



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, JULY 11, 2023 6:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 6 p.m. and midnight and available for viewing on YouTube

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

1. Minutes from June 27, 2023 Regular Meeting **Action:** Motion (pg. 02)
-

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.*

Public Hearing:

2. Public Hearing for Unsafe Fire Damaged Structure 805 N 18th Street (pg. 06)
a. Open Public Hearing **Action:** Motion
b. Review of Property by Staff and Public Comments
c. Close Public Hearing **Action:** Motion
d. Consider Resolution B-2339 Directing Structure to be Repaired or Removed **Action:** Motion

General Items:

3. 2024 Budget Update **Action:** None (pg. 11)
4. Update for Unsafe & Dangerous Fire Damaged Structure 1015 Ottawa Street **Action:** Motion (pg. 12)
5. 2023 Edward Byrne Memorial Justice Assistance Grant Application **Action:** Motion (pg. 14)

Resolutions:

6. Resolution B-2340 Resolution Providing for a Notice of Public Hearing Exceeding Revenue Neutral Rate **Action:** Motion (pg. 22)
-

Consent Agenda:

Claims for June 24, 2023 through July 7, 2023, in the amount of \$1,490,527.11; Net amount for payroll #13 effective June 30, 2023, in the amount of \$397,903.38 (No Police & Fire Pension). **Action:** Motion

Reports:

Discussion Items:

Other:

Adjournment **Action:** Motion



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Jermaine Wilson, Mayor Pro-Tem Griff Martin and Commissioners Nancy Bauder, Edd Hingula and Camalla Leonhard (via telephone call-in).

Staff members present: City Manager Paul Kramer, Deputy Parks & Recreation Director Brian Bailey, Police Chief Patrick Kitchens, Planning & Community Development Director Julie Hurley, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

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

PRESENTATIONS AND PROCLAMATIONS:

Parks & Recreation Month – Mayor Wilson read the proclamation recognizing the month of July as Parks & Recreation Month. The proclamation was accepted by Deputy Parks & Recreation Director Brian Bailey.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Hingula moved to accept the minutes from the June 13, 2023 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Second Consideration Ordinances:

Second Consideration Ordinance No. 8219 Amending Code of Ordinances, Chapter 30 Offenses, Article I, Section 30-8 Illegal Camping – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the June 13, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8219 was unanimously approved.

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

Kelly Garner 301 Pine Street:

- Noted that six people have died from fentanyl in Leavenworth since January
- It is important for police and first responders to carry Narcan
- Would like Leavenworth Police Department Officers to carry Narcan
- Carrying Narcan could save our children's lives

General Items:

Mayor's Appointment

Mayor Wilson moved to appoint to the Convention & Tourism Committee Brendan Sheehan to an unexpired term ending January 31, 2024. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0

Bids, Contracts and Agreements:

Consider Award of Bid for Demolitions of Unsafe and Dangerous Structures – Planning & Community Development Director Julie Hurley presented for approval the expenditure of \$36,593 for the demolition of 3 structures that were identified as unsafe and dangerous, and authorized to be demolished by Resolution B-2331. Bids were opened on June 20, 2023. Funds for the demolition of the properties are allocated in the Community Development Block Grant budget. No general funds will be utilized.

Commissioner Bauder:

- Asked when would the properties come down

Ms. Hurley:

- They have 30 days to take down the properties after signing the contract

Commissioner Bauder moved to accept the demolition of 3 properties from Denton Excavating, in an amount not to exceed \$36,593.00. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consider Animal Control Services Agreement between the City of Leavenworth and the City of Tonganoxie – Police Chief Patrick Kitchens presented for approval an agreement between the City of Leavenworth and the City of Tonganoxie for Animal Control Services. In May of 2023, Tonganoxie Police Chief Lawson requested consideration for expanding the current agreement for services. The current agreement simply allows for Tonganoxie Police Department to drop off an animal at the Leavenworth Animal Control facility, if space is available for agreed upon fees. The proposed new agreement would allow a Leavenworth Animal Control Officer to respond to the City of Tonganoxie and take possession of animals and return them to Leavenworth Animal Control facility. Leavenworth Animal Control staff would house, feed, water, and generally care for the animal until resolution. Staff is comfortable that they can absorb these animals, however, a 6-month trial period was built into the agreement. The City of Leavenworth would receive \$1,100 per month for the duration of the agreement and would also receive additional monies for any fees and fines associated with animals brought in by Tonganoxie Police Department. Additionally, the City has the ability to opt-out of the contract if it becomes an undue burden or takes away from staff's ability to provide services to the citizens of Leavenworth. The City of Tonganoxie City Commission approved the agreement on June 19, 2023.

Commissioner Bauder:

- Asked if there is a maximum amount of animals to intake to avoid overcrowding

Chief Kitchens:

- Advised there is a 120 day trial period and the City can opt-out of the agreement
- The City has options if the Animal Control facility is at capacity

- Objective is to serve citizens of Leavenworth first

Commissioner Martin:

- Confirmed with Chief Kitchens that he is comfortable handling the capacity from Tonganoxie

Commissioner Hingula moved to approve and authorize the City of Leavenworth to enter into an Animal Control Services Agreement with the City of Tonganoxie. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Consent Agenda:

Commissioner Leonhard moved to approve claims for June 10, 2023 through June 23, 2023, in the amount of \$1,567,646.65; Net amount for Payroll #12 effective June 16, 2023 in the amount of \$399,965.76 (Includes Police and Fire Pension in the amount of \$10,383.15). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 5-0.

Other:

City Manager Paul Kramer:

- Discussed the Recycling Center; it will reopen on July 6
- Refuse service has been delayed a bit due to staffing shortages; but all refuse will be collected
- July 10th is the week trash carts will start to be delivered, about 9000 carts will be delivered
- Trash rules will not change until all trash carts have been delivered
- Audit presentation will be in July
- Attended the change of command ceremony at Ft. Leavenworth; welcome to Col. Mosier
- Thanked Col. Misenheimer for his leadership and support of the community

Commissioner Hingula:

- Stated Fireworks are illegal in the City of Leavenworth
- There is a display on Ft. Leavenworth and Lansing also has a fireworks show

Commissioner Martin:

- Stated the City of Leavenworth is not involved, nor has endorsed a drag story hour that is taking place in town
- Mentioned the movie that is being shown at the dive-in movie and whether it is appropriate for families, and asked the Commissioners for their thoughts

Commissioners discussed the dive-in movie topic, no action was taken.

Mayor Wilson:

- God bless and happy 4th of July

Executive Session – Preliminary Discussion of Acquisition of Real Property – Mayor Wilson moved to recess into executive session for a period of 20 minutes for the purpose of discussing the acquisition of real property pursuant to the preliminary discussion of the acquisition of real property exception per K.S.A. 75-4319 (b) (6). The City Commission, City Manager, and City Attorney will be present. The open meeting will

resume in the City Commission Chambers at 6:52 p.m. Commissioner Martin seconded the motion and the motion as unanimously approved. Mayor Wilson declared the motion carried 5-0.

The Leavenworth City Commission returned to open session at 6:52 p.m.

Adjournment:

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

Time Meeting Adjourned 6:52 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

POLICY REPORT PWD NO. 23-31

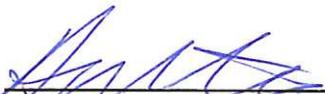
PUBLIC HEARING FOR UNSAFE STRUCTURE
805 N. 18th STREET

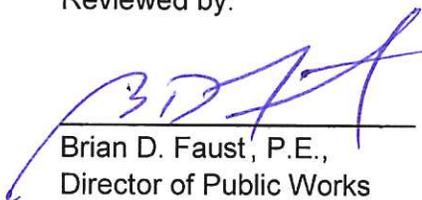
July 11, 2023

Prepared by:

Reviewed by:

Reviewed by:


Harold D. Burdette,
Chief Building Inspector


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


Paul Kramer,
City Manager

ISSUE:

Conduct a Public Hearing regarding the unsafe or dangerous structure located at 805 N. 18th Street.

BACKGROUND:

On May 23, 2023, the City Commission was presented a resolution regarding setting a date for a public hearing related to the structure located at 805 N. 18th Street that was damaged by fire. The Commission approved Resolution No. B-2337, setting July 11, 2023 as the date for a public hearing for the purposes of Chapter 20, Article V, of the City Code of Ordinances.

The structure was damaged by fire on January 21, 2023. City staff has been contacted by a representative of SERVPRO of Leavenworth and NW Wyandotte County, and he has stated that they will be overseeing the restoration of the structure. They are still working to finalize the scope of the repair work required, and have not applied for a building permit yet.

When structures are damaged by fire and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used to either remove the structure if the owner decides not to repair it, or return the property to the owner once repairs have progressed to a reasonable point, which is when the exterior has been repaired and the interior is ready for wall finishes to be installed.

The City has received proceeds from the insurance company for this property for \$33,939.63. The money will be returned to the property owner once repairs have progressed to a reasonable point or are completed and the structure is ready for occupancy.

NOTIFICATION PROCEDURES:

On May 26, 2023, a copy of said resolution was mailed by certified, restricted delivery mail to the owner and all lienholders. The City Clerk published the resolution on the dates stated in the resolution.

RECOMMENDATION:

Staff recommends that the owner/contractor be given 90 days to complete the repairs to the point that the exterior repairs are completed and the interior has been inspected and approved so that the interior finish work can proceed. If the repairs are not completed at that time, then additional

time may be given, and the money can be returned later once the repairs have been completed to a point in the repair process that there is no need to consider demolition.

COMMISSION ACTION:

The Commission is asked to approve Resolution No. B-2339 giving the owners 90 days to complete the repairs, or another amount of time decided by the Commission.

ATTACHMENT:

Resolution No. B-2339

Photo of the structure

(To Be Published in the Leavenworth Times on July 14, 2023)

RESOLUTION NO. B-2339

A FINDING THAT A CERTAIN FIRE DAMAGED STRUCTURE LOCATED AT 805 N 18th STREET AND HEREIN DESCRIBED IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the City Inspector of the City of Leavenworth, Kansas, did on the 18th day of April 2023 file with the Governing Body a statement in writing that a fire damaged structure hereinafter described as “A single-family structure located at **805 N 18th Street**. The property is legally described as: BLOCK 1, Lot 2, Quail Creek Subdivision is unsafe and dangerous; and

WHEREAS, the Governing Body did adopt Resolution No. B-2337 fixing the time and place of a hearing at which the owner, their agents, any lienholders of record, and occupants of such structures could appear and show cause why such structure should not be condemned and ordered repaired or demolished and providing for giving notice thereof as provided by law; and

WHEREAS, Resolution No. B-2337 was published in the official City newspaper on May 26, 2023 and June 2, 2023, and a copy of said Resolution was mailed and served on the owner, agents and/or lienholder of record of such structure as provided by law; and

WHEREAS, on July 11, 2023 the Governing Body heard all evidence submitted by the Chief Building Inspector of the City and heard any evidence submitted by the owner, agents, or lienholders of records.

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

Section 1. That the Governing Body hereby finds that the fire damaged property described above is an unsafe and dangerous structure. The owner of the structure is hereby directed to commence repair or removal of such structure on or before that date listed in Section 2, and if such owner fails to commence such repair or removal within the time stated or fails to diligently prosecute the same until the work is complete, said Governing Body shall cause the structure to be razed and removed and the cost of such razing and removing, less salvage, if any, will be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

Section 2. The property is hereby given 90-days for repair or removal at which time the City Commission will review at the next scheduled meeting.

Section 3. Be it further resolved that the City Clerk and/or Chief Building Inspector shall cause this Resolution to be published once in the official City newspaper and a copy mailed to the owner, agents, and/or lienholder of record, and occupants or served personally as provided by law.

PASSED AND ADOPTED by the City Commission of the City of Leavenworth, Kansas
on this 11th day of July 2023.

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC City Clerk



POLICY REPORT
2024 Budget Update
July 11, 2023

Prepared By:

Paul Kramer

Paul Kramer
City Manager

ISSUE:

Receive update on 2024 Budget development as a follow up to the June 30 budget meeting.

POLICY REPORT PWD NO. 23-30

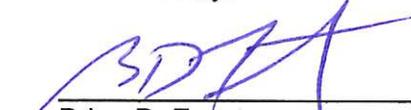
UPDATE FOR UNSAFE STRUCTURE
1015 OTTAWA STREET

July 11, 2023

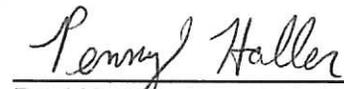
Prepared by:


Harold D. Burdette,
Chief Building Inspector

Reviewed by:


Brian D. Faust
Director of Public Works

Reviewed by:


Paul Kramer,
City Manager

ISSUE:

Consider the status of the fire-damaged structure located at 1015 Ottawa Street.

BACKGROUND:

This structure was damaged by fire on November 10, 2022. The City received a check from the insurance company for \$34,500. A Public Hearing was held on May 9, 2023, regarding the status of the structure. The Commission adopted Resolution No. B-2334, which stated that the owner was given 30 days for repair or removal of the structure. The City Commission gave the owner additional time to resolve the issue at the meeting on June 13, 2023.

The structure has been demolished and Planning & Zoning staff are satisfied that the requirements of the demolition permit have been completed.

When structures are damaged by fire and other hazards and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used to either remove the structure if the owner decides not to repair it, or return the money to the property owner once repairs have progressed to a reasonable point or are completed and the structure is ready for occupancy. In this situation, the owner paid for the demolition, so all of the money shall be returned to the property owner once the City Commission directs staff to do so.

RECOMMENDATION:

Staff recommends that the City Commission direct staff to return the insurance money to the property owner.

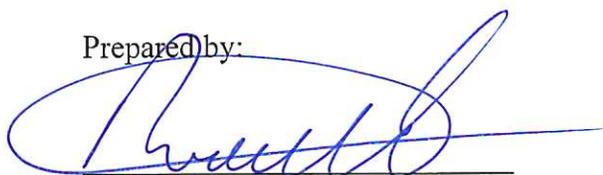
ATTACHMENT:

Photo of the property



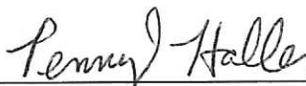
Policy Report No. 07-2023
2023 Edward Byrne Memorial Justice Assistance Grant Application
July 11, 2023

Prepared by:



Patrick R. Kitchens, Police Chief

Approved by:



Penny Holler, Assistant City
Manager

ISSUE:

The Police Department is requesting authority to apply for the 2023 Edward Byrne Memorial Justice Assistance Grant in the amount of \$31,506.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

On June 30, 2023, the U.S. Department of Justice released the annual Edward Byrne Memorial Justice Assistance Grant local solicitation and identified the City of Leavenworth, Kansas as eligible for \$31,506. This is an annual grant made available to law enforcement agencies in the United States and we have experienced great success with these funds. Typically, we have used these funds to purchase police equipment.

This grant application requires the City of Leavenworth to share this allocation with Leavenworth County as they are categorized in the disparate grouping. The allocation is based upon a formula, which provides the City of Leavenworth will receive \$18,900 and Leavenworth County will receive \$12,606. The City of Leavenworth must apply for this grant on behalf of both entities.

The Leavenworth County Sheriff's Office intends to use the funds to purchase law enforcement equipment.

BUDGET IMPACT:

No City of Leavenworth funds are necessary for this grant application.

COMMISSION ACTION:

Authorize the Police Department to apply for the 2023 Edward Byrne Memorial Justice Assistance Grant in the amount \$31,506 of which \$12,606 will be given to Leavenworth County Sheriff's Office. This action requires the City Manager and City Attorney to sign an Inter-local agreement with Leavenworth County.

Further, it requires the Mayor to sign an additional document entitled "Certifications and Assurances by the Chief Executive of the Applicant Government."

2023 Kansas Local JAG Allocations

Listed below are all jurisdictions in the state that are eligible for FY 2023 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: <https://bjs.ojp.gov/library/publications/justice-assistance-grant-jag-program-2021> and current JAG Frequently Asked Questions here: <https://bja.ojp.gov/program/jag/frequently-asked-questions>.

Finding your jurisdiction:

- (1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.
- (2) Direct allocations are listed alphabetically below the shaded, disparate groupings.
- (3) Counties that have an asterisk (*) under the "Direct Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: <https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
KS	CRAWFORD COUNTY	County	*	
KS	PITTSBURG CITY	Municipal	\$12,867	\$12,867
KS	DOUGLAS COUNTY	County	*	
KS	LAWRENCE CITY	Municipal	\$39,791	\$39,791
KS	FINNEY COUNTY	County	*	
KS	GARDEN CITY CITY	Municipal	\$14,395	\$14,395
KS	FORD COUNTY	County	*	
KS	DODGE CITY CITY	Municipal	\$13,071	\$13,071
KS	GEARY COUNTY	County	*	
KS	JUNCTION CITY CITY	Municipal	\$20,472	\$20,472
KS	HARVEY COUNTY	County	*	
KS	NEWTON CITY	Municipal	\$10,661	\$10,661
KS	JOHNSON COUNTY	County	*	
KS	LENEXA CITY	Municipal	\$10,389	
KS	OLATHE CITY	Municipal	\$33,815	
KS	SHAWNEE CITY	Municipal	\$17,756	
KS	OVERLAND PARK CITY	Municipal	\$42,812	\$104,772
KS	LEAVENWORTH COUNTY	County	*	
KS	LEAVENWORTH CITY	Municipal	\$31,506	\$31,506
KS	RENO COUNTY	County	*	
KS	HUTCHINSON CITY	Municipal	\$15,685	\$15,685
KS	SALINE COUNTY	County	*	
KS	SALINA CITY	Municipal	\$24,411	\$24,411
KS	SEDGWICK COUNTY	County	\$12,392	
KS	WICHITA CITY	Municipal	\$484,716	\$497,108
KS	SHAWNEE COUNTY	County	*	
KS	TOPEKA CITY	Municipal	\$92,889	\$92,889
KS	RILEY COUNTY	County	\$24,411	

2023 Kansas Local JAG Allocations

Listed below are all jurisdictions in the state that are eligible for FY 2023 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the JAG Technical report here: <https://bjs.ojp.gov/library/publications/justice-assistance-grant-jag-program-2021> and current JAG Frequently Asked Questions here: <https://bja.ojp.gov/program/jag/frequently-asked-questions>.

Finding your jurisdiction:

- (1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.
- (2) Direct allocations are listed alphabetically below the shaded, disparate groupings.
- (3) Counties that have an asterisk (*) under the "Direct Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: <https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
KS	WYANDOTTE COUNTY AND KANSAS CITY UNIFIED GOVERNMENT	Municipal	\$103,380	
	Local total		\$1,005,419	

Patrick Kitchens

From: Dedeke, Andrew <adedeke@lvsheriff.org>
Sent: Wednesday, July 5, 2023 8:51 AM
To: Patrick Kitchens
Subject: RE: Now Available: BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation

Thank you.

From: Patrick Kitchens <pkitchens@firstcity.org>
Sent: Wednesday, July 5, 2023 8:20 AM
To: Dedeke, Andrew <adedeke@lvsheriff.org>
Cc: Dan Nicodemus <dnicodemus@firstcity.org>
Subject: FW: Now Available: BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

The Byrne Grant announcement came out and the total is \$31,506. Our usual 60/40 split would be:

PD - \$18,900.00
SO - \$12,606

I will go to our City Commission on July 11, 2023 for approval.

Pat

From: Justice, BJA <ojp@public.govdelivery.com>
Sent: Friday, June 30, 2023 2:00 PM
To: Patrick Kitchens <pkitchens@firstcity.org>
Subject: Now Available: BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation

The Bureau of Justice Assistance (BJA) is pleased to announce that the [Fiscal Year \(FY\) 23 Edward Byrne Memorial Justice Assistance \(JAG\) Grant Program - Local Solicitation](#), Grants.gov Opportunity Number [O-BJA-2023-171790](#), is now available. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, crime victim and witness initiatives, mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams, and implementation of state crisis intervention court proceedings and related programs or initiatives including, but not limited to, mental health courts, drug courts, veterans courts, and extreme risk protection order programs. See the [JAG Program Fact Sheet](#) for additional information.

Eligibility: Eligible applicants are limited to units of local government appearing on the [FY 23 Local JAG Allocations list*](#). By law, for purposes of the JAG Program, the term “units of local government” includes a town, township, village, parish, city, county, borough, or other general-purpose political subdivision of a state; or it may be a federally recognized American Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government also may be any law enforcement district or judicial enforcement district established

under applicable state law with authority to independently establish a budget and impose taxes; for example, in Louisiana, a unit of local government means a district attorney or parish sheriff. More information, including [JAG Frequently Asked Questions \(FAQs\)](#) can be found on the [BJA JAG web page](#).

*Units of local government that do not appear on the FY 23 Local JAG Allocations list can contact their [State Administering Agency](#) to determine if pass-through funding is available from State JAG funding.

Deadlines: The [Grants.gov](#) deadline to apply for funding under is 8:59 p.m. eastern time on **August 24, 2023**, and the [JustGrants](#) deadline to apply is 8:59 p.m. eastern time on **August 31, 2023**. Note: Applications must be submitted by the stated deadline, regardless of whether the [Certifications and Assurances by Chief Executive \(CE\) of Applicant Government](#) has been completed and attached. BJA will add to the grant award package a withholding of funds award condition to address any missing or incomplete CE certification post-award.

Solicitation Webinar: BJA will host a solicitation webinar on Wednesday, July 19, 2023, from 1:00 p.m. – 2:30 p.m. eastern time and the registration link is: <https://ojpmeetings.webex.com/webink/register/rb371b20265d4b9b9e67c624314b115c0>. The webinar will be limited to 1000 participants; however, the webinar will be recorded and posted on the [BJA website](#) and [JAG web page](#). To learn more about the application submission process, visit [JustGrants Training: Application Submission](#).

Application Submission Information: Before submitting an application, all applicants must register with the System for Award Management (SAM). You must renew and validate your registration every 12 months. If you do not renew your SAM registration, it will expire. An expired registration can delay or prevent application submission in Grants.gov and JustGrants. Registration and renewal can take up to 10 business days to complete. Note: To be eligible to receive funding, applications must be submitted by an entity with a Unique Entity Identifier (UEI) and active SAM registration associated with the unit of local government that is eligible to apply to receive an award. See the Eligibility section of the solicitation for more information. Eligibility examples can be found in the [JAG FAQs](#).

Submission: Applications must be submitted to DOJ electronically through a two-step process via Grants.gov and JustGrants.

Step 1: The applicant must submit by the Grants.gov deadline the required Application for Federal Assistance standard form (SF-424) and a **Disclosure of Lobbying Activities (SF-LLL)** form when they register in Grants.gov at <https://www.grants.gov/web/grants/register.html>. **Submit the SF-424 and SF-LLL as early as possible, but no later than 48 hours before the Grants.gov deadline.** If an applicant fails to submit in Grants.gov, they will be unable to apply in JustGrants.

Note: There are two distinct categories under the FY 23 local JAG Program: **Category 1 - Applicants with eligible allocation amounts of less than \$25,000 (Competition ID #C-BJA-2023-00104-PROD and Category 2 – Applicants with eligible allocation amounts of \$25,000 or more (Competition ID #C-BJA-2023-00105-PROD)**. If your unit of local government is eligible for an award amount of less than \$25,000, please ensure an application is submitted under Category 1 (less than \$25,000). If your unit of local government is eligible for an award of \$25,000 or more, please ensure an application is submitted under Category 2 (\$25,000 and above).

Step 2: The applicant must submit the **full application**, including attachments, in JustGrants at JustGrants.usdoj.gov by the JustGrants application deadline.

OJP encourages applicants to review, the “How to Apply” section in the [OJP Grant Application Resource Guide](#) and the [JustGrants website](#) for more information, resources, and training. Applicants should maintain all receipts and confirmations received from SAM.gov, Grants.gov, JustGrants systems.

Critical Elements:

- **Budget narrative and budget worksheet (attachment):** Applicants will be unable to successfully apply in JustGrants unless an attachment is uploaded in the budget narrative and budget worksheet section. If an applicant does not have a budget to submit at the time of application, an attachment must be uploaded noting as such, and BJA will add the appropriate special condition withholding funds for budget documentation.
- **Financial Management and System of Internal Controls Questionnaire (FCQ) (including applicant disclosure of high-risk status):** Applicants will be unable to successfully apply unless the FCQ is included with the application. The applicant will download the questionnaire, complete it, and submit it by uploading it as an attachment in JustGrants. See the [OJP Grant Application Resource Guide](#) for additional information and the link to the questionnaire.
- **Proposal Abstract Requirement:** A brief Proposal Abstract (no more than 100 words), which concisely describes the intended use of JAG funds, must be completed in the JustGrants web-based form. This abstract should be in paragraph form without bullets or tables, written in the third person, and exclude personally identifiable information. Abstracts will be made publicly available on the OJP and USASpending.gov websites if the project is awarded. Examples of brief Proposal Abstracts are included within the [FY 23 Edward Byrne Memorial Justice Assistance \(JAG\) Grant Program - Local Solicitation](#).

FY 23 Areas of Emphasis:

- Advancing Justice System Reform Efforts
- Advancing Racial Equity and Support for Underserved Communities
- Preventing and Combating Hate Crimes
- Crime and Violence Reduction Strategies
- Community Based Violence Intervention (CVI) Approaches

NEW Prohibited and Controlled Equipment Requirements: Consistent with [Executive Order 14074 \(Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety, May 25, 2022\)](#), award condition “Compliance with restrictions on the use of federal funds: Prohibited and Controlled Equipment under OJP awards” provides lists of items that are prohibited under all OJP awards, and items that are “controlled” under all OJP awards. Separately, the JAG statute, at [34 U.S.C. § 10152](#), prohibits the use of JAG funds for certain items, and prohibits the use of JAG funds for other items unless BJA grants a waiver. The [JAG Prohibited and Controlled Equipment Guidance for Awards Made During or After \(federal\) Fiscal Year 2023](#) provides lists, details, definitions, and procedures for prohibited and controlled expenditures and equipment under the BJA JAG Program for awards made during or after FY 2023, consistent with both [Executive Order 14074](#) and [34 U.S.C. § 10152](#). **Note: the use of BJA grant funds for unmanned aircraft systems (UAS), including unmanned aircraft vehicles (UAV), and all accompanying accessories to support UAS or UAV remains unallowable.**

Contact Information:

- **Grants.gov:** For technical assistance with submitting the SF-424 and SF-LLL in Grants.gov, contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035 or email at support@grants.gov.
- **JustGrants:** For technical assistance with submitting the full application in DOJ's Justice Grants System (JustGrants), contact the JustGrants Service Desk at JustGrants.Support@usdoj.gov or 833- 872-5175.
- **OJP Response Center:** For assistance with any other requirements of this solicitation, contact the OJP Response Center by telephone at 800-851-3420 or TTY: 301-240-6310 (hearing impaired only) or by email at grants@ncjrs.gov.
- **BJA Grant Managers:** You may also contact the BJA Grant Manager assigned to your jurisdiction.

*****This is an unmonitored email account, please do not respond directly. Also, please note that this email is being sent to a large group of potential Local JAG applicants and DOES NOT necessarily confirm your jurisdiction's eligibility under the FY 2023 Local JAG Program.*****

This email was sent to pkitchens@firstcity.org using GovDelivery Communications Cloud on behalf of: Department of Justice · Washington, DC

***** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.**

*****The message and documents transmitted with this e-mail contain confidential or privileged information belonging to the sender and it is intended only for the individual or entity to whom it is addressed. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents. If you receive this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message and any attachments.*****

***** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.**

Policy Report

Finance No. 23-04

**Resolution Providing for a Notice of Public Hearing
Exceeding Revenue Neutral Rate**

July 11, 2023

Prepared by:



Roberta Beier
Finance Director

Approved by:



Penny Holler
Assistant City Manager

Issue:

The City of Leavenworth intends to exceed the revenue neutral rate for the 2024 budget year. As required by state statute referenced in the attached resolution, the City must hold a public hearing related to this issue.

The attached resolution comprises all of the elements required by K.S.A. 79-2988 (b) in regards to public hearing requirements. The public hearing date is scheduled for August 22, 2023, for the consideration of exceeding the revenue neutral rate.

Attachments:

Resolution No. B-2340

RESOLUTION NO. B-2340

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, OF THE CITY'S INTENT TO EXCEED ITS "REVENUE NEUTRAL RATE", ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING.

WHEREAS, pursuant to K.S.A. 79-2988 (the "Act"), the Clerk of Leavenworth County, Kansas, has calculated and notified the City of Leavenworth, Kansas (the "City") that, for the City's 2024 budget year, the City's "revenue neutral rate" (as such term is defined by the Act) is 26.978 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; and

WHEREAS, it is the intent of the Governing Body to exceed the revenue neutral rate, and the City desires to call and conduct a public hearing under the provisions of the Act and to provide notice of the City's proposed tax rate.

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

Section 1. Intent to Exceed Revenue Neutral Rate; Proposed Tax Rate. Pursuant to K.S.A. 79-2988(b), the City, by and through its Governing Body, hereby declares its intent to exceed the revenue neutral rate. The City's proposed tax/mill levy rate for the 2024 budget year is 27.397.

Section 2. Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body to consider exceeding the revenue neutral rate on August 22, 2023, at Leavenworth City Hall, 100 N. 5th Street, Leavenworth, Kansas, 66048, the public hearing to commence at 6:00 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing, the Governing Body shall provide interested taxpayers desiring to be heard an opportunity to present oral testimony within reasonable time limits and without unreasonable restriction on the number of individuals allowed to make public comment.

Section 3. Notice of Public Hearing—County. The City Clerk is hereby authorized and directed to notify the Leavenworth County Clerk, on or before July 20, 2023, of the City's proposed intent to exceed the revenue neutral rate and to provide the date, time, and location of the public hearing. The Leavenworth County Clerk shall transmit such notice in accordance with the procedures set forth in the Act.

Section 4. Notice of Public Hearing—City. The City Clerk is further hereby authorized and directed to publish notice of the City's proposed intent to exceed the revenue neutral rate by publishing notice at least ten (10) days in advance of the public hearing:

(A) on the website of the City; and

(B) in a weekly or daily newspaper of Leavenworth County, Kansas, having a general circulation therein.

Such notice published by the City Clerk shall include, but not be limited to, the City's proposed tax rate (as set forth in this Resolution), its revenue neutral rate, and the date, time, and location of the

public hearing.

Section 5. Further Action. The Mayor, City Manager, Finance Director, City Clerk and other officials and employees of the City, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

Section 6. Effective Date. This resolution shall be effective upon its adoption by the Governing Body of the City of Leavenworth, Kansas.

ADOPTED this 11th day of July, 2023.

Jermaine Wilson, Mayor

ATTEST:

Sarah Bodensteiner, CMC, City Clerk