



Welcome To Your City Commission Meeting - Please turn off or silence all cell phones during the commission meeting.
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Call to Order – Pledge of Allegiance Followed by Silent Meditation

PROCLAMATIONS:

1. Proclamations (pg. 3)
 - a. Military Retiree Appreciation Day
 - b. 100th Anniversary Veterans Day Parade

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. Minutes from October 8, 2019 Regular Meeting **Action:** Motion (pg. 5)

Second Consideration Ordinances:

3. Second Consideration Ordinance 8113 Adopt & Enact a New Code of Ordinances **Action:** Roll Call (pg. 11)
4. Second Consideration Ordinance 8114 Amending Chapter 38 Solid Waste; Sec. 38-32 Service Fees **Action:** Roll Call (pg. 14)
5. Second Consideration Ordinance 8115 Amending Chapter 46 Utilities; Sec. 46-113 Levy **Action:** Roll Call (pg. 19)

NEW BUSINESS:

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

General Items

6. Approve City Fee Schedule **Action:** Motion (pg. 29)
7. Review Unsafe and Dangerous Structures Given Extensions **Action:** Motion (pg. 49)
8. Public Hearing – Unsafe or Dangerous Structure (Fire Damaged Structure 228-230 Ottawa Street) (pg. 72)
 - a. Open Public Hearing **Action:** Motion
 - b. Staff and Public Comments
 - c. Close Public Hearing **Action:** Motion
 - d. Adopt Resolution B-2238 **Action:** Motion
9. Public Hearing to Consider the Adoption of a Redevelopment Project Plan North Gateway Redevelopment District; Project Area 3 (pg. 78)
 - a. Open Public Hearing **Action:** Motion
 - b. Staff and Public Comments
 - c. Close Public Hearing **Action:** Motion
 - d. Consider & Place Ordinance on first consideration as presented **Action:** Consensus

10. Public Hearing to Consider Request by Fort Gate Properties LLC for a Community Improvement District (CID)
(pg. 104)

- a. Open Public Hearing **Action:** Motion
- b. Staff and Public Comments
- c. Close Public Hearing **Action:** Motion
- d. Consider & Place Ordinance on first consideration as presented **Action:** Consensus

11. Public Hearing to Consider Petition to Vacate a Portion of an Alley in Block 97 Day and Macaulay's Subdivision
(pg. 120)

- a. Open Public Hearing **Action:** Motion
- b. Staff and Public Comments
- c. Close Public Hearing **Action:** Motion
- d. Consider & Place Ordinance on first consideration **Action:** Consensus

Consent Agenda:

Claims for October 5, 2019 through October 18, 2019, in the amount of \$1,715,787.27; Net amount for Payroll #21 effective October 11, 2019, in the amount of \$331,482.94; (No Police & Fire Pension). **Action:** Motion

Other:

Adjourn

Action: Motion

City of Leavenworth, Kansas



Proclamation

WHEREAS, *Military Retirees have served our country faithfully in times of peace and war; and*

WHEREAS, *Military Retirees have made significant sacrifices in defense of our freedom and liberty; and*

WHEREAS, *a large number of Military Retirees and their families live, work, and play in the Leavenworth community; and*

WHEREAS, *the Fort Leavenworth Garrison will conduct a Retiree Appreciation Day on October 26, 2019.*

NOW, THEREFORE, *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas do hereby join the Fort Leavenworth Garrison in recognizing the contributions, sacrifices, and loyalty of Military Retirees in our community by proclaiming October 26, 2019 as:*

Military Retiree Appreciation Day

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

Jermaine Wilson, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *the Leavenworth County Veteran's Day Parade is celebrating its 100th anniversary ; and*
- WHEREAS,** *World War I ended on November 11, 1918, with the signing of the Armistice by the Allies and Germany. In the first Armistice Day proclamation in 1919, President Woodrow Wilson called for the nation to remember those who had died in their country's service and to make the day an opportunity for America to "show her sympathy with peace and justice in the councils of the nation"; and*
- WHEREAS,** *in 1927 Congress called for the display of the U.S. flag on government buildings, and in 1938 Congress called for the observance of Armistice Day in cities and schools; and*
- WHEREAS,** *in the first celebration held in Leavenworth stores were decorated in patriotic colors, there were crowds of screaming, noise making happy people of all ages in the downtown streets from early morning until midnight; and*
- WHEREAS,** *the current parade will have multiple Military units with equipment, floats and marching Fraternal and Veterans organizations, local schools bands and JROTC units along with multiple civilian organizations. The parade will have over 250 participants that will draw over 12,000 to 15,000 spectators; and*
- WHEREAS,** *on this patriotic occasion, let us all commit ourselves to the great need of fostering a spirit of rededication to the ideals that have served as the foundation of this great country "One nation, under God, indivisible, with liberty and justice for all."*

NOW, THEREFORE, *I, Jermaine Wilson, Mayor of the City of Leavenworth, Kansas hereby proclaim November 11, 2019 as the:*

Leavenworth County 100th Anniversary of the Veteran's Day Parade

IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this eighth day of October 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 Nancy Bauder, Larry Dedeke and Mark Preisinger.

Others present: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Police Chief Pat Kitchens, Fire Chief Gary Birch, Fire Marshal Andy Brooks, Human Resources Director Lona Lanter, Human Resources Specialist Michelle Meinert, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Planning and Community Development Director Julie Hurley, Finance Director Ruby Maline, Deputy Finance Director Brandon Mills, Public Information Officer Melissa Bower, City Attorney David E. Waters and City Clerk Carla K. Williamson.

Mayor Jermaine Wilson called the meeting to order and opened the meeting with the pledge of allegiance followed by silent meditation

PRESENTATIONS & PROCLAMATION:

Proclamations:

Fire Prevention Week – Fire Marshall Andy Brooks was present to accept the proclamation.

World Polio Day – Maria Minchew was present to accept the proclamation.

Food Day – Bill Kromer was present to accept the proclamation.

Domestic Violence Awareness Month – Jennifer Marsh and Sherry Brown were present to accept the proclamation.

Employee Welcome Ceremony:

The following recently hired full and part time City employees were welcomed:

Shane Adams – Police Officer
Sarah Varley – Police Officer
Austin Allen – Police Officer
Demian Renfrow – Solid Waste Collector
Anthony-David Wilder – Solid Waste Collector
Jacquelyn Porter – City Planner
Ronald Fox – Police Officer
Tristan Milne – Firefighter
James Krayenhagen – Firefighter
Shawn Hund – Police Officer
Sharon Sanborn – Administrative Clerk for HR and CVB
James Heuer – Firefighter

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Dedeke moved to approve the minutes from the September 24, 2019 regular meeting as presented. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

NEW BUSINESS:

Citizen Participation:

David Drake 4622 10th Avenue

- Would like a review of the Stormwater runoff and changing some of the policies for fairness
- Home Depot Stormwater fee is \$3,100.00
- Small businesses and churches grouped in as commercial property
- \$3,100 fee to local church
- Would like a consensus by the Commission to put this on a future study session
- Would like to see it a little more fair

Commissioner Griswold:

- Stated that the Commission had three different discussions
- Wants to look again at the fee schedule and fairness
- Is in support of the Commission coming to a consensus to look at the fee schedule
- 100% behind the program but would like to look at for fairness

There was no consensus by the commission to set a new date at this time.

Commissioner Preisinger said there was a change to the multi-family fees.

After more discussion, Mayor Wilson stated that he would get with the City Manager to look at putting this back on the agenda in the spring.

Kevin Albe – A & K Rentals

- Owns a lot of rental property
- Also concerned about Stormwater rate
- Affects homeowners

Krystal Elliott - 303 Arch Street

- Spoke regarding bee keeping in the City
- Thanked the Commission for the Study Session on the topic
- Reached out to others who were also present and in favor of allowing bee keeping in the City
- Encourage the Commission to change the ordinance before spring

Chad Gilliland - Board of Directors of NE Kansas Bee Keepers Association and Regional Director of the Kansas Honey Producers Association

- Helped City of Lawrence to update their program

- Is available to assist the Commission with any programs or questions
- Honey bees are critical to agriculture in Kansas
- Prairie Village, Olathe, Overland Park, Lenexa all have urban bee keeping

Mr. and Mrs. Abe Jacobs

- Local beekeeper
- Started 2 years ago with 2 hives one died out
- Not an easy process to establish hives
- Has a larger lot to allow for hives
- Mrs. Jacobs (Dr. Winter) is a physician with the military and has traveled around the world
- Bees and honey are one of the critically important items that we have as a natural medicine
- Important for foods and crops

Steve Messbarger

- Member of the Bee Keepers Association
- One of the most beneficial insects
- Agrees there should be some restrictions inside city limits

Planning and Community Development Director Julie Hurley said she could have some language at the upcoming annual review of the Development Regulations for the Commission to consider.

Scott Elliott - 303 Arch

- Any changes should be made to be in place before spring for the keepers to make purchases and prepare

Mayor's Appointment - Mayor Wilson moved to reappoint to the Community Corrections Advisory Board: Marcia Jackson and Patrick Kitchens to terms ending October 16, 2021 and to appoint Jennifer Marsh to a term ending October 16, 2021. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Review Unsafe and Dangerous Structures 202 Pottawatomie Street – Planning and Community Development Director Julie Hurley reviewed the property on the demolition list on June 26, 2018 giving an extension until October 9, 2018 to commence repair of the structure. Since that time, various extensions have been given by the City Commission and the Leavenworth Preservation Commission asked the property owner had applied for a grant from the State Historic Preservation Office. At the June 12, 2019 Leavenworth Preservation Commission meeting the property owner stated that he had not been awarded the grant for the project, but would continue to work with his own funds. The Leavenworth Preservation Commission reviewed the property again at the October 2, 2019 meeting and voted 7-0 to recommend to the City Commission removal of the structure from the list of structures eligible for demolition. The owner has completed all repairs necessary to remove from the list. There are some minor property maintenance and nuisance violations, which are being addressed through Code Enforcement.

Commissioner Preisinger moved to remove 202 Pottawatomie from the demolition list. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Bids, Contracts and Agreements:

Consider Bids for 2019 Sanitary Sewer Rehabilitation and Replacement Project – Public Works Director Mike McDonald presented for consideration the low base bid from Linaweaver Construction in the amount not to exceed \$480,215.00 for the project. The bids were opened on September 25, 2019 and were as follows:

<u>Bidder</u>	<u>City</u>	<u>Base Bid</u>	<u>Alternate Bid</u>	<u>Total Bid</u>
Linaweaver Construction	Lansing KS	\$480,215.00	\$235,620.00	\$715,835.00
Rodriguez Mechanical Contractors	Kansas City KS	\$735,735.00	\$340,243.50	\$1,075,978.50
Engineer's Base Estimate:		\$638,865.00		

Commissioner Bauder moved to approve the low base bid received from Linaweaver Construction in an amount not to exceed \$480,215.00, for the 2019 Sanitary Sewer Rehabilitation and Replacement Project. Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Bids for 2019 Audit Services – Finance Director Ruby Maline presented for consideration the contract for audit services for auditing of the 2019 financial records with the option of four one-year renewals. Staff recommends awarding the contract to Cochran Head Vick & Co., PA in the amount not to exceed \$35,850.00 with the option of four (4) one-year renewals.

Commissioner Bauder moved to awarding the contract for audit services to Cochran Head Vick & Co., PA in the amount not to exceed \$35,850.00 with the option of four one-year renewals. Commissioner Dedeke seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Bids for Police Vehicles – Police Chief Pat Kitchens reviewed and recommended the purchase of four black and white 2020 Dodge Charger Police Patrol Sedans at a cost of \$30,690.00 each for a total of \$122,760.00 and one service manual for \$395.00 from Landmark Dodge. This approval will be for 2020 funds in order to place the order now for the Dodge Charger. The Dodge Chargers will no longer be available and going forward a smaller sedan will be produced for Police vehicles. The City will need to take a more in depth look at possibly going to SUV's for the fleet due to size requirements for gear and related equipment that is carried in the vehicles. Total purchase of vehicles and manual is \$123,155.00. Landmark Dodge was the only bidder.

Commissioner Griswold moved to approve the purchase of four 2020 Dodge Charger 4-door sedans from Landmark Dodge at a total price of \$123,155.00. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Purchase of Fire Department Vehicle – Fire Chief Gary Birch reviewed and recommended the purchase of one 2020 Chevrolet Equinox AWD vehicle in the amount of \$22,949.00 from Roberts Chevrolet in Platte City Missouri. The Fire Department utilized the Mid-American Council of Public Purchasing (MACPP) program for cooperative purchasing.

Commissioner Preisinger moved to approve the purchase of one Chevrolet Equinox AWD vehicle in the amount of \$22,949.00 from Roberts Chevrolet. Commissioner Griswold seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance Wastewater Rate Increase –City Manager Paul Kramer reviewed the 8% proposed rate increase effective December 1, 2019 as discussed during the budget process required to maintain operations. The increase of 8% amounts to an increase of \$1.88 per month for the average user.

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

First Consideration Ordinance Refuse Rate Increase - City Manager Paul Kramer reviewed the 6% proposed rate increase effective December 1, 2019 as discussed during the budget process required to maintain operations. The increase of 6% represents an increase of \$1.09 per month.

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

First Consideration Ordinance to Adopt and Enact a New Code of Ordinance for the City of Leavenworth – City Clerk Carla Williamson reviewed the new code of ordinances which includes all ordinances passed and approved by the City Commission as of August 27, 2019 and edits and changes recommended by the publisher and staff to conform to current state and or federal regulations.

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

CONSENT AGENDA:

Commissioner Bauder moved to approve Claims for September 21, 2019 through October 4, 2019, in the amount of \$1,531,509.29; Net amount for Payroll #20 effective September 27, 2019, in the amount of \$336,169.66; (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 5-0.

Other:

Commissioner Bauder:

- The Chamber of Commerce will host a City Commission candidate forum at City Hall on October 9th from 6:00 pm – 9:00 pm

Commissioner Preisinger:

- Alliance Against Family Violence hosting their annual fundraising dinner Oct 26th

City Manager Kramer:

- Removal of Gazebo from Delaware street today
 - Gazebo was over 30 years old and there were safety concerns with the structure
- Dougherty Park basketball courts almost done
- Sidewalk work being done around town to include Eisenhower and 10th avenue

Adjourn:

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

Time Meeting Adjourned 8:20 p.m.

Minutes taken by City Clerk Carla K. Williamson, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8113
TO ADOPT AND ENACT A NEW CODE OF ORDINANCE
FOR THE CITY OF LEAVENWORTH**

OCTOBER 22, 2019



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the October 8, 2019 City Commission meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF LEAVENWORTH, KANSAS; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

There have been no changes since first consideration.

Ordinance No. 8113 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8113

(Summary Publish in the Leavenworth Times on October 25, 2019)

ORDINANCE NO. 8113

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF LEAVENWORTH, KANSAS; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Section 1. The Code entitled "Code of Ordinances, Leavenworth, Kansas," published by Municipal Code Corporation, consisting of chapters 1 through 46, and Appendices A through C each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before August 27, 2019, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed the maximum amount required or permitted by state law. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city commission may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the city commission to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after August 27, 2019, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This Ordinance shall take effect and be in force from and after its passage,

approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 22nd day of October 2019.

{Seal}

Jermaine Wilson, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8114
AMENDING CHAPTER 38, SOLID WASTE, ARTICLE II COLLECTIONS,
SECTION 38-32 SERVICE FEES**

OCTOBER 22, 2019



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the October 8, 2019 City Commission meeting the City Commission reviewed and placed on first consideration an ordinance to increase refuse rates. Since first consideration, the draft ordinance has been revised to replace the language in the ordinance to reflect the fees for refuse service to be included in the city fee schedule rather than in the body of the ordinance.

A redline copy of the ordinance is attached to reflect the changes. The changes do not alter the consensus by the Commission on October 8, 2019. The increase of 6% (\$1.09 per month for residential rates from \$18.22 per month to \$19.31 per month) will be reflected in the City Fee schedule that will be considered for approval as a separate agenda item during the meeting. The changes also reflect the new city code chapters and numbering.

Ordinance No. 8114 is now presented for second consideration to adopt the following:

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
LEAVENWORTH, KANSAS, CHAPTER 38, SOLID WASTE, ARTICLE II, COLLECTION
AND DISPOSAL, SEC. 38-32, SERVICE FEES; COLLECTION, PROVIDING SUBSTITUTE
PROVISIONS AND REPEALING THE SECTIONS AMENDED.**

A roll call vote is required.

ATTACHMENTS:

- Ordinance No. 8114

(Summary Publish in the Leavenworth Times on October 25, 2019)

ORDINANCE NO. 8114

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS, CHAPTER 38, SOLID WASTE, ARTICLE II, COLLECTION AND DISPOSAL, SEC. 38-32, SERVICE FEES; COLLECTION, PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTIONS AMENDED.

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

Section 1. That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 38, Solid Waste, Article II, Collection and Disposal, Sec. 38-32, Service Fees; Collection, is hereby deleted in its entirety and amended to read as follows:

Sec. 98-34. Service fees; collection.

(a) The city commission may, from time to time by ordinance, prescribe charges to householders and to owners or operators of places of business for the service of collection and disposal of refuse. Such charges shall be billed monthly in a manner to be directed by the city commission. Parties may present grievances relating to service charges or billing adjustments and requests to be exempted from the service charge to the city commission by filing a written statement containing the grievance or request at the office of the city clerk.

(b) In order to provide sufficient revenue to pay the costs of refuse collection, the following monthly rates shall apply:

(1) Single-family units and multiple family complexes shall pay the amount set forth in the city fee schedule.

(2) For commercial establishments, a monthly rate shall be established by the superintendent of refuse based on the time required to perform the service.

(c) If the service charge is not paid, the city commission annually at the first regular meeting in July or at such other times as it shall determine shall by ordinance levy and assess the unpaid charges against each lot or parcel of land served as a special assessment which shall constitute a lien upon the property for the amount of such delinquent fees. A certified copy of the ordinance shall be filed with the county clerk for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created shall attach upon recordation in the office of the county clerk of a certified copy of the ordinance. The assessment shall be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All

laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment.

Section 2. REPEAL. Chapter 38, Solid Waste, Article II, Collection and Disposal, Sec. 38-32, service fees; collection, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

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

PASSED and APPROVED by the Governing Body on this 22nd day of October 2019.

Jermaine Wilson, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

(Summary Publish in the Leavenworth Times on _____, October 25, 2019)

ORDINANCE NO. 8114

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS, CHAPTER ~~9838~~, SOLID WASTE, ARTICLE II, COLLECTION AND DISPOSAL, SEC. ~~98-3438-32~~, SERVICE FEES; COLLECTION, PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTIONS AMENDED.

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

Section 1. That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter ~~9838~~, Solid Waste, Article II, Collection and Disposal, Sec. ~~98-3438-32~~, Service Fees; Collection, is hereby deleted in its entirety and amended to read as follows:

Sec. 98-34. Service fees; collection.

(a) The city commission may, from time to time by ordinance, prescribe charges to householders and to owners or operators of places of business for the service of collection and disposal of refuse. Such charges shall be billed monthly in a manner to be directed by the city commission. Parties may present grievances relating to service charges or billing adjustments and requests to be exempted from the service charge to the city commission by filing a written statement containing the grievance or request at the office of the city clerk.

(b) In order to provide sufficient revenue to pay the costs of refuse collection, the following monthly rates shall apply:

(1) Single-family units and multiple family complexes shall pay ~~\$19.31 per unit~~ the amount set forth in the city fee schedule, ~~per month, effective with the December 2019 waterworks billing.~~

(2) For commercial establishments, a monthly rate shall be established by the superintendent of refuse based on the time required to perform the service.

(c) If the service charge is not paid, the city commission annually at the first regular meeting in July or at such other times as it shall determine shall by ordinance levy and assess the unpaid charges against each lot or parcel of land served as a special assessment which shall constitute a lien upon the property for the amount of such delinquent fees. A certified copy of the ordinance shall be filed with the county clerk for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created shall attach upon recordation in the office of the county clerk of a certified copy of the ordinance. The assessment shall be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All

laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment.

Section 2. REPEAL. Chapter ~~9838~~, Solid Waste, Article II, Collection and Disposal, Sec. ~~98-3438-32~~, ~~s~~Service ~~F~~ees; ~~c~~Collection, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 3: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after ~~the later of (a) the date of its~~ its passage, approval and publication in the official city newspaper, ~~or (b) December 1, 2019.~~

PASSED and APPROVED by the Governing Body on this 22nd day of October 2019.

Jermaine Wilson, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8115
AMENDING CHAPTER 46, UTILITIES, DIVISION 3 SEWER SERVICE CHARGES,
SECTION 46-113 LEVY**

OCTOBER 22, 2019



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the October 8, 2019 City Commission meeting the City Commission reviewed and placed on first consideration an ordinance to increase sewer rates. Since first consideration, the draft ordinance has been revised to replace the language in the ordinance to reflect the fees for sewer service to be included in the city fee schedule rather than in the body of the ordinance.

A redline copy of the ordinance is attached to reflect the changes. The changes do not alter the consensus by the Commission on October 8, 2019. The increase of 8% will be reflected in the City Fee Schedule that will be considered for approval as a separate agenda item during the meeting. The changes also reflect the new city code chapters and numbering.

Ordinance No. 8115 is now presented for second consideration to adopt the following:

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
LEAVENWORTH, KANSAS, CHAPTER 46, UTILITIES, ARTICLE III, SEWERS,
DIVISION 3, SEWER SERVICE CHARGES, SEC. 46-113 LEVY, PROVIDING
SUBSTITUTE PROVISIONS AND REPEALING THE SECTIONS AMENDED**

A roll call vote is required.

ATTACHMENTS:

- Ordinance No. 8115

(Summary Publish in the Leavenworth Times on October 25, 2019)

ORDINANCE NO. 8115

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS, CHAPTER 46, UTILITIES, ARTICLE III, SEWERS, DIVISION 3, SEWER SERVICE CHARGES, SEC. 46-113 LEVY, PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTIONS AMENDED.

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

Section 1. That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 46, Utilities, Article III, Sewers, Division 3, Sewer Service Charges, Sec. 46-113 Levy, is hereby deleted in its entirety and amended to read as follows:

DIVISION 3. SEWER SERVICE CHARGES

Sec. 114-126. Levy.

(a) *Definitions.* The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter (*mg/l*).

Capital charge means that portion of the total wastewater service charge, which is levied for local capital costs, local investment in plant facilities, and other local costs excluding operation, maintenance and replacement costs.

CCF means 100 cubic feet (748 gallons)

Nonresidential customer means each customer whose premises are served by the city's wastewater treatment works and who is not either a residential customer or a customer who is provided wastewater service under a written contract with the city.

Normal domestic wastewater means wastewater that has a BOD of not more than 350 mg/L and a suspended solids concentration of not more than 350 mg/L.

Operation and maintenance means expenditures for materials, labor, utilities and other items, which are necessary for operating, managing and maintaining the wastewater treatment

works to achieve the capacity and performance for which such works were designed and constructed.

Replacement means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

Residential customer means any customer served by the city's wastewater treatment works whose lot, parcel of real estate or building is used only for domestic dwelling purposes.

SS (suspended solids) means solids that either floats on the surface of or are in suspension in wastewater, and which are removable by a standard specific laboratory filtration device.

Treatment works means any devices and systems for the collection, storage, treatment, recycling and reclamation of wastewater or necessary to recycle or reuse water at the most economical cost over the useful life of the works. These include intercepting sewers, outfall sewers, wastewater collection systems, pumping, treatment and other facilities, which are an integral part of the wastewater collection and treatment processes or are used for ultimate disposal of residues resulting from such treatment.

Useful life means the estimated period during which a treatment works will be operated.

User charge means that portion of the total wastewater service charge, which is levied in a proportional and equitable manner for the cost of operation, maintenance and replacement of wastewater treatment works.

(b) *Wastewater service charges.* The following monthly service charges shall be paid to the city by all residential and nonresidential customers' receiving service from the city's wastewater treatment works:

(1) *City service charge.*

- a. *Inside city customers.* Monthly wastewater service charges shall be calculated for all customers located within the city's corporate limits. The service charges shall be based on each customer's water consumption as defined in this subsection. The service charges for these customers shall be set forth in the city fee schedule.
- b. *Outside city customers.* Monthly wastewater service charges shall be calculated for all customers located outside the city's corporate limits. The service charges shall be based on each customer's water consumption as defined in this subsection. The service charges for these customers shall be set forth in the city fee schedule.
- c. *Residential customers.* At the end of the three-month period consisting of the consecutive months of January, February and March of each year, the average monthly consumption of water by each residential customer located within the corporate limits of the city during such

three-month period shall be ascertained and the monthly wastewater service charges paid by such residential customer for each of the following months of the 12-month period commencing with July 1 shall be based upon the average monthly consumption of water by such residential customer during this three-month period. The minimum wastewater service charge for those residential customers for premises located within the corporate limits of the city who do not have a record of average monthly gross consumption of water shall be set forth in the city fee schedule.

- d. *Nonresidential customers.* At the end of the 12-month period consisting of a fiscal year of July through June, the average monthly consumption of water by each nonresidential customer during such 12-month period shall be ascertained and the monthly service charges paid by such nonresidential customer for each of the following 12 months shall be based upon the average monthly consumption of water by such customer during such 12-month period. The minimum wastewater service charge for those nonresidential customers who do not have a record of average monthly gross consumption of water as set forth in this section shall be calculated monthly and shall be based on the consumption of water by such nonresidential customer for each month until the customer has established a 12-month fiscal year as provided in this subsection, at which time the charges shall be computed on the average monthly use for such 12-month period as provided in this subsection. Nonresidential customers, upon written request submitted to the city clerk by such customer, may be billed for wastewater service charges based on actual water usage for each monthly billing period.
- e. *Unusual burden on treatment works.* The city shall establish fair and equitable charges for any industrial or other customer served by the city who discharges waste into the city's wastewater treatment works of such volume, type or character that places an unusual burden on the city's treatment works.
- f. *Users receiving water from other sources.* For any customer who receives water from a source other than the city's water supply system and who discharges wastes into the city's wastewater treatment works, the volume of such wastes discharged shall either be estimated by the city or, at the discretion of the city, the customer shall, at his sole cost and expense, install and maintain in good operating condition suitable meters or measuring devices of standard type and design at an appropriate point or points as necessary to properly measure the customers sewage discharge and shall permit the city to perform the reading of such metering device. The sewer charges for such customer's shall be established in accordance with such estimates or metering records.

(2) *Extra strength surcharge.* Any customer discharging a liquid into the city's wastewater treatment works with a BOD or suspended solids (SS) concentration greater than normal domestic wastewater shall pay an additional monthly charge based on the billable volume of water, as set forth in the city fee schedule.

(3) *Contract customers.* Any agreement or contract entered into by the city with any customer relating to the provisions of wastewater service shall be in compliance with the user charge regulations as contained in 40 CFR 35, subpart E.

Section 2. REPEAL. Chapter 46, Utilities, Article III, Sewers, Division 3, Sewer Service Charges, Sec. 46-113 Levy, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

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

PASSED and APPROVED by the Governing Body on this 22nd day of October 2019.

Jermaine Wilson, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

(Summary Publish in the Leavenworth Times on _____, October 25, 2019)

ORDINANCE NO. 8115

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS, CHAPTER 11446, UTILITIES, ARTICLE IVIII, SEWERS, DIVISION 3, SEWER SERVICE CHARGES, SEC. 114-126-46-113 LEVY, PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTIONS AMENDED.

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

Section 1. That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 11446, Utilities, Article IVIII, Sewers, Division 3, Sewer Service Charges, Sec. 114-126-46-113 Levy, is hereby deleted in its entirety and amended to read as follows:

DIVISION 3. SEWER SERVICE CHARGES

Sec. 114-126. Levy.

(a) *Definitions.* The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter (*mg/l*).

Capital charge means that portion of the total wastewater service charge, which is levied for local capital costs, local investment in plant facilities, and other local costs excluding operation, maintenance and replacement costs.

CCF means 100 cubic feet (748 gallons);

Nonresidential customer means each customer whose premises are served by the city's wastewater treatment works and who is not either a residential customer or a customer who is provided wastewater service under a written contract with the city.

Normal domestic wastewater means wastewater that has a BOD of not more than 350 mg/L and a suspended solids concentration of not more than 350 mg/L.

Operation and maintenance means expenditures for materials, labor, utilities and other items, which are necessary for operating, managing and maintaining the wastewater treatment

works to achieve the capacity and performance for which such works were designed and constructed.

Replacement means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

Residential customer means any customer served by the city's wastewater treatment works whose lot, parcel of real estate or building is used only for domestic dwelling purposes.

SS (suspended solids) means solids that either floats on the surface of or are in suspension in wastewater, and which are removable by a standard specific laboratory filtration device.

Treatment works means any devices and systems for the collection, storage, treatment, recycling and reclamation of wastewater or necessary to recycle or reuse water at the most economical cost over the useful life of the works. These include intercepting sewers, outfall sewers, wastewater collection systems, pumping, treatment and other facilities, which are an integral part of the wastewater collection and treatment processes or are used for ultimate disposal of residues resulting from such treatment.

Useful life means the estimated period during which a treatment works will be operated.

User charge means that portion of the total wastewater service charge, which is levied in a proportional and equitable manner for the cost of operation, maintenance and replacement of wastewater treatment works.

(b) *Wastewater service charges.* The following monthly service charges shall be paid to the city by all residential and nonresidential customers' receiving service from the city's wastewater treatment works:

(1) *City service charge.*

- a. *Inside city customers.* Monthly wastewater service charges shall be calculated for all customers located within the city's corporate limits. The service charges shall be based on each customer's water consumption as defined in this subsection. The service charges for these customers shall ~~be~~ be as follows set forth in the city fee schedule.:

<i>Inside-City Monthly Charges</i>			
	<i>User Charge</i>	<i>Capital Charge</i>	
	<i>Portion</i>	<i>Portion</i>	<i>Total City Service Charge</i>
	<i>(\$/Cef)</i>	<i>(\$/Cef)</i>	<i>(\$/Cef)</i>
<i>Minimum Monthly Charge</i>	6.92	5.02	-11.94
<i>Volume Charge:</i>			
<i>First 2 Cef</i>	<i>Included in minimum monthly charge</i>		

Next 13 Cef	-2.43	-1.63	-4.06
Next 285 Cef	-1.92	-0.95	-2.87
All over 300 Cef	-1.71	-0.59	-2.30

- b. *Outside city customers.* Monthly wastewater service charges shall be calculated for all customers located outside the city's corporate limits. The service charges shall be based on each customer's water consumption as defined in this subsection. The service charges for these customers shall be ~~as follows:~~ set forth in the city fee schedule.

~~Outside-City Monthly Charges~~

	User Charge Portion (\$/Cef)	Capital Charge Portion (\$/Cef)	Total City Service Charge (\$/Cef)
Minimum Monthly Charge	-6.92	-6.31	-13.23
Volume Charge:			
First 2 Cef	Included in minimum monthly charge		
Next 13 Cef	-2.43	-1.85	-4.28
Next 285 Cef	-1.92	-1.07	-2.99
All over 300 Cef	-1.71	-0.69	-2.40

	User Charge Portion	Capital Charge Portion	Total City Service Charge
Minimum Monthly Charge—New Accounts (7 units) Cef=100 cubic feet (750 gallons)	-19.07	-13.18	32.25

- c. ~~R~~*Residential customers.* At the end of the three-month period consisting of the consecutive months of January, February and March of each year, the average monthly consumption of water by each residential customer located within the corporate limits of the city during such three-month period shall be ascertained and the monthly wastewater service charges paid by such residential customer for each of the following months of the 12-month period commencing with July 1 shall be based upon the average monthly consumption of water by such residential customer during this three-month period. The minimum wastewater service charge for those residential customers for premises located within the corporate limits of the city who do not have a record of average monthly gross consumption of water shall be set forth in the city fee schedule~~as set forth in this section shall be \$31.65 per month, which consists of a user charge of \$18.72 and a capital charge of \$12.93.~~
- d. *Nonresidential customers,* At the end of the 12-month period consisting of a fiscal year of July through June, the average monthly consumption of water by each nonresidential customer during such 12-month period shall be ascertained and the monthly service charges paid by such nonresidential customer for each of the following 12 months shall be based upon the average monthly consumption of water by such customer during such 12-month period. The minimum wastewater service charge for those nonresidential customers who do not have a record of average monthly gross consumption of water as set forth in this section

shall be calculated monthly and shall be based on the consumption of water by such nonresidential customer for each month until the customer has established a 12-month fiscal year as provided in this subsection, at which time the charges shall be computed on the average monthly use for such 12-month period as provided in this subsection. Nonresidential customers, upon written request submitted to the city clerk by such customer, may be billed for wastewater service charges based on actual water usage for each monthly billing period.

- e. *Unusual burden on treatment works.* The city shall establish fair and equitable charges for any industrial or other customer served by the city who discharges waste into the city's wastewater treatment works of such volume, type or character that places an unusual burden on the city's treatment works.
- f. *Users receiving water from other sources.* For any customer who receives water from a source other than the city's water supply system and who discharges wastes into the city's wastewater treatment works, the volume of such wastes discharged shall either be estimated by the city or, at the discretion of the city, the customer shall, at his sole cost and expense, install and maintain in good operating condition suitable meters or measuring devices of standard type and design at an appropriate point or points as necessary to properly measure the customers sewage discharge and shall permit the city to perform the reading of such metering device. The sewer charges for such customer's shall be established in accordance with such estimates or metering records.

(2) *Extra strength surcharge.* Any customer discharging a liquid into the city's wastewater treatment works with a BOD or suspended solids (SS) concentration greater than normal domestic wastewater shall pay an additional monthly charge based on the billable volume of water, as follows: set forth in the city fee schedule.

Extra Strength Surcharge for each mg/l over 350mg/l			
Inside City:	\$/Cef	\$/Cef	\$/Cef
BOD	0.00185581	0.00007632	0.00193213
SS	0.00129131	0.00004939	0.00134070
Outside City:			
BOD	0.00185796	0.00021223	0.00207020
SS	0.00129287	0.00012678	0.00141965
<hr style="width: 10%; margin-left: 0;"/>			
Cef = 100 cubic feet			

(3) *Contract customers.* Any agreement or contract entered into by the city with any customer relating to the provisions of wastewater service shall be in compliance with the user charge regulations as contained in 40 CFR 35, subpart E.

Section 2. REPEAL. Chapter ~~11446~~, Utilities, Article ~~IVIII~~, Sewers, Division 3, Sewer Service Charges, Sec. ~~114-26-46-113~~ Levy, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 3: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after ~~the later of (a) the date of its~~ its passage and publication in the official city newspaper; ~~or (b) December 1, 2019.~~

PASSED and APPROVED by the Governing Body on this 22nd day of October 2019.

Jermaine Wilson, Mayor

{Seal}

ATTEST:

Carla K. Williamson, CMC, City Clerk

**POLICY REPORT
APPROVE FEE SCHEDULE
EFFECTIVE OCTOBER 23, 2019**

OCTOBER 22, 2019


Carla K. Williamson, CMC City Clerk


Paul Kramer, City Manager

ISSUE:

Approval of the city fee schedule effective October 23, 2019.

BACKGROUND:

With the adoption of the new City Code of Ordinances, the fee schedule is no longer an appendix of the code. The fee schedule will be a separate document referenced within the code to be referenced for applicable fees. Future changes to fees can now be approved by the Commission with a simple motion as an agenda item rather than the need for an ordinance requiring a first and second reading. This is the way most cities manage their fee schedule.

The draft contains these highlighted changes.

- Page 2 of the schedule-Staff recommends an increase of the "Surrender fee-per animal" from \$20.00 to \$50.00
 - Animal Control Staff contacted surrounding cities and found that Lansing and Tonganoxie both charge \$100.00 for a surrender.
- Page 7 of the schedule-Staff recommends a decrease of "Owner licenses" from \$100.00 to \$50.00 and the "Driver's license" fee from \$35.00 to \$25.00
 - During the revision to the Vehicle for Hire chapter, Staff researched what other cities charge for similar licenses. It was discovered that most cities do not regulate vehicle for hire services and those that do charge much lower fees. For example, Overland Parks charges \$25.00 per vehicle to register a vehicle and no additional fee for the driver.
- Pages 10-16-Added Parks and Recreation fees to the fee schedule which were previously not part of the combined fee schedule
- Page 16 of the schedule-Added "Collection and disposal of refuse-Single Family units and multi-family complexes-month"
 - These fees are being removed from the body of the code or ordinances
 - The schedule reflects the current fee and the fee effective December 1, 2019
- Page 17-18-Added "Sewer service charges"
 - These fees are being removed from the body of the code or ordinances
 - The schedule reflects the current fee and the fee effective December 1, 2019

ACTION:

The Commission can approve the Fee Schedule as presented effective October 23, 2019 or provided other fees.

ATTACHMENTS:

- Proposed Draft Fee Schedule

FEE SCHEDULE

The fees in this schedule are effective October 23, 2019.

Administration		
Public information requests—clerk:		\$ Amount
Copies of open public records		
	First 5 pages	5.00
	Each page over 5	.25
	Plus staff labor per hour over first ½ hour	20.00
Video and DVD Production		
	Copy of DVD, tape or video—each	5.00
	Law enforcement video or DVD—each	15.00
	Plus staff labor per hour over first ½ hour	20.00
Maps and drawings		
	Standard map paper, 34" x 44"—each	6.00
	Standard plotter sheet, 34" x 44"—each	10.00
	Mylar map sheet or paper plotter with contours or orthophotos, 34" x 44"—each	20.00
	Mylar plotter sheet, 34" x 44"—each	30.00

Alcoholic and Cereal Malt Beverages		
Licenses and permits:		\$ Amount
	Alcoholic liquor temporary permit—per day	25.00
	Alcoholic liquor retail license—annually	300.00
	Alcohol and spirit manufacturer license—annually	2,500.00
	Alcoholic liquor drinking establishment—each business location—annually	250.00
Alcohol Private club:		
	Class A—each—annually	250.00
	Class B—each—annually	250.00
	Caterer—each business location—annually	250.00
Cereal malt beverage:		
	Retailer license consumption on premises—each business	200.00
	Retailer license not for consumption on premises—each business	50.00
	Special event permit—per event	100.00
	Stamp tax—each	25.00
Beer manufacturer—annually		
	New beer and cereal malt beverage manufacturer	1,000.00
	0-100 barrels	200.00
	100-150 barrels	400.00
	150-200 barrels	700.00
	200-300 barrels	1,000.00
	300-400 barrels	1,300.00
	400-500 barrels	1,400.00
	500 or more barrels	1,600.00
	Beer distributor—each business location—annually	1,000.00

	Farm winery—each business location—annually	125.00
	Microbrewery—each business location—annually	250.00
	Wine manufacturer—each business location—annually	500.00
	Wine or spirit distributor—each business location—annually	1,000.00
	Non-beverage user:	
	Class 1—not to exceed 100 gallons—each location--annually	10.00
	Class 2—not to exceed 1,000 gallons—each location--annually	50.00
	Class 3—not to exceed 5,000 gallons—each location--annually	100.00
	Class 4—not to exceed 10,000 gallons—each location--annually	200.00
	Class 5—in excess of 10,000 gallons—each location--annually	500.00

Animals		
Impoundment:		\$ Amount
	Pickup fee—per animal	20.00
	Plus confinement fee—per animal per day or actual costs if higher	10.00
	Plus any additional cost incurred	
	Surrender fee—per animal	\$50.00
		20.00
Adoption fees:		
	Cats—per animal	65.00
	Dogs—per animal	85.00
Animal registration, license and tag:		
Registration:		
	Dog Altered—per animal annually	10.00
	Dog Unaltered—per animal annually	20.00
	Pot-bellied pig—annually	35.00
	Late fee—after March 31	10.00
	Duplicate tag—each	1.00
	Dangerous dog registration—per dog, annually	50.00
	Deer hunting permit—each	20.00
Animal carcass removal and disposal:		
	Removal—each animal	20.00
Cremation:		
	Base fee—per animal	10.00
	Plus disposal fee—per pound (contact animal control for current rate)	

Buildings and Construction		
BUILDING--GENERAL		\$ Amount
Permits		
	\$1.00 to \$500.00 total valuation—each permit	24.00
	\$501.00 to \$2,000.00 total valuation:	
	First \$500.00	24.00
	Each additional \$100.00 or fraction thereof	3.00
	\$2,001.00 to \$40,000.00:	
	First \$2,000.00	69.00
	Each additional \$1,000.00 or fraction thereof	11.00
	\$40,001.00 to \$100,000.00:	

	First \$40,000.00	487.00
	Each additional \$1,000.00 or fraction thereof	9.00
\$100,001.00 to \$500,000.00:		
	First \$100,000.00	1,027.00
	Each additional \$1,000.00 or fraction thereof	7.00
\$500,001.00 to \$1,000,000.00:		
	First \$500,000.00	3,827.00
	Each additional \$1,000.00 or fraction thereof	5.00
\$1,000,001.00 to \$5,000,000.00:		
	First \$1,000,000.00	6,327.00
	Each additional \$1,000.00 or fraction thereof	3.00
\$5,000,001.00 and greater:		
	First \$5,000,000.00	18,327.00
	Each additional \$1,000.00 or fraction thereof	1.00
Plan review—as percentage of total permit fee		65%
Inspections:		
Outdoor, normal working hours:		
	Minimum, up to two hours	47.00
	Each additional hour over two	47.00
Re-inspections—each, per hour		47.00
All other inspections—per each ½ hour		47.00
Grading, excavating and fill permits:		
Up to 100 cubic yards (minimum)		37.00
101 to 1,000 cubic yards:		
	First 100 cubic yards	37.00
	Each additional 100 cubic yards or fraction thereof	17.50
1,001 to 10,000 cubic yards:		
	First 1,000 cubic yards	194.50
	Each additional 1,000 cubic yards or fraction thereof	14.50
10,001 to 100,000 cubic yards:		
	First 10,000 cubic yards	325.00
	Each additional 10,000 cubic yards or fraction thereof	66.00
100,001 and greater cubic yards:		
	First 100,000 cubic yards	919.00
	Each additional 10,000 cubic yards or fraction thereof	36.50
ELECTRIC		\$ Amount
Electrical permit base fee—each		24.00
Permits:		
	60 ampere service	15.00
	100 ampere service	18.00
	150 ampere service	20.00
	200 ampere service	23.00
	400 ampere service	25.00
	600 ampere service	28.00
	800 ampere service	30.00
	Over 800 ampere service	50.00

Electrical outlets—each		.20
Motors:		
1 horsepower or less—each		2.00
1 to 5 horsepower—each		3.00
6 to 10 horsepower—each		5.00
11 to 20 horsepower—each		8.00
Over 20 horsepower--each		9.00
Air conditioner other than window units--Charged per motor horsepower rating		NA
Sign—outdoor electric—each		5.00
Furnace, range, dryer, hot water tank, window air conditioner—each		2.00
Transformer, hair dryer, commercial cooking vats, electric heating units, and similar equipment:		
Up to 2 KVA—each		3.00
3 to 10 KVA:		
Base fee—each		3.00
Additional per each KVA		1.00
11 to 50 KVA:		
Base fee—each		11.00
Additional per each KVA		.55
Above 50 KVA:		
Base fee—each		33.00
Additional per each KVA		.20
Carnival, circus, road show, and similar installation—each		100.00
Refrigerated display case—each section		5.00
Electrical trade examination sponsorship fee—each		35.00
Electrical trade licenses:		
Residential landlord electrician—annually		35.00
Maintenance electrician—exam and annual license fee		35.00
Electrical contractor:		
Certificate of qualification—each		200.00
Renewal—annually		200.00
Master electrician:		
Initial license—each		35.00
Renewal—annually		35.00
Journeyman electrician:		
Initial license—each		35.00
Renewal—annually		35.00
Apprentice electrician—annually		15.00
PLUMBING		\$ Amount
Plumbing permit base fee—each		24.00
Supplemental permit issuance—each		10.00
Plumbing fixture on one trap or a set of fixtures on one trap, including water, drainage piping and backflow protection thereof—each		7.00
Building or manufactured home park sewer—each		15.00
Rainwater system, inside building—each drain		7.00
Cesspools—each		25.00

Private sewage disposal system—each	40.00
Water heater or vent—each	7.00
Gas piping system:	
Up to five outlets	5.00
Outlets over 5—each	1.00
Industrial waste pretreatment interceptor, including trap and vent, except kitchen-type grease interceptors functioning as fixture traps—each	7.00
Installation, alteration or repair of water piping or treating equipment—each	7.00
Repair or alteration of drainage or vent piping—each fixture	7.00
Lawn sprinkler system on one meter, including backflow protection device—each	7.00
Vacuum atmospheric-type vacuum breakers not included above:	
Up to 5 breakers	5.00
Breakers over 5—each	1.00
Backflow protective device other than atmospheric-type vacuum breakers:	
Up to 2" diameter—each	7.00
Over 2" diameter—each	15.00
Percolation test—each	200.00
Septic inspection—each	50.00
Condensing unit only—each	10.00
Trade certificate and registration:	
Plumbing:	
Plumbing contractor—application and annual fee	200.00
Master plumber—application and annual fee	35.00
Journeyman plumber—application and annual fee	35.00
Apprentice plumber—application and annual fee	15.00
Plumbing trade examination sponsorship—each	35.00
Residential landlord plumbing—application and annual fee	35.00
Gas:	
Gas contractor—application and annual fee	200.00
Master gas fitter—application and annual fee	35.00
Journeyman gas fitter—application and annual fee	15.00
MECHANICAL	\$ Amount
Mechanical permit base fee—each	24.00
Supplemental permit issuance—each	10.00
Forced-air or gravity type furnace or burner, including attached ducts and vents, installation or relocation:	
Up to and including 100,000 Btu/h—each	15.00
Over 100,000 Btu/h—each	18.00
Floor furnace, including vent, installation or relocation—each	15.00
Suspended heater, recessed wall heater or floor mounted unit heater, installation or relocation—each	15.00
Appliance vent not included in appliance permit, installation or relocation—each	8.00
Heating appliance refrigeration unit, cooling unit, absorption unit, including installation of controls—installation, relocation or addition—each	14.00
Heating, cooling, absorption, or evaporative cooling system, including installation of controls—installation, relocation or addition—each	14.00

Boiler or compressor and absorption system:		
	Up to 3 hp and up to 100,000 Btu/h—each	15.00
	Over 3 hp to 15 hp and 100,001 to 500,000 Btu/h—each	27.00
	Over 15 to 30 hp and 500,001 to 1,000,000 Btu/h—each	38.00
	Over 30 to 50 hp and 1,000,001 to 1,750,000 Btu/h—each	56.00
	Over 50 hp and over 1,750,000 Btu/h—each	93.00
Air handling unit, including attached ducts:		
	Up to 10,000 cubic feet per minute—each	11.00
	Over 10,000 cubic feet per minute	18.00
Evaporative cooler other than portable type—each		
Ventilation fan connected to single duct—each		
Ventilation system not included in heating or air conditioning system authorized by permit—each		
Hood served by mechanical exhaust, including ducts—each		
Incinerators:		
Appliance or equipment not otherwise classified in this schedule—each		
Trade examinations and licensing:		
	Mechanical trade examination sponsorship—each	35.00
	Mechanical contractor—initial issuance and annual renewals—each	200.00
	Mechanical apprentice—initial issuance and annual renewals—each	15.00
	Residential landlord mechanical—initial issuance & annual renewals—each	35.00
	Fireplace installer—initial issuance and annual renewals—each	200.00
	Industrial maintenance—initial issuance and annual renewals—each	200.00
MOVING STRUCTURES		\$ Amount
	Structure moving permit—each	250.00
DANGEROUS STRUCTURES		\$ Amount
	Administrative fee for abatement—each	100.00
Demolition permit:		
	Sheds, garage and single-family houses	
	Up to 120 square feet—each	10.00
	121 to 900 square feet—each	15.00
	Over 900 square feet	50.00
	Multi-family, commercial and industrial structures	
OTHER:		
	Rental registration—each	20.00
	Appeal to board of appeals—each	50.00
	Floodplain determination cost—each	125.00

Businesses and Occupations		
Licenses and permits:		\$ Amount
Adult entertainment:		
	Business license—annually, each location	650.00
	Manager's license—annually	65.00
	Entertainer's license—annually	26.00
	Service license—annually	26.00
Handbill distributors:		

	Daily—per person	10.00
	Weekly—per person	40.00
	Monthly—per person	100.00
	Annually—per person	250.00
	Building mover-per event	100.00
	Carnival, circus, and street shows permit—per day	260.00
	Lodging houses, hotels and resorts:	
	1 to 18 sleeping rooms, units or cabins—annually	25.00
	19 to 35 sleeping rooms, units or cabins—annually	50.00
	36-100 sleeping rooms, units or cabins—annually	75.00
	101 or more sleeping rooms, units or cabins—annually	100.00
	Boarding house—annually	25.00
	Massage therapy establishments and therapists:	
	Establishment license:	
	Initial issuance—annual	300.00
	On-time renewal—each, annually	150.00
	Expired or lapsed license renewal—annual	300.00
	Massage therapist license—new and renewals—annually	50.00
	New goods public actions-daily	25.00
	Peddlers and solicitors:	
	Transient or itinerant merchant and itinerant vendor—daily, each	50.00
	Peddlers:	
	Daily permit—each person	50.00
	Weekly permit—each person	250.00
	Petting zoo:	
	1-25 animals—per day per location plus event bond	25.00
	26 or more animals—per day per location plus event bond	50.00
	Cash event bond, refundable—each location per event	250.00
	Refuse collectors license—per year per vehicle	100.00
	Secondhand goods:	
	Precious metal dealer license, annual—each location	25.00
	Junk dealers, junkyards and auto storage yards, annual—each location	150.00
	Pawnbrokers, annual—each location	25.00
	Garage sales—per sale	5.00
	Tent shows and meeting permit—each occurrence	40.00
	Tree trimmer—each, annually	50.00
	Vehicles for hire:	
	Owner license—per vehicle per year	\$50.00
	Duplicate owner license—each	15.00
	Ownership transfer—each	15.00
	Driver's license, annually—each	\$25.00
	Duplicate driver's license—each	15.00

Emergency Services

Alarm systems:	\$ Amount
Permits:	

Alarm users:		
	Permit fee—annually—each	15.00
	Late permit fee—in addition to the annual permit fee	20.00
	Revoked permit reinstatement fee—each	150.00
Alarm company:		
	Permit fee—annually—each	150.00
	Late permit fee—in addition to the annual permit fee	35.00
	Late installment notification fee—each	25.00
Alarm response:		
	1-6 false alarms within 12 months—each response	0
	7-12 false alarms within 12 months—each response	65.00
	Over 12 false alarms within 12 months—each response	325.00
	If alarm permit is revoked—each response	325.00
	Response for alarms without permit other than revoked—each response	150.00

Environment		
		\$ Amount
Oil and gas well drilling permits:		
	Initial permit—per location	725.00
	Renewal permit, annually—per location	375.00
	Permit transfer fee—each	100.00
Land disturbance permits:		
	Utility companies/contractors working for utility company with annual land disturbance permit	0
Regulated land disturbance activity:		
	Less than one acre	0
	1-5 acres—each event	150.00
	More than 5 acres—per event	250.00
	1 single-family residence	0
	2 to 5 single-family residences—per event	150.00
	More than 5 single-family residences—per event	250.00
Administrative fees:		
	First offense	100.00
	Second offense	250.00
	Third and each additional offense	500.00
Failure to obtain required land disturbance permit:		
First offense:		
	Less than one acre and 1 single-family residences—fee plus first offense administrative fee	150.00
	All other categories—fee plus first offense administrative fee	Double fee
Second offense:		
	Less than one acre and 1 single-family residences—fee plus second offense administrative fee	300.00
	All other categories—fee plus second offense administrative fee	Double fee
Third and each additional offense:		

	Less than one acre and 1 single-family residences—fee plus third offense administrative fee	300.00
	All other categories—fee plus third offense administrative fee	Double fee
Stormwater management service fee:		
Residential:		
	Single family—annually	84.00
	Duplex dwelling unit—annually per unit	84.00
	Multifamily dwelling unit (containing 3 or more units)—annually per unit	42.00
Commercial:		
	Up to 1,500 square feet—annually	162.50
	1,501 to 4,500 square feet—annually	337.50
	4,501 to 10,000 square feet—annually	512.50
	10,001 to 20,000 square feet—annually	675.00
	20,001 to 50,000 square feet—annually	1,200.00
	50,001 to 100,000 square feet—annually	2,075.00
	100,001 to 200,000 square feet—annually	2,600.00
	Over 200,000 square feet—annually	3,125.00
Industrial:		
	Up to 4,500 square feet—annually	337.50
	4,501 to 10,000 square feet—annually	512.50
	10,001 to 20,000 square feet—annually	675.00
	20,001 to 50,000 square feet—annually	1,200.00
	50,001 to 100,000 square feet—annually	2,075.00
	100,001 to 200,000 square feet—annually	2,600.00
	Over 200,000 square feet—annually	3,125.00

Fire Prevention and Protection

		\$ Amount
Hazmat response—each		Actual cost
Inspections:		
	Underground storage tank installation or removal—per inspection	75.00
	Propane tank installation—per inspection	75.00

Health and Sanitation

Food and food handlers:		\$ Amount
Food services:		
	Health permit, annually—each location	100.00
	Temporary food service permit—each event up to three consecutive days	10.00
Food handlers:		
	Food handler permit—each	10.00
	Duplicate food handler card—each	1.00
	On-line food handler class permit—each	20.00
Food vendors:		
	Mobile food vendor permit, annually—each vendor	60.00
	Ice cream vendor permit, annually—each vendor	60.00
	Inspection of vendor with no state license—each inspection	25.00

Privies, cesspools, septic tanks and sewage lagoons:		
	Septic tank installation permit—each	10.00
	Temporary sewage lagoon installation permit—each	25.00

Law Enforcement		
Public services:		\$ Amount
	Fingerprinting—each set	15.00
	Uniformed off duty officer presence—per hour	35.00

Manufactured Homes		
Manufactured home parks:		\$ Amount
	Rezoning application—each	350.00
	Construction permits:	
	Minimum fee	10.00
	Additional—per lot	2.00
	Park permit:	
	Quarterly—per lot occupied by an inhabited mobile home	15.00
	Annually—per lot occupied by an inhabited mobile home	10.00
Travel trailer parks:		
	Park permit :	
	Each block of 100 spaces or fraction thereof, annually	25.00
	Plus space fee for occupied homes—each	1.50
	Up to annual maximum of	250.00

Nuisances		
Nuisance abatement:		\$ Amount
	Generally, administrative fee—each abatement	100.00
	Nuisance abatement, weeds or grasses: Contractor expenses plus:	
	First mowing	100.00
	Second mowing	250.00
	Third and each additional mowing	500.00
	Loudspeaker or sound amplification registration and permit—per event	5.00

Parks and Recreation		
Community Center Admission and Passes		\$ Amount
	Daily Admission Fees	
	Special (per manager approval, group rate)	1.50
	Adult resident	2.50
	Adult non-resident	3.00
	Senior resident (60+)	2.00
	Senior non-resident (60+)	2.50
	Youth resident (4-18)	2.00
	Youth non-resident (4-18)	2.50
	20 punch Pass	
	Adult resident	40.00

	Adult non-resident	50.00
	Adult scholarship	5.00
	Senior resident (60+)	30.00
	Senior non-resident (60+)	40.00
	Senior (60+) scholarship	5.00
	Youth resident (4-18)	40.00
	Youth non-resident (4-18)	30.00
	Youth (4-18) scholarship	5.00
Monthly Pass		
	Adult resident	35.00
	Adult non-resident	40.00
	Adult scholarship	5.00
	Senior resident (60+)	25.00
	Senior non-resident (60+)	30.00
	Senior (60+) scholarship	5.00
	Youth resident (4-18)	25.00
	Youth non-resident (4-18)	30.00
	Youth (4-18) scholarship	5.00
Six Month Pass		
	Adult resident	80.00
	Adult non-resident	90.00
	Adult scholarship	5.00
	Senior resident (60+)	60.00
	Senior non-resident (60+)	70.00
	Senior (60+) scholarship	5.00
	Youth resident (4-18)	60.00
	Youth non-resident (4-18)	70.00
	Youth (4-18) scholarship	5.00
Year Pass		
	Adult resident	145.00
	Adult non-resident	155.00
	Adult scholarship	5.00
	Senior resident (60+)	105.00
	Senior citizen group organization annual pass	20.00
	Senior non-resident (60+)	125.00
	Senior (60+) scholarship	5.00
	Youth resident (4-18)	105.00
	Youth non-resident (4-18)	125.00
Corporate Pass		
	Six-Month employee	60.00
	Six-Month spouse	65.00
	Six-Month youth (4-18)	50.00
	Year employee	85.00
	Year spouse	90.00
	Year youth (1-18)	75.00
	Company annual fee	200.00

	Equipment rental—basketball and racquetball	.50
	Toddler Tyme	
	Single admission	2.00
	20 punch Pass	30.00
Community Center Events--Rentals		
	Room Rental (Rates are per hour, with four-hour minimum)	
	Activity room—resident	15.00
	Activity room—non-resident	20.00
	Gymnasium—resident	50.00
	Gymnasium—non-resident	55.00
	Kitchen—north	25.00
	Kitchen—south	20.00
	Men's waiting room—resident	40.00
	Men's waiting room—non-resident	45.00
	Riverview Room—resident	55.00
	Riverview Room—non-resident	60.00
	South wing—resident	40.00
	South wing—non-resident	45.00
	Women's waiting room—resident	40.00
	Women's waiting room—non-resident	45.00
	Other Room Rentals	
	DJ or band fee	25.00
	Portable bar—per event	25.00
	Service fee—as applicable, depending on event	25.00
	Setup/decorating time—per hour (outside the 4-hour minimum)	10.00
	Deposits	
	Chairs	100.00
	Event with alcohol	300.00
	Event without alcohol	100.00
Parks and Related Facilities		
	Haymarket Square	
	Rental—resident—per ½ day	25.00
	Rental—non-resident—per ½ day	50.00
	Deposit—event with alcohol	150.00
	Deposit—event without alcohol	50.00
	Electricity—per event	15.00
	Landing Park	
	Park rental—resident—per hour	15.00
	Park rental—non-resident—per hour	20.00
	Damage deposit—per event	100.00
	Bridge tender's building rental—per event	20.00
	Bridge tender's building key deposit—per event	20.00
	Shelters—per day	
	Cody Park restroom overhang—non-resident	15.00
	Cody Park restroom overhang—resident	10.00
	Cody Park Shelter—non-resident	40.00

	Cody Park Shelter—resident	35.00
	David Brewer Park restroom overhang—non-resident	15.00
	David Brewer Park restroom overhang—resident	10.00
	David Brewer Park shelter—non-resident	30.00
	David Brewer Park shelter—resident	25.00
	Dougherty Park restroom overhang—non-resident	15.00
	Dougherty Park restroom overhang—resident	10.00
	Gazebo—300 block of Delaware	10.00
	Hawthorn Park shelter—non-resident	30.00
	Hawthorn Park shelter—resident	25.00
	North Esplanade Park shelter—resident	25.00
	North Esplanade shelter—non-resident	30.00
	Ray Miller Park shelter—non-resident	15.00
	Ray Miller Park shelter—resident	10.00
	Riverfront Park campground shelter—resident	25.00
	Riverfront Park campground shelter—non-resident	30.00
	Stubby Park shelter—non-resident	15.00
	Stubby Park shelter—resident	10.00
	VA Park shelter—non-resident	15.00
	VA Park shelter—resident	10.00
	Wollman Park East shelter—non-resident	30.00
	Wollman Park East shelter—resident	25.00
	Wollman Park Main shelter—non-resident	55.00
	Wollman Park Main shelter—resident	50.00
	Wollman Park West shelter—non-resident	30.00
	Wollman Park West shelter—resident	25.00
	Other	
	Park beer or alcohol permit—per event	10.00
	Noise permit—per event	5.00
	Power pedestal rental—per pedestal, per event	50.00
	Power pedestal damage deposit—per event	250.00
	Picnic table—each	5.00
Pools and Related Service and Facilities		
	Community Center Indoor Pool	
	Aquacise Classes	
	Single class	5.00
	20 punch card adult, senior and scholarship	5.00
	20 punch card adult—non-resident	45.00
	20 punch card adult—resident	40.00
	20 punch card senior—non-resident	40.00
	20 punch card senior—resident	35.00
	Other Classes	
	CPR, AED and first aid	80.00
	Lifeguard—non-resident	200.00
	Lifeguard—resident	180.00
	Water Safety Instructor —non-resident	200.00

	Water Safety Instructor—resident	180.00
	SCUBA	250.00
	Riptide Review Scholarship	5.00
	Riptide Review—non-resident	50.00
	Riptide Review—resident	45.00
	Synchronized Swimming	45.00
	Pool parties—per hours	
	After hours, private—resident	55.00
	After hours, private—non-resident	60.00
	Swim lessons—per session	
	Scholarship	5.00
	Resident	40.00
	Non-resident	45.00
	3 rd child—resident (subsequent in the same household-same event)	20.00
	3 rd child—non-resident (subsequent in the same household-same event)	22.50
	Private lesson—one person	20.00
	Semi-private lesson (2 people @ \$15.00 each)	30.00
	Water walking	
	Single class	4.00
	10 punch card	40.00
Wollman Aquatic Center		
	Admission	
	Daily - per person	4.00
	10 punch card scholarship	5.00
	10 punch card resident	35.00
	10 punch card non-resident	45.00
	Groups - per person (per manager approval)	3.50
	Swim lessons	
	Scholarship	5.00
	Resident	40.00
	Non-resident	45.00
	3 rd child—resident (subsequent in the same household-same event)	20.00
	3 rd child—non-resident (subsequent in the same household-same event)	22.50
	Private lesson—per person per lesson	20.00
	Semi private lesson—two people—per lesson	30.00
	Pool parties	
	Private parties—up to 100 people	200.00
	Private party—each extra lifeguard 101-125 people	25.00
	Private party—each extra lifeguard 126-150 people	50.00
	Swim team membership	
	Registration—first and second sibling—each child	50.00
	Third and additional child in the same household	25.00
	Scholarship—each child	5.00
	Shelters with five picnic tables—per day	

		Inside aquatic center—residents	25.00
		Inside aquatic center—non-residents	30.00
		Other	
		Dad & Me camp-out (dad and one child)	25.00
		Dad & Me camp-out (each additional guest)	5.00
Recreation Programs			
		Field and court rentals—per hour	
		Baseball and Softball fields	25.00
		Basketball court	25.00
		Soccer	25.00
		Softball	25.00
		Tennis	25.00
		Boys Baseball and girls softball—per child per season (age is based on age on May 1)	
		Age 14-18—teams, Geiger or Marie Waldow	900.00
		Age 5-13—scholarship	5.00
		Age 5-8—on-time registration	45.00
		Age 5-8—late registration	70.00
		Age 9-13—on-time registration	50.00
		Age 9-13—late registration	75.00
		Age 5-8 3rd child—on-time registration (subsequent in the same household-same event)	22.50
		Age 9-13 3rd child—late registration(subsequent in the same household-same event)	25.00
		Basketball	
		Bitty Ball	
		Scholarship	5.00
		Age 3-K6—early registration	35.00
		Age 3-K6—late registration	60.00
		Age 3-K6 3rd child—early registration (subsequent in the same household-same event)	17.50
		Age 3-K6 3rd child—late registration (subsequent in the same household-same event)	30.00
		Grades 1-6—early registration	40.00
		Grades 1-6—late registration	65.00
		Grades 1-6—scholarship	5.00
		Grades 1-6 3rd child—early registration (subsequent in the same household-same event)	20.00
		Grades 1-6 3rd child—late registration (subsequent in the same household-same event)	32.50
		Men	
		Early registration	345.00
		Late registration	500.00
		Softball	
		Adults	
		Co-Ed—teams only	315.00
		Summer—teams only	315.00

		Men's double header—team	315.00
	Futsal		
		Futsal-Early Registration	45.00
		Futsal-Late Registration (Oct 16-Nov 1)	70.00
Performing Arts Center—Tickets			
		Youth—12 years old and under	8.00
		Student (with student ID)	10.00
		Adult	12.00
		Senior (62 and older)	10.00
		Military	10.00
Youth Summer Camp Program			
		Adventure Stem—age 5-12 years	138.00
		LEGO Jedi Engineering—age 5-12 years	138.00
Other Miscellaneous			
		Legacy Tree Program—per tree	200.00
		Memorial Bench (contact parks & recreation for pricing options)	

Solid Waste			
Special pick-up for inactive residential homes:			\$ Amount
		Up to three cubic yards	100.00
		Over 3 cubic yards or requiring use of mechanized loading equipment	250.00
		Dumpster permit	10.00
Collection and disposal of refuse – Single family units and multi-family complexes –monthly			
		Fee through November 30, 2019	18.22
		Fee Effective December 01, 2019	19.31
Brush disposal site fees:			
		Car—each	2.00
		Pick-up truck—each	5.00
		Single axle dump/flat bed—each	15.00
		Tandem axle dump high side bed—each	25.00
		Truck with chipper box —each	25.00
		Trailers:	
		Up to 8 feet or fraction thereof—each	5.00
		9 to 16 feet or fraction thereof—each	10.00
		Each additional foot or fraction thereof over 16	1.00
		Additional for modified trailers or beds with walls that exceed 4 feet in height	5.00
		Refuse bags—each roll	7.00

Streets, Sidewalks and Other Public Places			
Street use:			\$ Amount
		Special event—per event	25.00
	Sidewalk use permit:		
		Up to 3 consecutive days	15.00
		Over 3 days and up to 3 months	40.00
		Over three months and up to 12 months	100.00

Construction and maintenance:		
	Street construction or repair permit—each	15.00
	Curb cut and driveway construction permit—each	15.00
	Street sweeping, private property—per hour	55.00
	Alley paving	Actual cost
	Vacation of public rights-of-way application—each	250.00

Traffic and Vehicles		
Permit parking:		\$ Amount
	Monthly	20.00
	After 15 th of month for remainder of month	10.00
	Loading zone permit—annually	100.00

Utilities				
Sewer			\$ Amount	
Sewer connections				
	Sewer connection outside benefit district, sewer district or development-per square foot		.30	
Sewer service charges				
Inside city customers with established service – monthly fee				
Fees through November 30, 2019				
		User Charge Portion (\$/Ccf)	Capital Charge Portion (\$/Ccf)	Total Service Charge (\$/Ccf)
	Minimum monthly charge	6.41	4.65	11.06
Volume charge				
	First 2 Ccf	Included in minimum monthly charge		
	Next 13 Ccf	2.25	1.51	3.76
	Next 285 Ccf	1.78	0.88	2.66
	All over 300 Ccf	1.58	0.546	2.14
Fees effective December 01, 2019				
	Minimum monthly charge	6.92	5.02	11.94
Volume charge				
	First 2 Ccf	Included in minimum monthly charge		
	Next 13 Ccf	2.43	1.63	4.06
	Next 285 Ccf	1.92	0.95	2.87
	All over 300 Ccf	1.71	0.59	2.30
Outside city customers with established service – monthly fee				
Fees through November 30, 2019				
		User Charge Portion (\$/Ccf)	Capital Charge Portion (\$/Ccf)	Total Service Charge (\$/Ccf)
	Minimum monthly charge	6.41	5.84	12.25
Volume charge				
	First 2 Ccf	Included in minimum monthly charge		
	Next 13 Ccf	2.25	1.71	3.96

	Next 285 Ccf	1.78	0.99	2.78
	All over 300 Ccf	1.58	0.64	2.22
Fees effective December 1, 2019				
	Minimum monthly charge	6.92	6.31	13.23
Volume charge				
	First 2 Ccf	Included in minimum monthly charge		
	Next 13 Ccf	2.43	1.85	4.28
	Next 285 Ccf	1.92	1.07	2.99
	All over 300 Ccf	1.71	.69	2.40
New residential customer without established service— monthly fee				
Fee through November 30, 2019				
		User Charge Portion (\$/Ccf)	Capital Charge Portion (\$/Ccf)	Total Service Charge (\$/Ccf)
	Minimum monthly charge	17.66	12.22	29.88
Fee effective December 01, 2019				
	Minimum monthly charge	19.07	13.18	32.25
Inside the City Extra strength surcharge for each mg/l over 350 mg/l-per month additional charge				
Fee through November 30, 2019				
		User Charge Portion (\$/Ccf)	Capital Charge Portion (\$/Ccf)	Total Service Charge (\$/Ccf)
	Biochemical oxygen demand (BOD)	0.00171834	0.00007067	0.00178901
	Suspended solids (SS)	0.00119566	0.00004573	0.00124139
Fee effective December 01, 2019				
	Biochemical oxygen demand (BOD)	0.00185581	0.00007632	0.00193213
	Suspended solids (SS)	0.00129131	0.00004939	0.00134070
Outside the City Extra strength surcharge for each mg/l over 350 mg/l-per month additional charge				
Fee through November 30, 2019				
		User Charge Portion (\$/Ccf)	Capital Charge Portion (\$/Ccf)	Total Service Charge (\$/Ccf)
	Biochemical oxygen demand (BOD)	0.00172033	0.00019652	0.00191685
	Suspended solids (SS)	0.00119710	0.00011739	0.00131449
Fee effective December 01, 2019				
	Biochemical oxygen demand (BOD)	0.00185796	0.00021223	0.00207020
	Suspended solids (SS)	0.00129287	0.00012678	0.00141965
Other				
	Public improvement inspection fee—as percentage of total construction cost			6%

Zoning and Subdivisions (Development Regulations)		
		\$ Amount
Appeals to city commission—each		75.00
Board of zoning appeals application fee—each		350.00
Fence permit —each		20.00
Preservation commission major certificate review—each		200.00
Rezoning application fee—each		350.00
Special use		350.00
	Application fee	350.00
	Permit fee - annually	25.00
Subdivisions:		
	Up to five lots	350.00
	Additional for each lot over five	10.00
Signs:		
Permanent signs:		
	Up to 50 square feet—each sign	50.00
	51 to 100 square feet—each sign	75.00
	101 square feet and greater—each sign	100.00
Sign Refacing:		
	Up to 50 square feet—each sign	25.00
	51 to 100 square feet—each sign	37.50
	101 square feet and greater—each sign	50.00
	Temporary signs, up to 60 days—each sign	50.00
	Sign erector license—annually	150.00

POLICY REPORT

Review Unsafe and Dangerous Structures

OCTOBER 22, 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 the following properties to allow for completion of the needed work. The Commission reviewed the properties on August 13, 2019 and voted again to grant an extension to October 22, 2019 to allow for completion of needed work.

1. **905 Washington – Single family house**
Owner previously stated he would demolish property on his own. No change.
2. **1605 Terry – Single family house**
All repairs complete
3. **514 Linn – Single family house**
All repairs complete.
4. **1021 S. 2nd Street – Single family house**
Under new ownership. Roof permit issued and roof installed, plumbing permit issued. Owner indicated new windows will be installed within the next couple of weeks. Some exterior painting complete.
5. **305 N. 2nd Street – Single family house**
No visible change. Permits issued for interior renovations and siding.
6. **326 Osage – Single family house**
Work ongoing. Active permit for electrical work and interior renovations. Windows have been replaced.
7. **400 N. 5th Street – 2 story residential structure**
Active permit for siding, roof and windows. No visible work done.
8. **787 Shawnee Street – Single family house**
All repairs complete.

RECOMMENDED ACTION

- Motion to remove listed properties from demolition list.
- Motion to grant extension to complete repairs to listed properties.
- Motion to proceed with demolition of listed properties.



PROPERTY REMEDIATION AGREEMENT

Jeremy Bowen
 905 Washington Street
 Leavenworth, KS 66048

The owner(s) of the property located at 905 Washington 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)	May 10, 2019	Repair Roof and Replace Shingles
2)	May 10, 2019	Siding- Replace all siding Guttering-Replace
3)	May 10, 2019	Paint-Remove ALL Peeling paint and repaint

I (Print the Owner's Name) _____ 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.

Notary Area

Signature

Date







PROPERTY REMEDIATION AGREEMENT

Owner: Kevin C and Patricia A Lis
 Site Address: 1605 Terry
 Leavenworth, KS 66048

The owner(s) of the property located at 1605 Terry 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)	May 10, 2019	Repair Roof and Replace Shingles
2)	May 10, 2019	Siding- Replace all siding Guttering-Replace
3)	May 10, 2019	Paint-Remove ALL Peeling paint and repaint

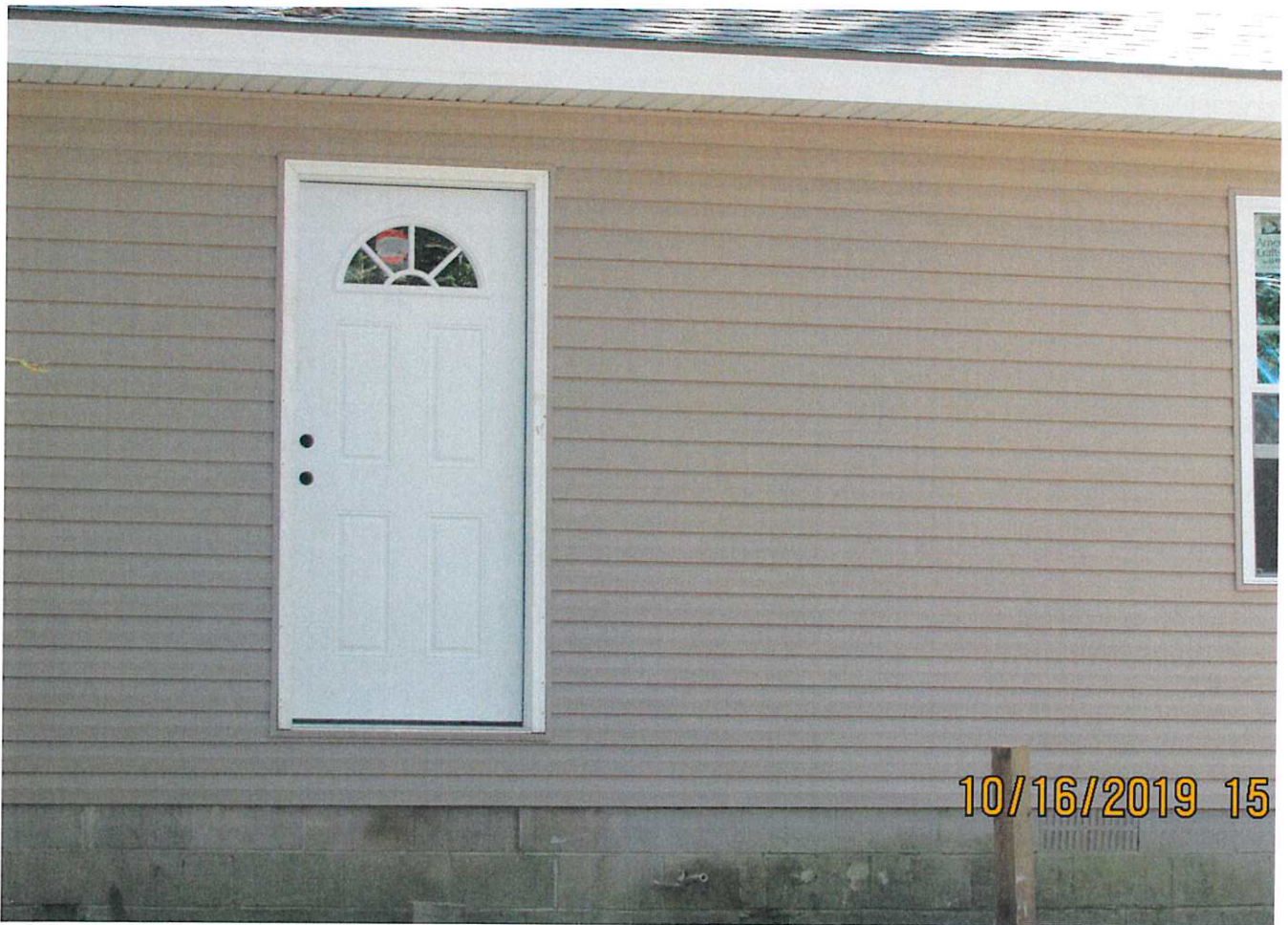
I (Print the Owner's Name) _____ agree to honor the commitments as described above and understand that failure to do so may result in legal and remedial actions by the City of Leavenworth, possibly up to and including the demolition of unremediated structures. I also agree to maintain all yard areas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

Notary Area

Signature

Date







PROPERTY REMEDIATION AGREEMENT

Owner: Pride Properties LLC
 Site Address: 514 Linn St.
Leavenworth, KS 66048

The owner(s) of the property located at 514 Linn St 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.

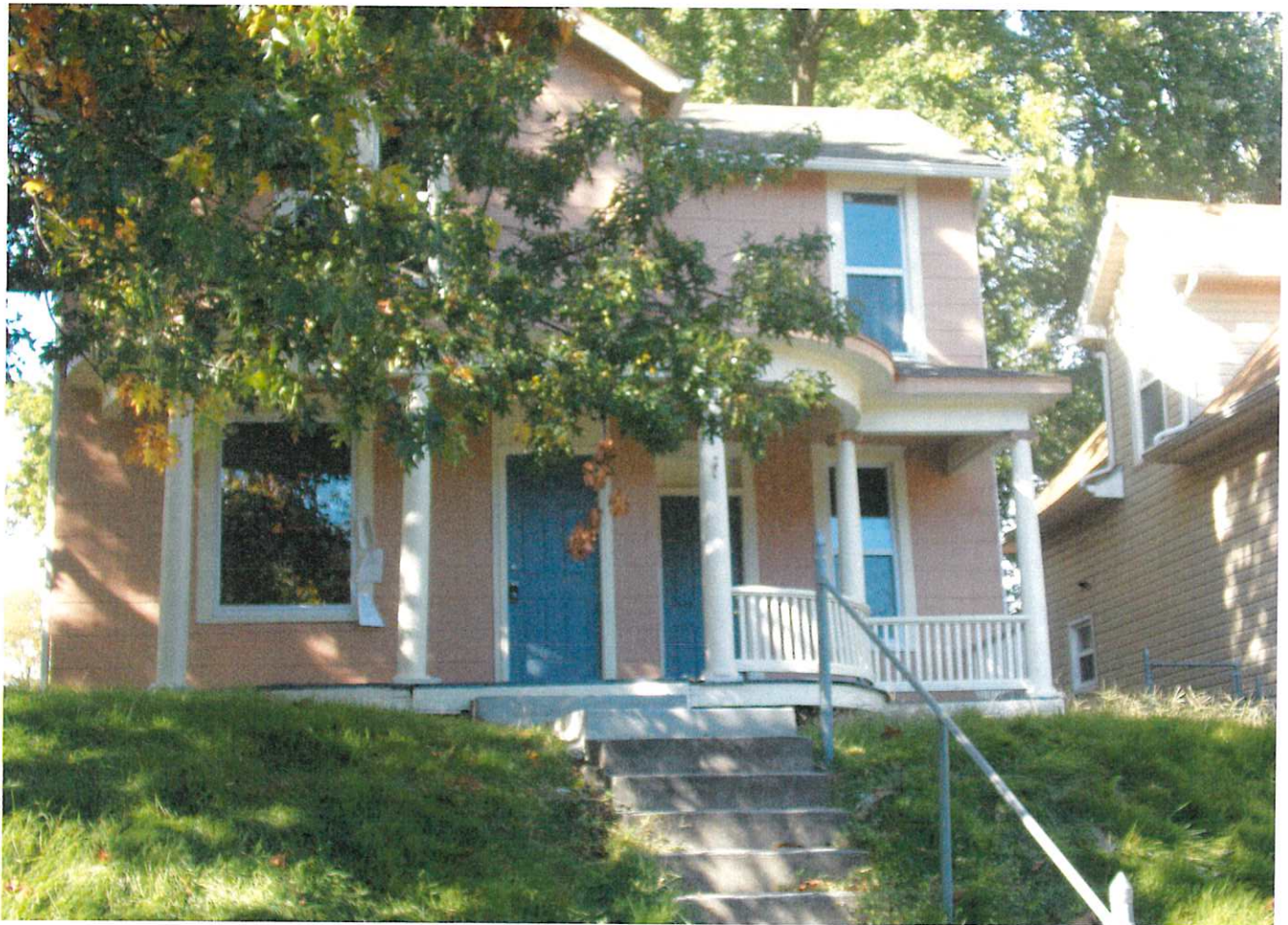
	DEADLINE	TASK
1)	May 10, 2019	Windows & doors – Need plywood removed.
2)	May 10, 2019	Paint- repaint exterior of the structure.
3)	May 10, 2019	Guttering, soffits & eaves – replace or repair all soffits, eaves and guttering.
4)		

I (Print the Owner's Name) _____ 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.

Notary Area

Signature

Date







PROPERTY REMEDIATION AGREEMENT

Owner: Janet Wiber
 Site Address: 1021 S 2nd St.
Leavenworth, KS 66048

The owner(s) of the property located at 1021 S 2nd St. 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)	May 10, 2019	Roof – Roof needs to be finished.
2)	May 10, 2019	Soffits and eaves – repair all soffits and eaves.
3)	May 10, 2019	Paint – remove all peeling paint and repaint exterior of structure.
4)		

I (Print the Owner's Name) _____ 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.

Notary Area

Signature

Date







PROPERTY REMEDIATION AGREEMENT

Owner: ABSL VENTURE LLC
 Site Address: 305 North 2nd Street
 Leavenworth, KS 66048

The owner(s) of the property located at 305 North 2nd 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)	May 10, 2019 May 10, 2019	Siding – replace/repair all exterior walls and sidings. Soffits & eaves —replace-repair all soffits and eaves.
2)	May 10, 2019	Windows & doors – replace/repair ALL windows & doors.
3)	May 10, 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) _____ 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.

Notary Area

Signature

Date







PROPERTY REMEDIATION AGREEMENT

Owner: Variese J. Johnson
 Site Address: 326 Osage Street
 Leavenworth, KS 66048

The owner(s) of the property located at 326 Osage 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)	May 10, 2019	Roof – replace entire roof.
2)	May 10, 2019 May 10, 2019	Siding – replace/repair all exterior walls and sidings. Soffits & eaves – replace /repair all soffits and eaves.
3)	May 10, 2019	Windows & doors – replace/repair all windows & doors.
4)	May 10, 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) _____ 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.

Notary Area

Signature

Date





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) _____ 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.

Notary Area

Signature

Date







PROPERTY REMEDIATION AGREEMENT

Owner: Ruth W Lee
 Site Address: 787 Shawnee Street
 Leavenworth, KS 66048

The owner(s) of the property located at 787 Shawnee Street (INCLUDES MAIN STRUCTURE & DETACHED SHED) 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)	May 10, 2019	Roof – replace entire roof.
2)	May 10, 2019 May 10, 2019	Siding – replace/repair all exterior walls and sidings. Soffits & eaves – replace/repair all soffits and eaves.
3)	May 10, 2019	Windows & doors – replace/repair all windows & doors.
4)	May 10, 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) _____ 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.

Notary Area

Signature

Date

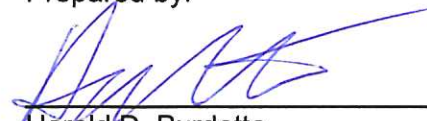


POLICY REPORT PWD NO. 19-51


**PUBLIC HEARING FOR UNSAFE STRUCTURES
228-230 OTTAWA STREET**

October 22, 2019

Prepared by:


Harold D. Burdette,
Chief Building Inspector

Reviewed by:


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

Reviewed by:


Paul Kramer,
City Manager

ISSUE:

Conduct a Public Hearing regarding the unsafe or dangerous structure located at 228-230 Ottawa Street.

BACKGROUND:

On August 27, 2019, the City Commission was presented a resolution regarding setting a date for a public hearing related to the structure located at 228-230 Ottawa Street that was damaged by fire. The Commission approved Resolution No. B-2231, setting October 22, 2019, as the date for a public hearing for the purposes of Chapter 50, Article I, Section 50-5, of the City Code of Ordinances.

The structure was damaged by fire on June 25, 2019. The property owners, James and Frances Patterson, were issued a building permit on July 22, 2019, for fire damage repair. Progress on the necessary repairs has begun. The roof and other exterior issues have been addressed, but the interior work has not been completed at this time.

When structures are damaged by fire and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used to either remove the structure if the owner decides not to repair it, or returned to the property owner once repairs have progressed to a reasonable point or are completed and the structure is ready for occupancy. The City has received proceeds from the insurance company for this property in the amount of \$11,250.00.

NOTIFICATION PROCEDURES:

On September 5, 2019, a copy of said resolution was mailed by certified, restricted delivery mail to the owner at their last known place of residence. The City Clerk published the resolution on the dates stated in the resolution.

RECOMMENDATION:

Being that 228-330 Ottawa is a two family dwelling, with 228 Ottawa being determined to be safe and is currently occupied, staff recommends that the owner is given 90 days to complete the repairs. The money can be returned at a later date once the repairs have been completed to a point in the repair process that there is no need to consider demolition.

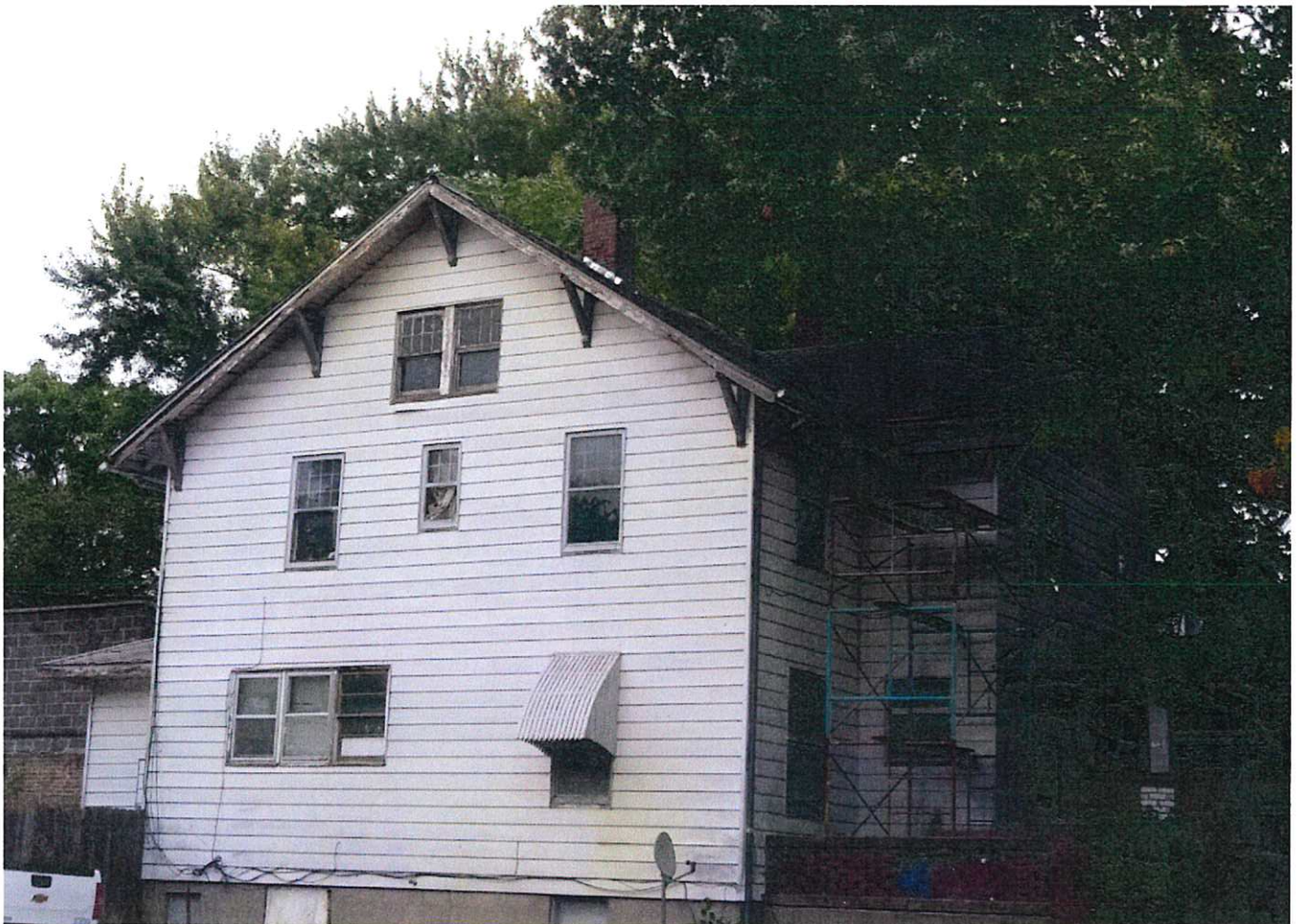
COMMISSION ACTION:

The Commission is asked to approve Resolution No. B-2238 giving the owners 90 days to complete the repairs, or another date decided by the Commission.

ATTACHMENT:

Resolution No. B-2238
Photos of Structure





(To Be Published in the Leavenworth Times on October 29, 2019)

RESOLUTION NO. B-2238

**A FINDING THAT A CERTAIN FIRE DAMAGED STRUCTURE
HEREIN DESCRIBED IS UNSAFE OR DANGEROUS AND
DIRECTING THE STRUCTURE TO BE REPAIRED OR
REMOVED AND THE PREMISES MADE SAFE AND SECURE.**

WHEREAS, the City Inspector of the City of Leavenworth, Kansas, did on the 22nd day of October, 2019 file with the Governing Body a statement in writing that a fire damaged structure hereinafter described as **A multi-family structure located at 228-230 Ottawa Street and legally described as Lots 15, 16 Block 29 Leavenworth City Proper. Parcel 077-25-0-31-02-009.00-0** is unsafe and dangerous; and

WHEREAS, the Governing Body did adopt Resolution No. B-2231 fixing the time and place of a hearing at which the owner, their agents, any lienholders of record, and occupants of such structures could appear and show cause why such structure should not be condemned and ordered repaired or demolished and providing for giving notice thereof as provided by law; and

WHEREAS, Resolution No. B-2232 was published in the official City newspaper on September 3, 2019 and September 10, 2019, and a copy of said Resolution was mailed and served on the owner, agents and/or lienholder of record of such structure as provided by law; and

WHEREAS, on October 22, 2019, the Governing Body heard all evidence submitted by the environmental officer of the City and heard any evidence submitted by the owner, agents, or lienholders of record.

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

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

Section 2. The property is hereby given an extension for repair or removal no later than December 16, 2019 at which time the City Commission will review at the next scheduled meeting.

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

PASSED AND ADOPTED by the City Commission of the City of Leavenworth, Kansas on this 22nd day of October 2019.

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Carla K. Williamson, CMC City Clerk

**POLICY REPORT
PUBLIC HEARING
ADOPTION OF A REDEVELOPMENT PROJECT PLAN FOR
A REDEVELOPMENT PROJECT WITHIN
AN ESTABLISHED REDEVELOPMENT DISTRICT IN THE CITY OF LEAVENWORTH**

OCTOBER 22, 2019

Prepared By:



Carla K. Williamson, CMC
City Clerk

Reviewed By:



Paul Kramer
City Manager

HISTORY:

The Leavenworth City Commission formally established a redevelopment district (North Gateway Redevelopment District), pursuant to the provisions of KSA 12- 1771(a), by adopting Ordinance No. 7863 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.

BACKGROUND:

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.

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; and
- (2) describe the boundaries of the redevelopment district which the redevelopment project will be located and the date of establishment of such district; and
- (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.

- Resolution No. B-2232 was approved by the City Commission its regular business meeting on September 10, 2019 setting forth the public hearing date of October 22, 2019.
- Resolution No. B-2132 was forwarded via certified mail return/receipt requested to the Board of County Commissioners and the Board of Education and to each landowner and occupant of land within the proposed redevelopment project area on September 19, 2019.
- Resolution No. B-2132 was published once in the official City newspaper (Leavenworth Times) on October 10, 2019
- The City's Planning Commission met on Wednesday, September 9, 2019 to review and discuss the proposed redevelopment project plan and they unanimously found the plan to be consistent with the Comprehensive Plan.

SUBJECT:

At the October 22, 2019 public hearing, the City Manager shall present the proposed project plan. Following the presentation all interested persons shall be given the opportunity to be heard. Thereafter, the City Commission may consider first reading of the ordinance (consensus to move forward). Pursuant to KSA 12-1772 (e), the ordinance adopting the project plan must be passed by a 2/3 vote of the governing body.

ATTACHMENTS:

1. City of Leavenworth Planning Commission Action Report of September 9, 2019
2. Draft Ordinance
3. Tax Incremental Financing Redevelopment Project; Plan Project Area # 3; North Gateway Redevelopment District

ACTION REQUIRED:

Consensus to move forward with first reading of the ordinance creating a redevelopment project plan, as presented.

CITY OF LEAVENWORTH PLANNING COMMISSION
COMMISSION CHAMBERS, CITY HALL
100 N 5th Street, Leavenworth, Kansas 66048
REGULAR SESSION
Monday, September 9, 2019
6:00 PM

ACTION REPORT

1. CALL TO ORDER:

Commissioners Present

Camalla Leonard

Mike Burke

Jay Byrne

John Karrasch

Linda Bohnsack

Claude Wiedower

Commissioners Absent

Sherry Hines Whitson

City Staff Present

Julie Hurley

Michelle Baragary

Madam Vice Chairman Leonard called the meeting to order at 6:00 pm and noted a quorum was present.

1. APPROVAL OF MINUTES – February 4, 2019

APPROVED: 6-0

Madam Vice Chairman Leonard asked for comments or a motion on the minutes presented for approval: February 4, 2019 Mr. Byrne moved to accept the minutes as presented, seconded by Mr. Wiedower. The minutes were approved by a vote of 6-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. NORTH GATEWAY REDEVELOPMENT DISTRICT

APPROVED 6-0

Determine consistency of the North Gateway Redevelopment District 615 Metropolitan Project Plan with the adopted Comprehensive Plan.

Madam Vice Chairman Leonard called for a motion. Mr. Byrne moved to approve the motion finding the North Gateway Redevelopment 615 Metropolitan Project is consistent with the overall intent of the Comprehensive Plan.

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

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF LEAVENWORTH, KANSAS
ADOPTING A REDEVELOPMENT PROJECT PLAN FOR A
REDEVELOPMENT PROJECT AREA 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, a copy of which is attached hereto as *Exhibit A*; and

WHEREAS, a copy of the Project Plan has been 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 Commission 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; and

WHEREAS, the City adopted Resolution No. B-2232 on September 10, 2019 calling for a public hearing considering the adoption of the Project Plan to be held by the City Commission on October 22, 2019; and

WHEREAS, the public hearing was held and closed on October 22, 2019, with presentation of the Project Plan and an opportunity for all interested persons to be heard regarding the proposed Project Plan.

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

Section 1. Approval of Project Plan. The City Commission hereby adopts the Project Plan pursuant to the Act, subject to the condition that the developer of the project proposed for the Project Area, Fort Gate Properties, LLC, and the City will enter into a Development Agreement by no later than November 15, 2019, on terms which are mutually satisfactory to City and such developer.

Section 2. 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 Ordinance.

Section 3. Transmittal of Project Plan. In accordance with the Act, copies of the Project Plan and this Ordinance shall be filed with the Clerk and also transmitted by the Clerk to the County Appraiser and County Treasurer and to the governing body of the County and the School District in which the District is located.

Section 4. Effective Date. This Ordinance shall be effective from and after final passage by the City Commission, approval by the Mayor and publication in the official newspaper of Leavenworth, Kansas. Provided, that this Ordinance shall not be published unless and until the above condition regarding the development agreement has been satisfied. If the above condition has not been satisfied by November 15, 2019, this Ordinance shall not be effective, and shall be deemed revoked without further action on the part of the City Commission.

PASSED by no less than two-thirds of the members-elect of the City Commission of the City of Leavenworth, Kansas on November 12, 2019.

CITY OF LEAVENWORTH, KANSAS

By: _____
Jermaine Wilson, Mayor

[SEAL]

Attest:

Carla Williamson, City Clerk

EXHIBIT A

(Project Plan – Attached)

Submitted August 23, 2019

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.*

City of Leavenworth
City Clerk's Office

AUG 30 2019

Received by *Williamson*

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- A) Legal Description of Project Area
- B) Map of Project Area
- C) Preliminary Site Plan
- D) Estimated Budget
- E) TIF Revenue Projections
- F) TIF District Projections
- G) Legal Description of Project Area 1
- H) Legal Description of Project Area 2
- I) Meeting Minutes

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

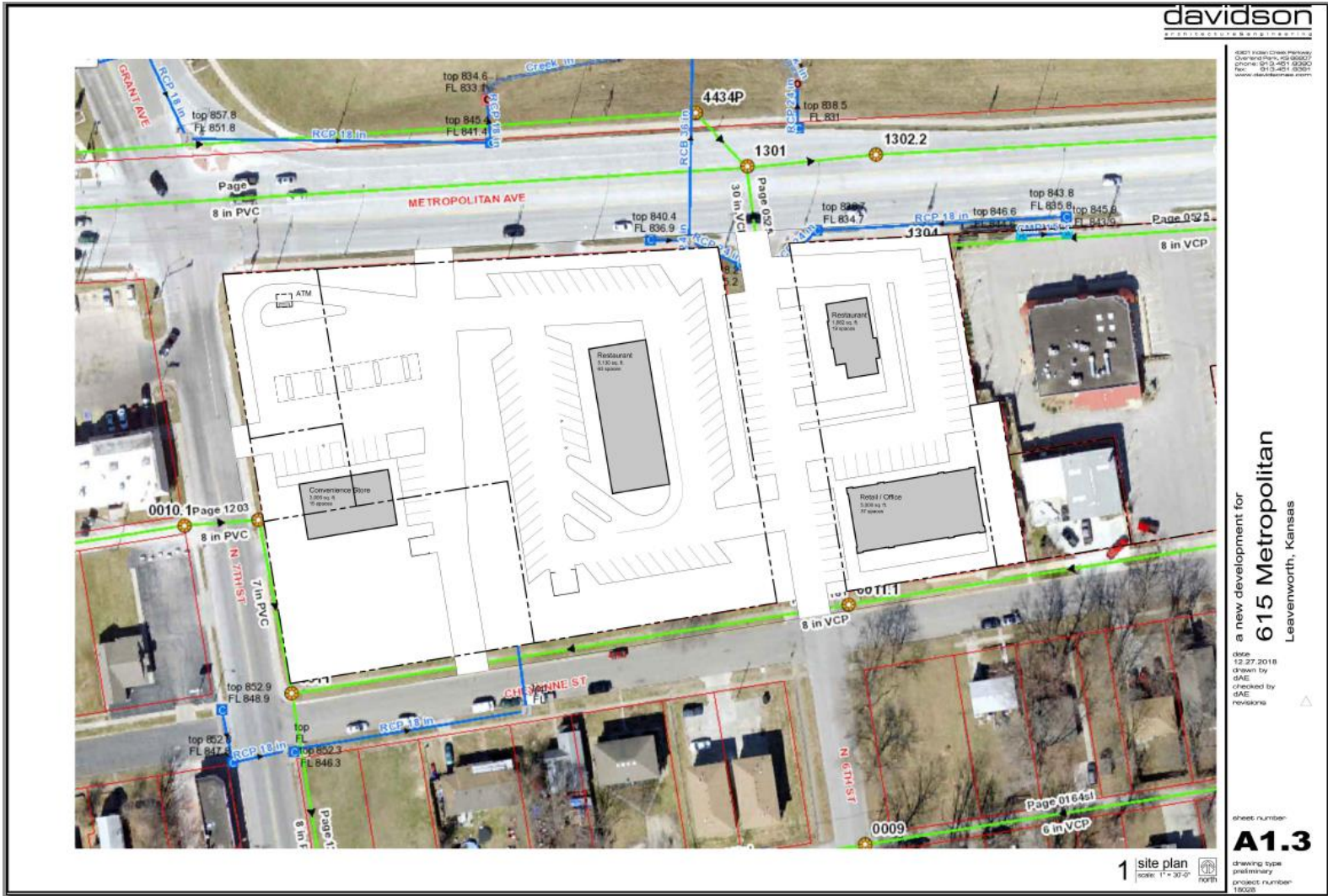


Exhibit C

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]

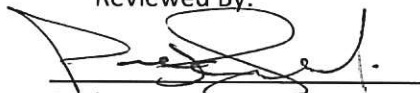
**POLICY REPORT
PUBLIC HEARING
CREATION OF A COMMUNITY IMPROVEMENT DISTRICT
FORT GATE PROPERTIES, LLC**

OCTOBER 22, 2019

Prepared By:


Carla K. Williamson, CMC
City Clerk

Reviewed By:


Paul Kramer
City Manager

ISSUE:

The issue before the Commission is a public hearing for the creation of a Community Improvement District (CID) in the area general located at the southwest and southeast corners of North 6th Street and Metropolitan Avenue in the City of Leavenworth. The estimated cost of the project is \$7,099,864.00 plus interest accrued and borrowed money.

BACKGROUND:

Petition and Notice:

- On August 9, 2019, an application for a Community Improvement District was submitted by Fort Gate Properties, LLC.
- 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.
- On September 10, 2019, the City Commission adopted Resolution B-2233 setting the Public Hearing as October 22, 2019 for the proposed Community Improvement District.
- Notice of Public Hearing, Resolution B-2233 was published once each week for two (2) consecutive weeks in The Leavenworth Times on October 3, 2019 and October 10, 2019.
- On October 3, 2019, Resolution B-2233 was sent via certified mail to all property owners in CID.
- The petition requests that the City levy a CID sales tax within the Improvement District. The petitioner is requesting a 1.25% sales tax CID for 22 years.

ACTION REQUIRED:

- Following the public hearing, the City Commission may approve the CID by ordinance (first reading) by consensus.
- Second Consideration (second reading) will follow on November 12, 2019 to adopt the ordinance by majority vote.

ATTACHMENTS:

1. Draft Ordinance
2. Petition for the Creation of a Community Improvement District
3. Application for Community Improvement District

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF LEAVENWORTH, KANSAS
CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY;
AUTHORIZING THE MAKING OF CERTAIN PROJECT
IMPROVEMENTS RELATING THERETO; APPROVING THE
ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; AND
PROVIDING FOR THE METHOD OF FINANCING THE SAME.**

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 one and one-quarter percent (1.25%) 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 Petition was signed by the required number of owners of record, whether resident or not, as required by the Act; and

WHEREAS, the City Commission of the City of Leavenworth, Kansas (the "City Commission") intends to create the District and to levy the CID Sales Tax as requested in the Petition; and

WHEREAS, the Act provides that prior to creating any community improvement district and imposing a community improvement district sales tax, the governing body shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and the construction of such community improvement district projects therein, and to give notice of the hearing by publication at least once each week for two (2) consecutive weeks in the official City newspaper and by certified mail to all property owners within the proposed community improvement district, the second publication to be at least seven (7) days prior to the hearing and such certified mail sent at least ten (10) days prior to such hearing; and

WHEREAS, the City Commission adopted Resolution No. B-2233 on September 10, 2019 directing that a public hearing on the proposed District within the City be held on October 22, 2019, declaring its intent to impose the CID Sales Tax, and requiring that the Clerk for the City of Leavenworth, Kansas provide for notice of such public hearing as set forth in the Act; and

WHEREAS, notice of the public hearing containing the following information: (a) the time and place of the hearing, (b) the general nature of the Project, (c) the estimated cost of the Project, (d) the proposed method of financing the Project, (e) the proposed amount of the CID Sales Tax, (f) a map of the proposed District, and (g) a legal description of the proposed District, was mailed to all property owners within the proposed District on October 3, 2019, and published once each week for two (2) consecutive weeks in *The Leavenworth Times*, the official City newspaper, on October 3, 2019 and October 10, 2019; and

WHEREAS, on October 22, 2019, the City Commission conducted a public hearing on the proposed District, the proposed Project, and estimated costs thereof and the method of financing the same, all in accordance with the Act; and

WHEREAS, the City Commission hereby finds and determines it to be advisable to create the District, authorize the Project, approve the estimated cost of the Project, and approve the method of financing the same, all in accordance with the provisions of the Act.

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

Section 1. Creation of District. The City Commission hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the District within the City. Provided, that the City Commission's approval and creation of the District is conditioned and contingent upon the proposed developer of the Project, Fort Gate Properties, LLC, and the City of Leavenworth, Kansas, entering into a Development Agreement by no later than November 15, 2019, on terms which are mutually satisfactory to City and such developer. A map generally outlining the boundaries of the District is attached hereto as *Exhibit A* and incorporated herein by reference. The legal description of the District is set forth on *Exhibit B*, attached hereto and incorporated herein by reference.

Section 2. Authorization of 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.*, which Project is hereby authorized.

Section 3. Approval of Estimated Cost of the Project. The estimated or probable cost of the Project is approximately \$7,099,864, plus interest accrued on borrowed money, which is hereby approved.

Section 4. 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 developer of the Project may request, and the City shall reasonably consider (subject to approval by the City Commission 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. This method of financing is hereby approved.

Section 5. Imposition of CID Sales Tax. In order to provide for the payment of the Project, the City Commission hereby levies the CID Sales Tax within the District in an amount of 1.25% for a period of 22 years, as authorized under the Act.

Section 6. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the City Commission and publication once in the official City newspaper. Provided, that this Ordinance shall not be published unless and until the above condition regarding the development agreement has been satisfied. If the above condition has not been satisfied by November 15, 2019, this Ordinance shall not be effective, and shall be deemed revoked without further action on the part of the City Commission

**ADOPTED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH,
KANSAS ON NOVEMBER 12, 2019.**

Jermaine Wilson, Mayor

[SEAL]

ATTEST:

Carla Williamson, City Clerk

EXHIBIT A

Map of District



EXHIBIT B

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.

[Remainder of page intentionally blank.]

AUG 30 2019

Received by: 

**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: 
Name: Justin Kaufmann
Title: Authorized Person

STATE OF Kansas)
) ss.
COUNTY OF Johnson)

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)





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



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 1.25% 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 NO. 19-52

CONSIDER PETITION TO VACATE PORTION OF ALLEY IN BLOCK 97
DAY & MACAULAY SUBDIVISION

October 22, 2019

Prepared by:



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

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Consider an ordinance to vacate a portion of the alley in Block 97 - Day and Macaulay Subdivision.

BACKGROUND:

A developer has proposed a significant project be located between 6th Street and 7th Street south of Metropolitan Avenue and north of Cheyenne Street (picture shown below). There are several alleys in this area that date back to the original creation of Leavenworth, particularly Block 97 of Day and Macaulay Subdivision. Some of these alleys have been vacated previously and it is unclear if the remaining alleys have or have not been vacated.

The City has received the attached request to vacate the east-west alley located between 6th Street and 7th Street and north of Cheyenne Street and south of Metropolitan Avenue. The applicant – Fort Gate Properties, LLC - intends to use the space created by the vacated alley to build several buildings as part of the proposed development. The attached drawings and legal description provide specific information on the request.



Utility companies are permitted to use the public alleys for their infrastructure, and several utility lines exist on this property and must be addressed. The property owner is responsible to facilitate relocation and/or easements for the utility companies. The alley vacation procedure provides the opportunity for the City Commission to receive input from the various utility companies as well as from adjoining property owners.

All property owners adjoining the alley and utility companies were notified of this proposed action. City staff is aware that the developer has been working with the utility companies regarding removal and relocation issues. Staff expectation at this time is that all parties will come to terms on this proposed alley vacation prior to second consideration of the ordinance.

POLICY:

The City Commission reviews proposed street and alley vacations. Staff generally supports such requests if they facilitate a greater public purpose such as development meeting City requirements.

City Commission generally does not vacate alleys unless all utility companies have come to agreement with the developer regarding relocation and similar issues.

FINANCING:

There are no significant costs to the City.

RECOMMENDATION:

Staff recommends that the City Commission vacate a portion of the alley in Block 97 - Day and Macaulay Subdivision.

ATTACHMENTS:

Vacation Petition

(Summary Published in the Leavenworth Times on _____2019)

ORDINANCE NO. _____

AN ORDINANCE VACATING ALL THAT PART OF THE EAST-WEST ALLEY IN BLOCK 97, DAY AND MACAULAY'S SUBDIVISION, A SUBDIVISION IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS, AMENDING APPENDIX B, ARTICLE II, ALLEY VACATIONS OF THE CITY OF LEAVENWORTH CODE OF ORDINANCES.

WHEREAS, a Petition for a vacation of all that part of the east-west alley in block 97, Day and Macaulay's Subdivision, a subdivision in the City of Leavenworth, Leavenworth County, Kansas; and

WHEREAS, the City Clerk of the City of Leavenworth, Kansas gave public notice of the same by publication in the official City newspaper on September 27, 2019 stating that a petition has been filed in the office of the City Clerk praying for such vacation, describing the property fully and setting October 22, 2019 as the hearing date on which the petition shall be presented to the Governing Body of the City for hearing and that at such time and place all persons interested can appear and be heard under the petition; and

WHEREAS, the petition did proceed to hearing as published and no objections were filed with the City Clerk or received at the time of the hearing; and

WHEREAS, all utility companies were notified and agreed to such vacation with the stipulations noted in Section 2; and

WHEREAS, all the requirements of K.S.A. 12-504 *et. seq.* have been complied with; and

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

Section 1. Vacation of an alley, previously platted, and being more fully described as:

All that part of the east-west alley in Block 97, DAY AND MACAULAY'S SUBDIVISION, in the City of Leavenworth, Leavenworth County, Kansas, together being more particularly described as follows:

Commencing 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 125.00 feet to the Northwest corner of Lot 16, said Block 97, to the POINT OF BEGINNING;

thence North 11°05'01" West, continuing along said East right-of-way line, a distance of 14.00 feet to the Southwest corner of Lot 17, said Block 97;

thence North 78°46'13" East, departing said East right-of-way line and along the South line of Lots 17, 18, and 19, inclusive, said Block 97, a distance of 71.69 feet, to the Southeast corner of said Lot 19, said point being the Southwest corner of Lot 20, said Block 97 and on the West line of the alley vacation as described in Ordinance No. 6551 recorded in Book 546, Page 1750;

thence South 11°13'47" East, departing said South line and along said West line of vacated alley, a distance of 14.00 feet, to the Northeast corner of Lot 14, said Block 97;

thence South 78°46'13" West, departing said West line of vacated alley and along the North line of Lots 14, 15, and 16, inclusive, said Block 97, a distance of 71.73 feet to the Point of Beginning, containing 1,004 square feet, or 0.023 acres, more or less.

(See attached Exhibits A & B).

Section 2: _____

Section 3: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after the date of its publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this ____ day of November 2019.

{Seal}

Jermaine Wilson, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk

EXHIBIT A
Legal Description of Property to be Vacated

Alley in Block 97
Description

All that part of the east-west alley in Block 97, DAY AND MACAULAY'S SUBDIVISION, in the City of Leavenworth, Leavenworth County, Kansas, together being more particularly described as follows:

Commencing 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 125.00 feet to the Northwest corner of Lot 16, said Block 97, to the POINT OF BEGINNING;

thence North 11°05'01" West, continuing along said East right-of-way line, a distance of 14.00 feet to the Southwest corner of Lot 17, said Block 97;

thence North 78°46'13" East, departing said East right-of-way line and along the South line of Lots 17, 18, and 19, inclusive, said Block 97, a distance of 71.69 feet, to the Southeast corner of said Lot 19, said point being the Southwest corner of Lot 20, said Block 97 and on the West line of the alley vacation as described in Ordinance No. 6551 recorded in Book 546, Page 1750;

thence South 11°13'47" East, departing said South line and along said West line of vacated alley, a distance of 14.00 feet, to the Northeast corner of Lot 14, said Block 97;

thence South 78°46'13" West, departing said West line of vacated alley and along the North line of Lots 14, 15, and 16, inclusive, said Block 97, a distance of 71.73 feet to the Point of Beginning, containing 1,004 square feet, or 0.023 acres, more or less.



EXHIBIT B

Depiction of Property to be Vacated





City of Leavenworth
 100 N 5th St
 Leavenworth, Ks 66048
 Telephone: 913-682-9201

Filing Date 9-24-2019
 Fee of \$250.00 Paid \$250.00
 Certified Adjacent Property Owners
 Publication Date of Hearing 9/27/19
 Date of Hearing Oct 22, 2019

**VACATION PETITION FOR
 SITE OR ADDITION/ALLEY/STREET/EASEMENT/BUILDING SETBACK LINES**

1. Apply for vacating petitions in the Office of the City Clerk.
2. A petition, if approved, may take up to 60 days for complete action. The amount of time would depend on when the application is filed with respect to the City Commission meetings.
3. The application shall be filled out completely by the applicant in order that the City Commission has a clear understanding of what the applicant desires. You must be the legal owner of the property (NOT LEASEE OR RENTER).
4. Procedure for filing and reviewing petitions shall be as follows:
 - a. Applications shall be filled out completely and filed in the Office of the City Clerk. If additional space is needed, attach additional sheets.
 - b. A non-refundable fee of \$250 shall be paid at the City Clerk's Office at the time the application is filed.
 - c. Upon receipt of the properly executed application, **CERTIFIED OWNERSHIP OF ADJACENT PROPERTY OWNERS** and required filing fee, the City Clerk shall forward the application to the City Engineer and City Planner for review and recommendations.
 - d. **CERTIFIED OWNERSHIP OF ADJACENT PROPERTY OWNERS SHALL BE CERTIFIED BY AN ABTRACTOR.** Listing shall include **ADJACENT PROPERTY OWNERS ONLY**, not a 200' radius.
 - e. All applications require the signatures of adjoining (adjacent) property owners.
 - f. After being reviewed by City Staff, the City Clerk shall publish a notice of this request and place this item on the agenda for the City Commission's consideration.

I Justin Kaufman, as Manager of Fort Gate Properties, LLC, residing at 7393 Floyd, Overland Park, KS 66204
 (Owner(s) Name) (Owner(s) Address)

Daytime Telephone: (913) 747-3340 E-mail: justin@cadencekc.com

Intended use of the vacated street, alley, or easement by petitioner: Commercial development

Must be described by the present legal owner of the property. Legal Description of property to be vacated:

See legal description and depiction attached hereto as Exhibit A and Exhibit B, respectively.

Located at: (Street Address) Part of 1114 N 7th St, Leavenworth, KS 66048; do hereby petition the Leavenworth City Commission for the vacating of the site or addition/street/alley/easement (circle one) as indicated on the sketch below. Sketch must show vicinity, adjacent streets and legal description of lots abutting proposed vacation. (Include sketch of property)

{ SEE attached }

All applications require signatures of adjoining property owners. In submitting this petition, the undersigned agrees to pay a \$250 non-refundable fee and certifies he/she is the present owner of the property adjacent to the site or addition/street/alley/easement.

Signed: [Signature] Date: 8-26-19

THIS PETITION MUST BE ACCOMPANIED BY A CERTIFIED LIST OF ADJACENT PROPERTY OWNERS (pursuant to K.S.A. 12-504)

EXHIBIT A
Legal Description of Property to be Vacated

Alley in Block 97
Description

All that part of the east-west alley in Block 97, DAY AND MACAULAY'S SUBDIVISION, in the City of Leavenworth, Leavenworth County, Kansas, together being more particularly described as follows:

Commencing 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 125.00 feet to the Northwest corner of Lot 16, said Block 97, to the POINT OF BEGINNING;

thence North 11°05'01" West, continuing along said East right-of-way line, a distance of 14.00 feet to the Southwest corner of Lot 17, said Block 97;

thence North 78°46'13" East, departing said East right-of-way line and along the South line of Lots 17, 18, and 19, inclusive, said Block 97, a distance of 71.69 feet, to the Southeast corner of said Lot 19, said point being the Southwest corner of Lot 20, said Block 97 and on the West line of the alley vacation as described in Ordinance No. 6551 recorded in Book 546, Page 1750;

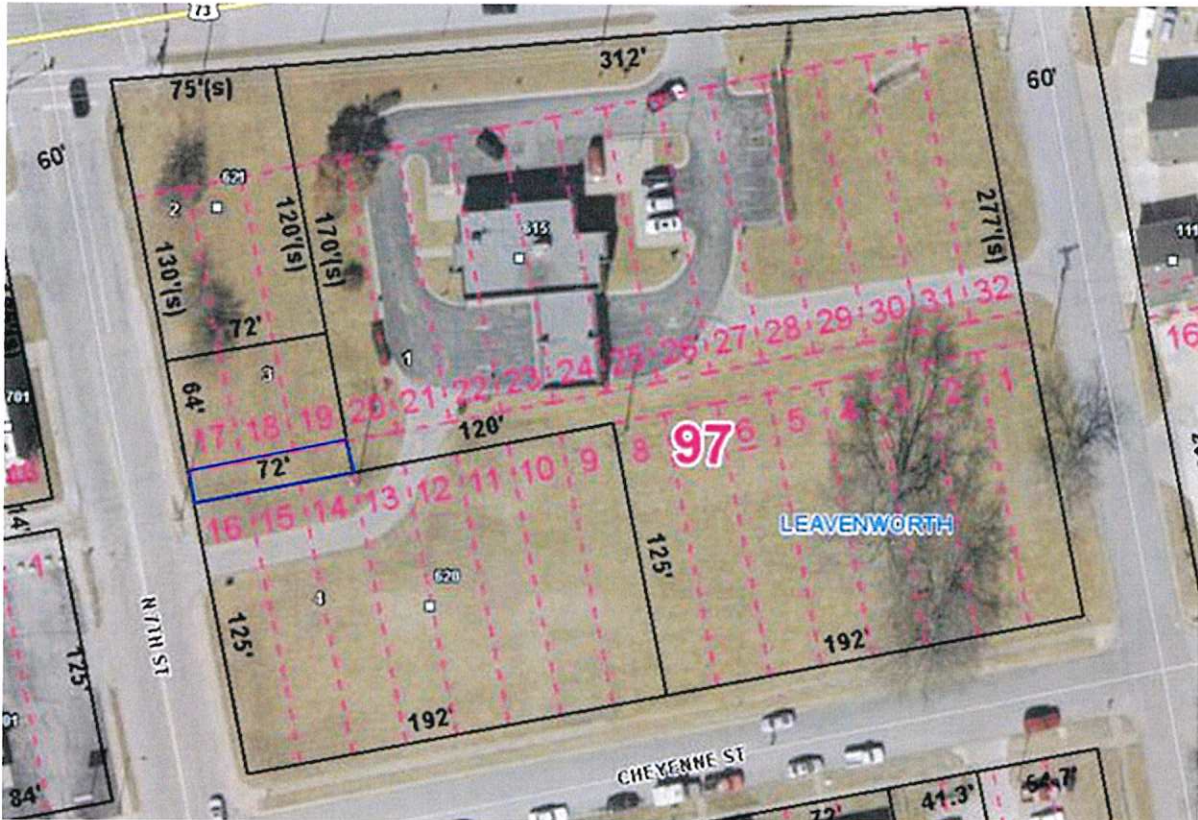
thence South 11°13'47" East, departing said South line and along said West line of vacated alley, a distance of 14.00 feet, to the Northeast corner of Lot 14, said Block 97;

thence South 78°46'13" West, departing said West line of vacated alley and along the North line of Lots 14, 15, and 16, inclusive, said Block 97, a distance of 71.73 feet to the Point of Beginning, containing 1,004 square feet, or 0.023 acres, more or less.



EXHIBIT B

Depiction of Property to be Vacated



NOTICE OF HEARING

A petition has been filed in the Office of the City Clerk praying for the vacation of the alley way running East-West in Block 97, Day and Macaulay's Subdivision, a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas described as follows:

All that part of the east-west alley in Block 97, DAY AND MACAULAY'S SUBDIVISION, in the City of Leavenworth, Leavenworth County, Kansas, together being more particularly described as follows:

Commencing 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 125.00 feet to the Northwest corner of Lot 16, said Block 97, to the POINT OF BEGINNING;

thence North 11°05'01" West, continuing along said East right-of-way line, a distance of 14.00 feet to the Southwest corner of Lot 17, said Block 97;

thence North 78°46'13" East, departing said East right-of-way line and along the South line of Lots 17, 18, and 19, inclusive, said Block 97, a distance of 71.69 feet, to the Southeast corner of said Lot 19, said point being the Southwest corner of Lot 20, said Block 97 and on the West line of the alley vacation as described in Ordinance No. 6551 recorded in Book 546, Page 1750;

thence South 11°13'47" East, departing said South line and along said West line of vacated alley, a distance of 14.00 feet, to the Northeast corner of Lot 14, said Block 97;

thence South 78°46'13" West, departing said West line of vacated alley and along the North line of Lots 14, 15, and 16, inclusive, said Block 97, a distance of 71.73 feet to the Point of Beginning, containing 1,004 square feet, or 0.023 acres, more or less.

The Leavenworth City Commission will hold a public hearing on Tuesday, October 22, 2019 at 7:00 P.M. Leavenworth City Hall, City Commission Chambers at 100 N 5th Street, Leavenworth, Kansas on the alley vacation petition filed. All persons interested can appear and be heard under this petition. Dated this 27th day of September 2019 City Clerk Carla K. Williamson, CMC

FULL_PID	QuickR		PartyName	Address1	City	State	ZIP
	efID	Property Address					
077-26-0-14-02-001.00-0	R2640	615 METROPOLITAN AVE, Leavenworth, KS 66048	FORT GATE PROPERTIES LLC	7393 FLOYD	OVERLAND PARK	KS	66204
077-26-0-14-02-003.00-0	R2642	1114 N 7TH ST, Leavenworth, KS 66048	FORT GATE PROPERTIES LLC	7393 FLOYD	OVERLAND PARK	KS	66204
077-26-0-14-02-004.00-0	R2643	00000 CHEYENNE ST, Leavenworth, KS 66048	FORT GATE PROPERTIES LLC	7393 FLOYD	OVERLAND PARK	KS	66204

Report Date: 8/30/19

Property Account	Invoice	Description	Amount
1118 1810-000	8/30/19	application for a street vacation	250.00
			<hr/>
			250.00

Leavenworth, Kansas
City Clerk
100 North 5th Street
Leavenworth, KS 66048
Welcome

004626-0003 Staci A. 09/24/2019 08:19AM

MISCELLANEOUS

Description: PETITION -
VACATING
STREET/ALLEY/EASEMNT
(CC31)

2019 Item: CC31
1 @ 250.00 250.00

250.00

Subtotal 250.00
Total 250.00

CHECK 250.00
Check Number 1011

Change due 0.00

Paid by: FORT GATE PROPERTIES, LLC

Comments: ALLEY VACATION 7TH STREET

Thank you for your payment

CUSTOMER COPY



October 2, 2019

WESTAR Energy
2720 Second Ave.
Leavenworth, Kansas 66048

Attn: Jon, Hain

RE: Street and Alley Vacation, 615 Metropolitan, Leavenworth, Kansas


This office has received the attached request to Vacate part of the east-west alley in Block 97, DAY AND MACAULAY'S SUBDIVISION, a subdivision of land in the City of Leavenworth, Leavenworth County Kansas (more fully described in the attached Legal Description provided).

The intent is for commercial development and any/all utilities will need to be removed and relocated to serve the proposed development.

Please review the attached documents and indicate your wishes below.

- No objection to the request.
- Objection to the request for the following reason/reasons.

Westar Energy has existing facilities in this alley. Any relocation of these facilities will need to be negotiated and coordinated with Westar.



Authorized Representative

10-2-19

Date

We would appreciate your reply no later than 3:00 p.m., Oct 4, 2019. You may scan your response and Email to Jstewart@firstcity.org or Fax it to 913-682-1512 Thank you in advance for your timely consideration of this matter.

Justin Stewart – Sr. Engineering Technician

File: 615 Metropolitan



September 23, 2019

Charter
8221 W. 119th St.
Overland Park, Kansas 66213

Attn. Steve Baxter

RE: Street and Alley Vacation, 615 Metropolitan, Leavenworth, Kansas

This office has received the attached request to Vacate part of the east-west alley in Block 97, DAY AND MACAULAY'S SUBDIVISION, a subdivision of land in the City of Leavenworth, Leavenworth County Kansas (more fully described in the attached Legal Description provided).

The intent is for commercial development and any/all utilities will need to be removed and relocated to serve the proposed development.

Please review the attached documents and indicate your wishes below.

- No objection to the request.
- Objection to the request for the following reason/reasons.

SPECTRUM MID-AMERICA, LLC
By Charter Communications, Inc., its Manager

[Signature]
Authorized Representative

9/26/19
Date

We would appreciate your reply no later than 3 00 p m . Oct 4, 2019 You may scan your response and Email to Jstewart@firstcity.org or Fax it to 913-682-1512 Thank you in advance for your timely consideration of this matter

Justin Stewart – Sr Engineering Technician

File: 615 Metropolitan



September 24, 2019

Leavenworth Water Department
601 Cherokee
Leavenworth, Kansas 66048

Attn. Joel Mahnken

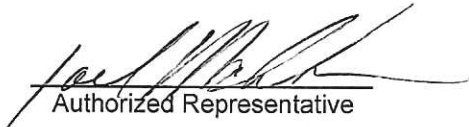
RE: Street and Alley Vacation, 615 Metropolitan, Leavenworth, Kansas

This office has received the attached request to Vacate part of the east-west alley in Block 97, DAY AND MACAULAY'S SUBDIVISION, a subdivision of land in the City of Leavenworth, Leavenworth County Kansas (more fully described in the attached Legal Description provided).

The intent is for commercial development and any/all utilities will need to be removed and relocated to serve the proposed development.

Please review the attached documents and indicate your wishes below.

- No objection to the request.
- Objection to the request for the following reason/reasons.


Authorized Representative

9/24/2019
Date

We would appreciate your reply no later than 3:00 p.m., Oct 4, 2019. You may scan your response and Email to Jstewart@firstcity.org or Fax it to 913-682-1512 Thank you in advance for your timely consideration of this matter.

Justin Stewart – Sr. Engineering Technician

File: 615 Metropolitan



September 23, 2019

Kansas Gas, ONEOK
2720 Second Ave.
Leavenworth, Kansas 66048

Attn. Scott Evans

RE: Street and Alley Vacation, 615 Metropolitan, Leavenworth, Kansas

This office has received the attached request to Vacate part of the east-west alley in Block 97, DAY AND MACAULAY'S SUBDIVISION, a subdivision of land in the City of Leavenworth, Leavenworth County Kansas (more fully described in the attached Legal Description provided).

The intent is for commercial development and any/all utilities will need to be removed and relocated to serve the proposed development.

Please review the attached documents and indicate your wishes below.

- No objection to the request.
- Objection to the request for the following reason/reasons.



Authorized Representative

9-23-2019
Date

We would appreciate your reply no later than 3:00 p.m., Oct 4, 2019. You may scan your response and Email to Jstewart@firstcity.org or Fax it to 913-682-1512 Thank you in advance for your timely consideration of this matter.

Justin Stewart – Sr. Engineering Technician

File: 615 Metropolitan



September 23, 2019

AT&T
4501 Brewer Place
Leavenworth, Kansas 66048

Attn. Jennifer Taylor

RE: Street and Alley Vacation, 615 Metropolitan, Leavenworth, Kansas

This office has received the attached request to Vacate part of the east-west alley in Block 97, DAY AND MACAULAY'S SUBDIVISION, a subdivision of land in the City of Leavenworth, Leavenworth County Kansas (more fully described in the attached Legal Description provided).

The intent is for commercial development and any/all utilities will need to be removed and relocated to serve the proposed development.

Please review the attached documents and indicate your wishes below.

- No objection to the request.
- Objection to the request for the following reason/reasons. AT&T has copper and fiber in this alley.

Jennifer Taylor OSP Design Engineer 9/23/19
Authorized Representative Date

We would appreciate your reply no later than 3:00 p.m., Oct 4, 2019. You may scan your response and Email to Jstewart@firstcity.org or Fax it to 913-682-1512 Thank you in advance for your timely consideration of this matter.

Justin Stewart – Sr. Engineering Technician

File: 615 Metropolitan