



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

**CITY COMMISSION SPECIAL MEETING**  
**COMMISSION CHAMBERS**  
**MONDAY, SEPTEMBER 20, 2021 4:00 P.M.**

Welcome to your City Commission Special Meeting - Please turn off or silence all cell phones during the meeting  
 Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube and Facebook Live

**SPECIAL MEETING:**

**Open Special Meeting:**

**Action: Motion**

1. Public Hearing Revenue Neutral Rate

- a. Open Public Hearing
- b. Staff presentation
- c. Citizen Comments
- d. Close Public Hearing

**Action: Motion**

- e. Approve Resolution B-2293 Supplementing Resolution B-2288 and Approval to Exceed the Revenue Neutral Rate for 2022

**Action: Motion**

**Action: Motion**

2. Public Hearing for 2022 Budget

- a. Open Public Hearing
- b. Staff Presentation
- c. Citizen Comments
- d. Close Public Hearing

**Action: Motion**

- e. Approve Resolution B-2294 Approving the 2022 Housing Budget for Planters II
- f. Approve 2022 Operating Budget

**Action: Motion**

**Action: Motion**

**Action: Motion**

**Adjournment**

**Action: Motion**

**Policy Report**  
**Public Hearing**  
Exceeding of the Revenue Neutral Rate and 2022 budget  
Sept. 20, 2021

Prepared by:



Paul Kramer  
City Manager

**Background:**

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 (SB13) 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 SB14/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.

**Action:**

The City Commission must take action to open two separate public hearings, one to exceed the RNR and then one to approve the 2022 budget.

**RESOLUTION NO. 2293**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, APPROVING A TAX RATE OR MILL LEVY RATE IN EXCESS OF THE REVENUE NEUTRAL RATE FOR THE 2022 BUDGET YEAR, AND SUPPLEMENTING RESOLUTION NO. 2288.**

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

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

**WHEREAS**, having previously approved notifying the County Clerk of its intent to exceed the revenue neutral rate, the City called for a public hearing considering exceeding the revenue neutral rate as required under the Act, which public hearing was held on August 24, 2021, with an opportunity for all interested persons to be heard regarding the matter of exceeding the revenue neutral rate;

**WHEREAS**, in accordance with the provisions of the Act, at such public hearing and after the Governing Body heard from interested taxpayers, the Governing Body voted on and approved this Resolution No. 2288 by majority vote of the Governing Body;

**WHEREAS**, pursuant to the Act, the City also called for a public hearing considering exceeding the revenue neutral rate to be held (and which was held) on September 20, 2021, with an opportunity for all interested persons to be heard regarding the matter of exceeding the revenue neutral rate; and

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

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

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

**Section 2. Ratification of Acts; Supplemental to Resolution No. 2288.** Except as set forth in this Resolution, the Governing Body hereby further ratifies, confirms, and approves all of other previous actions taken by the Governing Body and the City and their officers, agents, and employees, and all of them, for and on behalf of the Governing Body and/or the City, in connection with the Act, this Resolution, and Resolution No. 2288. To the extent permitted by law, this Resolution shall be deemed separate from, but supplemental to, Resolution No. 2288; provided, that if and to the extent Resolution No. 2288 should be deemed invalid or unenforceable, in part or in full, the provisions of this Resolution shall govern and remain in effect and shall not be invalidated. Furthermore, in case any provision of this Resolution shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions

shall not in any way be affected or impaired thereby and such provision shall be ineffective only to the extent of such invalidity, illegality or unenforceability.

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

**ADOPTED** this 20th day of September, 2021, by majority vote of the Governing Body.

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Nancy D. Bauder, Mayor

**ATTEST:**

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Carla K. Williamson CMC, City Clerk

{Seal}

**RESOLUTION NO. B-2294**

**A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF LEAVENWORTH, KANSAS, ACTING IN THEIR CAPACITY AS THE PUBLIC HOUSING AUTHORITY FOR THE CITY, ESTABLISHING THE 2022 HOUSING BUDGET AND SPECIFICALLY THE OPERATING BUDGET FOR PLANTER'S II, LEAVENWORTH, KANSAS.**

**WHEREAS**, the Mayor and the City Commission of the City of Leavenworth, Kansas (the "City") constitute the Public Housing Authority (the "PHA") for the City, and sit as such PHA for the purposes of this Resolution; and

**WHEREAS**, the Mayor and the City Commission of the City, sitting as the PHA, previously passed Resolution No. B-2291.

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

**Section 1.** The 2022 Operating Budget for Planter's II, as presented to the PHA on both September 7, 2021, and September 20, 2021, is hereby adopted.

**Section 2.** The proposed expenditures set forth in the 2022 Operating Budget are necessary in the efficient and economical operation of the PHA for the purpose of serving low-income families.

**Section 3.** The financial plan set forth in the 2022 Operating Budget is reasonable in that: it indicates a source of funding to cover all proposed expenditures and it does not provide for use of federal funds in excess of that payable under the provisions of 24 CFR 890, Subpart A.

**Section 4.** All proposed rental charges and expenditures will be consistent with the provisions of law and the annual contributions contract.

**Section 5.** Pursuant to Section 960.209 of the final rule effective May 21, 1984, the PHA is re-examining the incomes of all families living in the project at least once a year.

**Section 6.** No PHA employee reflected in the proposed 2022 Operating Budget is serving in a variety of positions which will exceed a 100% allocation of his/her time.

**Section 7.** This Resolution also adopts the budget of expenditures and revenue earnings from administrative fees associated with Section 8 - existing housing assistance payments made on behalf of participant - tenants in the certificate, voucher and HOME tenant based assistance programs.

**Section 8.** To the extent the PHA 2022 Operating Budget is or must be included within or as part of the annual budget of the City (as adopted by the Governing Body of the City, sitting as such), then the PHA 2022 Operating Budget shall be subject to approval by such Governing Body of its annual budget.

**Section 9.** Except as set forth in this Resolution, the PHA hereby further ratifies, confirms, and approves all of other previous actions taken by the PHA and its officers, agents, and employees, and all of them, for and on behalf of the PHA, in connection with this Resolution and Resolution No. B-2291. To the extent permitted by law, this Resolution shall be deemed separate from, but supplemental to, Resolution No. B-2291; provided, that if and to the extent Resolution No. B-2291 should be deemed invalid or unenforceable, in part or in full, the provisions of this Resolution shall govern and remain in effect and shall not be invalidated. Furthermore, in case any provision of this Resolution shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and such provision shall be ineffective only to the extent of such invalidity, illegality or unenforceability.

**Section 10.** This Resolution shall be effective upon its adoption by the PHA; provided, that, and subject to Section 8 of this Resolution, the 2022 Operating Budget for Planter's II approved hereby shall be effective January 1, 2022.

**PASSED and ADOPTED** this 20th day of September, 2021.

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Nancy D. Bauder, Mayor

{SEAL}

ATTEST:

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Carla K. Williamson, City Clerk, CMC