



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

Call to Order – Pledge of Allegiance Followed by Silent Meditation

PRESENTATIONS:

1. Proclamation-Constitution Week September 17-23, 2019 (pg. 2)
2. Mayor's Award

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

3. Minutes from August 27, 2019 Regular Meeting **Action:** Motion (pg. 3)

NEW BUSINESS:

Citizen Participation: (*i.e. Items not listed on the agenda or receipt of petitions- Please state your name and address*)

General Items

4. Review 400 N 5th Street- Properties on Demolition List **Action:** Motion (pg. 10)
5. Camp Leavenworth Festival Update (pg. 14)

Resolutions:

6. Resolution B-2232 Set Public Hearing – North Gateway Redevelopment District Project Area 3
Action: Motion (pg. 15)
7. Resolution B-2233 Set Public Hearing – Creation of a Community Improvement District (CID) North Gateway Redevelopment District Project Area 3
Action: Motion (pg. 45)

Bids, Contracts and Agreements:

8. Consider Award of the 2019/2020 Salt Bid **Action:** Motion (pg. 63)

Consent Agenda:

Claims for August 24, 2019 through September 6, 2019, in the amount of \$1,545,737.42; Net amount for Payroll #18 effective August 30, 2019, in the amount of \$346,331.38; (No Police & Fire Pension). **Action:** Motion

Other:

Adjourn

Action: Motion

City of Leavenworth, Kansas



Proclamation

WHEREAS, September 17, 2019 marks the two hundred thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document, its memorable anniversary, and the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17-23 as Constitution Week.

NOW, THEREFORE, I *Jermaine Wilson, Mayor of the City of Leavenworth, Kansas* hereby proclaim September 17-23, 2019 as:

Constitution Week

and urge all citizens to study the constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

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

Jermaine Wilson, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk



CALL TO ORDER - The Governing Body met in regular session and the following commission members were present: Mayor Jermaine Wilson, Mayor Pro-Tem Myron J. (Mike) Griswold, Commissioners Larry Dedeke and Mark Preisinger. Absent: Commissioner Nancy Bauder

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Public Works Director Mike McDonald, Chief Building Inspector Harold D. Burdette, Police Chief Pat Kitchens, Planning and Community Development Director Julie Hurley, Human Resources Director Lona M. Lanter, Human Resource Specialist Michelle Meinert, Public Information Officer Melissa Bower, City Attorney David E. Waters and Deputy City Clerk Cary L. Collins.

Mayor Jermaine Wilson opened the meeting with the pledge of allegiance followed by silent meditation.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Griswold moved to approve the minutes from the August 13, 2019 regular meeting as presented. Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Second Consideration Ordinance:

Second Consideration Ordinance No. 8108 – Uniform Public Offense Code 2019 – Police Chief Pat Kitchens reviewed the ordinance. Since it was first introduced on August 13, 2019, the ordinance was updated to include omitting and deleting section 11.15 *“Permitting a Dangerous Animal to be at Large”* The City will follow the process set out in our code of ordinances. Ordinance No. 8109 was presented for second consideration and a roll call vote.

Mayor Wilson called the roll and Ordinance No. 8108 was unanimously approved 4-0.

Second Consideration Ordinance No. 8109 – Standard Traffic Ordinance 2019 – Police Chief Pat Kitchens reviewed the ordinance. There have been no changes since it was first introduced on August 13, 2019. Ordinance No. 8109 was presented for second consideration and a roll call vote.

Mayor Wilson called the roll and Ordinance No. 8109 was unanimously approved 4-0.

Second Consideration Ordinance No. 8110 – Intersection Control Device Master Index 2019 – Police Chief Pat Kitchens reviewed the ordinance. There have been no changes since it was first introduced on August 13, 2019. Ordinance No. 8110 was presented for second consideration and a roll call vote.

Mayor Wilson called the roll and Ordinance No. 8110 was unanimously approved 4-0.

Second Consideration Ordinance No. 8111 – Demolition Assessments – Deputy City Clerk Cary Collins stated there have been no changes since it was first introduced on August 13, 2019. Ordinance No. 8111 was presented for second consideration and a roll call vote.

Mayor Wilson called the roll and Ordinance No. 8111 was unanimously approved 4-0.

Second Consideration Ordinance No. 8112 – Nuisance Assessments – Deputy City Clerk Cary Collins gave an update of the properties that have paid since the ordinance was first introduced on August 13, 2019. Ordinance No. 8112 was presented for second consideration and a roll call vote.

Mayor Wilson called the roll and Ordinance No. 8112 was unanimously approved 4-0.

NEW BUSINESS:

Citizen Participation:

John Stiglemire, 525 Cherokee:

- Requesting sidewalk for businesses
- Customers walking on grass
- Met with city about new parking lot and nothing was resolved
- Commissioner Griswold promised him a sidewalk
- From yellow line to yellow line where you park
- To finish out contract they were going to lay sod
- There is a sidewalk, would like concrete between curb and sidewalk in right of way

Paul Kramer:

- Dispute is over how the sidewalk looks
- City has moved to approach storm water, more green space
- Landing space required
- Sidewalk contractor has laid sod, there is no plan to fill in all grass between sidewalk and curb
- Purpose is to control storm water

Commissioner Griswold:

- His understanding was that there would be concrete from curb to sidewalk
- When he spoke with the Public Works Department, understood position is that area is designed for storm water run-off
- The more concrete you place the more heat absorbed downtown

John Stiglemire

- Why in this parking lot and no others
- Ten Penny, VFW have 4 to 5 people coming by car
- Someone with a wheelchair was unable to unload the wheelchair

Curt Gilfert, Advantage Printing

- Table until next meeting
- Trip hazards

- Grass should be bagged, customers are unhappy with the grass clippings
- There are ideas that they have and would like to come back to another meeting to bring photos and discuss
- Check out strip of grass in parking
- How close are we in to wrapping up the project

Paul Kramer:

- Still a project on west side of building
- It is all part of the same project

George Mays, 525 Cherokee

- Some comments made today were about the water run off
- It is not working, the problem is with drainage, it is not graded correctly
- Largest parking lot within area
- Total of 7 restaurants in area by October
- Parking lot problems with unloading, no landing space
- Overflow from Delaware, Farmer's Market, concerts, bars, VFW, Ten Penny, lots of businesses use that parking lot
- Sod that is in place is dead
- Told that Handicap parking spaces were up to code, when was code written
- Huge ramp on 6th St at Cherokee
- Accommodations for parking lots
- Handicap passengers do not have room to exit the vehicle
- People are walking across rock and falling
- Cost to maintain grass
- Handicap passenger unable to exit, curb and crabgrass there
- Crabgrass is growing up through sod

Commissioner Preisinger

- Asked about ADA ramps at 6th & Cherokee

Mayor Wilson

- Will get with City Staff to find out more information and reach out to Mr. Stiglemire, Mr. Gilfert and Mr. Mays

General Items:

Review 1021 S 2nd Street and 400 N 5th Street – Properties on Demolition List – Planning and Community Development Director Julie Hurley reviewed two properties on the demolition list.

1021 S 2nd Street:

At the August 13, 2019 meeting, a motion was made and approved to move forward with the demolition of 1021 S 2nd Street. Since that time Gabe Cotter, a local contractor is under contract to purchase the property and intends to make all necessary repairs. Mr. Cotter has previously satisfactorily rehabilitated other properties set for demolition.

Commissioner Preisinger moved to grant an extension to October 22nd for repairs to 1021 S 2nd Street. Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

400 N. 5th Street:

Mark Swope, a representative of the owner attended the August 13, 2019 City Commission meeting and indicated that he had recently become involved in the property. The Commission approved a 14-day extension for the owner to sign the remediation agreement or show proof of change in ownership. Staff provided the remediation agreement to Mr. Swope on August 14, 2019. As of the writing of the policy report on Thursday August 22, 2019 no further contact had been made with staff. Ms. Hurley stated as of the time of the meeting, staff had no contact from Mr. Swope or the owner.

Mayor Wilson stated that he received an email from Mr. Swope with a notarized document from the wife, but Mr. Swope stated he was waiting on the husband. However, Ms. Hurley confirmed that no contact was made with the Community Development staff as directed.

Commissioner Preisinger moved to start the demolition process immediately. Commissioner Griswold seconded the motion and the motion failed 2 to 2. Mayor Wilson and Commissioner Dedeke voting no.

Commissioner Dedeke moved to grant a two-week extension to the individual involved, requiring that the current property owner sign a remediation agreement or Mr. Swope provides Power of Attorney by the Commissions next regular meeting date, September 10, 2019. Mayor Wilson seconded the motion. The motion was approved 3-1 with Commissioner Preisinger voting no. The Mayor declared the motion carried 3-1.

Employee Benefits Plan Renewal – Human Resources Director Lona Lanter reviewed the employee benefit coverages to go into effect December 1, 2019. Staff recommends renewal with the current United Health Care (UHC) for medical and vision coverage and Delta Dental for dental coverage. The changes are as follows:

UHC Medical

- 8.11% premium increase
- Plan design changes
 - Co-insurance for the current 90/70 buy-up plan will move from 10% co-insurance to 20% co-insurance for applicable services, changing the plan to an 80/70 from the current 90/70.
 - Out-of-pocket maximums will also increase by \$1,000 across all three plans offered.
 - In order to meet the budgeted allowances the employee share of premium for single coverage will be increased from 5% to 6% for the base plan

UHC Vision and Delta Dental

- No changes

Commissioner Dedeke moved to approve the employee benefits plan renewal presented. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Recommended Revisions to the Personnel Policy Manual – Human Resources Director Lona Lanter reviewed the recommended changes to the City Personnel Policies & Procedures Manual.

Section III Employer and Employee Responsibilities, III-4 Safety Policy:

Paragraph G, The City Manager shall appoint a Safety Coordinator for the City. The Safety Committee shall meet on a monthly basis to review accidents involving personnel and equipment and make recommendations necessary to prevent such accidents from happening in the future. Recommendations ~~will~~ *may* be reviewed by the City Manager prior to implementation.

V Compensation, V-1 General Policy:

The City of Leavenworth has a market and performance based pay plan. It is market based in that the midpoint of any pay range represents the market position that the City Commission wants to pay for a City job with similar content. It is also market based in that each year the City's Human Resources Department will conduct a review and possible update of all pay ranges. This update ~~will~~ *may* be based ~~on~~ *upon market trends and* salary surveys to determine movement in the marketplace of all jobs with similar content as jobs within the City's organization. *Market information may also result in the implementation of a CASI (Commission Approved Salary Increase) being awarded, which would provide an across-the-board increase for all eligible employees.* The pay plan is performance based in that pay increases ~~will be~~ *may be awarded* based upon an individual's performance level. Unless an employee is promoted, an employee will not receive a pay increase (performance increase) unless he/she has received a performance rating of at least the competent level or above. This policy will remain in effect unless the City Commission adopts a new pay plan.

V-2 Procedure for Determining Performance Increases:

Performance increases will only be awarded, *if applicable*, upon the completion and approval of a performance evaluation as per Section VII-2. of these Rules and Regulations. The exact percentage increases to be given will be dictated by the current pay increase chart, which shall be approved by the City Commission on an annual basis.

V-3 Promotion Pay Increases

Employees promoted into a position with a higher pay classification will receive the greater of a seven and one half percent (7-1/2%) increase or minimum pay for the classification. In the event that an employee is promoted more than one pay classification, s/he will be eligible for a seven and one half percent (7-1/2%) increase for each pay classification promoted, *to a maximum of 15%*, or the minimum pay for the classification ultimately promoted to, ~~or~~ whichever is greater. The promotion must be a logical progression within the employees department or division. For example, if an employee is promoted one pay classification, they are eligible for the greater of a seven and one half percent (7-1/2%) increase or minimum pay for the classification. If an employee were promoted two pay classifications, they would be eligible for the greater of a fifteen (15%) percent increase or minimum pay for the classification and so on. In addition, if the promoted employee has completed at least 90 days (one quarter) in his/her previous position since his/her last annual evaluation, the employee ~~will~~ *may* be eligible for a partial performance increase. For each completed quarter since the last annual evaluation, the employee ~~will~~ *would be eligible* to receive 25% of the performance increase, *if applicable*, that he/she would have received for one year of performance. Any variation must be approved by the City Manager.

A promoted employee will not be eligible for another performance increase, *if applicable*, until one year from the date of promotion.

Effective at the beginning of the new benefit plan year on December 1, 2019, for Section XVI (Health and Dental Insurance, A. Health Insurance):

1. For regular full time employees the City pays ~~95~~ 94% of the monthly premium for single base plan health coverage or 75% of the monthly premium for family or employee plus one base plan health coverage.
2. For regular part time employees the City pays 50% of the monthly premium for single base plan health coverage or 37 1/2% of the monthly premium for family or employee plus one base plan health coverage.

Commissioner Griswold moved to approve proposed revisions effective immediately for Section III and V and effective at the beginning of the new benefits plan year on December 1, 2019 for Section XVI. Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Mayor's Appointments:

Mayor Wilson moved to appoint the following:

Leavenworth Main Street Program Board:

- Reappoint Melissa Bower to a term ending August 15, 2021
- Appoint Kenneth C Bateman to a term ending August 15, 2022

Leavenworth Preservation Commission:

- Appoint Richard Gibson to an unexpired term ending April 15, 2020

Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Resolutions:

Resolution B-2231-Set Public Hearing for the Fire Damaged House 228-230 Ottawa Street – Chief Building Inspector Hal Burdette presented for approval Resolution B-2231 setting October 22, 2019 as the date for the public hearing to show cause why such structure should or should not be condemned as dangerous or hazardous.

Commissioner Preisinger moved to adopt Resolution B-2231. Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

CONSENT AGENDA:

Commissioner Griswold moved to approve claims for August 10, 2019 through August 23, 2019, in the amount of \$974,652.00; Net amount for Payroll #17 effective August 16, 2019, in the amount of \$364,671.86; (Includes Police & Fire Pension in the amount of \$11,572.36). Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 4-0.

Other:

Commissioner Griswold:

- Received the First City Connection in his packet and it includes lots of information on CAMP Leavenworth.
- CAMP Leavenworth is a festival scheduled for September 20 and 21 in downtown Leavenworth
- Asked if First City Connection has been mailed out to citizens

Commissioner Preisinger:

- CAMP Leavenworth event coordinators, O'Neill Events and Marketing is handling the upcoming Irish Festival in Kansas City

City Manager Paul Kramer:

- Confirmed First City Connection has been mailed out to citizens
- Despite the holiday on Monday, there will be a Commission meeting on Tuesday, September 3, 2019

Adjourn:

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

Time Meeting Adjourned 7:56 p.m.


Minutes taken by Deputy City Clerk Cary L. Collins, CMC

POLICY REPORT
Review Unsafe and Dangerous Structures
400 N. 5th Street

SEPTEMBER 10, 2019



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



Reviewed By:
Paul Kramer,
City Manager

DISCUSSION

On May 14, 2019, the City Commission adopted Resolution B-2220 regarding demolition of 20 structures. At that time, the Commission voted to grant an extension to the owners of 11 properties to allow for completion of the needed work. On August 13, 2019, the Commission reviewed the structures that had been given extensions.

Mark Swope, a representative of the owner of 400 N. 5th Street, attended the August 13th City Commission meeting and indicated that he had recently become involved in the property. The Commission approved an extension of 14 days for the owner to either sign the Remediation agreement or for proof of change in ownership to be presented to staff. Staff provided Mr. Swope a copy of the Remediation Agreement the following day.

The Commission again reviewed the property on August 27, 2019. At that time, the owner had not returned a signed Remediation Agreement to staff. However, Mayor Wilson indicated that the owner had sent a copy of the signed Remediation Agreement directly to him, and the Commission approved another extension of 14 days for the owner to provide the signed Remediation Agreement to staff. Staff has received the signed Remediation Agreement.

Staff listed a deadline date of October 22, 2019 on the Remediation Agreement, as that was the extension date given to several other properties at the August 13, 2019 Commission meeting.

RECOMMENDED ACTION

- Motion to grant extension to October 22, 2019 to complete repairs



PROPERTY REMEDIATION

AGREEMENT

Owner: Brian K. & Julia Rose Visocsky
 Site Address: 400 North 5th Street
 Leavenworth, KS 66048

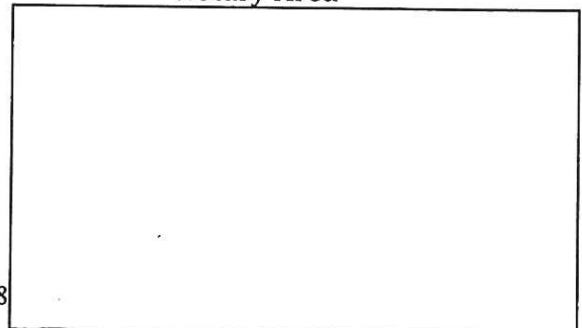
The owner(s) of the property located at 400 North 5th Street recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

	DEADLINE	TASK
1)	October 22, 2019 October 22, 2019	Roof – replace entire roof. Exterior staircase – replace/repair.
2)	October 22, 2019 October 22, 2019	Siding – replace/repair all exterior walls and sidings. Soffits & eaves – replace/repair all soffits and eaves.
3)	October 22, 2019	Windows & doors – replace/repair all windows & doors.
4)	October 22, 2019	Paint – remove all peeling paint and repaint entire exterior structure.
		Remove all dead and dying trees, limbs or other unsightly natural growth or unsightly appearances.

I (Print the Owner's Name) Brian Visocsky_ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Brian V. 306254
[Handwritten Signature]
 8-24-19

Notary Area



100 N. 5th Street • Leavenworth, Kansas 66048

www.lvks.org

[Handwritten Signature]

Signature

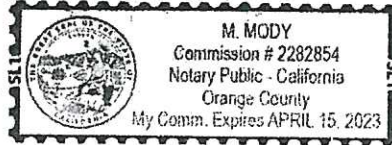
8-24-19
Date

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Kern

Subscribed and sworn to (or affirmed) before me on
this 24th day of August, 2019
by Brian W. Viscofsky
proved to me on the basis of satisfactory
evidence to be the person(s) who appeared before me.

[Handwritten Signature]





PROPERTY REMEDIATION AGREEMENT

Owner: Brian K. & Julia Rose Visocsky
 Site Address: 400 North 5th Street
 Leavenworth, KS 66048

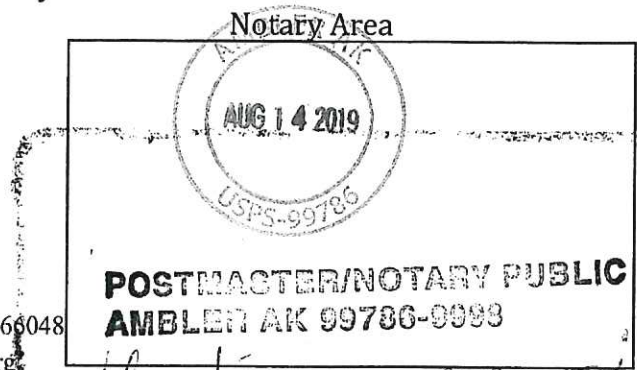
The owner(s) of the property located at 400 North 5th Street recognize that the property is in violation of the City's Property maintenance ordinance(s). As such, they agree to bring the property in to compliance with City Ordinance standards, draw all necessary permits for the work to be performed, and meet the repair deadlines listed below. In return, the City agrees to stay the prosecution of any existing code violations, consider them abated after the property is found in compliance, and to work with the owners throughout this remediation process to help them resolve all code enforcement issues at the site.

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3)	October 22, 2019	Windows & doors - replace/repair all windows & doors.
4)	October 22, 2019	Paint - remove all peeling paint and repaint entire exterior structure.
		Remove all dead and dying trees, limbs or other unsightly natural growth or unsightly appearances.

I (Print the Owner's Name) Julia Rose Visocsky agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas by keeping the site free of junk and clutter, as well as excessive vegetation while I am remediating the property.

Julia Rose Visocsky
Signature

8/14/19
Date



100 N. 5th Street • Leavenworth, Kansas 66048
 www.lvks.org

Amberl Ak P.F.P.O. 8/14/19

POLICY REPORT
City Festival Update
September 10, 2019

Prepared By:



Taylour Tedder
Assistant City Manager

Reviewed By:



Paul Kramer
City Manager

BACKGROUND:

Assistant City Manager Taylour Tedder will brief the Commission on the CAMP Leavenworth festival status. Staff has continued to work closely with the event management firm O'Neill Events & Marketing.

Updates will include vendor, entertainment and activity line-ups, logistics, marketing efforts, branding and merchandise that will be offered at the festival.

Policy Report
Resolution for notice of hearing
North Gateway Redevelopment District – Project Area 3
Sept. 10, 2019

Prepared by:



Paul Kramer
City Manager

Issue:

The issue before the City Commission is to consider a resolution to set a public hearing on October 22, 2019 for the North Gateway Redevelopment District – Project Area 3.

Background:

The Leavenworth City Commission formally established a redevelopment district (North Gateway Redevelopment District), pursuant to the provisions of KSA 12- 1771(a), on January 25, 2011 comprising the land area bounded by 4th Street on the east, 7th Street on the west, Metropolitan Avenue on the north, and Pawnee Street on the south; totaling 28.2 acres. The primary purpose for creating the redevelopment district was to initiate the process upon which the City may proceed in establishing redevelopment projects within the district in order to generate incremental taxes (tax incremental revenues) for the funding of permissible infrastructure and property acquisition within the established redevelopment district. Tax incremental means the amount of real property taxes collected from real property located within the redevelopment district that is in excess of the amount of real property taxes which is collected from the base year assessed valuation.

In accordance to KSA 12- 1772(a), any city proposing to undertake a redevelopment project within a redevelopment district shall prepare a project plan that shall include the following:

1. feasibility study;
2. a reference to the district plan established (North Gateway Redevelopment District);
3. a description and map of the redevelopment project;
4. a relocation plan (if applicable);
5. a detailed description of the buildings and facilities proposed to be constructed or improved in such area; and
6. any other information the governing body deems necessary to advise the public of the project plan.

City Staff, in consultation with Raymond James (City's financial consultants) and Lathrop & Gage (City's legal counsel) has been working on the preparation of this project plan within the North Gateway Redevelopment District.

Pursuant to KSA 12-1772(a)(b), upon the finding by the planning commission that the project plan is consistent with the intent of the comprehensive plan for the development of the city, the governing

body of the city shall adopt a resolution stating that the city is considering the adoption of the project plan. Such resolution shall:

- (1) give notice that a public hearing will be held to consider the adoption of the redevelopment project plan and fix the date, hour and place of such public hearing;
- (2) describe the boundaries of the redevelopment district which the redevelopment project will be located and the date of establishment of such district;
- (3) describe the boundaries of the area proposed to be included within the redevelopment project area; and
- (4) state that the project plan, including a summary of the feasibility study, relocation assistance plan and financial guarantees of the prospective developer and a description and map of the area to be redeveloped or developed are available for inspection during regular office hours in the office of the City Clerk.

Except as provided in paragraph (3) of subsection (b) of K.S.A. 12-1774, and amendments thereto, if the governing body determines that it may issue full faith and credit tax increment bonds to finance the redevelopment project, in whole or in part, the resolution also shall include notice thereof.

The City's Planning Commission will meet on Sept. 9 to review and discuss the proposed redevelopment project plan to find if the plan is consistent with the intent of the comprehensive plan. A notice of the public hearing (per the resolution) shall be made by certified mail, return receipt requested, to the Board of County Commissioners and the Board of Education, and to each owner and occupant of land within the proposed redevelopment project area. A copy of such resolution must also be published once in the official City newspaper.

At the public hearing the City Manager, along with the developer, will present the proposed project plan. Following the presentation of the plan all interested persons shall be given the opportunity to be heard. Following the public hearing the City Commission may adopt the project plan by ordinance passed upon a 2/3 vote.

Attachments:

1. Resolution B-2115 Sets the Public Hearing for the North Gateway Second Hotel Project Plan District on July 28, 2015
2. Proposed North Gateway Second Hotel Project Plan

Commission action:

Approve the resolution to set the public hearing for October 22, 2019.

(Published in *The Leavenworth Times* on _____, 2019)

RESOLUTION B-2232

**A RESOLUTION OF THE CITY OF LEAVENWORTH, KANSAS
CALLING AND GIVING NOTICE OF A PUBLIC HEARING
CONCERNING THE ADOPTION OF A REDEVELOPMENT PROJECT
PLAN FOR A REDEVELOPMENT PROJECT WITHIN AN
ESTABLISHED REDEVELOPMENT DISTRICT IN THE CITY.**

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

WHEREAS, on January 25, 2011, the governing body of the City (the “City Commission”) adopted Ordinance No. 7863, which established the North Gateway Redevelopment District (the “District”) within the City, all in accordance with K.S.A. 12-1770 *et seq.*, as amended (the “Act”); and

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

WHEREAS, in consultation with the Planning Commission of the City of Leavenworth, Kansas (the “Planning Commission”), in accordance with the Act, the City has prepared a redevelopment project plan (the “Project Plan”) for redevelopment project area 3 (“Project Area 3”) within the District; and

WHEREAS, the boundaries of the District are described on *Exhibit A* and generally depicted on *Exhibit B* attached hereto, and the boundaries of Project Area 3 are described on *Exhibit C* and generally depicted on *Exhibit D* attached hereto; and

WHEREAS, a feasibility study has been completed which shows that the benefits, tax increment revenue and other available revenues under K.S.A. 12-1774(a)(1), and amendments thereto, expected to be derived from the redevelopment project described in the Project Plan are expected to exceed or be sufficient to pay for the redevelopment project costs; and

WHEREAS, a copy of the Project Plan will be delivered to the Board of County Commissioners of Leavenworth County, Kansas (the “County”), and to the Board of Education of Unified School District 453, Leavenworth, Kansas, all in accordance with the Act; and

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

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

Section 1. Consideration of Redevelopment Project Plan. The City is considering the adoption of the Project Plan for Project Area 3 of the District pursuant to the Act.

Section 2. Public Hearing. Notice is hereby given that the City Commission will hold a public hearing, in accordance with the provisions of the Act, to consider the adoption of the Project Plan for Project Area 3 of the District, such hearing to be held on Tuesday October 22, 2019 at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Commission Chambers at City Hall located at 100 N. 5th Street, Leavenworth, Kansas 66048.

Section 3. Redevelopment District. The boundaries of the District within which the redevelopment project described in the Project Plan will be located are described on *Exhibit A*, and generally depicted on *Exhibit B*, attached hereto and incorporated herein.

Section 4. Project Area 3. The boundaries of Project Area 3 are legally described on *Exhibit C*, and generally depicted on *Exhibit D*, attached hereto and incorporated herein.

Section 5. Project Plan. The Project Plan for Project Area 3 of the District, including a summary of the feasibility study, the relocation assistance plan and a description and map of the area to be redeveloped or developed are available for public inspection during regular office hours in the office of the City Clerk, City Hall, 100 N. 5th Street, Leavenworth, Kansas 66048.

Section 6. Notice of Public Hearing. A copy of this Resolution shall be sent by certified mail, return receipt requested, to the Board of County Commissioners of the County, and the board of education of any school district levying taxes on property within Project Area 3. Copies of this Resolution shall also be sent by certified mail, return receipt requested, to each owner and occupant of land within Project Area 3 not more than ten (10) days following the date of adoption of this Resolution. In addition, this Resolution (including Exhibits C and D attached hereto) shall be published once in the official City newspaper not less than one week or more than two weeks preceding the date fixed for the public hearing.

Section 7. Further Action. The Mayor, City Manager, City Clerk, and other officials and employees of the City, including counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

Section 8. Effective Date. This Resolution shall be in full force and effect from and after its adoption.

**ADOPTED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH,
KANSAS ON SEPTEMBER 10, 2019.**

Jermaine Wilson, Mayor

[SEAL]

Attest:

Carla Williamson, City Clerk

EXHIBIT A

Description of Redevelopment District

The boundaries of the redevelopment District are generally described as an area bounded by North 7th Street to the west, Metropolitan Avenue to the north, North 4th Street to the east and Pawnee Street to the south, all in the City of Leavenworth, Leavenworth County, Kansas.

EXHIBIT B

Map of Redevelopment District

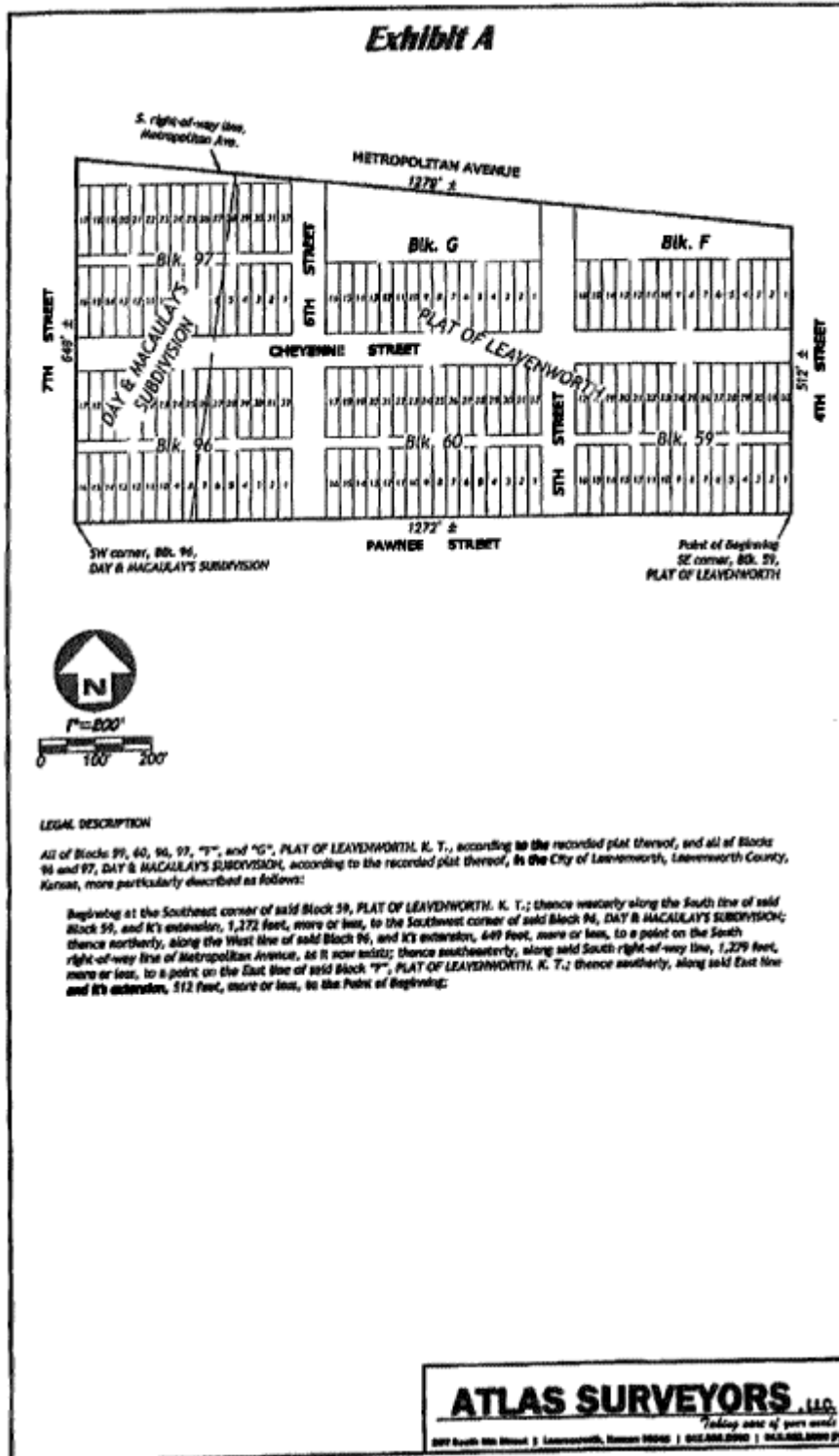


EXHIBIT C

Legal Description of Project Area 3

All of Lots 1 through 32, inclusive, and all of the vacated alley, all in Block 97, DAY AND MACAULAY'S SUBDIVISION, together with part of vacated Sioux Street, all in the City of Leavenworth, Leavenworth County, Kansas, together being more particularly described as follows:

Beginning at the Southwest corner of said Block 97, said point being on the East right-of-way line of 7th Street, as it now exists;

thence North 11°05'01" West, along said East right-of-way line, a distance of 304.57 feet, to a point of intersection with the South right-of-way line of Metropolitan Avenue, as it now exists;

thence North 85°02'02" East, along said South right-of-way line, a distance of 385.57 feet, to a point of intersection with the West right-of-way line of 6th Street, as it now exists;

thence South 11°13'47" East, along said West right-of-way line, a distance of 262.51 feet, to a point of intersection with the North right-of-way line of Cheyenne Street, as it now exists;

thence South 78°46'13" West, along said North right-of-way line, a distance of 384.05 feet to the Point of Beginning,

containing 108,791 square feet, or 2.497 acres, more or less;

AND

All that part of the North Fractional portion of Block G, together with all of Lots 11 through 16 inclusive, Block G, LEAVENWORTH; all in the City of Leavenworth, Leavenworth County, Kansas more particularly described as follows:

Beginning at Southwest corner of said Block G said point being on the east right-of-way line of 6th Street, as it now exists;

thence North 11°13'47" West, along said East right-of-way line a distance of 255.92 feet, to a point of intersection with the South right-of-way line Metropolitan Avenue, as it now exists;

thence North 85°02'02" East, along said South right-of-way line, a distance of 122.75 feet, to the Northwest corner of Lot 1, METRO SUBDIVISION, a subdivision in said City of Leavenworth;

thence South 12°48'14" East, along the West line of said Lot 1, a distance of 117.99 feet;

thence North 78°26'27" East, continuing along said West line, a distance of 19.03 feet;

thence South 11°05'57" East, continuing along the West line of said Lot 1 and the West line of Lot 2, said METRO SUBDIVISION, a distance of 124.69 feet, to the Southwest corner of said Lot 2 said point being on the North right-of-way line of Cheyenne Street, as it now exists;

thence South 78°46'13" West, along said North right-of-way line, a distance of 144.00 feet to the Point of Beginning,

containing 33,358 square feet, or 0.766 acres, more or less.

[Remainder of page intentionally blank.]

EXHIBIT D

Map of Project Area 3



TAX INCREMENT FINANCING REDEVELOPMENT PROJECT PLAN

PROJECT AREA 3



NORTH GATEWAY REDEVELOPMENT DISTRICT

Submitted to the Governing Body of the City of Leavenworth, Kansas (the "City"), and prepared in consultation with the City's Planning Commission, all in accordance with K.S.A. § 12-1770 *et seq.*

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I. INTRODUCTION

A) Redevelopment District

Pursuant to the Kansas Tax Increment Financing Act, K.S.A. 12-1770, *et. seq.*, as amended (“**TIF Act**”), Kansas municipalities are authorized to establish redevelopment districts and tax increment financing (“**TIF**”) redevelopment project plans for property within their jurisdiction. Redevelopment districts may be created based upon certain findings by the municipality, including that the property in such district constitutes a “blighted area” as defined in the TIF Act.

On January 25, 2011, the City of Leavenworth, Kansas (the “**City**”), after conducting a duly noticed public hearing in accordance with the TIF Act, found and determined that certain real property, generally described as an area bounded by North 7th Street to the west, Metropolitan Avenue to the north, North 4th Street to the east and Pawnee Street to the south, all in the City of Leavenworth, Leavenworth County, Kansas (the “**Property**”), is located within a “blighted area” and, in turn, constitutes an “eligible area” (as defined in the TIF Act). Based, in part, upon such finding, through the adoption of Ordinance No. 7863, the City established a redevelopment district known as the North Gateway Redevelopment District that encompasses the Property (the “**District**”), and approved the District Plan (as defined below) for redevelopment of the District, all in accordance with the TIF Act.

The approved district plan for the District (the “**District Plan**”) is generally described in the Downtown/North Leavenworth Redevelopment Master Plan under the character area identified as “North Gateway Business and Innovation Campus,” which proposes a campus themed commercial center in a 20 square block area which includes the District, and which proposes facilities to include a high-quality hotel, office, retail and mixed-use facilities, and all related public infrastructure improvements. The Redevelopment Project (as defined herein) is consistent with such District Plan for redevelopment of the District.

B) Existing Redevelopment Project Areas

That certain North Gateway Redevelopment District [First] Hotel Project Plan, dated January 12, 2012 (the “**First Project Plan**”), was approved by the City on April 24, 2012 through the adoption of Ordinance No. 7895. The First Project Plan has been implemented by the construction and opening of a Fairfield Inn & Suites by Marriott within the First Hotel Project Plan Area, as more particularly described on Exhibit G attached hereto (“**Project Area 1**”).

That certain North Gateway Redevelopment District Second Hotel Project Plan, dated March 3, 2016 (the “**Second Project Plan**”), was approved by the City on May 10, 2016 through the adoption of Ordinance No. 7991. The Second Project Plan has been implemented by the construction and opening of a TownePlace Suites by Marriott within the Second Hotel Project Plan Area, as more particularly described on Exhibit H attached hereto (“**Project Area 2**”).

C) **Redevelopment Project**

For Gate Properties, LLC (or assigns, the “**Developer**”), is pleased to present this Tax Increment Financing Redevelopment Project Plan for Project Area 3 of the District (this “**Project Plan**”) to the City for its consideration and approval in accordance with the TIF Act.¹

In order to promote, stimulate and develop the general and economic welfare of the City, this Project Plan provides for the acquisition of approximately 3.5+/- acres at the southwest and southeast corners of N 6th Street and Metropolitan Avenue in the City, as legally described on Exhibit A and generally depicted on Exhibit B attached hereto (the “**Project Area**” or “**Project Area 3**”), and the development and redevelopment thereof to consist of one or more of the following uses, without limitation (the “**Redevelopment Project**”): commercial uses, retail, restaurant and/or office uses, hotel and hospitality uses, residential uses, public space, open space and/or similar, related or appurtenant uses, other structures and uses (including, but not limited to, commercial, mixed-use, residential, non-profit, governmental and/or community uses), and all associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, and any other items allowable under the TIF Act. As initially proposed, the Redevelopment Project contemplates redevelopment of the Project Area into a Class A commercial development, as generally depicted (for illustrative purposes only) on the preliminary site plan attached hereto as Exhibit C.²

This Project Plan is premised on the need for a combination of public and private financing to reach the mutual goals of the City and the Developer in developing the Redevelopment Project.

As shown herein, this Project Plan proposes to finance Reimbursable Project Costs (as defined below in Section III.D.2) by capturing through TIF the following (collectively, the “**TIF Revenues**”): (i) 100% of the allowable ad valorem “tax increment” (as defined in the TIF Act) (“**Tax Increment**”) generated within the Project Area for the duration of the twenty (20) year TIF term; (ii) 50% of the City’s sales tax generated within the Project Area, based on the City’s general sales tax rate of two percent (2.0%), for the duration of the twenty (20) year TIF term; and (iii) as soon as the existing TIF bonds are retired, 100% of the Tax Increment generated from the real property and improvements within Project Area 1 and Project Area 2 (the “**Existing TIF Increment**”), estimated to be approximately \$250,000 annually, through the expiration of the respective twenty (20) year TIF terms.

Based on projected property values and sales within the Project Area over the term of this Project Plan, coupled with projections for the Existing TIF Increment, it is estimated that the TIF will generate present value TIF Revenues of \$2,771,719 (present value at 5.50%), plus financing and interest expenses, to reimburse the Developer for Reimbursable Project Costs.

¹ In accordance with the TIF Act, this Project Plan was prepared in consultation with the Planning Commission of the City, including a finding by the Planning Commission, on September 9, 2019, that this Project Plan is consistent with the intent of the comprehensive plan for the development of the City.

² Notwithstanding the foregoing or anything in this Project Plan (including, without limitation, the Exhibits attached hereto) to the contrary: (i) this Project plan is not intended to be inflexible, (ii) the descriptions of uses and buildings, and all sizing, design, cost (including Reimbursable Project Cost) and revenue figures, and any and all other descriptions and projections set forth herein, are estimates only and subject to change in the Developer’s discretion, including as actual costs are incurred and revenues received, and (iii) nothing herein shall be construed as a cap (or caps) on the amount of TIF being requested or the amount of TIF that is available to help pay Reimbursable Project Costs of the Redevelopment Project.

In addition to the TIF financing described in this Project Plan, community improvement district (“CID”) financing is also contemplated to help finance costs of the Redevelopment Project, which CID financing is assumed in the feasibility study summarized below in Section II.D. Specifically, in accordance with K.S.A. 12-6a26 *et seq.*, as amended (the “CID Act”), a one and one-quarter percent (1.25%) add-on CID sales tax is contemplated, with all revenues generated therefrom to be available to reimburse certain CID eligible expenses, to the extent they constitute a “cost” of a “project” (as defined in the CID Act), which will be in addition to the TIF Revenues available for payment of Reimbursable Project Costs.

II. REDEVELOPMENT PROJECT PLAN

A) Description and Map of Project Area

The redevelopment project area to be redeveloped pursuant to this Project Plan consists of the Project Area. A legal description and general map depiction of the Project Area are attached hereto as Exhibit A and Exhibit B, respectively, both of which are incorporated herein by this reference.

B) Reference to District Plan

The Project Area is within the District established by the City’s Governing Body on January 25, 2011 pursuant to Ordinance No. 7863, a copy of which is attached hereto as Exhibit E. This Project Plan is consistent with the approved District Plan as described therein.

C) Description of Buildings and Facilities

This Project Plan provides for the acquisition of certain real property within the Project Area, the demolition of certain existing structures thereon, and the development and redevelopment thereof to consist of some or all of the following uses and improvements, without limitation: commercial uses, retail, restaurant and/or office uses, hotel and hospitality uses, residential uses, public space, open space and/or similar, related or appurtenant uses, other structures and uses (including, but not limited to, commercial, mixed-use, residential, non-profit, governmental and/or community uses), and all associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, and any other items allowable under the TIF Act. As initially proposed, the Redevelopment Project contemplates redevelopment of the Project Area into a Class A commercial development, as generally depicted (for illustrative purposes only) on the preliminary site plan attached hereto as Exhibit C.

The foregoing description of uses, and the buildings and other structures Developer plans to construct for such uses within the Project Area, is not intended to be inflexible. This Project Plan contemplates reasonable variations from the descriptions of the Redevelopment Project as described above.

D) Feasibility Study

A study was performed to determine whether the Redevelopment Project’s estimated benefits, TIF Revenues and other revenues are expected to exceed the cost, and that the income therefrom will be sufficient to pay the costs of the Redevelopment Project. This effort involved using consultants with experience and expertise in the actual design, development, financing, management, leasing and operation of projects of similar scope and nature. Outside

resources were also consulted to compare and verify the cost and revenue projections including outside industry sources and actual taxing jurisdiction data where available. The results of this study are as follows:

1. Project Costs

The total estimated cost to complete the Redevelopment Project, including land acquisition, and hard and soft costs, is \$7,099,864. A detailed budget is attached hereto as Exhibit D.

2. Eligible Costs

Only “redevelopment project costs” (as defined in the TIF Act) (referred to herein as “**Reimbursable Project Costs**”) are eligible for TIF financing and reimbursement. Of the total costs listed above, \$4,433,057, plus interest and financing costs, are estimated to qualify under the TIF Act as Reimbursable Project Costs, meaning that only those costs may be financed using TIF Revenues. The estimated Reimbursable Project Costs are set forth by type and amount on Exhibit D attached hereto.

The Developer is requesting reimbursement with TIF Revenues as provided in the TIF Act on a pay-as-you-go-basis; provided, however, that the Developer may request, and the City shall reasonably consider (subject to approval by the City’s governing body in its sole and absolute discretion), the issuance of special obligation TIF bonds, notes or other obligations to pay for (or reimburse) Reimbursable Project Costs.

3. Project Revenues

Based on projected property values and sales volumes within the Project Area over the term of this Project Plan, coupled with estimates for the Existing TIF Increment, it is anticipated that the TIF will generate present value TIF Revenues of \$2,771,719 (present value at 5.50%), plus financing and interest expenses, to reimburse the Developer for Reimbursable Project Costs. TIF Revenue projections are set forth in Exhibit E attached hereto. Pursuant to the TIF Act, TIF Revenues can be generated from at least three (3) sources:

- a) *Ad Valorem Tax Increment Revenues* – The amount of real property taxes collected from real property located within the District that is in excess of the amount of real property taxes which is collected from the base year assessed valuation (excluding any *ad valorem* taxes not allowed to be captured under the TIF Act);
- b) *Local Sales Tax Revenues* - The retail sales dollar amount generated within the Project Area multiplied by the City’s portion of the total retail sales tax rate, as described above; and
- c) *Transient Guest Tax Revenues* – The hotel sales dollar amount generating transient guest tax revenues within the Project Area multiplied by the applicable transient guest tax rate.

Ad Valorem Tax Increment Captured

According to the Leavenworth County Appraiser's Office, the 2011 assessed value for the Project Area was \$306,192. This serves as the base value against which future Redevelopment Project values can be compared in order to determine the amount of ad valorem Tax Increment revenues that will be generated by the Project Area. This Project Plan proposes to finance Reimbursable Project Costs by capturing 100% of the allowable ad valorem Tax Increment generated within the Project Area for the duration of the twenty (20) year TIF term. Upon completion of the Redevelopment Project, the Project Area is estimated to have an assessed value of approximately \$799,000. The difference between the base year assessed value and the assessed value at full build-out, when multiplied by the applicable mill levy rate subject to TIF, is estimated to create annual Tax Increment of approximately \$53,320 available for capture, which is assumed to grow annually with inflation thereafter.

Local Sales Tax Revenues Captured

This Project Plan also proposes to finance Reimbursable Project Costs by capturing 50% of the City's sales tax generated within the Project Area, based on the City's general sales tax rate of two percent (2.0%), for the duration of the twenty (20) year TIF term. It is estimated that sales within the Project Area will be approximately \$4,100,000 at stabilization. Based on the 1.0% undedicated portion of the City's 2.0% general sales tax rate, TIF Revenues derived from the City sales tax at full build-out are anticipated to be approximately \$41,000, which are assumed to grow annually with inflation thereafter.

Existing Tax Increment Captured

As soon as the existing TIF bonds are retired, this Project Plan also proposes to finance Reimbursable Project Costs by capturing 100% of the Existing TIF Increment generated within Project Area 1 and Project Area 2 of the District. The Existing TIF Increment is estimated to be approximately \$250,000 annually.

4. Tax Increment Revenues

Based on the Project Area's projected ad valorem Tax Increment, City sales tax revenues and Existing TIF Increment, as heretofore described, it is estimated that present value TIF Revenues of \$2,771,719 (present value at 5.50%), plus interest accrued on borrowed money, will be available to the Developer to help finance Reimbursable Project Costs associated with the Redevelopment Project.

5. Significant Contribution to Economic Development of the City

The development contemplated in this Project Plan will provide significant economic development for the City, including by, among other things, providing increased tax revenues to the City, redeveloping the Project Area into a much higher and better use and remedying blight, and increasing employment opportunities and general commerce for area residents. The feasibility study shows that the Redevelopment Projects benefits and tax increment revenue and other available revenues will be sufficient to pay for the Redevelopment Project costs.

6. Sufficiency of Tax Increment Revenues Compared to Projects Costs

The total of the Reimbursable Project Costs that can be financed under the TIF Act is limited by the amount of TIF Revenues generated within the Project Area. Thus, by operation, the TIF Revenues will always equal or exceed the amount of the Reimbursable Project Costs. Based on this Project Plan's (1) Reimbursable Project Costs and (2) present value of TIF Revenues, the revenues are expected to pay for the Reimbursable Project Costs as contemplated under the TIF Act when supplemented by the CID sales tax revenues, as heretofore described, and private debt and equity.

•	Redevelopment Project Costs:	\$	\$7,099,864
•	TIF Revenues (present value of 5.50%)	\$	2,771,719
•	Other Sources:	\$	4,328,145

7. Effect on Outstanding Special Obligation Bonds

It is anticipated that the TIF Revenues will be disbursed on a pay-as-you-go basis, and that the Existing TIF Increment will not be available to pay for Reimbursable Project Costs until after the existing TIF bonds are retired. Thus, the Redevelopment Project costs are not anticipated to have any effect on any outstanding special obligation bonds payable from the revenues described in K.S.A. 12-1774(a)(1)(D), and amendments thereto.

E) Relocation Plans

The Developer owns all of the property within the Project Area (excluding only adjacent public-right-of-way), and as such, it is not anticipated that the acquisition of real property by the City in carrying out the provisions of the TIF Act will result in the relocation or displacement of any persons, families or businesses. However, in the event that the City does acquire any real property within the District in carrying out the provisions of the TIF Act, and, as a result, any persons, families and businesses move from real property located in the District, or move personal property from real property located in the District, the Developer shall make a \$500 payment to such persons, families and businesses. No persons or families residing in the District shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents within their ability to pay. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwelling. Developer shall provide for payment of any damages sustained by a retailer, as defined in K.S.A. 79-3702, by reason of liquidation of inventories necessitated by relocation from the District.

F) Meetings and Minutes

Following approval of this Project Plan, the clerk of the City shall attach, as Exhibit I hereto, a copy of the minutes of all City meetings where the Redevelopment Project and/or this Project Plan was discussed.

III. CONCLUSION

Based on the foregoing, this Project Plan proposes to utilize the TIF Revenues from the District to finance Reimbursable Project Costs, plus interest accrued on borrowed money. The Developer hereby submits this Project Plan for public hearing and due consideration in accordance with the TIF Act.

[Remainder of Page Intentionally Left Blank]

EXHIBIT A

Legal Description of Project Area

All of Lots 1 through 32, inclusive, and all of the vacated alley, all in Block 97, DAY AND MACAULAY'S SUBDIVISION, together with part of vacated Sioux Street, all in the City of Leavenworth, Leavenworth County, Kansas, together being more particularly described as follows:

Beginning at the Southwest corner of said Block 97, said point being on the East right-of-way line of 7th Street, as it now exists;

thence North 11°05'01" West, along said East right-of-way line, a distance of 304.57 feet, to a point of intersection with the South right-of-way line of Metropolitan Avenue, as it now exists;

thence North 85°02'02" East, along said South right-of-way line, a distance of 385.57 feet, to a point of intersection with the West right-of-way line of 6th Street, as it now exists;

thence South 11°13'47" East, along said West right-of-way line, a distance of 262.51 feet, to a point of intersection with the North right-of-way line of Cheyenne Street, as it now exists;

thence South 78°46'13" West, along said North right-of-way line, a distance of 384.05 feet to the Point of Beginning,

containing 108,791 square feet, or 2.497 acres, more or less;

AND

All that part of the North Fractional portion of Block G, together with all of Lots 11 through 16 inclusive, Block G, LEAVENWORTH; all in the City of Leavenworth, Leavenworth County, Kansas more particularly described as follows:

Beginning at Southwest corner of said Block G said point being on the east right-of-way line of 6th Street, as it now exists;

thence North 11°13'47" West, along said East right-of-way line a distance of 255.92 feet, to a point of intersection with the South right-of-way line Metropolitan Avenue, as it now exists;

thence North 85°02'02" East, along said South right-of-way line, a distance of 122.75 feet, to the Northwest corner of Lot 1, METRO SUBDIVISION, a subdivision in said City of Leavenworth;

thence South 12°48'14" East, along the West line of said Lot 1, a distance of 117.99 feet;

thence North 78°26'27" East, continuing along said West line, a distance of 19.03 feet;

thence South $11^{\circ}05'57''$ East, continuing along the West line of said Lot 1 and the West line of Lot 2, said METRO SUBDIVISION, a distance of 124.69 feet, to the Southwest corner of said Lot 2 said point being on the North right-of-way line of Cheyenne Street, as it now exists;

thence South $78^{\circ}46'13''$ West, along said North right-of-way line, a distance of 144.00 feet to the Point of Beginning,

containing 33,358 square feet, or 0.766 acres, more or less.

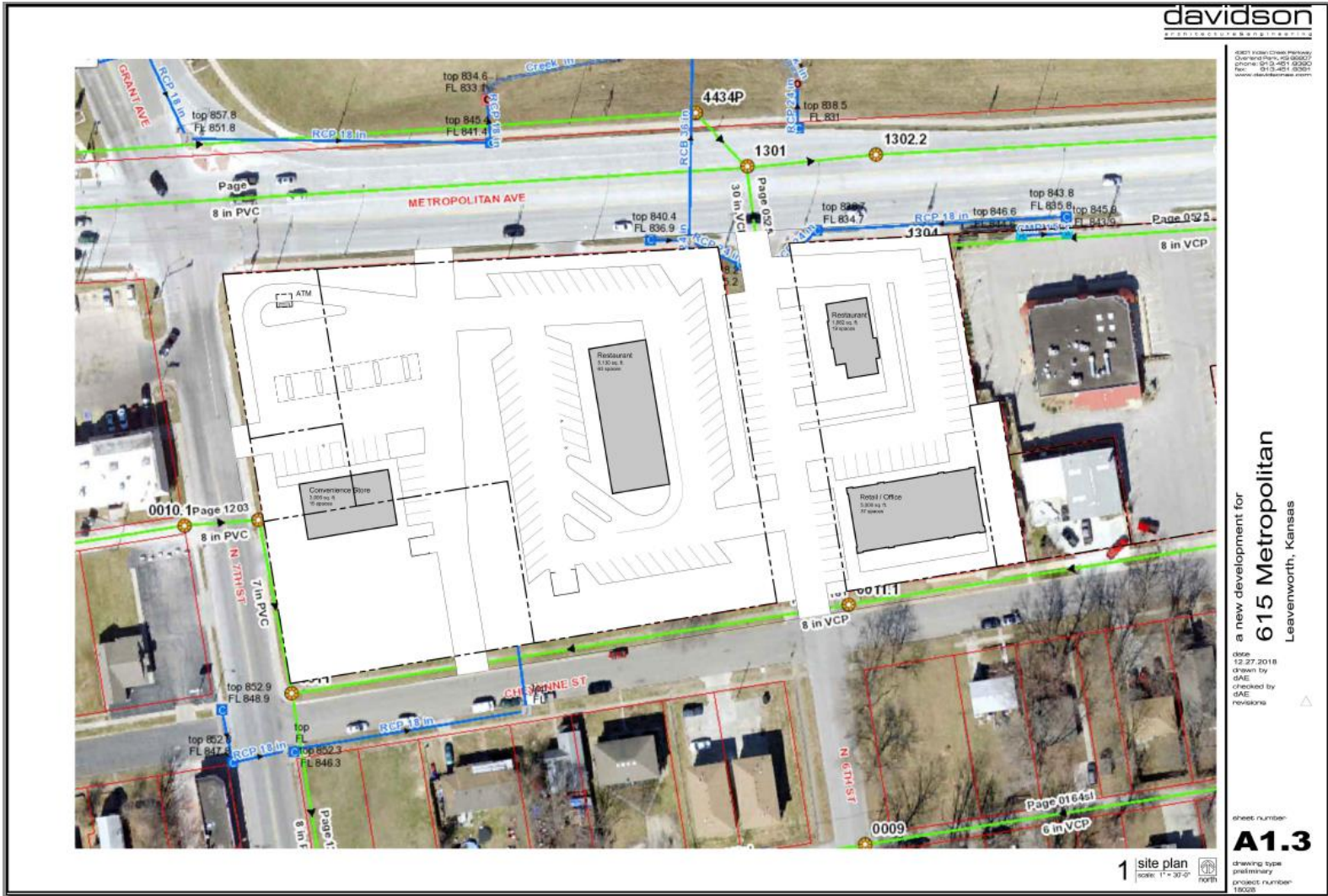
EXHIBIT B

Map of Project Area

(Project Area 3)



EXHIBIT C
Preliminary Site Plan



DAVIDSON
 ENGINEERS & ARCHITECTS

10871 Kolar Drive, Leavenworth, KS 66047
 Phone: 913-451-1234
 Fax: 913-451-9337
 www.davidsonks.com

a new development for
615 Metropolitan
 Leavenworth, Kansas

date: 12.27.2018
 drawn by: GAE
 checked by: GAE
 revisions:

sheet number:
A1.3
 drawing type: preliminary
 project number: 18028

EXHIBIT D

Estimated Budget

Line Item	Redevelopment Project Costs	Reimbursable Project Costs
Site Acquisition	\$2,507,500	\$2,507,500
Hard Costs	\$3,333,555	\$1,543,555
Soft Costs	\$1,258,810	\$382,002
Totals	\$7,099,865	\$4,433,057

EXHIBIT E

TIF Revenue Projections

TIF Year	Base Assessed Value	Projected Assessed Value	Base Sales	Projected Sales	Projected Sales	TIF Increment	City Sales Tax	Existing TIF Increment	Total TIF
1	\$ 306,192	\$ 306,192	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	\$ 306,192	\$ 306,192	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3	\$ 306,192	\$ 799,000	\$ -	\$ 4,100,000	\$ 4,100,000	\$ 53,320	\$ 41,000	\$ -	\$ 94,320
4	\$ 306,192	\$ 806,990	\$ -	\$ 4,141,000	\$ 4,141,000	\$ 54,185	\$ 41,410	\$ 250,000	\$ 345,595
5	\$ 306,192	\$ 815,060	\$ -	\$ 4,182,410	\$ 4,182,410	\$ 55,058	\$ 41,824	\$ 250,000	\$ 346,882
6	\$ 306,192	\$ 823,210	\$ -	\$ 4,224,234	\$ 4,224,234	\$ 55,940	\$ 42,242	\$ 250,000	\$ 348,182
7	\$ 306,192	\$ 831,443	\$ -	\$ 4,266,476	\$ 4,266,476	\$ 56,831	\$ 42,665	\$ 250,000	\$ 349,495
8	\$ 306,192	\$ 839,757	\$ -	\$ 4,309,141	\$ 4,309,141	\$ 57,730	\$ 43,091	\$ 250,000	\$ 350,822
9	\$ 306,192	\$ 848,155	\$ -	\$ 4,352,233	\$ 4,352,233	\$ 58,639	\$ 43,522	\$ 250,000	\$ 352,161
10	\$ 306,192	\$ 856,636	\$ -	\$ 4,395,755	\$ 4,395,755	\$ 59,556	\$ 43,958	\$ 250,000	\$ 353,514
11	\$ 306,192	\$ 865,203	\$ -	\$ 4,439,712	\$ 4,439,712	\$ 60,483	\$ 44,397	\$ 250,000	\$ 354,880
12	\$ 306,192	\$ 873,855	\$ -	\$ 4,484,110	\$ 4,484,110	\$ 61,419	\$ 44,841	\$ 250,000	\$ 356,260
13	\$ 306,192	\$ 882,593	\$ -	\$ 4,528,951	\$ 4,528,951	\$ 62,365	\$ 45,290	\$ 250,000	\$ 357,654
14	\$ 306,192	\$ 891,419	\$ -	\$ 4,574,240	\$ 4,574,240	\$ 63,320	\$ 45,742	\$ 250,000	\$ 359,062
15	\$ 306,192	\$ 900,333	\$ -	\$ 4,619,983	\$ 4,619,983	\$ 64,284	\$ 46,200	\$ -	\$ 110,484
16	\$ 306,192	\$ 909,337	\$ -	\$ 4,666,182	\$ 4,666,182	\$ 65,258	\$ 46,662	\$ -	\$ 111,920
17	\$ 306,192	\$ 918,430	\$ -	\$ 4,712,844	\$ 4,712,844	\$ 66,242	\$ 47,128	\$ -	\$ 113,371
18	\$ 306,192	\$ 927,614	\$ -	\$ 4,759,973	\$ 4,759,973	\$ 67,236	\$ 47,600	\$ -	\$ 114,836
19	\$ 306,192	\$ 936,890	\$ -	\$ 4,807,572	\$ 4,807,572	\$ 68,240	\$ 48,076	\$ -	\$ 116,315
20	\$ 306,192	\$ 946,259	\$ -	\$ 4,855,648	\$ 4,855,648	\$ 69,253	\$ 48,556	\$ -	\$ 117,810
21					\$ 4,904,205				
22					\$ 4,953,247				
Total / Gross Revenues						\$ 1,099,360	\$ 804,205	\$ 2,750,000	\$ 4,653,565
Net Present Value @ 5.50%						\$ 603,714	\$ 445,076	\$ 1,722,929	\$ 2,771,719

EXHIBIT F

TIF District Ordinance

[ATTACHED]

EXHIBIT G

Legal Description of Project Area 1

Block F Description:

Block "F", Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southwest Corner of said Block "F"; thence North 11 degrees 26'10" West for a distance of 208.24 feet along the Easterly right of way line of Fifth Street to the Southerly right of way line of Metropolitan Avenue; thence North 84 degrees 58'21" East for a distance of 340.63 feet along said Southerly right of way to the Westerly right of way of Fourth Street (U.S. Highway 73); thence South 39 degrees 21'37" East for a distance of 53.06 feet along said Westerly right of way; thence South 11 degrees 26'01" East for a distance of 125.00 feet along said Westerly right of way to the Northerly right of way of Cheyenne Street; thence South 78 degrees 49'34" West for a distance of 363.35 feet along said Northerly right of way to the point of beginning.

Together with and subject to covenants, easements and restrictions of record.

Said property contains 68003 Square Feet, 1.56 Acres, more or less.

Lots 17-31, Block 59 Description

Lots 17 thru 31, Block 59, Leavenworth City Proper, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northwest corner of said Block 59; thence North 78 degrees 49'34" East for a distance of 363.35 along the Southerly right of way of Cheyenne Street to the Westerly right of way of Fourth Street (U.S. Highway 73); thence South 11 degrees 26'01" East for a distance of 127.52 feet along said Westerly right of way to the Southeast corner of said

Lot 31; thence South 78 degrees 53'10" West for a distance of 363.34 feet along the Southerly line of Lots 17 thru 31 to the Easterly line of Fifth Street; thence North 11 degrees 26'10" West for a distance of 127.14 feet to the point of beginning. Together with and subject to covenants, easements and restrictions of record.

Said property contains 46263.6 Square Feet, 1.06 Acres, more or less.

Cheyenne Street

All that part of Cheyenne Street between Fourth and Fifth Street lying South of Block F and North of Block 59, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northwest corner of said Block 59; thence North 11 degrees 26'10" West for a distance of 60.00 feet along the Easterly right of way of Fifth Street and to the Southwest corner of said Block F; thence North 78 degrees 49'34" East for a distance of 363.35 feet along the Southerly line of said Block F to the Westerly right of way of Fourth Street (U.S. Highway 73); thence South 11 degrees 26'01" East for a distance of 60.00 feet along said Westerly right of way to the Northeast corner of said Block 59; thence South 78 degrees 49'34" West for a distance of 363.35 feet along the Northerly line of said Block 59 to the point of beginning.

Together with and subject to covenants, easements and restrictions of record.

Said property contains 21800.7 Square Feet, 0.5 Acres, more or less.

Total Property

Block F, Lots 17 thru 31 Block 59, Leavenworth City Proper, and that part of Cheyenne Street between Fourth and Fifth Street lying South of Block F and North of Block 59, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southwest corner of Lot 17 of said Block 59; thence North 11 degrees 26'10" West for a distance of 395.38 feet along the Easterly right of way of Fifth Street and to Southerly right of way line of Metropolitan Avenue; thence North 84 degrees 58'21" East for a distance of 340.63 feet along said Southerly right of way to the Westerly right of way of Fourth Street (U.S. Highway 73); thence South 39 degrees 21'37" East for a distance of 53.06 feet along said Westerly right of way; thence South 11 degrees 26'01" East for a distance of 312.52 feet along said Westerly right of way to the Southeast corner of said Lot 31; thence South 78 degrees 53'10" West for a distance of 363.34 feet along the Southerly line of Lots 17 thru 31 to the Easterly line of Fifth Street; thence North 11 degrees 26'10" West for a distance of 127.14 feet to the point of beginning.

Together with and subject to covenants, easements and restrictions of record.

Said property contains 136067.8 Square Feet, 3.12 Acres, more or less.

EXHIBIT H

Legal Description of Project Area 2

Redevelopment Description:

Lots 3 thru 16, Block 59, and that part of the platted 14 foot alley lying North of said Lots, Leavenworth City Proper, City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Beginning at the Southwest corner of said Block 59; thence North 11 degrees 27'13" West for a distance of 139.06 feet along the West line of said Block 59 to the North line of said alley; thence North 78 degrees 53'10" East for a distance of 338.35 feet along the North line of said alley, said line also being the South line of First City Hotel Subdivision; thence South 11 degrees 26'01" East for a distance of 140.20 feet along the East line of said Lot 3 to the South line of said Block 59; thence South 79 degrees 04'48" West for a distance of 338.31 feet along said South line to the point of beginning. Together with and subject to covenants, easements, and restrictions of record.

EXHIBIT I

Meeting Minutes

[CITY CLERK TO ATTACH]

POLICY REPORT
RESOLUTION B-2233 NOTICE OF PUBLIC HEARING
CREATION OF A COMMUNITY IMPROVEMENT DISTRICT
NORTH GATEWAY REDEVELOPMENT DISTRICT-PROJECT AREA 3

September 10, 2019

Prepared By:



Carla K. Williamson, CMC
City Clerk

Reviewed By:



Paul Kramer
City Manager

ISSUE:

The issue before the City Commission is to consider a resolution to set a public hearing on Tuesday October 22, 2019 for the creation of a Community Improvement District (CID) within the City and declaring the intent of the City to levy a CID sales tax pursuant to K.S.A. 12-6a26 *et seq.*

BACKGROUND:

- On August 30, 2019 a petition signed by Fort Gate Properties, LLC, was filed with the City Clerk proposing the creation of a Community Improvement District.
- The Improvement District is generally located at the southwest and southeast corners of North 6th Street and Metropolitan Avenue.
- The petition requests that the City levy a CID sales tax with the Improvement District. The CID sales tax would be imposed on the selling of tangible personal property at retail or rendering or furnishing services within the CID at 1.25% for a period of 22 years.
- The petition proposed method of financing is a combination of private equity, private debt, tax incremental financing and CID pay-as-you-go; provided however, that the petitioner may request, and that City shall reasonably consider (subject to approval by the governing body, the issuance of special obligation CID bonds, notes or other obligation to pay for (or reimburse) costs of the project.
- The resolution will be published once each week for two consecutive.
- Copies of the resolution will be mailed by United States certified mail return receipt requested at least 10 days prior to October 22, 2019 to each owner of land with the proposed Community Improvement District.
- At the public hearing on October 22, 2019, the Agreement will be presented to the City Commission and all interested persons shall be given the opportunity to be heard.
- Following the public hearing, the City Commission may approve the CID by Ordinance (first reading). Second Consideration (second reading) will follow on November 12, 2019 to adopt by majority vote the ordinance.

ACTION REQUIRED:

Approve Resolution B-2233 to set the public hearing for October 22, 2019

ATTACHMENTS:

- Resolution B-2233
- Petition for the Creation of a Community Improvement District filed by Fort Gate Properties, LLC
- Application for Community Improvement District submitted by Fort Gate Properties LLC

RESOLUTION B-2233

A RESOLUTION OF THE CITY OF LEAVENWORTH, KANSAS CALLING AND GIVING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY

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

WHEREAS, on August 30, 2019, a petition (the "Petition") signed by Fort Gate Properties, LLC (or assigns, the "Petitioner"), was filed with the City Clerk of the City of Leavenworth, Kansas (the "City") in accordance with the Act, which Petition proposed the creation of a community improvement district (the "District") under the Act and the imposition of a community improvement district (CID) sales tax therein (the "CID Sales Tax"), in order to assist in financing costs of the Project (defined below); and

WHEREAS, the City Commission of the City (the "City Commission") hereby finds and determines it to be necessary, for economic development purposes, to direct and order a public hearing on the advisability of creating the District, and of approving the Project and the CID Sales Tax, pursuant to the authority of the Act, and to provide for the giving of notice of said hearing in the manner required by the Act.

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

Section 1. Petition. The City Commission hereby finds and determines that the Petition for the District meets the requirements of the Act.

Section 2. Public Hearing. Notice is hereby given that the City Commission will hold a public hearing, in accordance with the provisions of the Act, on the advisability of creating the District, and of approving the Project and the CID Sales Tax, such hearing to be held on Tuesday October 22, 2019 at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Commission Chambers at City Hall, 100 N. 5th Street, Leavenworth, Kansas 66048.

Section 3. Proposed Project Area 3 CID Project. The general nature of the project to be funded by the proposed community improvement district (the "Project") is to acquire, redevelop and improve certain real property generally located at the southwest and southeast corners of North 6th Street and Metropolitan Avenue in the City of Leavenworth, Kansas. The Project may be described in a general manner as consisting of some or all of the following uses, without limitation: commercial uses, retail, restaurant and/or office uses, hotel and hospitality uses,

residential uses, public space, open space and/or similar, related or appurtenant uses, other structures and uses (including, but not limited to, commercial, mixed-use, residential, non-profit, governmental and/or community uses), and all associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, and any other items allowable under K.S.A. 12-6a26 *et seq.*

Section 4. Estimated Cost. The total estimated cost of the Project to be funded, in part, by the CID Sales Tax, as set forth in the Petition, is approximately \$7,099,864, plus interest accrued on borrowed money (the “Project Cost”); provided, however, the Project Cost is an estimate only and subject to change in the Petitioner’s discretion, including as actual costs are incurred and revenues received.

Section 5. Method of Financing. The costs of the Project will be financed with the CID Sales Tax levied pursuant to the provisions of the Act, to be reimbursed on a pay-as-you-go basis, as defined in the Act, and with private equity, private debt, tax increment financing, and/or other public or private sources. Notwithstanding the foregoing, subject to approval by the City Commission in its sole and absolute discretion, the Petitioner may request the issuance of special obligation CID bonds, notes or other obligations to pay for (or reimburse) costs of the Project.

Section 6. Proposed Amount of CID Sales Tax. It is proposed that the Project be financed, in part, through the levying on a one and one-quarter percent (1.25%) add-on CID Sales Tax, for a period of twenty-two (22) years, as authorized by the Act.

Section 7. Proposed Method and Amount of Assessment. It is not being proposed that the Project be financed through the levying of CID assessments.

Section 8. Map and Legal Description of Proposed District. A map and legal description of the proposed community improvement District are attached hereto as *Exhibit A* and *Exhibit B*, respectively, and incorporated herein.

Section 9. Further Notice of Hearing. The City Clerk is hereby authorized, ordered and directed to give notice of the public hearing by publication of this Resolution at least once each week for two consecutive weeks in the official City newspaper. The second publication shall be at least seven (7) days prior to the date of the hearing. The City Clerk is hereby further authorized, ordered and directed to mail copies of this Resolution, by certified mail, return receipt requested, to all owners of record of real property within the District, and to do so at least ten (10) days prior to the date of the hearing.

Section 10. Effective Date. This Resolution shall be effective upon adoption by the City Commission.

**ADOPTED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH,
KANSAS ON SEPTEMBER 10, 2019.**

Jermaine Wilson, Mayor

[SEAL]

ATTEST:

Carla Williamson, City Clerk

EXHIBIT A

Map of Proposed District



EXHIBIT B

Legal Description of Proposed District

All of Lots 1 through 32, inclusive, and all of the vacated alley, all in Block 97, DAY AND MACAULAY'S SUBDIVISION, together with part of vacated Sioux Street, all in the City of Leavenworth, Leavenworth County, Kansas, together being more particularly described as follows:

Beginning at the Southwest corner of said Block 97, said point being on the East right-of-way line of 7th Street, as it now exists;

thence North 11°05'01" West, along said East right-of-way line, a distance of 304.57 feet, to a point of intersection with the South right-of-way line of Metropolitan Avenue, as it now exists;

thence North 85°02'02" East, along said South right-of-way line, a distance of 385.57 feet, to a point of intersection with the West right-of-way line of 6th Street, as it now exists;

thence South 11°13'47" East, along said West right-of-way line, a distance of 262.51 feet, to a point of intersection with the North right-of-way line of Cheyenne Street, as it now exists;

thence South 78°46'13" West, along said North right-of-way line, a distance of 384.05 feet to the Point of Beginning,

containing 108,791 square feet, or 2.497 acres, more or less;

AND

All that part of the North Fractional portion of Block G, together with all of Lots 11 through 16 inclusive, Block G, LEAVENWORTH; all in the City of Leavenworth, Leavenworth County, Kansas more particularly described as follows:

Beginning at Southwest corner of said Block G said point being on the east right-of-way line of 6th Street, as it now exists;

thence North 11°13'47" West, along said East right-of-way line a distance of 255.92 feet, to a point of intersection with the South right-of-way line Metropolitan Avenue, as it now exists;

thence North 85°02'02" East, along said South right-of-way line, a distance of 122.75 feet, to the Northwest corner of Lot 1, METRO SUBDIVISION, a subdivision in said City of Leavenworth;

thence South 12°48'14" East, along the West line of said Lot 1, a distance of 117.99 feet;

thence North 78°26'27" East, continuing along said West line, a distance of 19.03 feet;

thence South 11°05'57" East, continuing along the West line of said Lot 1 and the West line of Lot 2, said METRO SUBDIVISION, a distance of 124.69 feet, to the Southwest corner of said Lot 2 said point being on the North right-of-way line of Cheyenne Street, as it now exists;

thence South 78°46'13" West, along said North right-of-way line, a distance of 144.00 feet to the Point of Beginning,

containing 33,358 square feet, or 0.766 acres, more or less.

[Remainder of page intentionally blank.]

PETITION FOR THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT

TO: The Governing Body,
City of Leavenworth, Kansas

The undersigned (the “**Petitioner**”), being the owner of record, whether resident or not, of the following:

1. More than fifty-five percent (55%) of the land area contained within the hereinafter described community improvement district; and
2. More than fifty-five percent (55%) by assessed value of the land area contained within the hereinafter described community improvement district,

hereby petitions the City of Leavenworth, Kansas (the “**City**”) to create a community improvement district (“**CID**”) and authorize the proposed project hereinafter set forth, all in the manner provided by K.S.A. 12-6a26, *et seq.* (the “**Act**”). In furtherance of such request, the Petitioner states as follows:

1. GENERAL NATURE

The general nature of the project to be funded by the proposed community improvement district (the “**Project**”) is to acquire, redevelop and improve certain real property generally located at the southwest and southeast corners of North 6th Street and Metropolitan Avenue in the City of Leavenworth, Kansas. The Project may be described in a general manner as consisting of some or all of the following uses, without limitation: commercial uses, retail, restaurant and/or office uses, hotel and hospitality uses, residential uses, public space, open space and/or similar, related or appurtenant uses, other structures and uses (including, but not limited to, commercial, mixed-use, residential, non-profit, governmental and/or community uses), and all associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities, and any other items allowable under K.S.A. 12-6a26 *et seq.*

2. ESTIMATED COST

The estimated or probable cost of the Project is approximately \$7,099,864¹ plus interest accrued on borrowed money. A detailed budget is attached hereto as Exhibit A.

¹ Notwithstanding the foregoing or anything herein (including, without limitation, the Exhibits attached hereto) to the contrary, this petition is not intended to be inflexible, and the descriptions of uses and buildings, and all sizing, design and cost (including “Project” “Costs”), and any and all other descriptions and projections set forth herein, are estimates only and subject to change in the Petitioner’s (and its successors’ and assigns’) discretion, including as actual costs are incurred and revenues received. Nothing herein shall be construed as a cap (or caps) on the amount of CID being requested or the amount of CID that is available to help pay “costs” of the “Project” (as defined in the Act).

3. PROPOSED METHOD OF FINANCING

It is proposed that the Project be financed through a combination of private equity, private debt, tax increment financing and CID pay-as-you-go financing (as defined in the Act); provided, however, that the Petitioner may request, and the City shall reasonably consider (subject to approval by the City’s governing body in its sole and absolute discretion) the issuance of special obligation CID bonds, notes or other obligations to pay for (or reimburse) costs of the Project.

4. PROPOSED AMOUNT OF SALES TAX

It is proposed that the Project be financed, in part, through the levying of a one and one-quarter percent (1.25%) add-on CID sales tax, for a period of twenty-two (22) years, as authorized by the Act.

5. PROPOSED METHOD AND AMOUNT OF ASSESSMENT

It is not being proposed that the Project be financed through the levying of assessments.

6. MAP AND LEGAL DESCRIPTION OF THE PROPOSED DISTRICT

A map of the proposed community improvement district (the “**District**”) is attached hereto as Exhibit B.

The legal description of the District is attached hereto as Exhibit C.

7. NOTICE TO PETITION SIGNERS

NAMES MAY NOT BE WITHDRAWN FROM THIS PETITION BY THE SIGNERS HEREOF AFTER THE CITY COMMENCES CONSIDERATION OF THIS PETITION, OR LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF WITH THE CITY CLERK, WHICHEVER OCCURS FIRST.

[Remainder of this page intentionally left blank]

IN WITNESS WHEREOF, the undersigned Petitioner has executed the above foregoing petition to create the District.

FORT GATE PROPERTIES, LLC, a Kansas limited liability company

By: [Signature]
Name: Justin Kaufmann
Title: Authorized Person

STATE OF Kansas)
COUNTY OF Johnson) ss.

BE IT REMEMBERED, that on this 29th day of August, 2019 before me, the undersigned, a Notary Public in and for said County and State, came Justin Kaufmann, to me personally known, who being by me duly sworn did say that he is an Authorized Person of Fort Gate Properties, LLC, a Kansas limited liability company, and that the within instrument was signed and sealed on behalf of said limited liability company by authority thereof, and acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

(Seal)



[Signature]

Notary Public in and for said County and State

My Commission Expires:

5/16/20

Print Name: Michele L. Hart

EXHIBIT A
CID PROJECT BUDGET

Estimated Project Costs

Line Item	Project Costs	CID Project Costs
Site Acquisition	\$2,507,500	\$2,507,500
Hard Costs	\$3,333,555	\$3,333,555
Soft Costs	\$1,258,810	\$1,008,810
Totals	\$7,099,865	\$6,849,865

EXHIBIT B

MAP OF DISTRICT



EXHIBIT C

LEGAL DESCRIPTION OF DISTRICT

All of Lots 1 through 32, inclusive, and all of the vacated alley, all in Block 97, DAY AND MACAULAY'S SUBDIVISION, together with part of vacated Sioux Street, all in the City of Leavenworth, Leavenworth County, Kansas, together being more particularly described as follows:

Beginning at the Southwest corner of said Block 97, said point being on the East right-of-way line of 7th Street, as it now exists;

thence North 11°05'01" West, along said East right-of-way line, a distance of 304.57 feet, to a point of intersection with the South right-of-way line of Metropolitan Avenue, as it now exists;

thence North 85°02'02" East, along said South right-of-way line, a distance of 385.57 feet, to a point of intersection with the West right-of-way line of 6th Street, as it now exists;

thence South 11°13'47" East, along said West right-of-way line, a distance of 262.51 feet, to a point of intersection with the North right-of-way line of Cheyenne Street, as it now exists;

thence South 78°46'13" West, along said North right-of-way line, a distance of 384.05 feet to the Point of Beginning, containing 108,791 square feet, or 2.497 acres, more or less;

AND

All that part of the North Fractional portion of Block G, together with all of Lots 11 through 16 inclusive, Block G, LEAVENWORTH; all in the City of Leavenworth, Leavenworth County, Kansas more particularly described as follows:

Beginning at Southwest corner of said Block G said point being on the east right-of-way line of 6th Street, as it now exists;

thence North 11°13'47" West, along said East right-of-way line a distance of 255.92 feet, to a point of intersection with the South right-of-way line Metropolitan Avenue, as it now exists;

thence North 85°02'02" East, along said South right-of-way line, a distance of 122.75 feet, to the Northwest corner of Lot 1, METRO SUBDIVISION, a subdivision in said City of Leavenworth;

thence South 12°48'14" East, along the West line of said Lot 1, a distance of 117.99 feet;

thence North 78°26'27" East, continuing along said West line, a distance of 19.03 feet;

thence South 11°05'57" East, continuing along the West line of said Lot 1 and the West line of Lot 2, said METRO SUBDIVISION, a distance of 124.69 feet, to the Southwest corner of said Lot 2 said point being on the North right-of-way line of Cheyenne Street, as it now exists;

thence South 78°46'13" West, along said North right-of-way line, a distance of 144.00 feet to the Point of Beginning, containing 33,358 square feet, or 0.766 acres, more or less.



City of Leavenworth, Kansas
Application for Community Improvement District

Date: August 9, 2019

Application for creation of a community improvement district:

Indicate the type of community improvement district funding sought (check all that apply):

- Community Improvement District (CID) – Sales Tax Proposed
- Community Improvement District (CID) – Special Assessment

A. Applicant Information

- a. Project Name: 615 Metropolitan Redevelopment
- b. Project Address: SWC & SEC of North 6th Street & Metropolitan Avenue
- c. Name of Corporation/Partnership: Fort Gate Properties, LLC
- i. Address: 7939 Floyd Street, Overland Park, KS 66204
- d. Primary Contact:
- i. Name: Justin Kaufmann
- ii. Address: 7939 Floyd Street, Overland Park, KS 66204
- iii. Phone: (913) 747-3340
- iv. Fax: N/A
- v. Email: justin@cadencekc.com

B. Project Team (to extent applicable)

- a. Attorney:
- i. Name: Korb Maxwell & Kevin Lee, Polsinelli PC
- ii. Address: 900 W 48th Place, Suite 900, Kansas City, MO 64112
- iii. Phone: Korb: (816) 360-4327; Kevin: (816) 360-4323
- iv. Fax: (816) 572-5327
- v. Email: Korb: kmaxwell@polsinelli.com; Kevin: klee@polsinelli.com



City of Leavenworth, Kansas
Application for Community Improvement District

b. Construction Contractor:

i. Name: TBD

ii. Address:

iii. Phone:

iv. Fax:

v. Email:

c. Engineer:

i. Name: Same as below.

ii. Address:

iii. Phone:

iv. Fax:

v. Email:

a. Architect:

i. Name: Davidson Architecture + Engineering (c/o Chris Hafner, AIA)

ii. Address: 4301 Indian Creek Parkway

iii. Phone: (913) 451-9390

iv. Fax: (913) 451-9391

vi. Email: Chris@ davidsonae.com

C. Applicant Background

a. Brief summary description of the applicant's business:

Real estate development.



City of Leavenworth, Kansas
Application for Community Improvement District

- b. Attach a list of officers, members, shareholders or partners with more than five percent (5%) interest in the applicant:

Star Capital, LLC; Cadence Leavenworth I, LLC

- c. Provide references to demonstrate the applicant's past experience and financial capacity to successfully plan and complete development projects of similar type and scale:

The Applicant's principals and consultants have significant experience developing projects of similar type and scale. Additional information pertaining to their past experience and financial capacity to successfully complete the proposed development project can be provided upon request.

D. Project information

- a. Provide a detailed description of the proposed project, including location, current status of the zoning and uses of the property with proposed changes, site plan, budget and schedule:

The proposed project contemplates redevelopment of the approximately 3.5+/- acres generally located at the southwest and southeast corners of N 6th Street & Metropolitan Avenue in the City of Leavenworth, Leavenworth County, Kansas (the "Property"), to consist of a Class A commercial and/or mixed-use development. The Property is appropriately zoned for the proposed uses.



City of Leavenworth, Kansas

Application for Community Improvement District

b. Describe how the project will serve a public purpose:

Address issues such as:

- *Enhancement or diversification of the city's economic and tax base*
- *Rehabilitation and redevelopment of existing site*
- *Number and types of jobs created by the project*

The total Project cost is approximately \$7 million. A project of this scope and caliber will undoubtedly enhance and diversify the City's economic tax base through rehabilitation and redevelopment of the existing site into a higher and better use resulting in increased property and sales taxes for the City, increased employment opportunities, and Class A commercial and/or mixed-use development in the City.

c. Provide a detailed description of the proposed method of funding the project:

Address issues such as:

- *Initial funding of project costs by equity or private debt*
- *Details of any proposed CID special assessments, details and term*
- *Details of any proposed CID sales taxes, including amount and anticipated sources of sales tax revenues*
- *Details of any proposed "pay-as-you-go" reimbursements*
- *Details of any proposed bonds authorized under the CID act*

It is proposed that the Project be financed through a combination of private equity, private debt, tax increment Pay-as-you-go financing and CID Pay-as-you-go financing. With respect to the CID financing, it is proposed that the Project be financed, in part, through the levying of a one and one-quarter percent (1.25%) add-on sales tax for a term of twenty-two (22) years. It is not being proposed that the Project be financed through the levying of CID special assessments.



City of Leavenworth, Kansas
Application for Community Improvement District

E. Other

The City may require such additional information as determined, in its discretion, in order to consider this application, including, but not limited to, applicant financial information and additional information regarding the proposed project.

F. Application Fee and Deposit

Applicants will be required to provide a non-refundable application fee(s) of \$1000 to be paid to the City of Leavenworth.

A further deposit of \$5,000 is required to be placed in escrow pursuant to a funding agreement to be used by the city to complete the analysis of the CID application and proposed funding, and to pay costs associated with attorney's fees, financial advisor fees, and other professional services and expenses incurred by the city in connection with the proposed CID. Should the entire \$5,000 be utilized, the applicant may be required to place additional funds in escrow. Any unused portion of this deposit will be returned to the application.

Applicant acknowledges that the Governing Body of the City of Leavenworth is under no obligation to approve any application for creation of a CID and that the decision is discretionary with the City.

The undersigned; certifies that all information provided with the application is true and correct to the best of the undersigned's knowledge, agrees to update as necessary all information required herein, authorizes the City of Leavenworth to check credit references and verify financial and other information, agrees to provide any additional information as may be requested by the city after the filing of this application, and agrees to provide the application fee, escrow deposit, and to pay the additional funds into escrow as described above.

Applicant Name:

Signature: 

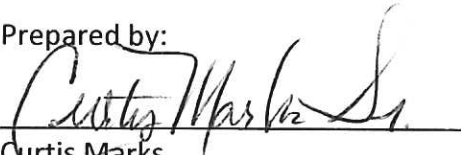
Title:

Date:


POLICY REPORT MSC NO. 19-46

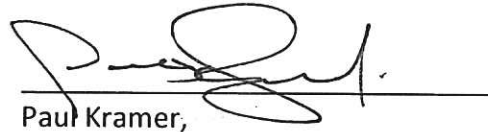
CONSIDER AWARD OF THE 2019/2020 SALT BID
PUBLIC WORKS DEPARTMENT
September 10, 2019

Prepared by:


Curtis Marks,
Operations Superintendent

Reviewed by:


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


Paul Kramer,
City Manager

ISSUE: Consider award of the 2019/2020 Salt Bid.

BACKGROUND: This procurement is for 1200 tons of crushed deicing rock salt. Leavenworth County advertised for salt bids for their needs. The bid specifications allowed the City of Leavenworth and other cities in the county to purchase salt at the bid price.

Leavenworth County's bid opening was held on August 20, 2019, and submissions are shown below. The County Commission approved the low bidder in their meeting, Independent Salt Company.

<u>Bids submitted</u>	<u>Cost Per Ton</u>
Doubled D, Inc DBA Dale Brothers, Kansas City, KS-Wyandotte	\$125.00
Hutchinson Salt Co., Inc, Baxter Springs-Cherokee	No Bid
Compass Minerals, Overland Park, KS – Johnson	No Bid
Cargill Deicing Technology, North Olmstead, OH	No Bid
Central Salt, Lyons-Rice	\$63.11
Independent Salt, Kanapolis, KS	\$62.38

City staff conducted informal price verification with several salt vendors and found the low bid provided to the county to be very competitive. •

STAFF RECOMMENDATION: Staff recommends that the City Commission approve the Leavenworth County bid for rock salt at \$62.38/ton for 1200 tons, totaling \$74,856 with Independent Salt Company.

Below is a recap of salt purchases and costs from previous years:

<u>YEARS</u>	<u>VENDOR</u>	<u>TONS PURCHASED</u>	<u>COST PER TON</u>
1998/1999	Hutchinson Salt Company	600	\$24.50
1999/2000	Hutchinson Salt Company	700	\$24.50
2000/2001	Cargill Salt Company	800	\$24.29
2001/2002	Cargill Salt Company	800	\$29.14
2002/2003	True North Distribution	400	\$29.85
2003/2004	Cargill Salt Company	430	\$31.95
		300	\$32.75
		200	\$32.95
2003/2004	Hutchinson Salt Company	320	\$32.31
		250	\$37.31
2004/2005	Cargill Salt Company	600	\$32.95
2005/2006	Cargill Salt Company	600	\$33.95
2006/2007	Cargill Salt Company	600	\$35.44
2007/2008	Hutchinson Salt Company	700	\$43.85
2008/2009	Independent Salt Company	1,000	\$55.61
2009/2010	Independent Salt Company	700	\$53.39
2011	Cargill Incorporated	582	\$54.62
2013/2014	Central Salt	647	\$56.48
2014/2015	Independent Salt Company	509	\$57.97
2015/2016	Central Salt	314	\$58.97
2018/2019	Independent Salt Company	800	\$53.68

This 1,200-ton purchase will fill the dome and ensure an adequate resupply during the winter season. Annual usage is dependent on storm types and frequency.

ATTACHMENTS:

- County Bid Documents
- County Award Documents



COUNTY OF LEAVENWORTH
Department of Public Works



Leavenworth County Department of Public Works
 23690 187th Street
 Leavenworth, KS 66048

August 21, 2019

Independent Salt Company
 Attn: Chris Tully
 PO Box 36
 Kanapolis, KS 67454

RE: Salt Bids for Leavenworth County

We are pleased to announce that Independent Salt Company has been awarded the bid for Leavenworth County.

On Tuesday, August 20, 2019 bids were opened for 3,000 tons of medium rock salt (with the option to purchase more if necessary) for Leavenworth County. In addition, the City of Tonganoxie, City of Basehor and City of Leavenworth and the City of Lansing are added as bulk bids. Each municipality would make arrangements and purchase their requested amount of rock salt directly from Independent Salt Co. The following is a bid tabulation of the bids received:

2019 Salt Bid Tabulation

<u>Vendor</u>	<u>Bid Price per ton</u>	<u>Bid Alternate per ton</u>
Dale Brothers	\$125.00	\$125.00
Hutchinson Salt	No Bid	No Bid
Compass Minerals	No Bid	No Bid
Cargill Deicing	No Bid	No Bid
Central Salt	\$63.11	\$63.11
Independent Salt	\$62.38	\$62.38

We are pleased that Independent Salt Co was awarded the bid, and look forward to working with you this upcoming winter. If you have any questions or concerns, please feel free to contact either myself or Vincent Grier, Rd & Br Superintendent at 913-727-1800.

Sincerely,

Lauren Anderson, IE
 Leavenworth County Public Works

Leavenworth County Department of Public Works
23690 187th Street
Leavenworth, KS 66048

Michael Spickelmier, Director of Public Works

Vincent Grier, Rd. Superintendent

Notice of Bid

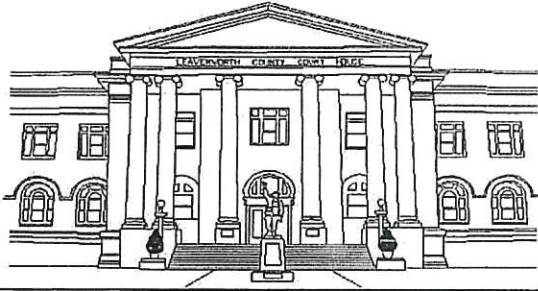
The Leavenworth County Department of Public Works is accepting bids for "Salt". Conditions and specifications are attached. Please submit sealed bid proposals plainly marked "**2019 Salt Bids**" to:

Leavenworth County Clerk, Courthouse
300 Walnut Street, Suite 106
Leavenworth, KS 66048

No later than **10:00 a.m. on Tuesday, August 20th, 2019** at which time they will be opened and read aloud.

Questions regarding the bid specifications should be addressed to Vincent Grier at 913-727-1800 between the hours of 7:30 a.m. to 4:00 p.m. Questions may be faxed to him at 913-727-2894.

The Leavenworth County Board of Commissioners has the right to refuse any and all bids and accept the best bid they feel is in the best interest of Leavenworth County.



COUNTY OF LEAVENWORTH

Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

Bid Form

Rock Salt Suppliers:

Please send us your quotation for up to **3000 tons** of medium rock salt, (with the option to purchase more if necessary) starting October 1, 2019. Our conditions are as follows:

- 1) Salt to meet Kansas Department of Transportation Specifications. To include anti-caking treatment.
- 2) Delivery is to be made to the Leavenworth County Shop (23690 187th Street), which is located 8 miles Northeast of Tonganoxie on County Route 29.
- 3) Delivery to be made by end dump truck protected against moisture while in-route.
- 4) Actual tonnage must be within +/- five percent of the total tonnage.
- 5) The Leavenworth County Shop will contact you with delivery dates.

6) Bid Price Per Ton: \$ _____

In addition, the City of Tonganoxie Kansas, City of Basehor Kansas, City of Lansing Kansas, and the City of Leavenworth Kansas would like to be included as add alternates to the Leavenworth County Bulk Bid. Each municipality would make arrangements and purchase their requested amount of rock salt directly from the awarded supplier at the bid price. The invoicing and payment for this material will be handled directly between the City and the Supplier; LVCO will not be an intermediary for these bid alternates. If the inclusion of these municipalities adversely impacts the base bid for Leavenworth County, then these alternates will not be exercised:

1. **Alternate #1** - Basehor, POC Gene Myracle (913) 724-2000, **200 Tons**
2. **Alternate #2** – Tonganoxie, POC Kent Heskett (913) 845-2640, **200 Tons**
3. **Alternate #3** – Lansing, Tim Vandall (913) 727-1700, **500 Tons**
4. **Alternate #4**- Leavenworth City, Curtis Marks Sr. (913) 682-0650, **1400 Tons, 700 tons by October 2019 and the remainder needed in early 2020.**

5. Bid Price Per Ton: \$ _____

Your bid should be sent to the Leavenworth County Clerk's Office, at the Courthouse, 300 Walnut, Suite 106 Leavenworth, KS 66048, and must be marked "**Salt Bids**" on the front of the envelope. The bids must be received prior to **10:00 a.m. on Tuesday, August 20th, 2019**, at which time they will be opened and read aloud in the County Clerk's Office.

Leavenworth County reserves the right to reject any and all bids and to waive any nonconformity in any submitted bid.

Sincerely,

Michael Spickelmier, P.E.
Director of Public Works

**Leavenworth County Public Works Department
Vendor List for SALT BIDS**

Company: Independent Salt Company
 Name: Chris Tully
 Address: PO Box 36
 Kanopolis, KS 67454
 Fax: 785.472.5196
 Office: 785.472.4421
 Email: bkenner@indsalt.com

Company: Central Salt
 Name: Lori Young, Customer Service
 Address: 1420 State Road 14
 Lyons, KS 67554
 Office: 620.257.5626
 Fax:
 Email: lyoung@centralsalt.com

Company: Hutchinson Salt Co.
 Name: Larry Bingham
 Address: 136 West 12th Street
 Baxter Springs, KS 66713
 Office: 1.800.336.7258
 Fax: 620.856.3663
 Email: hutchminers@gmail.com

Company: Scotwood Industries
 Name: Phil Collins
 Address: 12980 Metcalf, Ste. 420
 Overland Park, KS 66212
 Office: 1.800.844.2022
 Fax:
 Email: pcollins@scotwoodindustries.com

Company: Cargill Deicing Technology
 Name: Jamie Napier
 Customer Care Representative I
 Address: 24950 Country Club Blvd, Ste. 450
 North Olmsted, OH 44070-5333
 Office: 1.800.600.7258
 Fax: 1.800.467.3409
 Email:

Company: Compass Minerals
 Name: Joel Gerdes, Sales Manager
 Address: 9900 West 109th Street, Ste 600
 Overland Park, KS 66210
 Office: 913.344.9200
 Fax:
 Email:

Company: Doubled D, Inc. dba Dale Brothers
 Name: Harold Dunn
 Address: PO Box 12541
 Kansas City, KS 66112
 Office: 913.957.4526
 Fax: 913.210.2028
 Email: ti@dalekc.com

**Bids to be opened on
Tuesday, August 20th, 2019 at 10:00 a.m.**