



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

**CITY COMMISSION REGULAR MEETING**  
**COMMISSION CHAMBERS**  
**TUESDAY, FEBRUARY 8, 2022 6:00 P.M.**

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

**CALL TO ORDER** – Pledge of Allegiance Followed by Silent Meditation

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**PROCLAMATIONS:**

1. Susan B. Anthony Day, February 15<sup>th</sup> (pg. 02)
2. Black History Month (pg. 03)

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

3. Minutes from January 25, 2022 Regular Meeting **Action:** Motion (pg. 04)

**Second Consideration Ordinance:**

4. Second Consideration of Municipal Judge Charter Ordinance No. 62 **Action:** Roll Call Vote (pg. 12)

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**NEW BUSINESS:**

**Public Comment:** *(i.e. Items not listed on the agenda or receipt of petitions)-Public comment is limited to 2-3 minutes and no action will be taken by the Commission on public comment items - Please state your name and address. A signup sheet will be provided in the commission chambers for anyone wishing to speak. Fill out the sheet with requested information when you enter the meeting.*

**Public Hearing:**

5. Public Hearing Waiver of Temporary Liquor License for St. Joseph Church & Immaculate Conception Church (pg. 14)
  - a. Open Public Hearing **Action:** Motion
  - b. Review of Properties by Staff & Public Comment
  - c. Close Public Hearing **Action:** Motion
  - d. Consider Waiver **Action:** Motion

**General Items:**

6. Review Draft of 2021 KDHE Annual Report for Stormwater **Action:** None (pg. 16)

**Resolutions:**

7. Resolution B-2304 Section Eight Management Assessment Program(SEMAP) Certification **Action:** Motion (pg. 31)
8. Resolution B-2305 Set Limits for General Improvements Bonds **Action:** Motion (pg. 38)
9. Resolution B-2306 Authorizing Sale of 2022-A Bonds, A2022 Temp Notes **Action:** Motion (pg. 40)
10. Resolution B-2307 Redemption of Series 2016A TIF Bonds (Second Hotel Project) **Action:** Motion (pg. 44)

**Bids, Contracts and Agreements:**

11. Consider Bids for Phone System Separation from the County **Action:** Motion (pg. 47)

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**Consent Agenda:**

Claims for January 15, 2022, through February 4, 2022, in the amount of \$1,997,120.08; Net amount for Payroll #02 effective January 28, 2022 in the amount of \$358,770.17 (Includes Police and Fire Pension in the amount of \$9,038.36)

**Action:** Motion

**Other:**

**Adjournment**

**Action:** Motion

# City of Leavenworth, Kansas



## Proclamation

**WHEREAS,** *During the year 2022, the Leavenworth County Historical Society recognizes the achievements and contributions made in Leavenworth for the Women's Suffrage Movement that promoted social and political change; and*

**WHEREAS,** *Susan B. Anthony, women's rights activist and sister of Colonel Daniel R. Anthony, first visited Leavenworth in January 1865, advocating the rights of both freed slaves and women, and was a resident in Leavenworth when President Abraham Lincoln was assassinated. Her brother owned the Leavenworth Times; and*

**WHEREAS,** *Leavenworth was the largest city in Kansas in 1867, when it became the first state in The Union to offer a popular referendum on women's suffrage. Susan B. Anthony campaigned here, along with national women's suffrage activists such as Elizabeth Cady Stanton; and*

**WHEREAS,** *Susan B. Anthony successfully led the campaign for women's municipal suffrage in Kansas in 1887, the first State to do so. The bill was signed by Gov. John A. Martin on February 15. She returned to Leavenworth in 1894 for the second state campaign along with other suffrage and state leaders, Rev. Anna H. Shaw, Carrie Catt Chapman, Anna Diggs and Laura Johns; and*

**WHEREAS,** *The nephew of Miss Anthony, Daniel R. Anthony, Jr., voted for the 19<sup>th</sup> Amendment as a Kansas Congressman and in 1923, introduced the Equal Rights Amendment in Congress.*

**NOW, THEREFORE,** *I, Camalla M. Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim February 15, 2022 as:*

### **Susan B. Anthony Day in Leavenworth**

*and to be annually recognized in subsequent years. I urge all citizens to become familiar with the unique history, services and benefits offered in Leavenworth, the first city of Kansas.*

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

\_\_\_\_\_  
Camalla M. Leonhard, Mayor

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

# City of Leavenworth, Kansas



## Proclamation

- WHEREAS,** *the City of Leavenworth is proud to recognize February 2022 as Black History Month. This is a time for all of our citizens to learn, reflect, and honor the history and contributions of Black Americans to our city, state, and country; and*
- WHEREAS,** *we continue to work towards fulfilling our principles that all people are created equal and have equal rights to fulfill their dreams; and*
- WHEREAS,** *our city shares the rich history of the Legacy of the Buffalo Soldiers and their brave contributions toward fulfillment of our Nation's promise; and*
- WHEREAS,** *the 2022 theme, "Black Health and Wellness", highlights the legacies of Black scholars and health practitioners, and multi-faceted non-traditional practices that have contributed to the survival of Black people in America; and*
- WHEREAS,** *we encourage all of our citizens to take this time to honor the impact of the past, and present talents and achievements that are working to develop equality and health equity for our city, state, and country, as a whole; and*
- WHEREAS,** *Black History Month is a time to engage in learning that creates greater understandings of the importance of diversity and unity; and*
- WHEREAS,** *in honor of Black History Month, community celebrations as well as educational and historical activities have been planned.*

**NOW, THEREFORE,** *I, Camalla M. Leonhard, Mayor of the City of Leavenworth, Kansas hereby proclaim February 2022 as:*

## Black History Month

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

\_\_\_\_\_  
Camalla M. Leonhard, Mayor

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk



**CITY OF LEAVENWORTH**  
100 N. 5th Street  
Leavenworth, Kansas 66048

**City Commission Regular Meeting**  
**Commission Chambers**  
**Tuesday, January 25, 2022 6:00 p.m.**

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

**Staff members present:** City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Ruby Maline, Deputy Finance Director Roberta Beier, Parks and Recreation Director Steve Grant, Parks and Recreation Superintendent Brian Bailey, Public Works Director Brian Faust, Engineering Technician Justin Stewart, Solid Waste Foreman Steve King, Project Coordinator Brian Stephan, Planning & Community Development Director Julie Hurley, Chief Building Inspector Harold Burdette, Police Chief Patrick Kitchens, City Attorney David E. Waters, City Clerk Sarah Bodensteiner, and Deputy City Clerk Cary L. Collins.

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

**PROCLAMATIONS AND AWARDS:**

**Mayor's Award to Michael Whitecotton** Mayor Leonhard presented the Mayor's Award to Michael Whitecotton for his contributions to the community and partnership with the city and Fort Leavenworth. Mr. Whitecotton accepted the award.

**OLD BUSINESS:**

**Consideration of Previous Meeting Minutes:**

Commissioner Wilson moved to accept the minutes from the January 11, 2022 regular meeting. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

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

Representative Pat Proctor

- Provided an update on HB2021 for a veteran's home in Leavenworth or a surrounding community.
- Site proposals were requested back in October and his goal is to get the location in Leavenworth.
- Has asked for representatives to be added from agencies such as the VFW and American Legion for input.
- Working to get sponsors and co- sponsors to help with a historical tax credit bill.
- Makes redevelopment very difficult and the goal is more investment in areas like Leavenworth with historic districts.
- Fire suppression tax credit is also being looked at so people will live in downtown areas.
- One of the goals is getting community banks to invest into these types of projects with incentives.

**General Items:**

### **Mayor's Appointments – Convention & Tourism Committee and Library Board**

Mayor Leonhard moved to appoint to the Convention & Tourism Committee Susie Young to a term ending January 31, 2025; and Reappoint Tony Baker, Brian Huntington, and George Marcec to terms ending January 31, 2025, and appoint to the Library Board Pauline Graeber to an unexpired term ending April 30, 2022. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Update for Unsafe Structure 1006 Kickapoo Street** - Chief Building Inspector Harold Burdette provided the following background information: On April 3, 2021 the structure was damaged by fire; city received check from insurance proceeds for \$8,250. The Commission adopted Resolution B-2286; directing the owners to commence repairs and the City Commission would review the status of the project after 90 days. Staff provided an update on the progress of the project to the Commission on October 26, 2021, and the owners were given another 90 days to continue repairs.

Ownership has changed since the time of the fire.

Although the repairs to the structure have not progressed to the point that staff typically recommends returning the funds, staff does feel that the structure is no long an unsafe structure. The scope of work being undertaken exceeds the repairs that were needed due to the fire damage, but consistent progress is being made.

Commissioner Martin moved to determine that the structure is no longer considered unsafe or hazardous, and authorized the return of the insurance proceeds to the previous owner of record at the time of the fire in the amount of \$8,250.00. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Project Update – 4<sup>th</sup> Street/K-7 Between Choctaw and Seneca** – City Manager Paul Kramer introduced Marty Shukert with RDG Planning & Design along with David Smalling from BHC, who are in town holding public meetings at the Riverfront Community Center regarding this project and here this evening to provide an update:

- Looking to make improvements from building face to building face in those areas
- Side streets could see some improvements in the design process
- Traffic study was completed
- Currently 4 lanes 10 foot wide, one option is 3 lane make lane sizes larger; nothing has been finalized, the sessions are for input and listening.
- It's a pleasure to work in this area, it's a very interesting space
- Dual goal for environment that moves motor traffic well and also moves foot traffic equally well
- Sessions went well with ideas and priorities for the businesses and making the areas less barrier ridden and more commodious
- There are more meetings Wednesday and Thursday and ending in a final debriefing with a little more concrete ideas
- Schedule: Design of roadways will happen in the late fall, tentative construction for spring of 2023; that's the general schedule.
- Attendance so far was 2 tonight, 12-15 at earlier session, a lot of Q&A about consolidating the lanes from 4 to 3 and how that would work and where would be the location to put the pedestrian area.

- They are looking at parking lots for spaces that could be a catalyst for development

**Transfer of 600 Cherokee to Land Bank** – Director of Planning and Community Development Julie Hurley reviewed the property and the request to move the property into the Land Bank. She explained that the property was purchased in 2021 for redevelopment. After consulting with the County Appraiser and City Attorney, the property doesn't meet the criteria to be tax exempt. The County Appraiser suggested moving the property to the Land Bank. This is a holding spot so the property is tax exempt without a tax appeal, until it is transferred to a developer and/or owner.

Commissioner Wilson:

- What is the purpose of the Land Bank

Commissioner Hingula:

- What else is in the Land Bank
- Are we the only officers in the Land Bank
- Is the title clear

Ms. Hurley:

- The Land Bank's purpose is to take blighted properties in town and get them into productive use

City Attorney Waters:

- Explained that the Commission also serves as the Land Bank Board of Trustees
- Reviewed the process on how to convey and accept land into the Land Bank
- Tax Exemption is a good use of the Land Bank. Delinquent taxes are wiped out, so owners don't have to assume back taxes
- There may be easements, but clean title was achieved through the foreclosure process

Commissioner Bauder moved to convey the property into the Land Bank and then recess as the City Commission. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Commissioner Bauder moved to recess as the City Commission and convene as the Land Bank Board of Trustees. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Commissioner Hingula moved to accept the property into the Land Bank. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

Commissioner Bauder moved to reconvene as the Leavenworth City Commission. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

## **Resolutions:**

**Resolution B-2303 Setting Hearing Date for Unsafe Structure 717 Spruce Street** – Chief Building Inspector Harold Burdette presented for approval a resolution to set a public hearing for March 22, 2022 regarding

the unsafe structure located at 717 Spruce Street. The structure was significantly damaged by fire on November 31, 2021.

Commission Hingula moved to adopt Resolution B-2303 setting March 22, 2022 as the date for the public hearing regarding the unsafe structure located at 717 Spruce Street. Commission Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

### **Bids, Contracts and Agreements:**

**City Festival Management Contract – Camp Leavenworth** – City Manager Paul Kramer presented for consideration a comprehensive management contract with O’Neill Events and Marketing for the 2022 City of Leavenworth festival. Keli Wenzel, president of O’Neill is present for questions and discussion.

Mr. Kramer:

- Based on comments at the January 4 Study Session, identified areas of focus for 2022 festival, increasing awareness with local businesses for participation in the festival. Small changes to festival, including review of the timing, and placement of certain elements: entryway, s’mores location. A focus on activities and high-level musical talent.

Ms. Wenzel:

- 2<sup>nd</sup> year of festival did show growth, but also recognize events like this do ebb and flow with community input
- A desire to build on the growth from 2021.
- Appreciates the feedback as those are also goals O’Neill has for the event.
- Very excited to be back and make it a signature event.
- Works closely with Kristi from CVB for ideas regarding marketing, but the marketing aspect is ever changing
- Provides suggestions on placement of signs that the Parks Department put out
- Difficult to find local liquor stores/companies to participate because of the liquor laws and requirements

Commissioner Hingula:

- Who are the designated Leavenworth festival representatives
- Asked about signage needs and who would distribute them
- Local liquor stores, how can we work with them
- Who decides if an audit is needed
- Are you going to try and get radio to come up and broadcast

Commissioner Martin:

- Do the people on your staff handle 1 piece each or wear multiple hats
- Can we get a detailed/breakdown summary on marketing
- When will you lock a group/business down

Commissioner Wilson:

- What big ideas do you have in store

Mayor Leonhard:

- Volunteered first year and it was great and came back again last year and it was also great. Very happy with what they've done and very excited for this year.
- When Chiefs win super bowl will you be in charge of the parade

Commissioner Hingula moved to approve the comprehensive management contract with O'Neill Events and Marketing for the 2022 City of Leavenworth festival. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Bids for Demolitions, Project No. CD 2021-01** – Director of Planning and Community Development Julie Hurley presented for consideration approval of the expenditure of \$26,850 for demolition of 4 structures that were identified as unsafe and dangerous and authorized to be demolished by Resolution B-2292. Bids were opened on January 11, 2022 and no general funds are used for demolitions.

Commissioner Martin moved to accept the demolition of 4 properties from Madget Demolition, in an amount not to exceed \$26,850. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Rejection of Bids for City Hall HVAC Upgrades Project No. 2021-971** – Public Works Director Brian Faust presented for consideration rejection of all bids for the City Hall HVAC Upgrades Project and allow staff to re-evaluate the project.

Mr. Faust:

- Installed in 2005, runs 24 hours a day and reached end of useful life, and maintenance is getting more expensive and equipment is harder to maintain.
- Firms stated prior to bid due date that they are seeing 30% increase in costs.
- Incomplete bids happen when the company didn't provide all the required paperwork, which is clearly laid out in the bid specs

Mayor Leonhard:

- Why was one bid incomplete
- How long are bids good

Commissioner Martin:

- On the re-evaluation, what were you thinking, what direction will you go

Commissioner Bauder moved to reject all bids for the City Hall HVAC Upgrades and allow staff to re-evaluate the project. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Award of 2022 New/Unused Truck Cab & Chassis with Refuse Compaction Body** – Public Works Director Brian Faust presented for consideration authorizing the solid waste division to purchase a refuse truck consisting of Freightliner M2-106 Chassis with Cobra Magnum Packer Body through Sourcwell national pricing in the amount of \$202,449.72. The trade-in value of the 2008 Freightliner is valued at \$23,500.00. The net cost to the City is \$179,699.72.

Commissioner Hingula:

- What route is the new one going on

Commissioner Martin:

- Can you explain about Sourcewell and why we would use this process

Mr. Faust:

- When we go out for bid it's very local, Sourcewell gives us the ability to go nationally

Commissioner Wilson moved to approve purchasing the new unit for the quoted price of \$179,699.72 after trade-in and freight. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Bids Water Pollution Control Division Chemicals** – Public Works Director Brian Faust presented for consideration the bids for WPC chemicals. Staff recommends approval of the low bids for the following chemicals as shown not to exceed \$65,000.00.

<b>Chemical</b>	<b>Price Paid 2020</b>	<b>Price Paid 2021</b>	<b>Cost for 2022</b>	<b>Vendors for 2022</b>
Ferrous Chloride	\$0.99/lb. Fe	\$0.96/lb. Fe	\$0.95/lb. Fe	OFS, Inc.
Hydrogen Peroxide	\$0.315/lb.	\$0.31/lb.	\$0.35/lb.	Brenntag Mid-South
Sodium Hypochlorite	\$2.00/gal	\$1.50/gal	\$1.66/gal	Edwards Chemicals
Sodium Hydroxide	\$0.25/lb.	\$0.235/lb.	\$0.329/lb.	Brenntag Mid-South
Polymer	\$1.87/lb.	\$1.92/lb.	\$2.53/lb.	Atlantic Coast Polymers

Commissioner Hingula moved to accept the bids for chemicals as presented. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider the Purchase of 2022 Software Upgrade Related to 911** – Police Chief Patrick Kitchens presented for consideration and approval the initial 3 year purchase of Microsoft SQL Server Enterprise Core Edition with License and Software Assurance from ISG Technology, LLC in the amount of \$47,451.06.

Chief Kitchens:

- System is overseen/operated by MARC, system needs to stay up to date
- Update in 3 particular areas-text 911 and would allow photos video to be texted to the dispatcher, Rapid SOS; locating ability would greatly increase to an exact location instead of 500 foot radius of current technology. Final component is business intelligence, which would allow police to more rapidly and efficiently research.
- This infrastructure is the first step in setting up the police in order to make improvements to services for the public
- Department already has ISG technology, this is just another module to add
- 1 license comes with purchase but that goes to whole police department

Mayor Leonhard:

- With text to 911, what is the radius

Commissioner Martin:

- The current process for research is very manual, so it sounds like this will make this more efficient
- How many licenses

Commissioner Hingula:

- Is that the only vendor that can do this or did this already go out to bid

Commissioner Hingula moved to approve the purchase of Microsoft SQL Server Enterprise Core Edition with License and Software Assurance from ISG Technology, LLC in the amount of \$47,451.06. Commissioner Wilson seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Bids for Purchase of 2022 SWAT Locker Replacements** – Police Chief Patrick Kitchens presented for consideration and approval the bid for the replacement of lockers used by the SWAT team from Southwest Solutions Group, Inc., in an amount of \$38,991.21.

Chief Kitchens:

- Old lockers are from 90's late 90's, they are high school locker size, and just don't hold it all.
- Price increases were due to the price of sheet metal
- This includes delivery and installation, but not electrical work, which will be funded from the building maintenance fund

Commissioner Bauder:

- This is expensive

Commissioner Hingula:

- This includes delivery and installation

Commissioner Martin moved to approve the bid from Southwest Solutions Group, Inc. in an amount not to exceed \$38,991.21 for the purchase of replacement of lockers used by members of the SWAT team. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Consider Purchase and Installation of Hawthorn Park Splash Pad** – City Manager Paul Kramer presented for consideration and approval the purchase and installation of the splash pad at Hawthorn Park in an amount not to exceed \$169,489.50.

Commissioner Wilson moved to approve the proposal from Playscapes Recreation LLC on the Greenbush Cooperative Purchasing for the purchase and installation of the splash pad at Hawthorn Park in an amount not to exceed \$169,489.50. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**First Consideration Ordinance:**

**First Consideration of Municipal Judge Charter Ordinance No. 62** – City Manager Paul Kramer presented for first consideration a Charter Ordinance that would exempt the city from K.S.A. 13-6281, and would allow for staff to follow previously established processes for appointing a Municipal Court Judge.

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

**Consent Agenda:**

Commissioner Martin moved to approve claims for January 1, 2022, through January 14, 2022, in the amount of \$1,782,462.15; Net amount for Payroll #01 effective January 14, 2022 in the amount of \$353,602.39 (No Police & Fire Pension). Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Leonhard declared the motion carried 5-0.

**Other:**

**Commissioner Bauder**

- COVID numbers have gone down which is a good sign and we'll be through this soon

**Commissioner Martin**

- Nothing further to add but God bless

**Commissioner Hingula**

- Friday the 28<sup>th</sup> there will be a candlelight vigil at Leavenworth County Courthouse

**Commission Wilson**

- God bless have a good week

**Adjournment:**

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

Time Meeting Adjourned 7:35 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

**POLICY REPORT  
SECOND CONSIDERATION  
CHARTER ORDINANCE 62  
EXEMPTING THE CITY FROM K.S.A. 12-4105 AND 13-6281  
RELATING TO THE APPOINTMENT OF MUNICIPAL JUDGES**

**FEBRUARY 8, 2022**

Prepared by:

  
\_\_\_\_\_  
Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:

  
\_\_\_\_\_  
Paul Kramer  
City Manager

**BACKGROUND:**

At the January 25, 2022 meeting the City Commission discussed and placed on first consideration a Charter Ordinance exempting the City from K.S.A. 12-4105 and K.S.A. 13-6281.

If approved the Charter Ordinance will be published once a week for two (2) consecutive weeks in the official city newspaper and will take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed. The effective date would be April 20, 2022.

**RECOMMENDATION:**

Staff would recommend approval of Charter Ordinance No. 62

**A CHARTER ORDINANCE EXEMPTING THE CITY OF LEAVENWORTH, KANSAS, RELATING TO THE APPOINTMENT OF MUNICIPAL JUDGES, EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-4105 AND K.S.A. 13-6281. AND PROVIDING FOR ADDITIONAL AND SUBSTITUTE PROVISIONS ON THE SAME SUBJECT.**

**ACTION:**

Charter Ordinance No. 62 is now presented for second consideration and requires a roll call vote with four (4) affirmative votes.

**ATTACHMENTS:**

- Charter Ordinance No. 62

**CHARTER ORDINANCE NO. 62**

**A CHARTER ORDINANCE OF THE CITY OF LEAVENWORTH, KANSAS, RELATING TO THE APPOINTMENT OF MUNICIPAL JUDGES, EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-4105 AND K.S.A. 13-6281, AND PROVIDING FOR ADDITIONAL AND SUBSTITUTE PROVISIONS ON THE SAME SUBJECT.**

**WHEREAS**, K.S.A. 12-4105 and K.S.A. 13-6281, regarding the appointment of municipal judges for certain cities of the first class, are non-uniform enactments that are not uniformly applicable to all cities, and the Governing Body believes it to be in the best interest of the City of Leavenworth, Kansas, to exempt itself from the provisions of K.S.A. 12-4105 and K.S.A. 13-6281.

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

**SECTION I.** The City of Leavenworth, Kansas, a commission-manager city of the first class, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and does exempt itself and make inapplicable to it K.S.A. 12-4105 and K.S.A. 13-6281, and amendments thereto, which apply to this City but are parts of enactments which do not apply uniformly to all cities. Municipal judges shall be appointed in the manner provided in the Code of Ordinances of the City of Leavenworth, Kansas.

**SECTION II.** This charter ordinance shall be published once each week for two (2) consecutive weeks in the Leavenworth Times, the official newspaper of said City.

**SECTION III.** This is a charter ordinance and shall take effect sixty-one (61) days after its final publication unless a sufficient petition for a referendum is filed and a referendum is held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of the State of Kansas, in which case, the charter ordinance shall not take effect until approved by a majority of the electors voting thereon.

**Passed and approved by the Governing Body of the City of Leavenworth, Kansas, with not less than two-thirds (2/3) of the members elect voting in favor thereof, on this 8th day of February, 2022.**

APPROVED:

\_\_\_\_\_  
Camalla Leonhard, Mayor

ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, CMC, City Clerk

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

**FEBRUARY 8, 2022**

Reviewed by:



Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:



Raul Kramer  
City Manager

**Issue:**

The issue before the City Commission is to consider a waiver of the code requirement that prohibits alcoholic liquor from being sold or served from a location within three hundred (300) feet of any church, school, nursing home, library or hospital; to allow the following temporary liquor permits to be issued for use at Immaculate Conception Church, located at 711 N. 5<sup>th</sup> St on Sunday, March 13, 2022 for the St. Patrick's Corned Beef and Cabbage Dinner and at St. Joseph Church, located at 306 N. Broadway St on Saturday, October 1, 2022 for the Annual German Fest Dinner and Dance.

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

**Action:**

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

**Attachments:**

- Letter dated January 24, 2022 from Kathy Roemer with Immaculate Conception – St. Joseph Parish requesting the waiver.

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

Office (913) 682-3953

Fax (913) 682-5599

January 24, 2022

City of Leavenworth  
City Hall/5<sup>th</sup> & Shawnee  
Leavenworth KS 66048

Carla K Williamson, CMC,

I am writing to request that the City of Leavenworth grant Immaculate Conception-St Joseph Parish waivers for the 300 foot requirements in order to receive temporary liquor permits.

I request waivers for the following events in 2022:

Sunday, March 13	St Patrick's Corned Beef & Cabbage Dinner At Immaculate Conception Church, 711 N. 5 <sup>th</sup> St
Saturday, October 01	Annual Germanfest Dinner & Dance at St Joseph Church, 306 N. Broadway

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

Sincerely,

*Kathy Roemer*

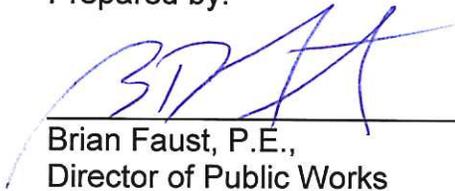
Kathy Roemer  
Bookkeeper  
kroemer@icsj.org

POLICY REPORT PWD NO: 22-11

REVIEW DRAFT 2021 KDHE ANNUAL REPORT  
FOR STORMWATER

February 8, 2022

Prepared by:

  
\_\_\_\_\_  
Brian Faust, P.E.,  
Director of Public Works

Submitted by:

  
\_\_\_\_\_  
Paul Kramer,  
City Manager

**ISSUE:**

Review the draft of the annual KDHE report for 2021 stormwater activities.

**BACKGROUND:**

The City of Leavenworth is regulated by the Kansas Department of Health and Environment (KDHE) and US Environmental Protection Agency (EPA) as a Phase II City for stormwater purposes. The City has been required to submit an annual report on stormwater activities every year since 2003. The report is to summarize the actions the City has taken the previous year to protect and enhance stormwater quality. The guidelines for the activities to be reported on are set by the revised Stormwater Management Program (SMP) which was adopted by the City Commission on October 27, 2020 and these guidelines were used in 2021.

The City has submitted reports in accordance with KDHE requirements in previous years. Interaction with KDHE and EPA suggest that the report be reviewed in a public forum rather than simply submitted by staff. The attached documents are a draft of the key portions of the annual report for 2021. There will be additional supporting information in the appendices when the report is submitted.

Staff is requesting comments and suggestions from the City Commission related to the content of the report. It is appropriate for the City Commission to seek input from the public on this matter as well.

The current KDHE stormwater permit is in force from November 2019 through October 2024.

Key narratives in the report are:

- Executive Summary
- 6 Minimum Control Measures: Discussion on effectiveness and annual performance measures.
  - Public Education and Outreach
  - Public Involvement and Participation
  - Illicit Discharge Detection and Elimination
  - Construction Site Stormwater Runoff and Control
  - Post Construction Stormwater Management in New Development and Post Development Projects
  - Pollution Prevention and Good Housekeeping

**RECOMMENDATION:**

The information is presented in draft form. We are looking for any comments or questions the Commission may have as well as the public on the efforts that we've taken over the last year.

The report is due at KDHE on February 28, 2022 via digital delivery. It is recommended the City Commission adopt a resolution supporting the final report at the February 22, 2022 Commission meeting.

**ATTACHMENTS:**

- Draft 2021 Report (partial)
  - Executive Summary
  - Six Minimum Control Requirements
  - Comments on Part V
- Maps
  - Stormwater with Creek Basins
  - Stormwater Management Data Collection
- KDHE Annual Report for 2020 – link here:  
<https://www.leavenworthks.org/publicworks/page/kdhe-annual-stormwater-report>
- Revised Stormwater Management Program - link here:  
<https://www.leavenworthks.org/publicworks/page/engineering>

## **SECTION 1: EXECUTIVE SUMMARY**

To satisfy the requirements of the NPDES permit, this annual report summarizes the City of Leavenworth's plans and actions to reduce the discharge of pollutants from the municipal separate storm sewer system (MS4) to the maximum extent practicable, to protect water quality, and to meet the appropriate water quality requirements of the Clean Water Act. The information contained within this report was obtained through interviews with City staff, review of permits and projects from 2021, and examining communications and publications made available to the citizens of Leavenworth.

The COVID-19 Pandemic continued to impact the City of Leavenworth activities through 2021. These impacts included sudden absences of key persons and the inability to fill vacant positions in our Operations Division.

City staff pursue activities in all of the Six Minimum Control Measures throughout the year. Key observations for the purposes of this report are shown below.

- **Were there any aspects of the program that appeared especially effective at reducing pollutants in your stormwater discharge?**
  - Contractor and public compliance with implementation of the Land Disturbance Permit requirements is improved over the initial years and is generally satisfactory.
  - Street sweeping is an effective tool for removing pollutants.
  - Use of "Stormwater Utility" funds to address long-standing small to medium-sized issues has reduced erosion in several locations through the "Orange Fence Repair Projects".
  
- **Were there any aspects of the program that provided unsatisfactory results?**

While most items identified as BMPs (Best Management Practices) are believed to be effective at some level, the passive education and information sharing such as leaving material at the library and having informational brochures available on the City's website were probably the least effective tools identified.

- **What was the most successful part of the program?**

The visibly effective measures of correctly installed construction site runoff control and post-construction activities were the most successful parts of the program.

- **What was the most challenging aspect of the program?**

The most challenging was having developers install and maintain construction site

runoff control. To address this issue, the City issued a stop-work order for a residential development due to failure to install required measures. While the issues were immediately corrected, this is an area that requires continual observation to help ensure compliance.

- **Describe any City/County area MS4 clean ups and the participation.**
  - After being unable to conduct a City-Wide Clean Up in 2020 due to COVID-19 restrictions, the City of Leavenworth was again able to sponsor a “City-Wide” clean-up day with about 35-50 groups picking up trash. This event was held on April 10, 2021.
  - Leavenworth County provides HHW (Household Hazardous Waste) services throughout the year and a special event to dispose of HHW was held at the Municipal Service Center in June.
  - The City has a “Three-Mile Creek” monthly clean-up program in which citizens pick up trash. In 2021, there were six citizen groups that received a \$500 donation per group from transient guest tax dollars in 2021.

- **Describe the elected officials' participation in the stormwater pollution elimination.**

The City Commission has supported stormwater pollution elimination by creating a “Stormwater Utility” that is funded by a fee on all properties. This fee is used to address longstanding stormwater problems in the community, typically including reduction or elimination of erosion that has been causing failed roadways, culverts and streambanks. The Commission has also supported staff goal to have all public and private projects have some level of permanent water quality improvement included.

The City Commission reviewed and approved the new Stormwater Management Plan (SMP) on October 27, 2020. Staff was also direct to proceed with ordinances related to fees/fines for operation of BMP installations, construction sites, grease traps and general maintenance of permanent water quality structures.

- **Describe the collaboration with other organizations to eliminate stormwater pollution.**
  - The City coordinated a “City-Wide” clean-up day with about 35-50 groups.
  - Leavenworth County provided one HHW (Household Hazardous Waste) collection service in June 2021.
- **If an audit/inspection of your MS4 program was conducted by EPA or KDHE during the year, list the items the audit/inspection report identified as required changes and provide a narrative explanation of how the changes were implemented or explain the plan to implement the changes and identify a target date for final implementation.**

There were no known inspections of the MS4 program by KDHE or EPA in 2021.

## Stormwater Management Program (SMP) Requirements (Six Minimum Control Measures)

### 1. Public Education and Outreach (Table) - Please fill out accordingly

List all of the public education and outreach BMPs as identified in the SMP and provide the requested information in the following table.  
(List presentations and media)

1. <u>PUBLIC EDUCATION &amp; OUTREACH (ED &amp; O)</u>			2021	
			4 Points Total	
BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	POINTS	
			Value	Actual
ED & 0 - 01	Maintain a stormwater webpage for the permittee.	Stormwater webpage - <a href="https://www.leavenworthks.org/citymanager/page/stormwater-projects">https://www.leavenworthks.org/citymanager/page/stormwater-projects</a>	3	3
ED & 0 - 02	Distribute educational materials (either flyers, brochures, catalog mailings, handouts, or e-mails) addressing various pertinent stormwater public education topics.	Flyers and educational materials are available on the City's website.	2	
ED & 0 - 03	Provide either training or educational materials to permittee-identified businesses at high risk of contributing to stormwater pollution.	Stormwater Education Brochures - <a href="https://www.leavenworthks.org/publicworks/page/stormwater-education">https://www.leavenworthks.org/publicworks/page/stormwater-education</a>	2	
ED & 0 - 04	Apply notification, placard, covers/hatches with message, or stencil, on stormwater inlets to provide a message similar to "No Dumping – Drains to River"	All new storm structures have the message, "Drains to Stream". City applies the message to older structures; however, did not meet the 10% threshold in 2021.	2	
ED & 0 - 05	Post the municipality's MS4 permit and SMP document on either the stormwater webpage or the municipal webpage.	SMP - <a href="https://www.leavenworthks.org/publicworks/page/engineering">https://www.leavenworthks.org/publicworks/page/engineering</a> MS4 Permit - <a href="https://www.leavenworthks.org/publicworks/page/engineering">https://www.leavenworthks.org/publicworks/page/engineering</a>	1	1
ED & 0 - 12	Create a stormwater information brochure to provide to the public at public meetings and/or hearings.	The City utilizes MARC brochures; however, due to COVID restrictions and corresponding limited public meetings the City did not meet the public threshold in 2021.	1	
ED & 0 - 15	Hold a social media campaign addressing various pertinent stormwater public education topics.	Stormwater information has been published through social media, but does not meet the threshold in 2021 to acquire the points.	2	
<b>TOTAL</b>			<b>13</b>	<b>4</b>

**SMP Requirements (Six Minimum Control Measures) (Continued)**

**2. Public Involvement and Participation (Table) - Please fill out accordingly**

List all of the public improvement and participation BMPs as identified in the SMP and provide the requested information in the following table. (List all associated and partnerships)

<b>2. PUBLIC INVOLVEMENT/PARTICIPATION (P I/P)</b>			<b>2021</b>	
			<b>3 Points Total</b>	
<b>BMP Program</b>	<b>BRIEF BMP DESCRIPTION</b>	<b>MEASURABLE GOAL(S)</b>	<b>POINTS</b>	
			<b>Value</b>	<b>Actual</b>
<b>P I/P - 01</b>	Hold a public hearing or public forum to notify the public about stormwater program activities and to solicit public comments regarding stormwater issues.	<p>City Commission reviewed KDHE annual stormwater report February 8, 2022. The meetings were also broadcast on the City's channel cable TV station and YouTube.</p> <p>City Commission reviewed stormwater projects for CIP in 2021, and approved design and construction of several projects. List and stormwater-related documents are at:  <a href="https://www.leavenworthks.org/citymanager/page/stormwater-projects">https://www.leavenworthks.org/citymanager/page/stormwater-projects</a></p>	2	2
<b>P I/P - 03</b>	Hold park or stream bank clean-up events for public volunteers to aid municipal staff in removing trash, debris, or pollutant sources from the selected clean-up area.	City-wide Spring Cleanup - April 10, 2021. Services offered to residents include open Brush Site, Recycling Center, large-item drop off and electronics recycling. City coordinated with Leavenworth County and a special event to dispose of HHW was held at the City Municipal Center in June.	3	3
<b>P I/P - 05</b>	Provide at least two events for residents to engage in cleanup activities and improve water quality in the municipality.	The City has a "Three-Mile Creek" monthly clean-up program in which citizens pick up trash. In 2021, there were six citizen groups that received a \$500 donation per group from transient guest tax dollars in 2021.	3	3
<b>TOTAL</b>			<b>8</b>	<b>8</b>

**SMP Requirements (Six Minimum Control Measures) (Continued)**

**3. Illicit Discharge Detection and Elimination (Table) - Please fill out accordingly**

List all of the illicit discharge detection and elimination BMPs as identified in the SMP and provide the requested information in the following table.

<b>3. ILLICIT DISCHARGE DETECTION &amp; ELIMINATION (I D D &amp; E)</b>			<b>2021</b>	
			<b>5 Points Total</b>	
<b>BMP Summary</b>	<b>BRIEF BMP DESCRIPTION</b>	<b>MEASURABLE GOAL(S)</b>	<b>POINTS</b>	
			<b>Value</b>	<b>Actual</b>
<b>I D D &amp; E - 04</b>	Implement a program to evaluate MS4 outfalls to identify illicit discharges.	The City's stormwater map identifies MS4 outfalls. If residents identify concerns regarding illicit discharges, they are forwarded to Water Pollution Control for evaluation and possible action. The City does not meet the threshold in 2021 to acquire the point.	1	
<b>I D D &amp; E - 06</b>	Inspect, by televising pipelines or direct visualization of open channel drainage, 2% of the MS4 system within the permit area all conducted within a 12-month period to aid in identifying illicit discharges as well as evaluate the condition of the storm sewer lines/drainage channels-ditches.	The City visually inspects open channels and televises pipelines, but does not meet the threshold for 2021 to acquire the points.	3	
<b>I D D &amp; E - 07</b>	Implement a Household Hazardous Waste Collection Program (HHWCP) or document others who have implemented such a program to provide such service to all property owners or residents located within the permit area.	Leavenworth County provides HHW services throughout the year and a special event to dispose of HHW was held at the Municipal Service Center in June.	3	3
<b>I D D &amp; E - 10</b>	Inspect 5% of the MS4 system Stormwater inlets and/or outfalls within the permit area all conducted within a 12-month period to aid in identifying illicit discharges.	Stormwater crew inspected and/or maintained approximately 3,149 inlets and area drains and other stormwater facilities.  Number inlets cleaned - 871, number inlets vacuumed - 92	3	3
<b>TOTAL</b>			<b>10</b>	<b>6</b>

**SMP Requirements (Six Minimum Control Measures) (Continued)**

**4. Construction Site Stormwater Runoff Control (Table) - Please fill out accordingly**

List all of the Site Stormwater Runoff Control BMPs as identifies in the SMP and provide the requested information in the following table.

<b>4. CONSTRUCTION SITE STORMWATER RUNOFF CONTROL (CSSRC)</b>			<b>2021</b>	
			<b>4 Points Total</b>	
<b>BMP Program</b>	<b>BRIEF BMP DESCRIPTION</b>	<b>MEASURABLE GOAL(S)</b>	<b>POINTS</b>	
			<b>Value</b>	<b>Actual</b>
<b>CSSRC - 01</b>	Implement a requirement for a Soil Erosion and Sediment Control (SESC) Plan for any land disturbance sites which are either equal to or greater than one acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.	The City requires a land disturbance permit (LDP) for any project more than one acre. This includes submittal of a plan identifying all needed erosion control measures.	3	3
<b>CSSRC - 02</b>	Develop and adopt a design manual for erosion and sediment control BMPs which are required to be used on sites which will be disturbed and are either equal to or greater than one acre, or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.	The City follows APWA erosion control BMPs. Not taking points in 2021.	3	
<b>CSSRC - 04</b>	Develop a site plan review process which considers potential water quality impacts which may occur during construction as well as post construction impacts.	The City reviews every site plan for both water quantity and water quality. Building permits are not issued until water quality is addressed.	3	3
<b>CSSRC - 07</b>	Acquire or develop a software tracking system to track inspections and related tasks.	The City uses MUNIS to track and schedule inspections.	1	1
<b>TOTAL</b>			<b>10</b>	<b>7</b>

**SMP Requirements (Six Minimum Control Measures) (Continued)**

**5. Post-Construction Site Stormwater Runoff Control (Table) - Please fill out accordingly**

List all of the post-construction site stormwater runoff BMPs as identified in the SMPs and provide the requested information in the following table.

<b>5. POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT &amp; REDEVELOPMENT PROJECTS (P-C SM)</b>			<b>2021</b>	
			<b>5 Points Total</b>	
<b>BMP Program</b>	<b>BRIEF BMP DESCRIPTION</b>	<b>MEASURABLE GOAL(S)</b>	<b>POINTS</b>	
			<b>Value</b>	<b>Actual</b>
<b>P-C SM - 01</b>	Develop and adopt a custom design manual for Post-Construction Stormwater Management which specifies various structural BMPs which are required for new development and re-development construction sites which are greater than one acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more. (Points shown reflect adopting existing APWA/MARC manuals.)	<p>Link to APWA/MARC manuals posted at City's website: <a href="https://www.leavenworthks.org/publicworks/page/public-education-brochures">https://www.leavenworthks.org/publicworks/page/public-education-brochures</a></p> <p>Link to the City of Leavenworth Manual of Infrastructure Standards: <a href="https://www.leavenworthks.org/publicworks/page/engineering">https://www.leavenworthks.org/publicworks/page/engineering</a></p> <p>Note: the permit allows six points for adopting the APWA/MARC manuals. The City is taking five points, per the permit, for subsequent years.</p>	4	5
<b>P-C SM - 03</b>	Develop and implement a program to ensure adequate long-term cleaning, operation and maintenance of all municipally-owned or operated post-construction structural stormwater BMP facilities.	Currently developing a program.	3	
<b>P-C SM - 05</b>	Develop and implement a program for inspection of permittee-owned structural BMPs which includes implementation of needed maintenance to ensure long-term operation of the BMPs.	<p>Documentation of inspection and communication - 2021 Detention Basic Public Meeting. Attendees were given a packet containing the meeting agenda, a basic overview of detention basin maintenance, examples of an emergency spill plan, and an inspection form.</p> <p>City spent 84hours conducting inspections of selected sites on random, after rainfall, or with depth-recording equipment.</p>	3	3
<b>P-C SM - 06</b>	Develop and implement a program for inspection of known privately-owned structural BMPs which includes providing the owner of the BMPs an inspection report which specifies needed maintenance to ensure long-term operation of the BMPs.	City continues outreach to detention basin BMP owners. A meeting was held March 14, 2021 with 10 attendees who were given a packet containing the meeting's agenda, a basic overview of detention basin maintenance, examples of an emergency spill plan and an inspection form. This effort will continue and expand. Currently there are 68 BMP sites.	3	3
<b>TOTAL</b>			<b>13</b>	<b>11</b>

**SMP Requirements (Six Minimum Control Measures) (Continued)**

**6. Municipal Pollution Prevention / Housekeeping (Table) - Please fill out accordingly**

List all of the municipal pollution prevention / housekeeping BMPs as identified in the SMPs and provide the requested information in the following table.

<b>6. POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS (PP/GH)</b>			<b>2021</b>	
			<b>5 Points Total</b>	
<b>BMP Program</b>	<b>BRIEF BMP DESCRIPTION</b>	<b>MEASURABLE GOAL(S)</b>	<b>POINTS</b>	
			<b>Value</b>	<b>Actual</b>
<b>PP/GH - 01</b>	Install a screening device or method at a single municipal storm sewer outfall or on the storm sewer line immediately upstream of the outfall to reduce the discharge of floatables or other objects to receiving waters.	Parking lot across from City Hall screens runoff. Device was previously installed so using two points per permit.	3	2
<b>PP/GH - 02</b>	Implement a recycle and proper waste disposal program for municipal staff to reduce potential for litter, to recycle waste oil, batteries, glass containers, plastic containers, and paper products.	While staff does this, not claiming points in 2021.	2	
<b>PP/GH - 05</b>	Implement a program for street sweeping in which the street sweepings are collected and disposed of properly or recycled/reused if possible.	<ul style="list-style-type: none"> <li>Street sweeping program operations continued throughout the year. City currently has only one sweeper in operation; **the second sweeper became inoperative in mid-June, 2021.</li> <li><b>Sweeper No. 3332 from Jan-Dec:</b> **<b>Sweeper No. 3333 from Jan-Jun 11:</b> Miles of streets swept - 1,396.2      Miles of streets swept - 723</li> </ul>	3	3
<b>PP/GH - 07</b>	Implement a program to inspect stormwater inlets to identify illicit discharges and clean drop inlets of accumulated debris.	Stormwater crew inspected and/or maintained approximately 3,149 inlets and area drains and other stormwater facilities.  Number inlets cleaned - 871, number inlets vacuumed - 92	1	1
<b>PP/GH - 08</b>	Develop, implement and keep updated an online storm sewer map accessible to the public.	Map can be viewed at the City's GIS website: <a href="http://gis.firstcity.org/">http://gis.firstcity.org/</a>  Map published previously, so taking two points per permit.	3	2
<b>PP/GH - 12</b>	Install a stormwater treatment system for capture of either trash, sediment, or debris.	City installed a stormwater treatment system in inlets along Thornton Street; not taking points in 2021.	3	
<b>TOTAL</b>			<b>15</b>	<b>8</b>

## CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2021 - December 31, 2021

Kansas Permit No: M-MO12-SN01

Topics in Part V of Permit

The permittee is well advised to accurately report the conditions and status of their stormwater program and give due consideration to improving or enhancing their program where it is weak, or deficient in any of the core aspects (stormwater management program, six minimum control measures and TMDL best management practices - if applicable - also for Phase I permittees monitoring industrial facilities).

### TOPICS REQUIRED TO BE ADDRESSED IN THIS REPORT AS IDENTIFIED IN PART V OF THE PERMIT

Within the next one or two pages, or perhaps more if so desired, provide comments addressing the following items:

- 1. Provide the status of compliance with permit conditions, an assessment of the appropriateness of the implemented Best Management Practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable (MEP), and the measurable goals with an indication of the progress toward meeting the goals for each of the six minimum control measures.***

City of Leavenworth opinion is that the information shown in each of the "Six Minimum Control Measures" tables support the conclusion that meaningful reduction in discharge of pollutants has occurred. The global pandemic in 2020 and 2021 restricted the number and size of public meetings. This impacted the Public Education/Outreach as well as the Public Involvement/Participation minimum control measures.

- 2. Provide results of information collected and analyzed, (for example test results, surveys, or public comments/input) during the annual reporting period. This may include monitoring data used to assess the success of best management practices with respect to reduction in pollutant discharge. Include an interpretation of the information which addresses success or failure of the portion of the program for which the information applies.***

The City has collected information on a wide variety of municipal activities associated with various BMPs. This includes data on street sweeping, deicing use (salt), grease trap program, land disturbance permit issuance, SSO reporting, BMP operation (particularly detention basins) annual meeting and others. There has been no overall "trend" noticed in this data, but it is indicative of the effort of our community to be aware of important issues related to water quality. Specific data for many of these reporting items is in the assessment of the various BMP activities for the last year. It is clear that staff, public, contractors and businesses are aware of the various permitting programs associated with the SMP, and water quality is improved and/or maintained as a result. Participation in individual programs may have been reduced during the year due to COVID.

**3. Provide a summary of the stormwater activities that were undertaken during the previous calendar year and the status of these activities.**

Key programs associated with stormwater activities, all of these programs were conducted in 2021 as noted. There are many other smaller programs as well.

- ✓ Building Permits, Fills, Excavations are evaluated for needing an NOI, Land Disturbance Permit, Basic Erosion Control, SWPP and other clean water related elements
- ✓ Projects under construction are inspected and deficiencies brought to the attention of the contractor, owner or other appropriate person
- ✓ City-wide civic effort for "Spring Clean-up"
- ✓ Grease Trap Program inspections and reports
- ✓ BMP annual meeting
- ✓ Street Sweeping Program.
- ✓ Leaf Collection by the Refuse Service and free drop off at the City's brush site.
- ✓ Free Drop-Off Recycling Program
- ✓ Household Hazardous Waste Program (Coordinated with Leavenworth County)
- ✓ Free drop-off refuse disposal once per month
- ✓ Maintain "Clean-up your Dog Poop" effort at selected City parks
- ✓ Adopt-A-Park Program to help maintain/clean City parks
- ✓ Aggressive response to SSO calls 24/7
- ✓ Sewer line cleaning and TV program
- ✓ Stormwater articles in City newsletters

**4. Provide a summary of the stormwater activities which are scheduled to be undertaken during the next calendar year (including an implementation schedule).**

All activities as noted in #3 are expected to be continued in 2022. City Staff and Commission will continue to evaluate the measures taken and update any associated BMPs in 2022.

**5. Provide a map showing changes in the permittee's Permit Area if the permit area has changed within the year.**

There were no changes to the City Limits in 2021.

**6. Provide a description of significant changes in any of the BMPs.**

There were no significant changes to the BMPs in 2021.

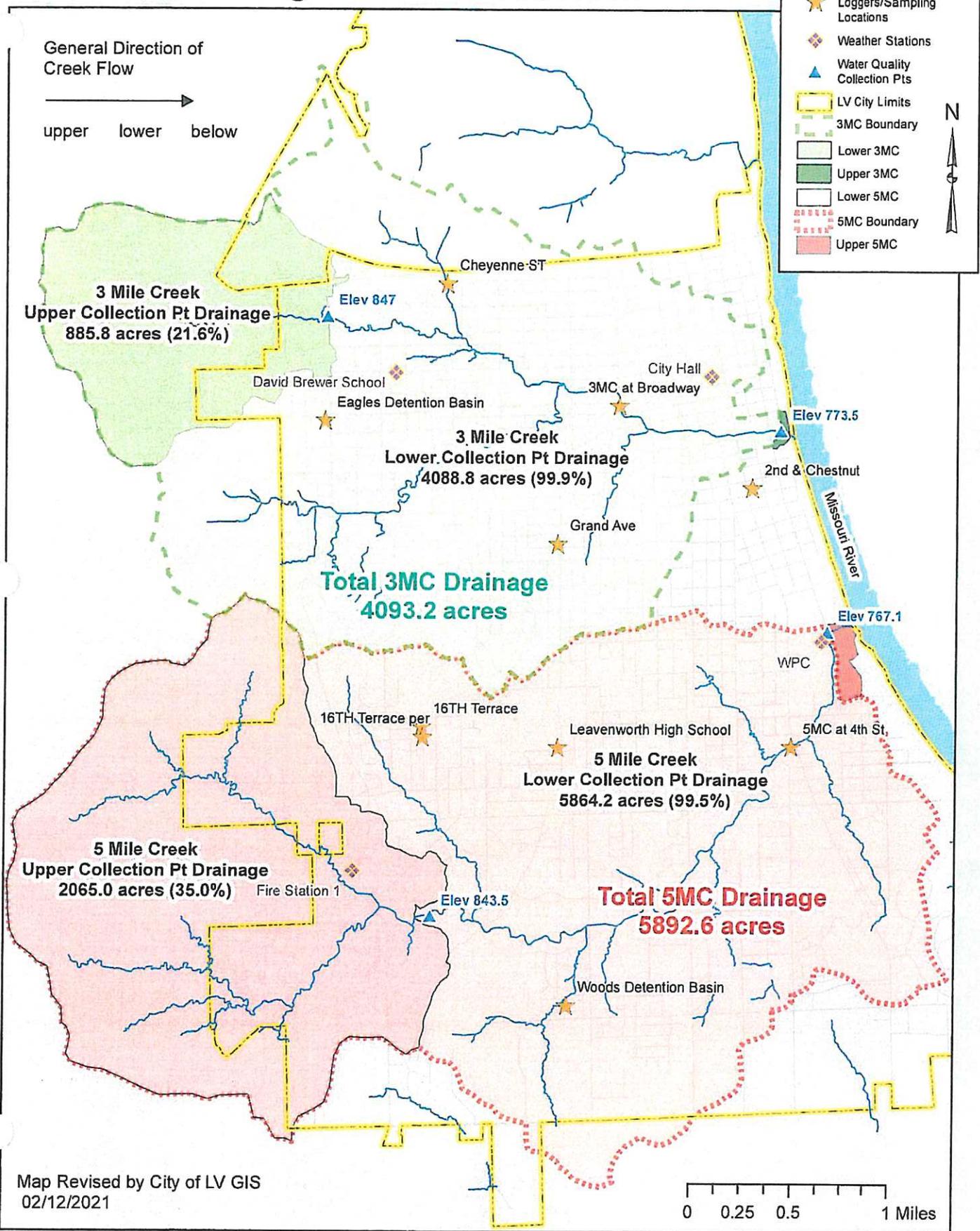
**7. Provide copies of any ordinances or resolutions which were updated in the last year and are associated with the SMP.**

There were no ordinance or resolutions updated in 2021 associated with the SMP.

**8. Provide a list of other parties (such as other municipalities or consultants), which are responsible for implementing any of the program areas of the Stormwater Management Program.**

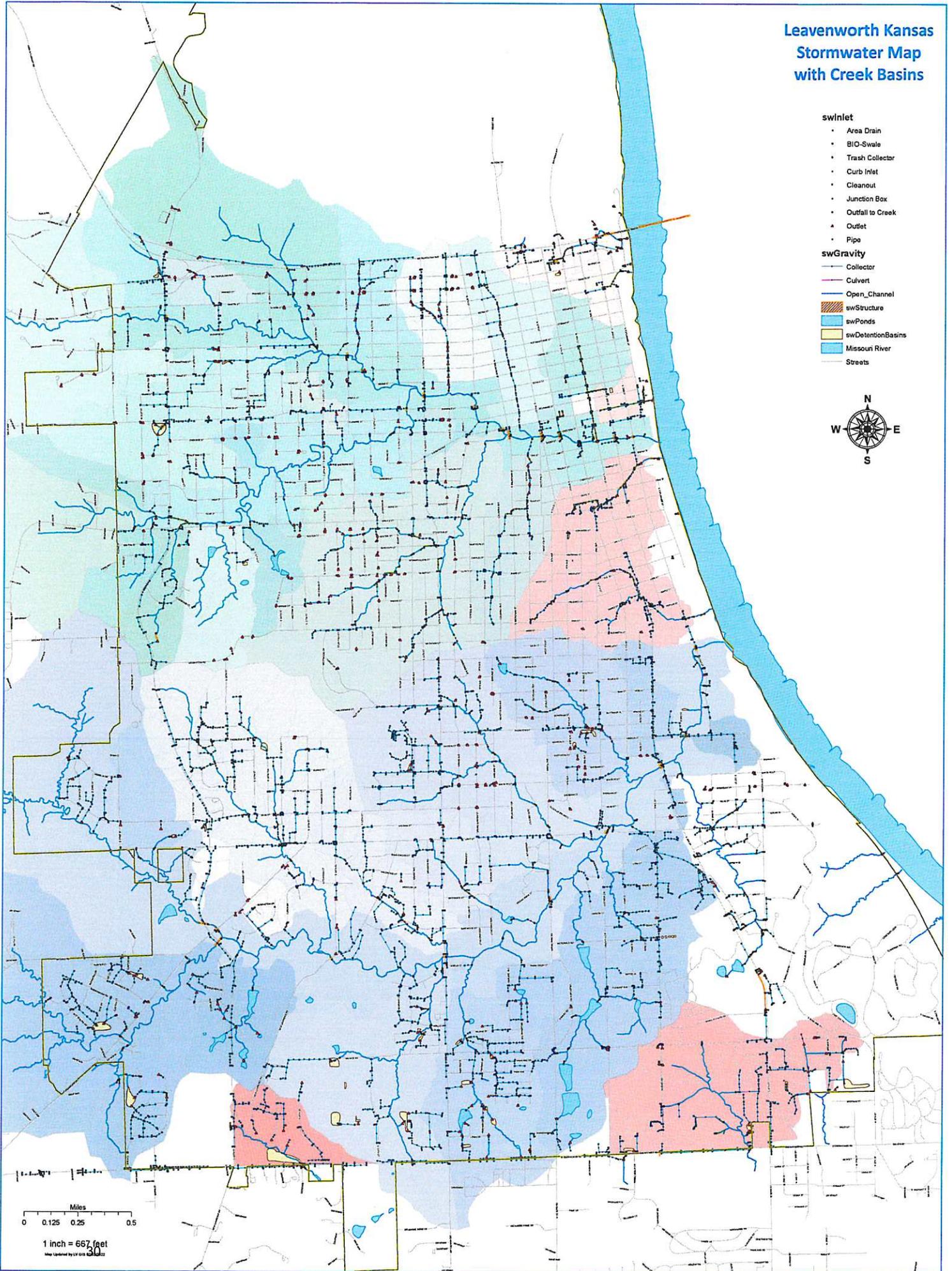
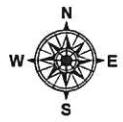
There were no other municipalities or consultants involved with implementing the SMP.

# City of Leavenworth, KS Stormwater Management Data Collection



# Leavenworth Kansas Stormwater Map with Creek Basins

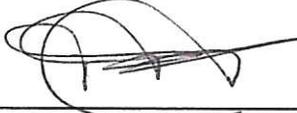
- swInlet**
  - Area Drain
  - BIO-Swale
  - Trash Collector
  - Curb Inlet
  - Cleanout
  - Junction Box
  - Outfall to Creek
  - Outlet
  - Pipe
- swGravity**
  - Collector
  - Culvert
  - Open\_Channel
  - ▨ swStructure
  - swPonds
  - swDetentionBasins
  - Missouri River
  - Streets



0 0.125 0.25 0.5  
Miles  
1 inch = 667 feet  
Map Updated by GSI on 08/11/11

**POLICY REPORT NO.  
RESOLUTION SUBMITTING SEMAP CERTIFICATION  
FEBRUARY 08, 2022**

**PREPARED BY:**



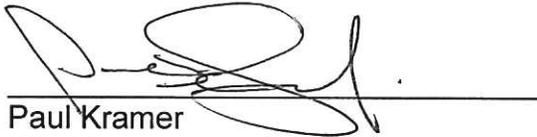
Patrick Tooley, Section 8 Coordinator  
Leavenworth Housing Authority

**REVIEWED BY:**



Julie Hurley, Executive Director

**APPROVED BY:**



Paul Kramer  
City Manager

**ISSUE:**

Consider a resolution submitting the Section Eight Management Assessment Program (SEMAP) Certification to the U.S. Department of Housing & Urban Development for the operation of the Housing Choice Voucher (Section 8) program.

**SEMAP:**

The Section 8 program is scored under the Section Eight Management Assessment Program (SEMAP). This assessment is an annual process and is submitted electronically after your approval. The certification is attached.

**Overview of Section 8 program:**

The Section 8 program consists of the Housing Choice Voucher program and the Veterans Affairs Supportive Housing program. Both programs enable low income families to live in apartments, duplexes or houses in the community that they would be unable to afford on their own. The families rent portion is based on their income. This program is 100% federally funded including all admin costs.

**COMMISSION ACTION:**

Motion to adopt the attached resolution submitting the SEMAP certification to HUD.

**RESOLUTION B-2304**

**A RESOLUTION SUBMITTING THE SECTION EIGHT  
MANAGEMENT ASSESSMENT PROGRAM (SEMAP),  
LEAVENWORTH, KANSAS TO THE U.S. DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT (HUD)**

**BE IT RESOLVED** by the Mayor and City Commission, acting as the Public Housing Authority (PHA) for Leavenworth, Kansas, as follows:

**Section 1.** The Section Eight Management Assessment Program (SEMAP) Certification for the period ending December 31, 2021 is hereby approved and is authorized to be sent to the Office of Public Housing, US Department of Housing and Urban Development (HUD).

**Passed and approved** this 8<sup>th</sup> day of February 2022.

---

Camalla M. Leonhard, Mayor

{SEAL}

ATTEST:

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Sarah Bodensteiner, City Clerk, CMC



Patrick Tooley (MAT977)  
PIC Main

Assessment Profile

Reports

Submission

List

Summary

Certification

Profile

Comments

Field Office: 7APH KANSAS CITY HUB OFFICE  
Housing Agency: KS068 LEAVENWORTH HOUSING AUTHORITY  
PHA Fiscal Year End: 12/31/2021

SEMAP

Logoff

OMB Approval No. 2577-0215

### SEMAP CERTIFICATION (Page 1)

Public reporting burden for this collection of information is estimated to average 12 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

This collection of information is required by 24 CFR sec 985.101 which requires a Public Housing Agency (PHA) administering a Section 8 tenant-based assistance program to submit an annual SEMAP Certification within 60 days after the end of its fiscal year. The information from the PHA concerns the performance of the PHA and provides assurance that there is no evidence of seriously deficient performance. HUD uses the information and other data to assess PHA management capabilities and deficiencies, and to assign an overall performance rating to the PHA. Responses are mandatory and the information collected does not lend itself to confidentiality.

**Check here if the PHA expends less than \$300,000 a year in federal awards**   
Indicators 1 - 7 will not be rated if the PHA expends less than \$300,000 a year in Federal awards and its Section 8 programs are not audited for compliance with regulations by an independent auditor. A PHA that expends less than \$300,000 in Federal awards in a year must still complete the certification for these indicators.

#### Performance Indicators

#### 1 Selection from Waiting List (24 CFR 982.54(d)(1) and 982.204(a))

a. The HA has written policies in its administrative plan for selecting applicants from the waiting list.

PHA Response  Yes  No

b. The PHA's quality control samples of applicants reaching the top of the waiting list and admissions show that at least 98% of the families in the samples were selected from the waiting list for admission in accordance with the PHA's policies and met the selection criteria that determined their places on the waiting list and their order of selection.

PHA Response  Yes  No

#### 2 Reasonable Rent (24 CFR 982.4, 982.54(d)(15), 982.158(f)(7) and 982.507)

a. The PHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units (i) at the time of initial leasing, (ii) before any increase in the rent to owner, and (iii) at the HAP contract anniversary if there is a 5 percent decrease in the published FMR in effect 60 days before the HAP contract anniversary. The PHA's method takes into consideration the location, size, type, quality, and age of the program unit and of similar unassisted units and any amenities, housing services, maintenance or utilities provided by the owners.

PHA Response  Yes  No

b. The PHA's quality control sample of tenant files for which a determination of reasonable rent was required to show that the PHA followed its written method to determine reasonable rent and documented its determination that the rent to owner is reasonable as required for (check one):

- PHA Response**      **At least 98% of units sampled**      **80 to 97% of units sampled**  
 **Less than 80% of units sampled**

### 3 Determination of Adjusted Income (24 CFR part 5, subpart F and 24 CFR 982.516)

The PHA's quality control sample of tenant files show that at the time of admission and reexamination, the PHA properly obtained third party verification of adjusted income or documented why third party verification was not available; used the verified information in determining adjusted income; properly attributed allowances for expenses; and, where the family is responsible for utilities under the lease, the PHA used the appropriate utility allowances for the unit leased in determining the gross rent for (check one):

- PHA Response**      **At least 90% of files sampled**      **80 to 89% of files sampled**  
 **Less than 80% of files sampled**

### 4 Utility Allowance Schedule (24 CFR 982.517)

The PHA maintains an up-to-date utility schedule. The PHA reviewed utility rate data that it obtained within the last 12 months, and adjusted its utility allowance schedule if there has been a change of 10% or more in a utility rate since the last time the utility allowance schedule was revised.

- PHA Response**      **Yes**      **No**

### 5 HQS Quality Control (24 CFR 982.405(b))

The PHA supervisor (or other qualified person) reinspected a sample of units during the PHA fiscal year, which met the minimum sample size required by HUD (see 24 CFR 985.2), for quality control of HQS inspections. The PHA supervisor's reinspected sample was drawn from recently completed HQS inspections and represents a cross section of neighborhoods and the work of cross section of inspectors.

- PHA Response**      **Yes**      **No**

### 6 HQS Enforcement (24 CFR 982.404)

The PHA's quality control sample of case files with failed HQS inspections shows that, for all cases sampled, any cited life-threatening HQS deficiencies were corrected within 24 hours from the inspection and, all other cited HQS deficiencies were corrected within no more than 30 calendar days from the inspection or any PHA-approved extension, or, if HQS deficiencies were not corrected within the required time frame, the PHA stopped housing assistance payments beginning no later than the first of the month following the correction period, or took prompt and vigorous action to enforce the family obligations for (check one):

- PHA Response**      **At least 98% of cases sampled**      **Less than 98% of cases sampled**

### 7 Expanding Housing Opportunities.

**(24 CFR 982.54(d)(5), 982.153(b)(3) and (b)(4), 982.301(a) and 983.301(b)(4) and (b)(12))**

Applies only to PHAs with jurisdiction in metropolitan FMR areas

Check here if not applicable

a. The PHA has a written policy to encourage participation by owners of units outside areas of poverty or minority concentration which clearly delineates areas in its jurisdiction that the PHA considers areas of poverty or minority concentration, and which includes actions the PHA will take to encourage owner participation.

- PHA Response**      **Yes**      **No**

b. The PHA has documentation that shows that it took actions indicated in its written policy to encourage participation by owners outside areas of poverty and minority concentration.

- PHA Response**      **Yes**      **No**

c. The PHA has prepared maps that show various areas, both within and neighboring its jurisdiction, with housing opportunities outside areas of poverty and minority concentration; the PHA has assembled information about job opportunities, schools and services in these areas; and the PHA uses the maps and related information when briefing voucher holders.

**PHA Response**      **Yes**    **No**

d. The PHA's information packet for certificate and voucher holders contains either a list of owners who are willing to lease, or properties available for lease, under the voucher program, or a list of other organizations that will help families find units and the list includes properties or organizations that operate outside areas of poverty or minority concentration.

**PHA Response**      **Yes**    **No**

e. The PHA's information packet includes an explanation of how portability works and includes a list of neighboring PHAs with the name, address and telephone number of a portability contact person at each.

**PHA Response**      **Yes**    **No**

f. The PHA has analyzed whether voucher holders have experienced difficulties in finding housing outside areas of poverty or minority concentration and, where such difficulties were found, the PHA has considered whether it is appropriate to seek approval of exception payment standard amounts in any part of its jurisdiction and has sought HUD approval when necessary.

**PHA Response**      **Yes**    **No**

[Go to Comments](#)

[Go to Deconcentration Addendum](#)



Assessment Profile | Reports | Submission

List | Summary | Certification | Profile | Comments

Patrick Tooley (MAT977) PIC Main

Field Office: 7APH KANSAS CITY HUB OFFICE
Housing Agency: KS068 LEAVENWORTH HOUSING AUTHORITY
PHA Fiscal Year End: 12/31/2021

SEMAP

Logoff

SEMAP CERTIFICATION (Page 2)

Performance Indicators

8 Payment Standards(24 CFR 982.503)

The PHA has adopted current payment standards for the voucher program by unit size for each FMR area in the PHA jurisdiction and, if applicable, for each PHA-designated part of an FMR area, which do not exceed 110 percent of the current applicable FMR and which are not less than 90 percent of the current FMR (unless a lower percent is approved by HUD). (24 CFR 982.503)

PHA Response Yes No

FMR Area Name Kansas City, MO-KS HUI

FMR 1 of 1

Enter current FMRs and payment standards (PS)

Table with 4 columns: FMR Type (0-BR, 1-BR, 2-BR, 3-BR, 4-BR), FMR Value, PS Value, and Action (Save, Add, Delete)

If the PHA has jurisdiction in more than one FMR area, and/or if the PHA has established separate payment standards for a PHA-designated part of an FMR area, add similar FMR and payment standard comparisons for each FMR area and designated area.

9 Timely Annual Reexaminations(24 CFR 5.617)

The PHA completes a reexamination for each participating family at least every 12 months.(24 CFR 5.617)

PHA Response Yes No

10 Correct Tenant Rent Calculations(24 CFR 982, Subpart K)

The PHA correctly calculates tenant rent in the rental certificate program and the family rent to owner in the rental voucher program (24 CFR 982,Subpart K)

PHA Response Yes No

11 Pre-Contract HQS Inspections(24 CFR 982.305)

Each newly leased unit passes HQS inspection before the beginning date of the assisted lease and HAP contract.(24 CFR 982.305)

PHA Response Yes No

12 Continuing HQS Inspections(24 CFR 982.405(a))

The PHA inspects each unit under contract as required (24 CFR 982.405(a))

PHA Response Yes No

13 Lease-Up

The PHA executes assistance contracts on behalf of eligible families for the number of units that has been under budget for at least one year. The PHA executes assistance contracts on behalf of eligible families for the number of units that has been under budget for at least one year

PHA Response Yes No

14 Family Self-Sufficiency (24 CFR 984.105 and 984.305)

14a.Family Self-Sufficiency Enrollment. The PHA has enrolled families in FSS as required. Applies only to PHAs required to administer an FSS program.

Check here if not applicable [checked]

a. Number of mandatory FSS slots (Count units funded under the FY 1992 FSS incentive awards and in FY 1993 and later through 10/20/1998. Exclude units funded in connection with Section 8 and Section 23 project-based contract terminations; public housing demolition, disposition and replacement; HUD multifamily property sales; prepaid or terminated mortgages under section

236 or section 221(d)(3); and Section 8 renewal funding. Subtract the number of families that successfully completed their contracts on or after 10/21/1998.)

Or, Number of mandatory FSS slots under HUD-approved exception (If not applicable, leave blank)

b. Number of FSS families currently enrolled

c. Portability: If you are the initial PHA, enter the number of families currently enrolled in your FSS program, but who have moved under portability and whose Section 8 assistance is administered by another PHA

Percent of FSS slots filled (b+c divided by a) (This is a nonenterable field. The system will calculate the percent when the user saves the page)

14b. Percent of FSS Participants with Escrow Account Balances. The PHA has made progress in supporting family self-sufficiency as measured by the percent of currently enrolled FSS families with escrow account balances. (24 CFR 984.305)

Applies only to PHAs required to administer an FSS program

Check here if not applicable

PHA Response  Yes  No

Portability: If you are the initial PHA, enter the number of families with FSS escrow accounts currently enrolled in your FSS program, but who have moved under portability and whose Section 8 assistance is administered by another PHA

**15 Deconcentration Bonus**

The PHA is submitting with this certification data which show that :

(1) Half or more of all Section 8 families with children assisted by the PHA in its principal operating area resided in low poverty census tracts at the end of the last PHA FY;

(2) The percent of Section 8 mover families with children who moved to low poverty census tracts in the PHA's principal operating area during the last PHA FY is atleast two percentage points higher than the percent of all Section 8 families with children who resided in low poverty census tracts at the end of the last PHA FY; or

(3) The percent of Section 8 mover families with children who moved to low poverty census tracts in the PHA's principal operating area over the last two PHA FY is at least two percentage points higher than the percent of all Section 8 families with children who resided in low poverty census tracts at the end of the second to last PHA FY.

PHA Response  Yes  No

Deconcentration Addendum

[Go to Comments](#)

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**POLICY REPORT  
RESOLUTION B-2305  
SETTING THE MAXIMUM AMOUNT ALLOWED FOR  
2022 GENERAL IMPROVEMENT BONDS (PAVEMENT MANAGEMENT AND PARKS PROJECTS)**

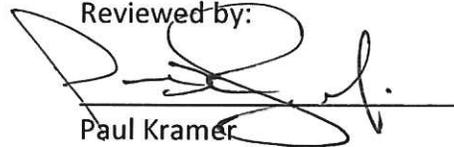
**FEBRUARY 8, 2022**

Prepared by:



Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:



Paul Kramer  
City Manager

**ISSUE:**

The issue before the City Commission is to consider a resolution relating to the City's 2022 Pavement Management and Park Improvements - General Improvement Project Bonds in the maximum amount of \$2,125,013.00. This amount is set by Charter Ordinance 56, which authorizes the City to issue and sell its general obligation bonds in an amount no to exceed 28% of the amount of revenue produced for the tax year one year preceding the year of bond issuance by the City of Leavenworth's tax mill levies as certified by the County Clerk, Leavenworth County Kansas.

Taxes Levied 2021	\$7,589,334
<b>28% authorized to Sell Bonds</b>	<b>\$2,125,013</b>

**ACTION REQUIRED:**

Adopt Resolution B-2305 as presented.

**ATTACHMENTS:**

Resolution B-2305

**RESOLUTION NO. B-2305**

**WHEREAS**, the City of Leavenworth, Kansas (the “City”) pursuant to its Charter Ordinance No. 56, which provided certain substitute and additional provisions to K.S.A. 13-1024a, is authorized to issue and sell its general obligation bonds in an amount equal to 28% of the amount of revenue produced for the tax year one year preceding the year of bond issuance by the City of Leavenworth’s tax mill levies as certified by the County Clerk, Leavenworth County, Kansas, in any one year for certain public improvements.

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

**Section 1.** That the 2022 general improvements including the pavement management project and park improvement projects (the “Projects”) are authorized in an amount not to exceed \$2,125,013 and the Project Costs are to be paid as provided in K.S.A. 13-1024a and Charter Ordinance No. 56 of the City.

**Section 2.** That City staff be and they are hereby directed to proceed to prepare plans and specifications for the undertaking of the Projects, including the funding thereof, as provided by the laws of the State of Kansas.

**Section 3.** That the Projects found advisable in Section 1 hereof be, and the same are hereby, authorized and ordered to be done in accordance with plans and specifications and therefore to be prepared in accordance with Section 2 hereof.

**Section 4.** The City both reasonably expects and intends to finance the costs of the Projects from the proceeds of general obligation bonds of the City. The City does hereby express its official intent to reimburse any such pre-issuance original expenditures (as defined in Treas. Reg. 1.150-2(c)) made by it on or after the date which is 60 days before the date of this Resolution from the proceeds of such bonds in the estimated maximum principal amount of \$2,125,013. The City will issue such bonds for such purposes and make the reimbursements within eighteen (18) months after the date the expenditure to be reimbursed was paid or, if later, eighteen (18) months after the date on which the property resulting from the expenditure was placed in service. Provided, that, in any event, the City must make the reimbursement allocation within three (3) years after the date the expenditure was paid. This Resolution, as the expression of the governing body's official intent regarding the matters described herein, will be available for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

**Section 5.** That this resolution shall be effective upon passage.

**PASSED AND APPROVED** this 8th day of February 2022.

CITY OF LEAVENWORTH, KANSAS

{Seal}

\_\_\_\_\_  
Camalla M. Leonhard, Mayor

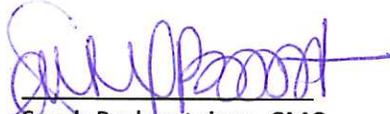
ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, City Clerk

**POLICY REPORT**  
**RESOLUTION B-2306 AUTHORIZING THE PUBLIC SALE OF GENERAL OBLIGATION BONDS SERIES 2022-A  
& TEMPORARY NOTES, SERIES A2022 & AUTHORIZING THE CALL AND REDEMPTION OF THE SERIES  
A2021 TEMPORARY NOTES OF THE CITY**

**FEBRUARY 8, 2022**

Prepared by:

  
Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:

  
Paul Kramer  
City Manager

**ISSUE:**

The issue before the City Commission is to consider a resolution authorizing and providing for the public sale of General Obligation Bonds, Series 2022-A, Temporary Notes, Series A2022 and authorizing the call and redemption of the Series A2021 Temporary Notes of the City.

As outlined in Section 1 of the Resolution:

That it is hereby determined to be necessary and it is hereby authorized, directed and ordered, that the Bonds and Notes of the City shall be sold at public sale and in the manner provided by law, on Tuesday, March 8, 2022, at 10:00 a.m. C.D.T.

- The Bonds shall be in the approximate principal amount of One Million Four Hundred Fifty Thousand Dollars (\$1,450,000) and shall be dated March 30, 2022.
- The Notes shall be in the approximate principal amount of Two Million One Hundred Twenty-five Thousand Dollars (\$2,125,000) and shall be dated March 30, 2022.

As outlined in Section 7 of the Resolution:

That the City hereby calls One Million Four Hundred Thousand Dollars (\$1,400,000) of the outstanding Series A2021 Notes maturing on December 1, 2022, plus accrued interest thereon to the date of such redemption without premium, all as further described in the Series A2021 Note Notice of Redemption, for redemption and payment on June 1, 2022.

The bond and note sale will be on Tuesday, March 8, 2022 at 10:00 a.m. C.D.T. The results will be presented to the City Commission the same evening.

**ACTION REQUIRED:**

Adopt Resolution B-2306 authorizing and providing for the public sale of General Obligation Bonds, Series 2022-A, and Temporary Notes, Series A2022, setting forth the details of the sale and authorizing the call and redemption of the Series A2021 Temporary Notes.

**RESOLUTION NO. B-2306**

**A RESOLUTION AUTHORIZING AND PROVIDING FOR THE PUBLIC SALE OF GENERAL OBLIGATION BONDS, SERIES 2022-A AND TEMPORARY NOTES, SERIES A2022, OF THE CITY OF LEAVENWORTH, KANSAS (THE “CITY”); SETTING FORTH THE DETAILS OF SAID SALE AND PROVIDING FOR THE GIVING OF NOTICE THEREOF; AND AUTHORIZING THE CALL AND REDEMPTION OF THE SERIES A2021 TEMPORARY NOTES OF THE CITY.**

**WHEREAS**, the City of Leavenworth, Kansas, (the “City”) has, in accordance with the powers of home rule of all cities of the State of Kansas under Section 5 of Article 12 of the Constitution of the State of Kansas, passed and approved, by the vote of not less than two-thirds of the members-elect of the governing body of the City, Charter Ordinance No. 56 of the City, which charter ordinance was published once each week for two consecutive weeks in the official newspaper of the City with such charter ordinance taking effect, without protest, on the sixty-first (61<sup>st</sup>) day following the publication thereof; and

**WHEREAS**, Charter Ordinance No. 56 both exempted the City from the provisions of K.S.A. 13-1024a, which was applicable to the City but not uniformly applicable to all Kansas cities and therefor was, in accordance with the City’s powers of home rule, subject to the City’s authority to exempt itself from the whole or any part of said K.S.A. 13-1024a, and, in accordance with such power of home rule, provided substitute and additional provisions on the same subject as in both K.S.A. 13-1024a; and

**WHEREAS**, the City pursuant to Resolution No. B-2276 of the City adopted February 9, 2021, authorized the construction of certain general improvements in the total estimated amount of \$2,038,938 (the “2021 General Improvements”) to be made in the City under the authority of Charter Ordinance No. 56 of the City; and

**WHEREAS**, the City has heretofore duly authorized, issued and delivered its \$1,400,000 Temporary Notes, Series A2021, dated May 12, 2021, (the “Series A2021 Notes”) pursuant to Resolution No. B-2281 (the “Series A2021 Note Resolution”) adopted April 27, 2021, in accordance with the requirements of Charter Ordinance No. 56 of the City to temporarily finance the costs of constructing the 2021 General Improvements, which Series A2021 Notes maturing on December 1, 2022, in the amount of \$1,400,000 will be redeemed and paid on the June 1, 2022, from the proceeds of general obligation bonds, the sale of which is authorized by this Resolution; and

**WHEREAS**, the Series A2021 Notes are subject to redemption and payment prior to maturity, in whole or in part, at any time on or after June 1, 2022, at the option of the City, at the redemption price of 100% of the principal amount thereof plus accrued interest thereon to the date of redemption; and

**WHEREAS**, the City deems it necessary and advisable to call the outstanding Series A2021 Notes maturing on December 1, 2022, in the amount of \$1,400,000 all as further described in the Series A2021 Note Notice of Redemption, for redemption and payment on June 1, 2022; and

**WHEREAS**, the City pursuant to Resolution No. B-2305 of the City adopted February 8, 2022, authorized the construction of certain general improvements in the total estimated amount of \$2,125,013 (the “2022 General Improvements”) to be made in the City under the authority of Charter Ordinance No. 56 of the City; and

**WHEREAS**, the City has found and hereby determines it necessary and advisable to issue and sell General Obligation Bonds, Series 2022-A, (the “Bonds”) for the purposes of permanently financing the costs of the City’s 2021 General Improvements, including redeeming and paying the Series A2021 Notes in the principal amount of \$1,400,000 together with accrued interest payable thereon on June 1, 2022, and paying the cost of issuing the Bonds; and

**WHEREAS**, the City has found and hereby determines it necessary and advisable to issue and sell Temporary Notes, Series A2022, (the “Notes”) for the purpose of temporarily financing the costs of both constructing the City’s 2022 General Improvements and issuing the Notes; and

**WHEREAS**, in order to assist the City in the sale of the Notes and Bonds, it has retained the services of Raymond James & Associates, Inc., Leawood, Kansas, as Municipal Advisor, and Nichols and Wolfe Chartered, Topeka, Kansas, Bond Counsel, to assist the City in the sale of such notes and bonds and the preparation of necessary offering materials in connection therewith.

**BE IT RESOLVED** by the Governing Body of the City of Leavenworth, Kansas:

**Section 1.** That it is hereby determined to be necessary, and it is hereby authorized, directed and ordered, that the Bonds and Notes of the City shall be sold at public sale and in the manner provided by law, on Tuesday, March 8, 2022, at 10:00 a.m. C.D.T. The Bonds shall be in the approximate principal amount of One Million Four Hundred Fifty Thousand Dollars (\$1,450,000) and shall be dated March 30, 2022. The Notes shall be in the approximate principal amount of Two Million One Hundred Twenty-five Thousand Dollars (\$2,125,000) and shall be dated March 30, 2022.

**Section 2.** That it is hereby further authorized, ordered and directed that the Summary Notice of Bond Sale in substantially the form attached hereto and made a part hereof by reference as though fully set out herein, shall each be published one time not more than 30 days and not less than 6 days prior to the date of said sale as required by law, one time in The Leavenworth Times, the official newspaper of the City, and one time in the Kansas Register, as provided by law.

**Section 3.** That it is hereby further authorized, ordered and directed that, at the option of the City, the Summary Notice of Note Sale, in substantially the form attached hereto and made a part hereof by reference as though fully set out herein, be published one time in The Leavenworth Times, the official newspaper of the City and/or one time in the Kansas Register.

**Section 4.** That the Mayor and other officers of the City are hereby authorized to provide for the preparation of an Official Statement, to be "deemed final" except for the omission of certain information as provided in the Securities and Exchange Commission Rule 15c2-12, and the Mayor and Clerk are hereby authorized to execute such Official Statement, with such changes thereto as such officials shall deem appropriate, and to use such document in connection with the offering of the Notes and Bonds.

**Section 5.** That the officers and representatives of the City are hereby authorized and directed, after consultation with Raymond James & Associates, Inc., as Municipal Advisor and

Nichols and Wolfe Chartered, as Bond Counsel, to take such other action as may be necessary to carry out the offering for sale of the Notes and Bonds.

**Section 6.** That it is hereby further authorized, ordered and directed that copies of the Official Statement, Official Notice of Bond Sale, Official Notice of Note Sale and the City's bid forms for this issue of Notes and Bonds, be distributed to prospective bidders of the Notes and Bonds.

**Section 7.** That the City hereby calls \$1,400,000 of the outstanding Series A2021 Notes maturing on December 1, 2022, plus accrued interest thereon to the date of such redemption without premium, all as further described in the Series A2021 Note Notice of Redemption, for redemption and payment on June 1, 2022.

**Section 8.** That at least forty-five days prior to June 1, 2022, unless otherwise waived by the Treasurer of the State of Kansas, the City Clerk of the City shall mail by certified mail to the Treasurer of the State of Kansas, Topeka, Kansas, and Central States Capital Markets, LLC, Kansas City, Missouri, a copy of this Resolution and a copy of the Series A2021 Note Notice of Redemption.

**ADOPTED THIS** 8th day of February, 2022.

CITY OF LEAVENWORTH, KANSAS

{Seal}

\_\_\_\_\_  
Camalla M. Leonhard, Mayor

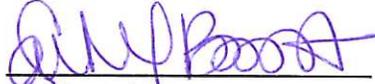
ATTEST:

\_\_\_\_\_  
Sarah Bodensteiner, City Clerk

**POLICY REPORT  
RESOLUTION B-2307  
REDEMPTION OF FULL FAITH AND CREDIT TAX INCREMENT BONDS, SERIES 2016-A (SECOND  
HOTEL PROJECT)**

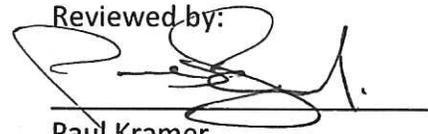
**FEBRUARY 8, 2022**

Prepared by:



Sarah Bodensteiner, CMC  
City Clerk

Reviewed by:



Paul Kramer  
City Manager

**ISSUE:**

The issue before the City Commission is to consider a resolution calling all of the outstanding principal amount of the Bonds maturing on and after September 1, 2022, in the principal amount of Four Hundred Sixty-five Thousand Dollars (\$465,000), for redemption and payment on March 10, 2022.

**ACTION REQUIRED:**

Approve or deny Resolution B-2307 call for the redemption of the Full Faith and Credit Tax Increment Bonds, Series 2016-A (Second Hotel Project).

**RESOLUTION NO. B-2307**

**WHEREAS**, the City of Leavenworth, Leavenworth County, Kansas, (the "Issuer") pursuant to the authority of K.S.A. 12-1770 et seq., as amended, (the "Act") passed and approved Ordinance No. 8013, on the 13th day of September, 2016, (the "Ordinance") which Ordinance authorized the Issuer to issue its Full Faith and Credit Tax Increment Bonds, Series 2016-A (Second Hotel Project), in the principal amount of Eight Hundred Seventy-five Thousand Dollars (\$875,000) (the "Bonds") to permanently finance a redevelopment project known as "Second Hotel Project Plan" (the "Project") and approved on September 13, 2016, a Bond Trust Indenture, dated as of October 6, 2016, (the "Indenture") by and between the Issuer, and the Security Bank of Kansas City, Kansas City, Kansas, as Trustee (the "Trustee") which set forth the terms and conditions of the Bonds; and

**WHEREAS**, pursuant to *Section 203* of the Indenture, the Trustee, was designated as the Issuer's Paying Agent and Bond Registrar for the payment of the principal of and interest on the Bonds; and

**WHEREAS**, pursuant to *Section 301* of the Indenture, the outstanding principal amount of the Bonds, or any portion thereof, maturing on or after September 1, 2022, is subject to redemption prior to maturity on September 1, 2021, or thereafter, in whole or in part on any date, at a redemption price equal to 100% of the principal amount so redeemed, plus all accrued and unpaid interest on such principal amount so redeemed to the Redemption Date; and

**WHEREAS**, the Trustee has advised the Issuer that sufficient legally available funds are held by the Trustee and available for the redemption and payment of the principal of and interest on the Bonds as hereinafter provided; and

**WHEREAS**, pursuant to *Section 301* of the Indenture, the Issuer deems it necessary and advisable to call the outstanding principal amount of the Bonds in the amount of Four Hundred Sixty-five Thousand Dollars (\$465,000) for redemption and payment on March 10, 2022 (the "Redemption Date").

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

**Section 1.** That pursuant to the Indenture, the Issuer hereby calls the outstanding principal amount of the Bonds maturing on and after September 1, 2022, in the principal amount of Four Hundred Sixty-five Thousand Dollars (\$465,000), for redemption and payment on March 10, 2022, the Redemption Date. The Bonds are being called in such principal amount thereof plus accrued interest thereon to the Redemption Date.

**Section 2.** That pursuant to *Section 303* of Indenture the Issuer shall cause the Trustee to give not less than thirty days written notice of redemption to the Bondholders of such Bonds. Each of said written notices shall be deposited in the United States first-class mail not less than thirty days prior to the date fixed for redemption.

**Section 3.** That all acts, conditions and things required by the Constitution and the laws of the State of Kansas, relating to the passage of this Resolution, or to the execution of any related document to happen, exist and be performed pursuant to and in the enactment of this Resolution, have happened, exist and have been performed as required by law.

**PASSED AND APPROVED** this 8th day of February, 2022.

**THE CITY OF LEAVENWORTH,  
LEAVENWORTH COUNTY, KANSAS**

---

Camalla M. Leonhard, Mayor

ATTEST:

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Sarah Bodensteiner, CMC, City Clerk

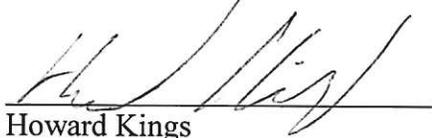
(SEAL)

**POLICY REPORT**

**Telephone System Separation Project**

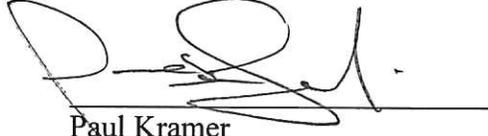
**February 8, 2022**

Prepared by:



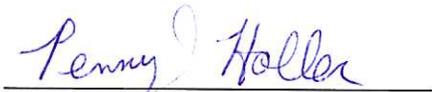
Howard Kings  
IT Specialist I

Reviewed by:



Paul Kramer  
City Manager

Reviewed by:



Penny Holler  
Assistant City Manager

**BACKGROUND**

For several years, the City shared the 9-1-1 and telephone systems with Leavenworth County. In 2018, the City was recognized as a unique PSAP which meant that the shared 9-1-1 system was separated. Following that change, the County notified the City of its intention to separate the shared telephone system. Leavenworth County approved funds for their portion of this project in December 2021.

Working with the County, two potential vendors with the capability to successfully perform this separation were identified. Both submitted bid information. The lowest bid received was from ISG Technology for \$116,675.25. The City already utilizes ISG Technology on the maintenance of our network, server hardware, and data backups and sees value in utilizing the same vendor that already has knowledge of our network infrastructure. The quote included the equipment cost for voice gateways, routers, and licenses for \$77,979.00 and ISG Technology professional services for \$38,696.25.

The equipment purchase is necessary since the telephone system change triggered Kari's Law. That law requires the ability to directly dial 9-1-1 on a multi-phone system. The equipment purchase supports that service.

Company	Total Project Bid
ISG Technology	\$116,675.25
ConvergeOne	\$125,886.90

**STAFF RECOMMENDATION**

Approve selection of ISG Technology to separate the City's telephone system and the purchase of voice gateways, routers, and licensing for a total cost of \$116,675.25.

## **FISCAL IMPACT**

The telephone separation project was approved in the 2021 CIP as a three-year project totaling \$113,000. The actual bid reflected a \$3,675.25 increase. The entire \$116,675.25 will be funded with CIP funds including \$36,000 from 2021 CIP funds and \$80,675.25 from 2022 CIP funds (now a two-year project due to the County's timeline).