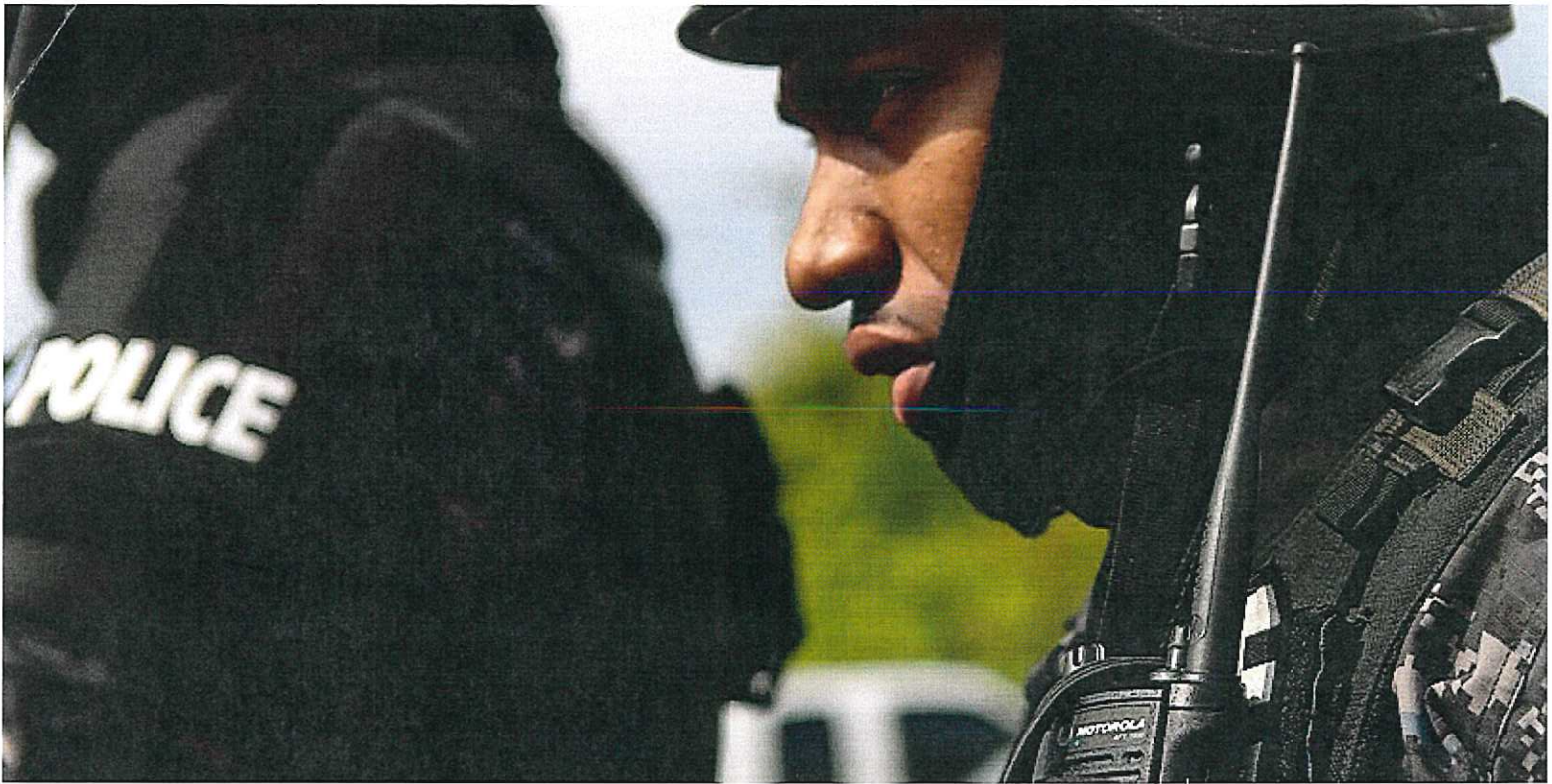
The Police Department will trade-in 50 of our 75 hand-held radios for a credit of \$15,000.

This project would be funded using special project funds.

**COMMISSION ACTION:**

Approve the purchase of replacement hand-held police radios in the amount of \$201,237 from Motorola Solutions.

There is a separate additional expense of \$4,500 for programming the radios by Midwest Mobile Radio Service, Inc. located in St. Joseph, MO that can be approved by the Department Director.



## LEAVENWORTH, CITY OF

27-APX4000 AES 48-APX4000

08/09/2021

Billing Address:  
 LEAVENWORTH, CITY OF  
 100 N FIFTH ST  
 LEAVENWORTH, KS 66048  
 US

Quote Date:08/09/2021  
 Expiration Date:11/07/2021  
 Quote Created By:  
 Paul Stickler  
 Sales Manager  
 pauls@mw-radio.com  
 8167528146

End Customer:  
 LEAVENWORTH, CITY OF  
 Pat Kitchens, Chief  
 pkitchens@firstcity.org  
 913-758-2970

Contract: 21810 - JOHNSON COUNTY  
 (KS)  
 Payment Terms:30 NET

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
	APX™ 4000 Series	APX4000				
1	H51UCF9PW6AN	APX 4000 7/800 MHZ MODEL 2 PORT	27	\$2,120.00	\$1,272.00	\$34,344.00
1a	H499JU	ENH: SUBMERSIBLE (DELTA T)	27	\$250.00	\$250.00	\$6,750.00
1b	QA01833AD	ADD: EXTREME NOISE REDUCTION	27	\$25.00	\$15.00	\$405.00
1c	QA02756AB	ENH: 3600 OR 9600 TRUNKING BAUD SINGLE SYSTEM	27	\$1,570.00	\$942.00	\$25,434.00
1d	Q629AM	ENH: AES ENCRYPTION AND ADP	27	\$475.00	\$285.00	\$7,695.00
1e	H885BK	ADD: 3Y ESSENTIAL SERVICE	27	\$95.00	\$95.00	\$2,565.00
1f	H842BJ	ADD: SINGLE UNIT PACKAGING	27	\$0.00	\$0.00	\$0.00
1g	H869CE	ENH: MULTIKEY	27	\$330.00	\$198.00	\$5,346.00
	APX™ 4000 Series	APX4000				



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.  
 Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 - #: 36-1115800

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
2	H51UCF9PW6AN	APX 4000 7/800 MHZ MODEL 2 PORT	48	\$2,120.00	\$1,272.00	\$61,056.00
2a	H499JU	ENH: SUBMERSIBLE (DELTA T)	48	\$250.00	\$250.00	\$12,000.00
2b	QA01833AD	ADD: EXTREME NOISE REDUCTION	48	\$25.00	\$15.00	\$720.00
2c	Q667BB	ADD: ADP ONLY (NON-P25 CAP COMPLIANT) (US ONLY)	48	\$0.00	\$0.00	\$0.00
2d	QA02756AB	ENH: 3600 OR 9600 TRUNKING BAUD SINGLE SYSTEM	48	\$1,570.00	\$942.00	\$45,216.00
2e	H885BK	ADD: 3Y ESSENTIAL SERVICE	48	\$95.00	\$95.00	\$4,560.00
2f	H842BJ	ADD: SINGLE UNIT PACKAGING	48	\$0.00	\$0.00	\$0.00
3	PMPN4174A	CHGR DESKTOP SINGLE UNIT IMPRES, US/NA	75	\$76.00	\$45.60	\$3,420.00
4	PMMN4099CL	AUDIO ACCESSORY- REMOTE SPEAKER MICROPHONE,IP68 REMOTE SPEAKER MICROPHONE,3.5MM,UL	75	\$132.00	\$79.20	\$5,940.00
5	PMPN4284A	CHARGER DESKTOP MULTI- UNIT IMPRES 2 1 DISPLAY EXT PS 100-240VAC US/NA	2	\$655.00	\$393.00	\$786.00
6	Trade-In	Expiration Date: 09/30/2021	1	-\$15,000.00	-\$15,000.00	-\$15,000.00

**Grand Total** **\$201,237.00(USD)**

### Notes:

- Trade-In allowance includes \$300.00 X 50 Radios =\$15,000.00  
 Aaron Corcoran with Motorola will pick up the trade-in radios once the new radios are in service.



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.  
 Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 - #: 36-1115800

<b>Purchase Order Checklist</b>	
<b>Marked as PO/ Contract/ Notice to Proceed on Company Letterhead</b> <b>(PO will not be processed without this)</b>	
<b>PO Number/ Contract Number</b>	
<b>PO Date</b>	
<b>Vendor = Motorola Solutions, Inc.</b>	
<b>Payment (Billing) Terms/ State Contract Number</b>	
<b>Bill-To Name on PO must be equal to the <i>Legal</i> Bill-To Name</b>	
<b>Bill-To Address</b>	
<b>Ship-To Address (If we are shipping to a MR location, it must be documented on PO)</b>	
<b>Ultimate Address (If the Ship-To address is the MR location then the Ultimate Destination address must be documented on PO )</b>	
<b>PO Amount must be equal to or greater than Order Total</b>	
<b>Non-Editable Format (Word/ Excel templates cannot be accepted)</b>	
<b>Bill To Contact Name &amp; Phone # and EMAIL for customer accounts payable dept</b>	
<b>Ship To Contact Name &amp; Phone #</b>	
<b>Tax Exemption Status</b>	
<b>Signatures (As required)</b>	

**The City of Leavenworth Police Department**  
601 South 3rd Street – Suite 2055  
Leavenworth, Kansas 66048  
(913) 758-2970

August 25, 2021

To: Motorola Solutions, Inc.  
Aaron Corcoran, Account Executive  
C/o Midwest Mobile Radio Service  
812 South 10th Street  
Saint Joseph, MO 64501

Re: Purchase of Motorola radio communications equipment

The City of Leavenworth wishes to use this letter to serve as authorization for Motorola Solutions, Inc. to place an order for the communications equipment specified on the attached quote #1525221 for a purchase price of \$201,237.00. The City of Leavenworth agrees to pay Motorola for the equipment "Net 30 days upon shipment" to:

SHIP TO:

Midwest Mobile Radio Service Inc.  
812 South 10th Street  
St. Joseph, MO 64501  
Attn: Paul Stickler Leavenworth PD

When Motorola invoices the City of Leavenworth, the invoice should reference "Leavenworth Police 75-APX4000" and be sent to Chief Pat Kitchens at the following address:

BILL TO:

The City of Leavenworth  
100 North Fifth Street  
Leavenworth, Kansas 66048  
Attn: Pat Kitchens, Chief of Police  
Phone – 913-758-2970  
Email – [pkitchens@firstcity.org](mailto:pkitchens@firstcity.org)

The equipment sold to City of Leavenworth will ultimately reside at the following address:

ULTIMATE DESTINATION:

The City of Leavenworth – Police Department  
601 South 3rd Street – Suite 2055  
Leavenworth, Kansas 66048

Payments can be authorized solely on this document. I submit that I am a duly authorized official of our entity and that my signature makes this a legal and binding document, and that funding has been encumbered for this order.

If you have any questions regarding this order, please feel free to contact: Pat Kitchens, Police Chief, Phone 913-758-2870 Email [pkitchens@firstcity.org](mailto:pkitchens@firstcity.org)

Sincerely yours,

City of Leavenworth – Police Department

Pat Kitchens  
Police Chief

cc: Paul Stickler, Sales Manager  
Midwest Mobile Radio Service, Inc.  
812 South 10th Street  
Saint Joseph, MO 64501



812 S. 10th St.  
 St. Joseph, MO 64501  
 Phone: (816) 279-2065

**QUOTATION**  
**202000515**

Page 1

**Bill To:**  
 CITY OF LEAVENWORTH POLICE  
 CITY HALL  
 601 S 3rd Street, Suite 2055  
 LEAVENWORTH, KS 66048-1970

**Ship To:**  
 CITY OF LEAVENWORTH POLICE  
 CITY HALL  
 601 S 3rd Street, Suite 2055  
 LEAVENWORTH, KS 66048-1970

**Contact:** Arianne Burgoon  
**Contact #:** 913-680-2504  
**Email:** aburgoon@firstcity.org

**Contact:** Arianne Burgoon  
**Contact #:** 913-680-2504  
**Email:** aburgoon@firstcity.org

*Aligning & Programming 1-APX8000 & 74-APX4000 Radios*

Date: 08/16/2021		Customer #: R1906		Customer Rep: PAS	
Qty	Item	Description	Unit Price	Extended	
75	MO-Programming	Programming Aligning and Programming 75 APX Radios.	60.00	4,500.00	

Terms: DUR 1.5% Finance after 30 Days  
 This quotation is valid for 60 days. Prices are subject to change without notice.  
 The information in this quotation is PROPRIETARY AND CONFIDENTIAL  
 between Midwest Mobile Radio Service Inc. and the customer referenced above.

Subtotal : \$4,500.00  
 Tax : \$0.00  
 Total Quote : \$4,500.00



# LIFECYCLE SUPPORT NOTICE

## FM BATTERIES FOR MULTIPLE TWO-WAY RADIO FAMILIES

### OVERVIEW

As of December 18, 2020, Motorola Solutions will no longer accept orders for replacement batteries for FM3610\_88 radios. The FM3610\_88 standard expired in 2012, after which Motorola Solutions began phasing out production of FM3610\_88 radios and associated accessories, such as replacement batteries.

Due to normal manufacturing component obsolescence pressures, regrettably, we will no longer be able to build and sell FM batteries beyond the eight-year anniversary of the FM3610\_88 expiration. The last date to order Motorola Solutions FM batteries is December 18, 2020, and only delivery terms no later than March 31, 2021 will be accepted.

### TWO-WAY RADIO FAMILIES AFFECTED

Motorola Solutions announces the cancellation of FM batteries for use with FM radio models of the following radio families. See the tables in this notification for availability.

- APX 6000, APX 6000XE, APX 7000, APX 7000XE, SRX 2200, APX 4000, APX 3000
- XTS5000, XTS2500, XTS1500
- MT1500, PR1500
- MOTOTRBO™ XPR 7000, XPR 6000
- PR400, HT750 / 1250 / 1550

APX 6000 / APX 6000XE, APX 7000 / 7000XE, SRX 2200 MODELS		
Cancelled Model	Last Order Date	Last Ship Date
NNTN8092A BATT IMPRES, FM Li Ion, 2,350 mAh T	December 18, 2020	No later than March 31, 2021
NNTN7033A BATT IMPRES, FM Li Ion, 4,300 mAh T	December 18, 2020	No later than March 31, 2021
NNTN7035A ASSY, BTRY IMPRES, FM NIMH 2,200 mAh T	December 18, 2020	No later than March 31, 2021

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APX 4000, APX 3000 MODELS		
NNTN8129AR BATT IMPRES, FM, Li Ion, 2,350 mAh T	December 18, 2020	No later than March 31, 2021

XTS 5000 MODELS		
Cancelled Model	Last Order Date	Last Ship Date
NNTN4437B BATT, 1,800 mAh FM RUGGED NIMH	December 18, 2020	No later than March 31, 2021
NNTN4436B BATT, 1,800 mAh FM NIMH	December 18, 2020	No later than March 31, 2021
NNTN7453B BATT IMPRES, FM Li Ion, 4,500 mAh T	December 18, 2020	No later than March 31, 2021
RNN4007AR BATTERY PACK, PREMIUM BATT NIMH, 3,500 mAh 7.5V IS	December 18, 2020	No later than March 31, 2021

XTS 2500, XTS 1500 MODELS		
NNTN9857C BATT IMPRES, NIMH FM, 2,000 mAh	December 18, 2020	No later than March 31, 2021
NNTN6263C BATT IMPRES, NIMH FM IMMERSIBLE 2,000 mAh	December 18, 2020	No later than March 31, 2021

MT 1500, PR 1500 MODELS		
Cancelled Model	Last Order Date	Last Ship Date

NTN9857C BATT IMPRES, NIMH, FM 2,000 mAh	December 18, 2020	No later than March 31, 2021
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**MOTOTRBO XPR 7000 MODELS**

Cancelled Model	Last Order Date	Last Ship Date
NNTN8129AR BATT IMPRES, FM, Li Ion, 2,350 mAh T	December 18, 2020	No later than March 31, 2021

**MOTOTRBO XPR 6000 MODELS**

PMNN4069A BATT Li Ion, 1,400 mAh FM	December 18, 2020	No later than March 31, 2021
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**PR 400 MODELS**

Cancelled Model	Last Order Date	Last Ship Date
NNTN4852A BATT NIMH, 1,300 mAh FM	December 18, 2020	No later than March 31, 2021

**HT 750 / 1250 / 1550 MODELS**

HNN9010AR BATT NIMH, 1,800 mAh	December 18, 2020	No later than March 31, 2021
HNN4002A IMPRES SMART NIMH FM BATTERY	December 18, 2020	No later than March 31, 2021

**FOR MORE INFORMATION**

If you have questions regarding this notification, please contact your Motorola Solutions Account Representative.

## FREQUENTLY ASKED QUESTIONS



# MOTOTRBO™ HAZLOC CERTIFICATION

### Q: HAZLOC? INTRINSICALLY SAFE? WHAT DO THESE TERMS MEAN?

**A:** The National Electrical Code (NEC) NFPA 70 defines **Hazardous Locations** as areas "where fire or explosion hazards may exist due to flammable gases or vapors, flammable liquids, combustible dust, or ignitable fibers or flyings."

**"Intrinsically Safe"** is an equipment design protection method for Division 1 which encompasses hazards that may be present under normal operating conditions or frequently present during maintenance and repair work.

### Q: DOES THE EXPIRATION OF THE FM3610\_88 STANDARD ONLY AFFECT MOTOROLA?

**A:** The FM3610\_88 expired in 2012 and affects products from all radio manufacturers, which are certified to this standard.

### Q: WHAT'S CHANGING?

**A:** Motorola will be adapting to a new TIA-4950 standard for Hazardous Location certification of two-way radios, which is similar to the FM3610\_88 standard.

Compliance testing will be done by UL (Underwriters Laboratories). Radios will be approved to TIA-4950 standard for use in Division 1, Class I, Groups C, D, Class II, Group E, F, G and Class III hazardous locations. This is the same classification rating as FM3610\_88.

### Q: CAN I CONTINUE TO USE MY FM APPROVED RADIO IN THE FIELD?

**A:** There are no known safety issues with two-way radios certified under the FM3610\_88 standard. FM approved radios that are deployed in the field will maintain their FM Intrinsically Safe approval status, provided that any service and repairs are done at an FM audited repair facility.

### Q: HOW LONG WILL I BE ABLE TO GET FM APPROVED RADIOS FROM MOTOROLA?

**A:** Radios certified to FM3610\_88 will be phased out of production in December 2015.

### Q: WILL MOTOROLA CONTINUE TO OFFER HAZARDOUS LOCATIONS RATED RADIO?

**A:** New UL approved radios and batteries have been available since Q1 2015. Radios are approved to TIA-4950 standard for use in Division 1, Class I, Groups C, D, Class II, Group E, F, G and Class III hazardous locations – the same classification rating as FM3610\_88.

### Q: WILL I BE ABLE TO GET REPLACEMENT BATTERIES AND ACCESSORIES FOR MY OLDER FM APPROVED RADIOS?

**A:** FM approved battery and accessory replacements will continue to be sold.

### Q: CAN I MIX BATTERIES AND RADIOS?

**A:** No. FM and UL approve the radio and battery together as a system. The FM approved battery may only be used on an FM approved radio, and the UL approved battery may only be used on a UL approved radio, otherwise the certification is not valid.

### Q: HOW CAN I IDENTIFY A UL CERTIFIED RADIO?

**A:** The UL approved radios will have a new UL label, but physically they will be the same as the radios available now.

### Q: WHAT DO I NEED TO DO?

**A:** Ensure that your company documentation defines Hazardous Location requirements in terms of Division, Class and Group rather than simply FM Approved or Intrinsically Safe. Knowing the specific Hazardous Locations classification is important in selecting two-way radios that are approved for use in those environments.

Motorola Solutions, Inc. 1301 E. Algonquin Road, Schaumburg, Illinois 60196 U.S.A.

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